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

City Council Meeting
Minutes
December 9, 2013
City Council Chambers
7:00 p.m.

1. Mayor Bouley called the meeting to order at 7:05 p.m.

2. Invocation by Pastor David Pinckney, River of Grace Church.

3. Pledge of Allegiance.

4. Roll Call. Councilor Blanchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, St. Hilaire, Shurtleff and Werner were present. Councilors Bennett, Bouchard, Nyhan and Patten were excused.

5. Approval of the November 12, 2013 Meeting Minutes.

   Action: Councilor Kretovic moved approval of the November 12, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Mayor Bouley presented a resolution to Steve Painchaud proclaiming December 2013 as Capital Region Food Program Month. (11-29)

7. Agenda overview by the Mayor.

- Consent Agenda Items –

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

Action: Councilor Grady Sexton moved approval of the consent agenda with items 13, 15 and 23 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

<u>Referral to Community Development</u>

8. 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.

9. 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.

Items Tabled for a January 13, 2014 Public Hearing

10. Resolution authorizing the transfer of $618,788.14 from Committed Fund Balance to Assigned Fund Balance; and to authorize the transfer of $1,553,788.14 from Assigned Fund Balance to the General Fund Operating Budget; and to appropriate $545,000 as a transfer to Trust Fund Reserves; and to authorizing the use of $1,008,788.14 as allowance for abatements; all for the purposes listed herein, funding for this appropriation shall be entirely from the FY2013 General Fund Assigned Fund Balance; together with report from the Deputy City Manager – Finance.

11. Resolution appropriating $55,000 as a supplemental appropriation to the City's General Capital Improvement Fund for the purpose of HVAC improvements at the City's Fire Stations, CIP #325, funding for this appropriation shall be entirely from the Building Improvements Reserve Account.

12. Resolution appropriating $90,000 from Trust Fund Reserves as a supplemental appropriation to the City's General Fund for the purposes of equipment replacement and education and training, and to transfer $1,056.39 from the 53rd Week and Revaluation Reserves to the Highway Reserve, funding for these purposes shall be entirely from Trust Fund Reserve Accounts.

13. Resolution authorizing the City Manager to submit an application in an amount of up to $500,000 and to accept and appropriate grant proceeds of up to $500,000 in Community Development Block Grant Funds of behalf of the National Alliance on Mental Illness New Hampshire, (NAMI NH); together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. ***(Pulled from consent by Councilor Blanchard)***

    Action: Item removed from the consent agenda for discussion.

14. Resolution readopting the City's Displacement and Relocation Policy Statement and Procedures.

From the City Manager

15. Positive Citizen Comments. ***(Pulled from consent by Councilor Blanchard)***

    Action: Item removed from the consent agenda for discussion.

Consent Reports

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling $1,579.85 as provided for under the preauthorization granted by City Council.

17. Diminimus gifts and donations report from the Fire Department requesting authorization to accept monetary gifts totaling $360 as provided for under the preauthorization granted by City Council.

18. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling $2,300 as provided for under the preauthorization granted by City Council.

19. 2013 tax rate and property assessment report from the Deputy City Manager - Finance and Director of Real Estate Assessments.

20. Appropriation transfer report from the Office of Management and Budget (OMB) Director.

21. Council Quarterly Priorities Report from the City Manager.

22. Parking Strategic Plan report from the Director of Redevelopment, Downtown Services & Special Projects.

23. Report from the General Services Director regarding Memorial Field Facilities Improvements, CIP #557. ***(Pulled from consent by Councilor Coen)***

    Action: Item removed from the consent agenda for discussion.

Consent Resolutions

24. Resolution de-authorizing the amount of $4,850.37 from New Hampshire Department of Justice Bullet Proof Vest Grant as no longer necessary; together with report from the Deputy City Manager – Finance.

25. Resolution de-authorizing the amount of $522.30 from the Concord Public Library Foundation sponsorship of the “Movies in the Park” recreation program as no longer necessary; together with report from the Parks & Recreation Director.

26. Resolution de-authorizing the amount of $820.75 from the “Summer Music” Recreation program to reflect actual dollars received; together with report from the Parks & Recreation Director.

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

27. **December 9, 2013 Public Hearings**

A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Article 30-2, Municipal Departments; Section 30-2-20, Community Development Department; together with a report from the Deputy City Manager - Development. (11-9)

Action: City Manager Tom Aspell provided a brief overview.

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

B. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Adult and Technical Services Manager/Adult Services Manager; together with report from the Director of Human Resources and Labor Relations. (11-10)

Action: City Manager Tom Aspell provided a brief overview.

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

C. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works; Article 5-8, Solid Waste Flow Control; together with a report from the General Services Director. (11-11)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony on this item, 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, Knight Street; together with report from the Traffic Engineer. (11-12)

Action: City Manager Tom Aspell provided a brief overview.

