City of Concord

City Council

Meeting Minutes - Draft

Monday, August 10, 2015 | **7:00 PM** | **City Council Chambers**
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A:2, I (a) to discuss strategy or negotiations with respect to collective bargaining to take place following the City Council meeting.

1. Call to Order.

Mayor Bouley called the meeting to order at 7:00 p.m.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

Present: 13 - Councilor J. Allen Bennett, Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Gail Matson, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

Excused: 2 - Councilor Jan McClure, and Councilor Keith Nyhan

5. Approval of the Meeting Minutes.

July 13, 2015 City Council Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the July 13, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

Mr. R.P Hale indicated that he designed a commemorative print for the Concord 250 celebration; 300 first edition prints, 100 first edition artist proofs and 10 presentation pieces. He presented the City of Concord with the first of the ten presentation pieces.

Consent Agenda Items

Approval of the Consent Agenda

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

Referral to the Transportation Policy Advisory Committee

7. Communication from Peter Pilch, Union Street resident, requesting the installation of slow handicap wheelchair signage on Union Street in Concord.

   Communication referred to the Transportation Policy Advisory Committee.

Referral to the Facilities Naming Commitee

8. Communication from the Golf Course Advisory Committee requesting that consideration be given to naming the function room at the Beaver Meadow Golf Course Club House the "Chet Wheeler" room.

   Communication referred to the Facilities Naming Committee.

Items Tabled for September 14, 2015 Public Hearings

9. Resolution appropriating the sum of $189,864 in grant funds from the Federal Emergency Management Agency for the purpose of installing automatic sprinkler systems in the City's four fire stations (CIP #252); together with report from the Deputy Fire Chief.

   This resolution was moved to set for a public hearing.

Consent Reports

10. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling $11,498.61 as provided for under the pre-authorization granted by City Council.

    This consent report was approved.

11. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling $45.44 as provided under the pre-authorization granted by City Council.

    This consent report was approved.

12. Diminimus gifts and donations report from the City Manager requesting authorization to accept a monetary gift in the amount of $25.00 as provided for under the pre-authorization granted by City Council.

    This consent report was approved.

13. Diminimus gifts and donations report from the Police Department requesting authorization to accept a gift of a prescription drug drop box, with a value of approximately $950 as provided for under preauthorization granted by City Council.

This consent report was approved.

14. Council Quarterly Priorities Report from the City Manager.

This consent report was approved.

15. Report from the Deputy City Manager for Development recommending Council's conditional acceptance of a new leg to Old Loudon Road and related traffic signal, intersection, and sidewalk improvements at the crossing of Old Loudon Road/Loudon Road/D'Amante Drive.

This consent report was approved.

16. Report from the Traffic Operations Committee in response to a communication from Councilor Herschlag requesting that through trucking on Borough Road be prohibited as well as requesting that, if necessary, signage indicating no through trucking be replaced on River Road.

This consent report was approved.

17. Report from the Traffic Operations Committee in response to a communication from Kristina Snyder requesting the installation of traffic calming measures on Pearl Street.

This consent report was approved.

18. Current Use Change Tax Quarterly Status Report from the Director of Real Estate Assessments.

This consent report was approved.

19. Semi-Annual Report on Contracted Solid Waste and Recycling Services from the General Services Director.

This consent report was approved.

Consent Resolutions

20. Resolution authorizing the City Manager to submit an application to the League of American Bicyclists for renewal of the Bicycle Friendly Community Status; together with report from the Transportation Policy Advisory Committee.

This consent resolution was approved.

21. Resolution authorizing the submittal of an application to the NH Department of Environmental Services Aquatic Resource Mitigation Fund grant program to assist in the purchase of a 110-acre parcel located off of Lakeview Drive.

This consent resolution was approved.

22. Resolution authorizing the City Manager to submit an application to the New Hampshire Department of Safety for a Critical infrastructure 2016 Grant for Video Surveillance Equipment; together with report from the General Services Director.

This consent resolution was approved.

