

City Council Meeting Minutes May 12, 2014 City Council Chambers 7:00 p.m.

- 1. Call to Order.
- 2. Invocation by the Reverend Jerry McCann, United Church of Penacook.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present.
- 5. Approval of the April 14, 2014 Meeting Minutes.

Action: Councilor Keach moved approval of the April 14, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Concord Energy & Environment Committee Update Presentation.

Action: Maura Adams, Energy & Environment Committee Co-Chair, indicated that the committee's master plan included a good deal of references to renewables and reducing energy costs. She stated that the committee settled on some small and larger solar photovoltaic installations, particularly at the Wastewater Treatment Plant. She noted that the committee feels that the next step after the Council had accepted the master plan was to take a major visible step towards implementing those goals.

Randy Bryan, Energy & Environment Committee member, stated that their proposal to the Council is to look at solar energy of small and large systems as a way to "green up" the city's energy consumed and save some money doing so. He explained that the idea of putting in solar panels, that they are proposing, is a no money up front option – a power purchase agreement; this involves a third party who comes with financing. He explained that the third party owns, puts together the whole system and operates it on the city's property charging a monthly fee which is at or below the amount of money the city currently spends for energy. He explained that these usually come in twenty year contracts and the system is paid off in twenty years but the solar systems themselves typically last for up to 25 to 30 years. Mr. Bryan noted that these systems have been going in all over the country for decades and the

technology hasn't gotten more widespread. He indicated that there are a number of other communities in NH that are already in the process of, have already done it, or are currently putting plans together to place these systems in with power purchase agreements. He stated that they are consolidated around the idea of recommending the first big project at the Wastewater Treatment Plant on Hall Street.

Mayor Bouley indicated that there are four recommendations of the committee on the last page of the memo. He highlighted that they are looking for the city to pursue solar PV installations under PPA's or other financed options on city properties that they have identified. He noted that a recommendation is to pursue both large and small sites with the Wastewater Treatment Plant being the first large potential site. He noted that the goal would be to develop a proposal and prepare an RFP that can be issued. He stated that it appears that the key line in the recommendation seems to be the sizing, the timing, and the terms of the solar PV installation to be determined based on a detailed cost feasibility analysis. He asked if Councilor Werner, Energy & Environment Committee Chair, would like to refer this item to the Fiscal Policy Advisory Committee to look specifically at the cost feasibility analysis and have the committee work with FPAC on this.

Mr. Bryan responded that they would be happy to work with the city but feels there is a point of diminishing return for having the committee be the experts and suggested that the city engage a general contractor or a more expert service that is familiar in building the necessary financial and technical cases and RFP's to put this together.

Mayor Bouley pointed out that Beth Greenblatt from Beacon Integrated Solutions is referenced within the memo and asked if this is someone that is recommended.

Ms. Adams responded that Ms. Greenblatt is very supportive of the project.

Mr. Bryan added that Ms. Greenblatt's company has done a number of these projects in Massachusetts and elsewhere.

Councilor Nyhan asked who is responsible for the operating costs or ongoing maintenance costs while the PV is under agreement. Mr. Bryan responded that it would be the owner of the project which would be the solar provider.

Councilor Werner moved to refer this item to the Fiscal Policy Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

7. 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.

Action: Councilor Nyhan moved approval of the consent agenda with items 9 and 32 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

Referral to the Parking Committee

- 8. Communication from Brian Byle, 79 Warren Street, requesting no parking signs be posted at the intersection of Tahanto and Warren Street.
- 9. Communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street. (*Pulled from consent by Councilor Nyhan*)

Action: Item removed from the consent agenda for discussion.

Referral to the Finance Committee

- 10. Report from the Recreation Director regarding the Capital Improvement Plan for the Beaver Meadow Golf Course.
- 11. Communication from Concord 250 requesting funds in the amount of \$75,000 to assist in the planning and execution of public events in celebration of the upcoming 250th anniversary of the City of Concord.

