

Non-public meeting in accordance with RSA 91-A: 3, II to discuss the City Manager's Annual Evaluation to be held prior to the Council Meeting at 6:00 p.m.

City Council Meeting

Minutes

Non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining to be held following the Council meeting.

May 9, 2011

City Council Chambers 7:00 p.m.

- 1. Mayor Bouley called the meeting to order at 7:00 p.m.
- 2. No clergy was present for invocation.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner were present. Councilor Bennett was excused.
- 5. Approval of the April 11, 2011 meeting minutes.

Action: Councilor Grady moved approval of the April 11, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Labor Relations Committee report relative to the City Manager's evaluation, in accordance with Section 21(b) of the City Charter. (*To be submitted under separate cover*)

Action: Mayor Bouley explained that the City Charter is very specific about this giving the Council only two options; either satisfactory or unsatisfactory.

Councilor Shurtleff moved a satisfactory review of the performance of the City Manager. The motion was duly seconded.

Councilor Coen spoke on the economy and noted that he has been impressed over the last three years as to how well the city has been run financially. He spoke of the City Manager's role in coming to Council with budgets that they have asked for while still providing basic services and other services for the citizens of the city at a very high level.

Councilor Blanchard indicated that the City Manager always gets back to her if he doesn't have the answer to a question immediately and always responds to her voicemails which she feels is a good working relationship with the City Manager.

Mayor Bouley noted that it has been a pleasure over the past three years to work with Mr. Aspell noting that he has done an outstanding job. He added that it is always disappointing when Council can only vote satisfactory because it does not reflect the City Manager's abilities and the job that he has done. He noted that Mr. Aspell clearly leads the city and staff and provides excellent quality of service and excellent quality of life in Concord.

Councilor Shurtleff's motion 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 following unfinished business.

City Manager Tom Aspell indicated that he removed item 23 because in speaking with the Police Department, more work needs to be done in working with one of the churches in terms of what the hours are. He requested that this item be put off a month to give the Police Department the chance to work with the sponsor of the criterium to see if it can be worked out.

Councilor McClure moved approval of the consent agenda with the exception of item 23 which is to be referred back to Administration. The motion was duly seconded and passed with no dissenting votes.

Referrals to Community Development

- 8. Communication from Theodore Kupper, Provan & Lorber, Inc. on behalf of St. Paul's School, requesting a license be granted to St. Paul's School to make, own, operate and maintain improvements within the City's right of way on Dunbarton Road in Concord.
- 9. Communication from Steve Duprey requesting City Council consider amending the City's Code of Ordinances to allow for pocket neighborhoods within the City.

Referral to Community Development, City Administration, the Planning Board and the Economic Development Advisory Committee (EDAC)

10. Communication from Richard Uchida, Orr & Reno on behalf of David and Laurie Rauseo, requesting the City release building size and total gross floor area covenants it holds on property owned by the Rauseos' company, Interchange Development, LLC.

Items Tabled for a June 13, 2011 Public Hearing

- 11. 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. (4-13) (Public hearings to be held in May and June; Council action to take place in July)
- 12. Resolution appropriating the sum and authorizing the expenditure of \$145,000 including the authorization for the issuance of bonds and notes in the amount of \$145,000 for roof replacement at the Hall Street Wastewater Treatment Plant; CIP # 104; together with a report from the General Services Department.
- 13. Resolution appropriating the sum of \$39,788 in Edward F. Byrne Grant Program funds from the State of New Hampshire Department of Justice for the replacement of a Police Officer Assigned to the New Hampshire Drug Task Force; together with report from the Police Department.

From the City Manager

- 14. Positive Citizen Comments.
- 15. Council meeting date calendar.

Consent Reports

- 16. Appropriation Transfer Report: April 2011
- 17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,815 as provided for under the preauthorization granted by City Council.
- 18. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$4,569 as provided for under the preauthorization granted by City Council.
- 19. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$4,569 as provided for under the preauthorization granted by City Council.
- 20. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$5,626.05 as provided for under the preauthorization granted by City Council.
- 21. Pay As You Throw (PAYT) Quarterly Status Report from the General Service Director.