Consent Communications

23. Street closure request from the Concord Family YMCA for a block party/barbecue to be held on Friday, September 18, 2015.

This consent communication was approved.

24. Street closure request from the Booster Club at Concord Christian Academy for their 2nd Annual 5K Color Run to take place on Saturday, September 26, 2015.

This consent communication was approved.

25. Street closure request from Girls on the Run New Hampshire for a 5K Road Race to be held at Memorial Field on Sunday, November 15, 2015.

This consent communication was approved.

End of Consent Agenda

Public Hearings

26A. 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, Chapel Street; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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.

26B. 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, Arena Supervisor and Victim/Witness Advocate; together with report from the Director of Human Resources and Labor Relations.

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.

26C. Resolution accepting and appropriating the sum of $25,396 in private donations from Main Street property owners for the installation of a sidewalk snowmelt system, in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with report from the City Engineer.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Champlin inquired whether this means that the other property owners who have expressed interest have decided not to install the snowmelt or whether this is because the city has received funding from the property owners that are listed within the report. Mr. Aspell responded that it's because they have received funding from the property owners listed within the report.

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

26D. Resolution repurposing $17,275 from completed and unexpended Breathing Apparatus Replacement Project Funds (CIP#573) to partially fund the installation of automatic sprinkler systems in the City's four fire stations (CIP#252); together with report from the Deputy Fire Chief.

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.

Public Hearing Action

27. 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, Chapel Street; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

Councilor Herschlag questioned whether he is correct in assuming that the reason for removing some of those parking spaces is because of the difficulty people have exiting their driveways.

Mayor Bouley responded that he believes it is a combination of that and other issues including public safety and winter operations.

The motion to approve passed with one dissenting vote.

28. 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, Arena Supervisor and Victim/Witness Advocate; together with report from the Director of Human Resources and Labor Relations.

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

29. Resolution accepting and appropriating the sum of $25,396 in private donations from Main Street property owners for the installation of a sidewalk snowmelt system, in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with report from the City Engineer.

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

30. Resolution repurposing $17,275 from completed and unexpended Breathing Apparatus Replacement Project Funds (CIP#573) to partially fund the installation of automatic sprinkler systems in the City's four fire stations (CIP#252); together with report from the Deputy Fire Chief.

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

    Referencing the July 13th Council meeting, Mayor Bouley pointed out that Council had tabled item 29E which was a report from the Main Street Fountain Committee. He stated that this item had been relative to the construction of a fountain on the City Plaza as part of the Main Street project. The Council voted to hold a special meeting on July 23rd because they were expecting to receive notice on July 22nd as to whether or not grant funding would be approved. He indicated that as a result of not receiving the grant, the special meeting was cancelled but because the meeting was recessed, the Council needs to dispose of this item.

    Councilor St. Hilaire moved to bring the report from the Main Street Fountain Committee off the table. The motion was duly seconded and passed with no dissenting votes.

    Councilor St. Hilaire moved to deny the request to proceed with the fountain. The motion was duly seconded and passed with no dissenting votes.

Reports

New Business

Unfinished Business

31. 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) (5-45) (6-42) (7-38) (8-26) (9-42) (10-41) (11-41) (12-33) (1-47) (2-34) (3-30) (Action on this item tabled following a February 2013 public hearing)

Action: This item remains on the table.

32. 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) (5-46) (6-43) (7-39) (8-27) (9-43) (10-42) (11-42) (12-34) (1-48) (2-35) (3-31) (Action on this item was tabled after a public hearing was held on September 9, 2013.)

Action: This item remains on the table.

33. Ordinance Amending Code of Ordinances, Title I, General Code, by adding the following new Article 1-6, Code of Ethics; together with report from the Rules Committee. (Action on this item tabled after public hearing was held at the June 8, 2015 Council meeting)(Revised ordinance and report submitted)

Action: Councilor St. Hilaire moved to take this item off the table. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire moved approval of the revised ordinance and report. The motion was duly seconded.