Items Tabled for a June 5, 2014 Public Hearings

- 12. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2015 ending June 30, 2015.
- 13. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2015 ending June 30, 2015. (*To be distributed under separate cover*)
- 14. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning un-used fund balances to their original sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant.
- 15. Resolution for bonded projects within the Capital Budget for Fiscal Year 2015 (July 1, 2014 to June 30, 2015) hereby is authorizing and approving the expenditure

- of \$8,115,000 and authorizing the issuance of \$8,115,000 in bonds and notes for various capital projects; together with report from the Deputy City Manager Finance.
- 16. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates.
- 17. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

Items Tabled for a June 9, 2014 Public Hearings

- 18. Resolution appropriating the sum of \$115,000 from the Economic Development Reserve Fund for completion of a Comprehensive Strategic Parking Plan; together with report from the Director of Redevelopment, Downtown Services, & Special Projects.
- 19. Resolution appropriating the sum of \$314,375 for the purpose of purchasing a new front end loader with attachments, including \$293,850 in grant funds from the Federal Aviation Administration (FAA), \$16,325 from the State of New Hampshire, and \$4,200 from the City of Concord; together report from the Associate Engineer.

From the City Manager

20. Positive Citizen Comments.

Consent Reports

- 21. Diminimus gifts and donations report from the Interim Co-Library Directors requesting authorization to accept monetary gifts totaling \$1,755.20 as provided for under the preauthorization granted by City Council.
- 22. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$5,950 as provided for under the preauthorization granted by City Council.
- 23. Quarterly Financial Statements and report from Deputy City Manager Finance.
- 24. Quarterly Current Use Change Tax Status quarterly report from the Director of Real Estate Assessments.
- 25. Public Safety Advisory Committee Annual Report.
- 26. Semi-Annual Pay As You Throw (PAYT) Report.

- 27. NH Department of Environmental Services (DES) Leak Detection Survey Results report from the General Services Director.
- 28. Report from the Transportation Policy Advisory Committee recommending that City Council support a Statewide Complete Streets Policy under consideration with the NH Municipal Association for the 2015-2016 Legislative Policy Process.

Consent Resolutions

- 29. Resolution in recognition of the services of John Swope. (*For presentation in June*)
- 30. Resolution re-adopting the Beneflex plan and authorizing the City Manager to execute Beneflex plan documents.
- 31. Resolution authorizing the City Manager to enter into a Grant Agreement for up to \$326,500 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of purchasing a new front end loader with attachments for the airport and to revise the total grant request for this purchase to a total of \$326,500; together with report from the Associate Engineer.
- 32. Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Friends of the Merrimack River Greenway Trail regarding the design and construction of the Phase I Section of the Merrimack River Greenway Trail; together with report from the Senior Planner and the Project Manager-Civil Engineer. (Pulled from consent by Councilors Bouchard and Herschlag) (Revised resolution submitted)

Action: Item removed from the consent agenda for discussion.

33. Resolution authorizing the City Manager to submit an application to the United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant Program for funds designated for law enforcement related programs; together with report from the Police Department.

Appointments

34. City Manager's proposed appointment to the Zoning Board of Adjustment. *James Monahan*

End of Consent Agenda

35. May 12, 2014 Public Hearings

A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations; together with report from the Director of Human Resources and Labor Relations. (4-13)

Action: Jennifer Johnston, Director of Human Resources and Labor Relations, provided an overview of proposed changes within the ordinance.

City Manager Tom Aspell added that the Fiscal Policy Advisory Committee reviewed and recommended the approval of the proposed changes.

Councilor Champlin questioned whether there were any perimeters around the manager's option to demand a doctor's notice on absence. He asked how it's being assured this isn't a dilatory request. Ms. Johnston responded that it doesn't occur very often and that there are no specific perimeters. She stated that what they look for when they are considering any abusive leave would be a pattern of extended weekends, continual Friday and Monday absences.

Councilor Herschlag pointed out that it states that all department heads hired prior to January 1, 2010 are entitled to a thirty day payout if they have more than five years of service with the city upon leaving the employ of the city. He asked if this is regardless of whether they have accumulated 30 days of annual leave or is this in addition to the accumulation of annual leave. Ms. Johnston responded that annual leave for department heads is paid out for what they accrue whether it's zero or the max, 2 ½ times their annual leave; in addition to this, a department head would have an added 30 day payout in addition to their accumulated annual leave. She added that this existed prior to this modification and is not a change to how this is being done it's just adding language that was inadvertently deleted the last time a change was made. Councilor Herschlag asked if this was regardless of the reason that the department head is leaving the city. Ms. Johnston replied that it is doesn't reference anything in regards to the type of separation but feels that there would be some discretion that the City Manager has to award it. Councilor Herschlag indicated that the way he reads it is that there isn't any discretion, it indicates that they are entitled if they have been with the city for more than five years. Ms. Johnston responded that the only requirement she sees if five years so it's silent on the type of termination explaining that, in her experience here, there have only been resignations or retirements and no terminations that are involuntarily so she believes it would be paid out regardless.