- 22. Report from TPAC in response to a petition from residents of Horseshoe Pond Place in Concord requesting a snow shelter at the bus and trolley stop at Horseshoe Pond Place as well as a plowed walkway to North State Street. (2-8)
- 23. Report from the Police Department in response to a street closure request for a Revolution Cyclery bicycle criterium to be held on Sunday, August 21, 2011. (*Pulled by City Administration*)

Action: Item referred to City Administration.

- 24. Report from City Engineer in response to a communication from New Hampshire Real Estate Investment Corporation requesting a license for their tenants to place a new panel sign in an existing freestanding sign located in front of their property at 113 Storrs Street. (4-11)
- 25. Quarterly current use change tax report from the Director of Real Estate Assessments.
- 26. Council Quarterly Priorities Report from the City Manager.
- 27. Planning Board nominations to the Central New Hampshire Regional Planning Commission.

Consent Resolutions

- 28. Resolution re-adopting the Beneflex plan and authorizing the City Manager to execute Beneflex plan documents for the plan year beginning July 1, 2011; together with report from the Human Resources Program Administrator.
- 29. Resolution authorizing the submittal of an application to the New Hampshire Division of Historical Resources for Certified Local Government (CLG) Funds to be utilized for the conduct and preparation of a survey of the City's 19th Century Manufacturing Facilities along the South Main Street corridor, CIP #506; together with report from the Heritage Commission.

Appointments

- 30. Mayor Bouley's proposed appointment to the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) Committee. *Christopher Brown*
- 31. Mayor Bouley's proposed reappointments to the Public Safety Board.

 Anthony Bourque, Jim Cotsana, Steve Edwards, Jim O'Neill, Michael Russell and Michael Tardiff
- 32. Mayor Bouley's proposed reappointments to the Golf Course Advisory Committee. *Jennifer Kretovic, Jim Marshall and Christopher Mulleavey*

- 33. Mayor Bouley's proposed reappointments to the Transportation Policy Advisory Committee. *Jennifer Kretovic, Peter Rhodes and Alex Vogt*
- 34. Mayor Bouley's proposed reappointment to the Planning Board. *Carol Foss, Frank Kenison and Chiara Dolcino*

End of Consent Agenda

35. May 9, 2011 Public Hearings

A. 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. (4-13) (*Public hearings to be held in May and June; Council action to take place in July*)

Action: Mayor Bouley explained that this proposed resolution requires two public hearings; one this evening and one at the June meeting.

City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor recessed the public hearing until the June meeting.

B. Resolution amending and restating the Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District; together with report from the Assistant for Special Projects. (4-14)

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

Matt Walsh, Assistant for Special Projects, explained that the NEOCTIF District is at the point where in the next couple of years it's going to sunset; all the debt service for the district will be paid off and the remaining captured value by the district will be released not only by the city's general fund but also to support the school district, the county and the State of NH. In moving forward, the change with the new Deputy City Manager-Finance and with the TIF district coming in with its sunset date, staff wanted to go through the books and take care of things that have been lingering for some years now. Mr. Walsh provided brief overviews of each of the proposed resolutions. He asked that Council wait until June to vote on these three proposed resolutions.

Councilor Coen asked what a TIF District is. Mr. Walsh responded that it is a Tax Increment Finance District which is governed in New Hampshire by RSA 162-K. He explained that the legislation has been in place since 1979 and what it essentially allows is to create a district whereby any new development that happens in that district after it's created, the tax revenues associated with that new development can be used to finance capital improvements and maintenance costs

within that district to encourage additional development. He indicated that the city has used this tool consistently since 1979.

Councilor Stetson inquired whether Council is being asked to approve the redevelopment program this evening. Mr. Walsh replied that staff is asking Council to hold off on the vote for all three proposed resolutions until June.

Mayor Bouley opened the public hearing for items B through D.