Councilor St. Hilaire explained that the Rules Committee had this item referred back to them after it was tabled by the Council. He noted that the City Solicitor did have the chance to speak with Mr. Gross, who was mentioned at the last Council meeting. Councilor Herschlag and an Ethics Board member spoke at the Rules Committee meeting to provide input. He indicated that they still have some work to do on the rules, however, the committee feels comfortable coming forward with this ordinance in the meantime. He recommended that this revised ordinance be passed.

Councilor Herschlag thanked the Rules Committee for taking the time to review this again. He noted that although he has some concerns with 1-6.2 and 1-6.4, he feels that the overall product presents a much stronger Council Rules and Ethics Ordinance. He will be supporting this ordinance this evening.

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

34. Report from the Rules Committee recommending revisions to the current Rules of the City Council. (Item tabled, no action taken, at the June 8, 2015 City Council meeting).

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Herschlag noted that National Night Out was an extraordinary event. He thanked all the city departments that were involved in it's success.

Councilor Herschlag indicated that Matt St. Onge had contacted him about cleaning up the fence around the tannery site. Mr. Onge and several other volunteers spent a day clearing the fence area.

Councilor Herschlag announced that a Ward Two meeting will be held from 6:00 p.m. to 7:30 p.m. on Thursday, August 13th, at the Newell Post Restaurant. He indicated that the City Manager will be attending the meeting.

Councilor Champlin indicated that the Rock On Foundation will be hosting a Rock On Fest at White Park as part of the Concord 250 celebration. The event will be occuring on Saturday, August 15th from 1:00 p.m. to 9:30 p.m.

Councilor Grady Sexton noted that leaders of developmental disabilities and the disability rights community are calling on the City of Concord to bring what is called the new accessibility icon to Main Street. She explained that this new icon is being used in communities across the US. The idea behind the new logo is that there will be a new way of thinking about people who are living with disabilities; the focus is being put on the person as somebody who is active and engaged in the community versus the focus being on the static symbol of the wheelchair. She indicated that she supports the developmental and disability communities and their effort to redefine this logo particularly because the goal of the TIGER project is to increase access and enhance safety.

Councilor Grady Sexton moved that Council endorse this concept and support the disability rights community by bringing this new logo downtown. The motion was duly seconded and passed with no dissenting votes.

Councilor Todd highlighted the upcoming events for the Concord 250 celebration week. A schedule of the events are listed at concord250.org. He noted that Concord 250 thanks all the volunteers, sponsors and the City of Concord.

Councilor Champlin recognized Councilor Todd for his leadership role as part of the Concord 250.

Councilor Shurtleff announced that Friday, August 14th, is the 80th anniversary of Social Security Administration; at 10:00 a.m. on the grounds of the NH State Library they will be unveiling a sign to let people know that this will be the future site of the John Winant Memorial. He stated that they want to raise money to erect the statue, to maintain it in future years and to provide a scholarship for the advanced studies program at St. Paul's School in Governor Winant's name.

Mayor Bouley noted that he felt National Night Out was a great success and recognized all the participating city staff for all their work.

Mayor Bouley indicated that their is a gentleman that collected seven of Concord made coaches and is looking to sell them together as one lot. There is a buyer in the midwest that is interested in this collection. The gentleman has given the Historical Society the opportunity to purchase them if the dollars can be raised. The Mayor indicated that the Historical Society needs to raise approximately $187,000 to purchase them in which they would stay within the state. He urged people to donate if they can noting that he feels this is one of those endeavors that people should pitch in to preserve Concord's history. He explained that the information will be posted on the city's website. He pointed out that they only have six weeks to fundraise for the money.

Comments, Requests by the City Manager

Consideration of Suspense Items

Referral to the Public Safety Advisory Board

Sus1 Communication from Councilor Herschlag requesting that the Public Safety Advisory Board review whether it would be beneficial to establish a committee or task force to address the substance abuse problems within the city.