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

B. Resolution adopting an amended and restated Development Program and Financing Plan for the Penacook Village Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services and Special

Projects. (4-14) (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).

Action: There being no Council objection, the City Clerk read the titles for both items B and C together.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, explained that both items B and C are related to the Penacook Village TIF District for the cleanup of the Allied Leather Tannery site and provided an overview of both items.

Councilor Shurtleff asked what the cost would be to remove the coal ash along Canal Street. Mr. Walsh responded that it would cost approximately \$100,000.

Councilor Coen asked what's the reasoning of the TIF committee to invest another \$100,000+ to put a building closer to the street. Mr. Walsh responded that there are three reasons: an urban design consideration – trying to get the building closer to the street because that's similar to a lot of the vocabulary of the layout of Penacook Village; they were concerned that a developer may shy away from the property knowing that the material was there and encapsulated; they felt it would provide a little more space for a redevelopment project. Councilor Coen asked if the committee felt that, with those considerations, that it would enhance the value considerably more than if it was left there. Mr. Walsh replied that he doesn't think that the dollar value of what the property is worth necessarily factored into their calculations. He stated that he feels that it was concerns about the perception of this material being there and the urban design consideration.

Councilor Herschlag asked for an explanation as to why the parking lot can be built on it and not a building. Mr. Walsh responded that the material is a combination of urban fill, coal ash and masonry. He explained that this material is sitting on top of a concrete slab and is roughly ten feet deep; it has a load bearing capacity for a parking lot, however, structural engineers are nervous about putting a sizable building on the top of the slab that is there. Councilor Herschlag noted that it's not contamination concerns but the ability of that material to support a structure. Mr. Walsh responded that to be correct.

Mayor Bouley opened the public hearing for items B and C.

Public Testimony

Elizabeth Blanchard, Penacook resident, encouraged the Council to vote to appropriate the \$245,000 to finish cleaning up the materials on this site.

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

C. Resolution appropriating the sum of \$245,000 including the authorization for the issuance of bonds and notes in the amount of \$170,000 for environmental cleanup of city owned real estate located at 5 – 35 Canal Street known as the former Allied Leather and Amazon Realty sites (CIP #508) located within the Penacook Village Tax Increment Finance District. (4-15) (Report from the Penacook Village Tax Increment Finance District Advisory Board submitted) (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).

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

D. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).

Action: There being no Council objection, the City Clerk read the titles for items D, E, F and G together.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, provided an overview of each item.

Councilor Keach inquired as to why there are two separate parcels. Mr. Walsh responded that it is his understanding that at one time that property was a former gas station that was acquired by the state. Councilor Keach asked if there is any right of way that goes to the Eagles Club. Mr. Walsh replied that there is a very small strip of land similar to a driveway that goes down to the Eagles Club from State Street. He explained that they haven't done any title work to see if there is anything on the Employment Security level. He added that the existing driveway connection is on their own property so it runs parallel to the parking lot that's there and staff is not aware of any cross easements that might exist between the Eagles Club and the Employment Security building.

Mayor Bouley opened up the public hearings on items D, E, F and G.

Public Testimony

Roy Schweiker, resident, asked why the city would pay the state \$1.6 million for a building that is in such a condition that it has to be torn down. He stated that if the building is not worth anything then the city should negotiate with the state to pay them the \$300,000 the lot is worth or nothing because they could deduct the \$300,000 cost to demolish the building. He noted his concern with having TIF districts and feels that the money never comes back to the general revenue. He proposed that the city purchase out of general revenue bonds and suggested that a

developer buy the property from the city for what the city paid for it; the developer would sign an agreement with the city for a ten year payment in lieu of taxes. He noted that this would give a developer an incentive to do something with the property.

Councilor Coen asked how this would work with a non-profit organization. Mr. Schweiker responded that they would have agreed to make a certain payment in lieu of taxes and then at the end of that time they could apply for a non-profit exemption.

Charlie Russell, resident, noted that he feels they should let the free market economy decide what they are going to do asking when the city decided to get into the property business. He stated that he doesn't see a public purpose or public use at this property and asked what the public benefit or the public facility that's going to be in this building. He feels that this building should not be purchased with TIF funds because these funds are for public benefit.

Councilor Keach indicated that he feels that the Council has an obligation to make sure that properties that come available are managed and developed in the right direction. He pointed out that Mr. Russell had been opposed to the city getting involved with the conference center years ago but that this has turned out to be an overwhelming success.