Cindy Flanagan, TIF District Chair, indicated that their goal is to continue onto phase two with a long range goal to put the road from the Marriott to the Holiday Inn and that they have the surplus money. She added that the committee suggested that they wouldn't mind returning some to the general fund but if they gave it all then they wouldn't have anything to begin with and the logistical thing is to continue on with the next phase. She noted that they would really like the Council to get behind them and help this one project go through.

Mayor Bouley stated that himself and Councilor Bouchard have met with the Department of Transportation on this project and came up with draft plans but there is one hitch: a railroad crossing.

Ms. Flanagan indicated that they seemed to be a little more open on their last discussions and that it could be really be thought out and to not let this be their roadblock.

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

C. Resolution accepting and appropriating the sum of \$85,000 from the sale of City owned property known as the so-called "Fish Hook Lot" located at 11 Constitution Avenue. (4-15)

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

D. Resolution transferring the sum of \$73,320 from the North-End Opportunity Corridor Tax Increment Finance (NEOCTIF) District to the Economic Development Reserve (EDR) Fund. (4-16)

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

E. Resolution accepting and appropriating the sum of \$16,915 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with report from the Assistant for Special Projects. (4-17)

Action: City Manager Aspell provided a brief overview.

Councilor Blanchard noted that she received a comment that the there is a lack of landscaping surrounding City Hall.

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

F. Resolution appropriating the sum of \$407,113 for the purpose of designing a parallel taxiway for runway 12/30 at the Concord Municipal Airport, including \$386,757 in grant funds from the Federal Aviation Administration (FAA) and \$10,178 each from the State of New Hampshire Division of Aeronautics and the City of Concord, CIP #73; together with report from the Associate Engineer. (4-18)

Action: City Manager Aspell provided a brief overview.

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

May 9, 2011 Public Hearing Action

36. Resolution amending and restating the Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District; together with report from the Assistant for Special Projects. (4-14)

Action: Action on this item tabled until the June Council meeting.

37. Resolution accepting and appropriating the sum of \$85,000 from the sale of City owned property known as the so-called "Fish Hook Lot" located at 11 Constitution Avenue. (4-15)

Action: Action on this item tabled until the June Council meeting.

38. Resolution transferring the sum of \$73,320 from the North-End Opportunity Corridor Tax Increment Finance (NEOCTIF) District to the Economic Development Reserve (EDR) Fund. (4-16)

Action: Action on this item tabled until the June Council meeting.

39. Resolution accepting and appropriating the sum of \$16,915 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with report from the Assistant for Special Projects. (4-17)

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

40. Resolution appropriating the sum of \$407,113 for the purpose of designing a parallel taxiway for runway 12/30 at the Concord Municipal Airport, including \$386,757 in grant funds from the Federal Aviation Administration (FAA) and \$10,178 each from the State of New Hampshire Division of Aeronautics and the City of Concord, CIP #73; together with report from the Associate Engineer. (4-18)

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

Reports

41. Report from the Deputy City Manager – Development regarding Concord Power and Steam proposal for the Supply of Electricity and Steam.

Action: Carlos Baia, Deputy City Manager-Development, provided a brief overview.

Councilor Blanchard noted her concern that the cost to the rate payers will go up if they can't go forward with this expansion and need to meet environmental regulations. Mr. Baia responded that their pricing is somewhat disproportionate to the marketplace and the city looks at this every year when looking at the budget. He added that Concord Steam is confined to certain geography, a limited customer pool, so if customers start falling off especially larger customers, the reaction is going to be that they may have to increase the rates. He stated that their challenge is going to be what happens if they can't get the financing for the plant and this is a concern that staff is bringing forth to Council.