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

Councilor Herschlag noted that he feels that there is a need for parties to get together to try to work on a solution. He indicated that, over the course of a year and a half, the use of illegal drugs has only escalated in the city. Referencing yesterday's paper, he pointed out that the Police Chief was quoted talking about state efforts; when they have an issue with a homeless person they have a list of resources that they can access but when it comes to an issue with drugs no such list or resources exist. He hopes that by referring this communication to the the Public Safety Board, they can bring all the parties together to work towards a solution and strategies.

Councilor Bouchard feels that Councilor Herschlag's communication implies that the city is not working together and communicating together with other agencies. She stated that one of the issues with the drug problem is that they don't have resources. She is concerned that they are leading the citizens of the city to think that they are not trying to fight this problem. She wants people to know that the city and it's

departments are trying to work on this issue.

Councilor Herschlag read his communication publicly. He spoke of the successful programs within the Strafford and Merrimack County jails. He wants various entities to sit down to look at what's worked, what hasn't worked, and how to move forward this. He agrees that the resources are limited, particularly from the state, and feels that this is one of the reasons why it's so important to sit down and talk this out.

Councilor Bouchard noted that she feels that the city is trying to address the problem.

Councilor Coen asked whether Councilor Herschlag feels that departments are not talking to each other and whether what he is proposing to have them formally communicate regarding this issue.

Councilor Herschlag stated that he is not suggesting that the Police and Fire Departments are not working together. He is not suggesting that the city doesn't have a relationship with the state and the county; what he is saying is that there are pieces missing. His intent isn't to be critical and feels that the organizations and individuals are doing everything they can in their power. He feels that by putting everyone at the same table may lead to some solutions that they haven't come up with.

Councilor Coen noted his confusion as to what is trying to be accomplished with this.

Councilor Herschlag indicated that all he is requesting is whether it would be beneficial to have all the various parties talking and working together in order to devise the best strategies and programs that have shown to be successful in treating the illegal use of these substances. He feels that there is room to move forward with this and anything that they can do to try to abate the use of illegal substances and drug abuse is a worthwhile endeavor. He stated that if forming a task force isn't the direction Council feels they should go then he respects that decision.

Councilor St. Hilaire pointed out that the problem may be the wording within the communication; if reading this in conjunction with Councilor Herschlag's letter to the editor, it may indicate that City Council doesn't care about the drug problem. He stated that nothing could be farther from the truth in regards to this. He explained how the diversion programs works for drug abuse explaining that many people/agencies meet constantly on this problem. He pointed out that there are a lot of various parties involved and that they do talk to each other; he wants people to recognize that people have been working on this issue for years.

Councilor Keach stated that he is not sure there is a need for a task force and feels

that everybody has decided that treatment is the solution. He feels that their efforts would be better focused across the street telling them to fund this for a solution.

Councilor St. Hilaire indicated that there has been a big turnaround about treatment but feels that they can't lose the other pieces too because they go hand in hand.

Councilor Grady Sexton noted that the police department is doing an extraordinary job in terms of prevention work which is just as important as intervention. She indicated that National Night Out and community policing are perfect examples of the work that they are doing within the community. She feels that this is the way to solve this crisis as well.

Mayor Bouley feels that the communication was approaching it from a negative point of view and that people weren't talking already. He indicated that the police chief had hosted a community forum with over sixty participants from the medical community, law enforcement and everyone in between. He questioned Councilor Herschlag as to what type of individuals he would like to see serve on such a task force.

Councilor Herschlag responded that one of the reasons he asked that this be referred to the Public Safety Board is because he is not an expert on this issue; it's not his job to fill in the specifics.

Mayor Bouley stated that he has no problem referring this communication but has had several calls from individuals who are very much involved in this issue and kept asking him questions. He didn't have answers to these questions - what is the purpose of this and what is the missing part.

Councilor Herschlag responded that the thought was to determine if it's worthwhile to come together and, if so, then to meet to look at strategies and programs and ways in which these can be implemented. He feels that what is being done today isn't working and, in his opinion, they need to look at this from all the angles and to look at and develop strategies that work.