Mr. Russell stated that he objected to the city picking up the deficit on the conference center for a private enterprise.

Councilor Keach noted that this is a complicated issue which may or may not turn out well. He noted that he appreciates Mr. Russell's testimony but this is a close call.

Mr. Russell asked why they are not waiting to see what's going to happen and who's going to buy it as opposed to the city over-managing.

Referencing the conference center, Councilor Herschlag recollected that there were a number of them, including himself, that opposed the initial proposal which had the conference center being tax free and the city picking up any losses to the conference center in excess of \$50,000. He stated that the subsequent proposal was the formation of a TIF district which would pay for the purchase of the property, moving the railroad tracks and clean up; many, including himself, were supportive of this second proposal.

Councilor Coen stated that he always hears comments in regards to people asking why the city allowed the train station to be torn down; a private developer purchased the train station and built a shopping center on the site.

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

E. Resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of the New Hampshire Employment Security Property located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting). (Report from the Sears Block Tax Increment District Advisory Committee submitted)

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

F. Resolution authorizing the issuance of bonds and notes in the amount of \$190,000 for weatherization of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).

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

G. Resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).

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

May 12, 2014 Public Hearing Action

36. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-14) (3-35C) (4-39G)(In accordance with RSA 75-8-b public hearings were held in March and April, Council action to take place in May)

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

37. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations; together with report from the Director of Human Resources and Labor Relations. (4-13)

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

Deputy City Solicitor Danielle Pacik referenced Councilor Herschlag's question as to whether or not a department head would be entitled to the 30 hours of annual leave if

they were terminated and indicated that staff has looked at this and determined that they would be entitled to it within this proposed ordinance. She stated that this was the unintended consequences of the one of the changes and noted that if Council wanted to amend the proposed ordinance staff felt it would be appropriate to bring this to Council's attention.

Mayor Bouley asked whether staff had specific language for the proposed change.

Ms. Pacik referenced (e), (1) on the third page of the proposed ordinance suggesting that the last sentence be amended to read "Lump sum payment will be made in accordance with subsection (d) above, unless the department head is terminated for cause".

Councilor Keach moved to reconsider this item. The motion was duly seconded and passed with no dissenting votes.

City Manager Tom Aspell explained that if the phrase "unless the department head is terminated for cause" is added then this would address any confusion.

Councilor Shurtleff moved to add "unless the department head is terminated for cause" at the end of the paragraph of (e), (1) on the third page of the proposed ordinance. The motion was duly seconded.

Councilor St. Hilaire questioned why it's for five years rather than ten years.

Mr. Aspell replied that this has been the practice since before he came to the city.

Councilor Shurtleff's motion passed with no dissenting votes.

Councilor St. Hilaire moved to change the five years to ten years. The motion was duly seconded.

Councilor Nyhan questioned whether this would be creating any legal issues by changing it now from five to ten years.

City Solicitor Jim Kennedy responded that the vesting discussion is something that has been going on at the state level with respect to changing the state retirement system. He explained that staff has learned that they are vested under how the department head was brought in and would be subject to the rules at the time that they were hired. He stated that this would not have a retroactive effect on anybody employed at this time but for anyone going forward.

Mayor Bouley asked if staff sees any unintended consequences to this.

Mr. Kennedy responded that they might want to go through the personnel rules and see if there is anything else with respect to the 0 to 5 or the accrual benefits that employees earn in their time here as a city employee. He indicated that it might make

sense for staff to examine this and send it to the Legal Department and come back to Council to advise as to whether or not there are any unintended consequences. He stated that he doesn't currently foresee any but staff may want to examine this.

Councilor Keach suggested that this goes back to the Legal Department for discussion next month.

City Manager Tom Aspell recommended that Council vote against the ordinance. He explained that the idea was to clarify this language but feels that it may be confusing to others.

Councilor Bennett disagreed stating that he feels that the language is not confusing. He noted that the Fiscal Policy Advisory Committee didn't feel that people were entitled to the 30 days annual leave if they were let go for cause. He stated that he doesn't have a problem with the five years.

City Manager Aspell noted that staff could come back in the future with the part regarding the five or ten years.

Mayor Bouley asked if Councilor St. Hilaire would be willing to put his motion on hold until staff gets a chance to look at the entire ordinance.

Councilor St. Hilaire withdrew his motion. The second to the motion was withdrawn.