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

New Business

Unfinished Business

42. Report from the Deputy City Manager - Community Development in response to a communication from Holly Carlson on behalf of Manchester Street businesses requesting City Council consider a zoning change to the existing sign ordinance. (4-10) (8-39) (9-48) (10-39) (11-38) (12-40) (1-53) (2-47) (3-48) (4-61) (5-68) (6-53) (7-54) (9-42) (10-44) (11-52) (12-47) (1-42) (2-61) (3-54) (4-50) (Report tabled at the September 14, 2009 City Council meeting; supplemental report submitted to Council April 12, 2010; no action taken)

Action: This item remains on the table.

43. Resolution approving the acquisition of open space property northerly of Clarke Street, and authorizing the expenditure of up to \$11,000 from the Conservation Fund for this purpose, as approved by the Conservation Commission; together with report from the Conservation Commission. (5-10) (6-54) (7-55) (8-40) (9-43) (10-45) (11-53) (12-48) (1-43) (2-62) (3-55) (4-51) (Tabled setting this item for a public hearing at the May 10, 2010 City Council meeting)

Action: This item remains on the table.

44. Report from Community Development in response to a report from the Heritage Commission in response to a communication from Councilor Shurtleff requesting East Street, located in the village of Penacook, be renamed Canal Street. (3-9) (5-25) (8-38) (9-44) (10-46) (11-54) (12-49) (1-44) (2-63) (3-56) (4-52) (Report approved for a future public hearing at the August 9, 2010 City Council meeting)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Grady indicated that she heard from a few constituents with concerns regarding the water main break on April 29th in which the quality of the water was compromised. She noted that one of the constituents was wondering how she would be notified if the water was unsafe to drink. Phil Bilodeau, Deputy General Services Director, replied that there was an immediate response to the break. He indicated that what they would do for a small break is notify the residents on the street by phone or knocking on the doors. He stated that staff does notify the media, put the information of the city's website, and use the emergency network of emails that are used for snow emergencies.

Councilor Bouchard notified people that the new summer Parks and Recreation brochure is out.

Mayor Bouley indicated that Council is due to meet on Tuesday, May 17th for the budget overview from the City Manager. He asked if Council would be willing to consider moving it from the 17th to the 18th so that Council has time to look over the budget before meeting. There being no objection, the budget overview meeting was changed to Wednesday, May 18th.

Referencing the recent fire at the Friendly Kitchen, Mayor Bouley recognized the Fire Department for the outstanding job that they did. He noted that on WMUR and on Facebook, people are being asked to donate their lunch money to feed people that go to the Friendly Kitchen. He stated that he will be doing this on Friday and challenged the rest of Council to do the same.

Mayor Bouley reminded residents to license their dogs.

Mayor Bouley reminded Council of the upcoming Memorial Day Parade to be held on Monday, May 30th.

Consideration of Suspense Items

Councilor St. Hilaire moved to suspend the rules to take of the suspense items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

5 Sus1 To be set for a June 13, 2011 Public Hearing

Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and appropriating the sum and authorizing the expenditure of grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of the Friendly Kitchen to renovate and/or rebuild their facility; together with report from the Assistant for Special Projects.

Action: Councilor St. Hilaire moved to set this item for a public hearing in June. The motion was duly seconded and passed with no dissenting votes.

5 Sus2 Street closure request for "Celebrating our Multicultural Community," the Sixth Annual Multicultural Festival to be held on Saturday, June 18, 2011 from 2:00 p.m. to 10:00 p.m.

Action: Councilor St. Hilaire moved acceptance of this street closure request. The motion was duly seconded and passed with no dissenting votes.

5 Sus 3 Street closure request for the Concord High School Levee to be held on June 16, 2011.

Action: Councilor St. Hilaire moved acceptance of this street closure request. The motion was duly seconded and passed with no dissenting votes.

5 Sus4 Street closure request for a block party to be held on Saturday, June 18, 2011 from 3:30 p.m. to dusk.

Action: Councilor Nyhan moved acceptance of this street closure request. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 7:48 p.m., Councilor McClure moved to enter into a non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining. The motion was duly seconded and passed 14 to 0 on a roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson, and Werner voting yes.

A true copy; I attest:

Michelle Tiffany Deputy City Clerk