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

E. Resolution appropriating $7,000 to the Sewer Fund to harvest timber at the Hall Street Wastewater Facility; together with report from General Services. (11-13)

Action: City Manager Tom Aspell provided a brief overview.

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

F. Resolution repurposing $15,000 from completed and unexpended SCADA (Supervisory, Control and Data Acquisition) Instrumentation Improvement Project (CIP #124) to support a Water Treatment Plant Staffing Study; together with report from General Services. (11-14)

Action: City Manager Tom Aspell provided a brief overview.

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

G. Resolution accepting and appropriating the sum of $125,000 from the Capital Regional Development Council's (CRDC) Brownfields Sub-Grant Program for environmental cleanup of the former Allied Leather and Amazon Realty sites located at 5-35 Canal Street, Penacook, CIP #508; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (11-15)

Action: City Manager Tom Aspell provided a brief overview.

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

H. Resolution accepting and appropriating the sum of $80,626 from Public Service Company of New Hampshire to be applied towards the purchase of open space land off of Curtisville Road and Portsmouth Street, also known as Whispering Heights, as mitigation for a New Hampshire Department of Environmental Services wetlands permit; and authorizing the conveyance of conservation restrictions and covenants on a portion of the open space property; together with report from the Planning Department.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Kit Morgan, Conservation Commission Chair, indicated that the commission agreed that this was a good deal to be able to reduce the price of a portion of the Whispering Heights project and to be able to move forward with it.

Councilor Keach asked if this is connected to the Northern Pass project in any way. Mr. Morgan responded that they had asked the same question and were assured that it is not.

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

December 9, 2013 Public Hearing Action

28. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Article 30-2, Municipal Departments; Section 30-2-20, Community Development Department; together with a report from the Deputy City Manager - Development. (11-9)

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

29. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Adult and Technical Services Manager/Adult Services Manager; together with report from the Director of Human Resources and Labor Relations. (11-10)

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

30. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works; Article 5-8, Solid Waste Flow Control; together with a report from the General Services Director. (11-11)

    Action: Councilor St. Hilaire moved approval. The motion was duly seconded. Mayor Bouley took Rule Six on this vote. The motion passed on a voice vote.

31. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking, Knight Street; together with report from the Traffic Engineer. (11-12)

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

32. Resolution appropriating $7,000 to the Sewer Fund to harvest timber at the Hall Street Wastewater Facility; together with report from General Services. (11-13)

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

33. Resolution repurposing $15,000 from completed and unexpended SCADA (Supervisory, Control and Data Acquisition) Instrumentation Improvement Project (CIP #124) to support a Water Treatment Plant Staffing Study; together with report from General Services. (11-14)

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

34. Resolution accepting and appropriating the sum of $125,000 from the Capital Regional Development Council's (CRDC) Brownfields Sub-Grant Program for environmental cleanup

    of the former Allied Leather and Amazon Realty sites located at 5-35 Canal Street, Penacook, CIP #508; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (11-15)

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

35. Resolution accepting and appropriating the sum of $80,626 from Public Service Company of New Hampshire to be applied towards the purchase of open space land off of Curtisville Road and Portsmouth Street, also known as Whispering Heights, as mitigation for a New Hampshire Department of Environmental Services wetlands permit; and authorizing the conveyance of conservation restrictions and covenants on a portion of the open space property; together with report from the Planning Department.

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

Reports

New Business

Unfinished Business

36. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (6-52) (7-39)(8-64) (9-36) (10-34) (11-39) (*Action on this item tabled following a July 9, 2012 public hearing) **(Report from the Gully Hill Conservation Easement Committee submitted)***

    Action: Councilor Kretovic moved to remove this item from the table. The motion was duly seconded and passed with no dissenting votes.

    City Manager Aspell explained that the committee met on several occasions and agreed not to convey a conservation easement at this time and to maintain the land at its current agricultural use with the understanding that the City Council would be discussing the use for the property again if the Bartlett family stops farming the land.

    Councilor Keach noted that the best possible thing was to preserve it now, continue to preserve it and then revisit the issue going forward.

    Councilor Keach moved to accept the easement committee report. The motion was duly seconded.

    Councilor McClure pointed out that the committee also reviewed what restrictions were imposed on the property because the land was purchased from the Conservation Fund. She explained that the use of any land that's purchased with this fund is restricted to uses that are listed within RSA 36-A which includes "the proper utilization and protection of the natural resources and for the protection of watershed resources of said city." She indicated that those will hold until such time that the land is purchased from the Conservation Fund.

    Following brief Council discussion, Mayor Bouley noted that an acceptance of the report was the acceptance of the recommendation of not to convey a conservation easement at this time.

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

37. 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) (*Action on this item tabled following a February 2013 public hearing)*

    Action: No action taken on this item.

38. 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) (*Action on this item was tabled after a public hearing was held on September 9, 2013.)*

    Action: No action taken on this item.