Referencing the same page, item (g) at the bottom, Councilor Herschlag questioned why the reference "subject to City Council approval" is recommended for removal.

Mr. Aspell responded that this is something that he had discussed with the Council previously in terms of having the flexibility to work with this and be able to hire people. He stated that Council was unanimously in favor of this change.

Councilor Shurtleff moved to approve this item, as amended. The motion was duly seconded and passed on a voice vote.

June 9, 2014 Public Hearing Action

- 38. Resolution adopting an amended and restated Development Program and Financing Plan for the Penacook Village Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (4-14) (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).
- 39. Resolution appropriating the sum of \$245,000 including the authorization for the issuance of bonds and notes in the amount of \$170,000 for environmental cleanup of city owned real estate located at 5 35 Canal Street known as the former Allied Leather and Amazon Realty sites (CIP #508) located within the Penacook Village Tax Increment Finance District. (4-15) (*Report from the Penacook Village Tax*

Increment Finance District Advisory Board submitted) (**Due to statutory** requirements action on this item must take place at City Council's June 9th meeting).

- 40. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).
- 41. Resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of the New Hampshire Employment Security Property located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting). (Report from the Sears Block Tax Increment District Advisory Committee submitted)
- 42. Resolution authorizing the issuance of bonds and notes in the amount of \$190,000 for weatherization of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).
- 43. Resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).

Reports

New Business

44. Communication from Chris McKeown, 18 Primrose Lane, requesting City Council consider holding a public hearing on the 317 Line Project proposed to go through the Primrose Lane, Winterberry Lane, Millennium Way and Rosewood Drive neighborhood.

Action: Councilor Herschlag indicated that Mr. McKeown is currently working with PSNH to limit the impact to his property. He stated that it is his understanding that the Council doesn't have a lot of say in how they move forward with this project. He pointed out that PSNH has been very receptive to the abutters and they are in the process of currently working with them.

City Council Minutes May 12, 2014 14

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

Unfinished Business

45. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (10-36) (11-40) (12-37) (1-42) (2-56) (3-45) (4-18) (Action on this item tabled following a February 2013 public hearing)

Action: This item remains on the table.

46. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)(9-26C; 9-29) (10-37) (11-41) (12-38) (1-43) (2-57) (3-46) (4-49) (Action on this item was tabled after a public hearing was held on September 9, 2013.)

Action: This item remains on the table.

47. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from Acting City Planner. (1-9) (2-45A; 2-46) (3-47) (4-50) (Action tabled on this item; item also referred to the Impact Fee Committee after a public hearing was held February 10, 2014)

Action: This item remains on the table.

48. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16) (3-35E; 3-39) (4-51) (March 10, 2014 public hearing opened and recessed at the request of the Deputy City Manager – Development until such time as the Planning Board has had to finalize their review)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Todd announced that on Friday, June 6th, at the City Plaza they will be holding a 1965 time capsule unearthing ceremony.

City Council Minutes May 12, 2014 15

Councilor Herschlag thanked Deb and Dave Newell for opening up their restaurant, the Newell Post, for hosting a Ward Two meeting. He further thanked a resident, Matt, who went out to pick up several bags of trash within the Ward One and Ward Two areas.

Councilor Coen thanked the City Manager and Brian LeBrun, Deputy City Manager-Finance, for the proposed new budget stating that the cd format is very manageable and understandable.

Mayor Bouley reminded residents to license their dogs by May 30th to avoid any additional fees and fines.

Comments, Requests by the City Manager

 Request from the City Manager requesting City Council authorization to submit a letter to the State Department of Motor Vehicles asking that they produce commemorative license plates in celebration of the 250th anniversary of the City of Concord.

Action: City Manager Aspell explained that the license plates would be sold for \$25.00 each and the profit would be used towards the 250th anniversary of the City of Concord; license plates could be placed on vehicles from January 1, 2015 through December 31, 2015.

Councilor Bouchard inquired whether there is any cost to the city for producing these plates. Mr. Aspell responded that there is not.

Councilor St. Hilaire moved to recommend that the City Manager submit a letter to the Department of Motor Vehicles. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley reminded everyone that Thursday, May 15th is the Rock N' Road Race being held downtown and many streets will be closed to vehicles during this event.

Councilor Shurtleff reminded everyone of the Memorial Day Parade being held on Monday, May 26th.

Consideration of items pulled from the consent agenda for discussion

- Items 9 and 32 have been pulled from the consent agenda for discussion.
- 9. Communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street.