Councilor St. Hilaire wants people to recognize that there are a lot of people that have been working on these issues for years. He stated that it's always worthy to talk about this issue and if referring it to the Public Safety Board is the appropriate thing to do, then he feels that is a good idea. He just wants the public to know that people are already working hard on this.

Councilor Bouchard stated that she has no problem referring this communication; her only concern is the implication that the citizens may infer from this that the city is not

taking the drug problem seriously. She wants the citizens to know that they are taking this issue seriously and are talking to each other.

Councilor Werner supports referring this item to the committee. Given all that's been said, he recognizes that people have been working on this issue for some time but questions whether all resources are being used as efficiently as they can, is all communication as efficient as it can be, are their new opportunities to tackle this problem, and are there things that other communities are doing that are successful models.

Councilor Todd asked the police chief and fire chief's opinion as to whether or not this would be a worthwhile endeavor.

Councilor Champlin noted that he could certainly vote to refer this to the committee but is concerned that there is a bit of muddying here as to what's the state's purview and what's the city's purview. He hopes, if the committee does get this, that they take a hard look at the time involved and whether it's a constructive use of the time of city staff and resources.

Councilor Coen indicated that he would vote to send this to the Public Safety Board because he would like to see a report explaining exactly what is going on now and the effort that is being put out.

Councilor Grady Sexton questioned whether it would be helpful to hear from both chiefs prior to this referral being made.

Police Chief Brad Osgood explained that, at the last Public Safety Board meeting, this very topic monopolized the entire meeting. He feels that this whole problem, in his opinion, is a disconnect with the recovery and treatment. He noted that this doesn't mean that there isn't any recovery and treatment within the state but it's just very difficult to get into because of the waiting time; with this particular addiction, waiting time is not sufficient. He is hoping to find out what the state and the federal government intends on doing with the budget and grants. Chief Osgood indicated that he has met with the drug czar for NH and his plan has a lot to do with fixing the fractured system. The Chief is hopeful that progress will be made there. He stated that the federal and state governments have downshifted so much to the local communities and if they only understood how much it costs the police, fire and human services at a city budget level, they may actually help solve this problem quicker. He noted that if they were to foot the bill, they would come up with a solution a lot faster than they are now. He indicated that they are imbedded with their constituents in regards to prevention and he hopes to hold another forum in the near

future.

Fire Chief Dan Andrus indicated that he has a meeting tomorrow with the Community Health Improvement Plan subcommittee to review the top five priorities and he is certain that drug abuse will be among those. He noted that this is a group of people that consists of the public safety sector, the treatment sector, and other diverse stakeholders. He stated that, so far this month, they have had six overdose calls and five uses of narcan. He noted that there were 128 overdose cases in twelve months - a 32.4 percent increase. In his own opinion, he feels that it's a remarkable effort by the public, private, and non-profit sectors to work on this problem and for them all to work together.

Following additional Council discussion, Councilor Keach noted that a solution he sees is perhaps to request that the chiefs report back to the Public Safety Board on a monthly basis and make this part of the standard agenda - where they are at, where they are going, what they lack and what they don't lack.

Mayor Bouley stated that the Fire, Police and Human Services Departments are highly thought of by other officials and agencies within the state. He thanked them for all that they do.

Mayor Bouley indicated that maybe, based upon the discussion this evening, Councilor Herschlag could amend his request to refer something to the Public Safety Board so that they can hear more about what is going on and whether there is anything that the Council, as policy makers, should or could be doing to help in their efforts.

Councilor Herschlag moved to amend his request to refer something to the Public Safety Board so that they can hear more about what is going on and whether there is anything that the Council, as policy makers, should or could be doing to help in their efforts. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 8:23 p.m., Councilor St. Hilaire moved to enter into non-public session in accordance with RSA 91-A:2, I (a) to discuss negotiations with respect to collective bargaining. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:
Michelle Mulholland
Deputy City Clerk