<u>Comments, Requests by Mayor, City Councilors</u>

Being her last meeting as a City Councilor, Councilor Blanchard made a few remarks. She noted that her reason for being a public servant has always been to make a positive difference in people's lives and feels that she has done this with the help of her colleagues and city staff. She gave special thanks to Matt Walsh and Ed Roberge for the public meetings and charettes that they held in Penacook. She stated that she can leave knowing that Penacook is on the cusp of revitalization. She further stated that it has been a pleasure working with the Council and feels that they have done a lot of good things in her twelve year tenure.

Being her last meeting, Councilor Kretovic noted that she hopes to return.

Being his last meeting, Councilor DelloIacono thanked everyone for the last four years. He thanked his children for being respectful and understanding of him attending the many Council meetings.

Mayor Bouley presented City Manager Tom Aspell with his 15 year pin of service.

He thanked Councilor Blanchard, Kretovic, DelloIacono, and Patten for their service and efforts to the city. He noted that he wants the community to know what a great job they have all done and what they have given as City Councilors.

<u>Comments, Requests by the City Manager</u>

<u>Consideration of items pulled from the consent agenda for discussion</u>

Item 13, 15 and 23 have been pulled from the consent agenda for discussion.

13. Resolution authorizing the City Manager to submit an application in an amount of up to $500,000 and to accept and appropriate grant proceeds of up to $500,000 in Community Development Block Grant Funds of behalf of the National Alliance on Mental Illness New Hampshire, (NAMI NH); together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. ***(Pulled from consent by Councilor Blanchard)***

    Action: Councilor Blanchard noted that her purpose for removing this item and item 15 for discussion is to emphasize the city's proactive approach in addressing the issue of mental illness.

    Councilor Blanchard moved to set this item for a January 13, 2014 public hearing. The motion was duly seconded and passed with no dissenting votes.

15. Positive Citizen Comments. ***(Pulled from consent by Councilor Blanchard)***

    Action: Councilor Blanchard pointed out that there are accolades within the comments for the city's police officers being kind and respectful to individuals with mental health issues. She thanked Chief Duval for training his police force in handling situations involving individuals with mental illness.

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

23. Report from the General Services Director regarding Memorial Field Facilities Improvements, CIP #557. ***(Pulled from consent by Councilor Coen)***

    Action: Councilor Coen indicated that he was looking for a little more clarity as to who makes up the committee.

    City Manager Aspell explained that what they are planning on doing, as part of FY2015 budget, is working with the Park and Recreation Advisory Committee and city staff to make a determination of where the best location would be and whether they should be doing something with the bathrooms at the same time at Memorial Field. He noted that they would determine whether this is a time to do a joint facility that would have both the concession stand and bathrooms and how this would fit into the overall use of the field and what are the other capital improvement needs. He indicated that they would be looking at it internally through staff and discussing it as part of the budget noting that he could come back earlier if Council if they want to do it prior to May.

    Councilor Coen noted his concern with safety issues in regards to the bleachers. He pointed out that the field is used statewide and spoke of the resurfacing of the track and the parking facility.

    Councilor St. Hilaire asked if Councilor Coen is suggesting more of a master plan work of the entire field.

    Councilor Coen responded that to be correct.

Councilor Coen moved acceptance of the report. The motion was duly seconded and passed with no dissenting votes.

Consideration of Suspense Items

City Manager Aspell noted that the city has come to an agreement with the Concord Police Supervisors Association (CPSA) for a three year contract.

Councilor Kretovic moved, in accordance with RSA 273-A:3, to approve the cost items included in the collective bargaining agreement from January 1, 2013 through December 31, 2015 between the Concord Police Supervisors Association and the City of Concord. The motion was duly seconded and passed with no dissenting votes.

City Manager Aspell noted that the city has come to an agreement with Local 1580, American Federation of State, County and Municipal Employees for a three year contract.

Councilor McClure moved, in accordance with RSA 273-A:3, to approve the cost items included in the collective bargaining agreement from January 1, 2014 through December 31, 2016 between the City of Concord Municipal Employees of Local #1580, American Federation of State, County and Municipal Employees (AFSCME) and the City of Concord. The motion was duly seconded and passed with no dissenting votes.

City Manager Aspell indicated that the city put out a request for proposal for the potential redevelopment of the NH Department of Employment Security site and received two submittals. He stated that at this point it is their recommendation, through discussions with the Council, that the proposal of the group of Walter Chapin, John Chorlian and Steven Duprey be selected as the preferred developer at this point and that the city will work with them over the next month and report back to the Council in January as to whether or not the city has an agreement to move forward with the development of the site. He asked the Council to approve this and clarified that all Council would be approving this evening is that staff works with this developer over the next month and will not be approving a project of any type.

Councilor McClure moved approval of the selection of John Chorlian, Walter Chapin and Steven Duprey as the preferred developer. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 8:10 p.m., Councilor Kretovic moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

Michelle Mulholland
Deputy City Clerk