Action: Councilor Nyhan asked if, in addition to the referral, there is something that can be done on a temporary basis for posting no parking a little bit to push the cars back away from this intersection.

Councilor Coen indicated that the next Parking Committee meeting is being held next Monday and they will try to submit a recommendation for the June 9th Council meeting.

Councilor Nyhan moved to refer this communication to the Parking Committee. The motion was duly seconded and passed with no dissenting votes.

32. Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Friends of the Merrimack River Greenway Trail regarding the design and construction of the Phase I Section of the Merrimack River Greenway Trail; together with report from the Senior Planner and the Project Manager-Civil Engineer.

Action: Councilor Bouchard stated that she supports this trail. She inquired as to how the \$80,000 funds were raised for by the group and who the contributors were. She noted that this is going to be a paved trail with amenities such as boardwalks, trailhead parking, benches, signs and kiosks and inquired as to how much it will be an ongoing cost for the city to keep this trail maintained. Mr. Aspell indicated that staff doesn't have the details at this time. He stated that the idea is that when a memorandum of understanding is put together and all the designs are done it will come back before the Council. He added that the Council has discussed this item in the past and agreed to accept all maintenance costs associated with this.

Dick Lemieux, President and Chair of the Board of Trustees for the Friends of the Merrimack River Greenway Trail, indicated that the \$80,000 is a number that they had last year and they have raised an additional \$40,000 since then; ten or twelve companies have donated significant amounts and thirty to forty individuals have donated anywhere from \$10.00 to \$200.00.

Councilor Herschlag voiced his concerns about the management and maintenance costs. He suggested that in the memorandum of understanding that the city request that those ongoing maintenance costs be funded by outside sources.

Mayor Bouley asked Councilor McClure if there is currently a group of volunteers that go out to maintain trails and whether it would be anticipated that they would continue to volunteer for this type of trail.

Councilor McClure responded that there is and that they would maintain this one as well through the trails committee. She noted that the portion of the trail that could require maintenance over the long term is the boardwalk which will deteriorate over time.

Councilor Bouchard inquired whether the boardwalk is a paved section.

Mr. Lemieux responded that the whole trail will be paved explaining that the boardwalk traverses a wet area just north of Terrill Park. He indicated that the boardwalk would be about a quarter of a mile long and approximately twelve feet wide with rails; it should be designed to be long lasting. He noted that light maintenance will be done by volunteers and feels that the heavy maintenance has to be the responsibility of the city.

Councilor Champlin stated that a reasonable maintenance cost is not something out of the ordinary for the city to adopt considering the private investment time and money to make this trail a reality. He feels that this trail is important in making the city a bike friendly community.

Councilor McClure pointed out that this trail has been in the city's master plan for many years and the city wouldn't have been able to do this without this private effort. She encouraged Council to look at the flyer distributed this evening adding that she feels that it's worth Council supporting the long range efforts done by the group.

Councilor Herschlag indicated that his concern is not whether this is a worthwhile project but whether the city has the ability to maintain this into the future.

Councilor Todd thanked the organization for all their efforts. He agreed that there is an inestimable value to this project that they should not lose sight of as they move forward and he believes this project will be one of the crown jewels of Concord when it's completed. He stated that he does have concerns about the long term cost and maintenance but feels this will be outweighed by the value of the project when completed.

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

Consideration of Suspense Items

Councilor St. Hilaire moved to consider this item not previously advertised. The motion was duly seconded and passed with no dissenting votes.

City Council Minutes May 12, 2014 18

5 Sus1 Street Closure Request from the Concord Veterans Council for the Memorial Day Parade to be held on May 26, 2014.

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

5 Sus2 Street Closure Request from the West Congregational Church for an annual block party to be held on June 22, 2014.

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

Sus3 Resolution repurposing \$20,000 of unexpended golf simulator project funds (CIP #107) to support paving improvements to the entryway of the Beaver Meadow Golf Course Clubhouse; together with report from the Parks & Recreation Director.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Nyhan inquired whether there have been any discussions, quotes or interest in repaying the entire parking lot. Mr. Aspell responded that they have looked at that but there is nowhere near the amount of money available in the fund to be able to do that.

Councilor Herschlag noted that he doesn't recall whether it's within the budget for FY2015 or FY2016 but there is an item to coat the lot. Mr. Aspell responded that he doesn't recall the year but that is included within the CIP project list.

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

Adjournment

The time being 8:50 p.m., Councilor Keach 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