



City Council Meeting

**Minutes**

**June 13, 2011**

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

City Council Chambers

7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Rabbi Robin Nafshi, Temple Beth Jacob.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Patten, St. Hilaire, Shurtleff, Stetson and Werner were present. Councilor Nyhan was late.
5. Approval of the May 9, 2011 meeting minutes.

**Action:** Councilor Grady moved approval of the May 9, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Concord Public Library Foundation, Concord Reads Presentation.

**Action:** Augustin Ntabaganyimana, Lutheran Services, provided a brief summary of the Concord Reads book which takes in a small town and is about a woman who helps change the community through her coaching of several soccer teams of school-age refugees. He indicated that there will be a future soccer event planned in the community which will help educate why refugees are here and to make them feel welcomed within the community. Virginia Babczak added that there are many programs planned for the fall which will be forthcoming on the library's website at [www.concordpubliclibrary.net](http://www.concordpubliclibrary.net).

Mayor Bouley asked whether there are locations other than the library in which people can get this book. Ms. Babczak responded that they can be found at local bookstores in the city.

7. Agenda overview by the Mayor.

– *Consent Agenda Items* –

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

**Items Tabled for a June 27, 2011 Public Hearing**

8. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2012 ending June 30, 2012.
9. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2012 ending June 30, 2012. (*To be submitted under separate cover*).
10. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning funds to their sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant/City Internal Auditor.
11. Resolution for the bonded projects within the Capital Budget for Fiscal year 2012, July 1, 2011 to June 30, 2012 there is hereby authorized and approved (i) the expenditure of \$8,550,550 and (ii) the issuance of \$8,550,550 in bonds and notes to pay costs of the various capital projects more specifically identified below and in the attached worksheet 1; together with report from Deputy City Manager – Finance.
12. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates.
13. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

**Items Tabled for a July 11, 2011 Public Hearing**

14. Discretionary preservation easement application for property at 84 Stickney Hill Road; together with report from the Director of Real Estate Assessment.
15. Resolution accepting \$128,873 of an energy efficiency rebate and appropriating the sum and authorizing the expenditure of \$128,873 for energy improvements at the Water Treatment Plant, CIP #88; together with report from the General Services Department.
16. Resolution relative to the public highway discontinuance of a portion of Regional Drive in Concord, New Hampshire; together with a report from the Planning Board.
17. Resolution appropriating the sum and authorizing the expenditure of \$20,000 from the Sears Block Tax Increment Financing District fund for maintenance of landscaping and related public infrastructure associated with the Capital Commons

Municipal Parking Garage; together with a report from the Assistant for Special Projects.

18. Ordinance amending the Personnel Class Specification Index; Human Resources Generalist; together with report from the Acting Director of Human Resources and Labor Relations.
19. Ordinance amending the Personnel Class Specification Index; Deputy City Clerk; together with report from the Acting Director of Human Resources and Labor Relations.
20. Ordinance amending the Personnel Class Specification Index; Library Page; together with report from the Director of Human Resources and Labor Relations.
21. Ordinance amending the Personnel Class Specification Index; Parks and Recreation Director; together with report from the Acting Director of Human Resources and Labor Relations.
22. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-7 Rights and Duties of Pedestrians; together with report from the Traffic Engineer.
23. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization; Article 1-4, Emergency Management; together with report from the City Solicitor.
24. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, Section 28-4-5 Development of Attached and Multi-family Dwellings, and Section 28-4-8, Planned Unit Developments; together with report of the Planning Board on the proposed amendments to the text of the Zoning Ordinance as contained in the Draft Changes to the City's Land Use Regulations & Development Review Procedures Part 1 prepared by the Deputy City Manager - Development, together with the following amendments to the Zoning Ordinance:
25. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, Section 28-4-6, Manufactured Housing Parks and subdivisions.
26. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-8, Non-conforming Lots, Uses, and Structure, Section 28-8-5, Non-conforming structures.
27. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-9, Administration and Enforcement Section 28-9-4, Decisions by the Planning Board.

28. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-7, Access, Circulation, Parking, and Loading.
29. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Article 28-7, Access, Circulation, Parking, and Loading; and the Glossary.
30. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-7, Access, Circulation, Parking, and Loading.
31. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Glossary.
32. Ordinance amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards.
33. Ordinance amending the Code of Ordinances, Title 1, General Code; Chapter 5, Public Works; Article 5-7 Solid Waste; Section 5-7-2 (a), Solid Waste Removal Districts, to extend said District to include property located at 6 Theatre Street; together with a report from the Assistant for Special Projects.

#### **From the City Manager**

34. Positive Citizen Comments.
35. Council meeting date calendar.

#### **Consent Reports**

36. Appropriation Transfer Report: May 2011.
37. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$10,275 as provided for under the preauthorization granted by City Council.
38. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$2,750 as provided for under the preauthorization granted by City Council.
39. Report from the Deputy City Manager – Development in response to a communication from Stacey Brown requesting the City of Concord amend the current zoning ordinance to allow backyard chickens regardless of property size.
40. Report from the Tax Collector/Treasurer regarding proceeds from the sale of Yves Tanguay property at Currier Road in Concord.
41. Report from the Deputy City Manager – Development recommending the City issue a license agreement to Concord Rotary Club to allow for the placement of Rotary Club signage in the City's right of way.

42. Report from the Deputy City Manager – Development recommending the City authorize a License Agreement between the University of New Hampshire School of Law and the City of Concord for private landscaping and sidewalk improvements in the public right of way at 2 White Street.
43. Report from the Deputy City Manager - Development in response to a 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. (5-8)
44. Report from the Deputy City Manager - Development in response to a communication from Steve Duprey requesting City Council consider amending the City's Code of Ordinances to allow for pocket neighborhoods within the City. (5-9)
45. Supplemental 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 from the May 9, 2011 agenda by City Administration*)

#### **Consent Resolutions**

46. Resolution transferring the sum of \$85,700 from Compensation Adjustment; together with report from the Finance Director.
47. Resolution designating depositories for the City of Concord, New Hampshire for the Fiscal Year 2012; together with report from the City Treasurer.
48. Resolution relative to short-term investment of excess funds.
49. Resolution authorizing prepayment of 2011 taxes in accordance with RSA 80:52-a.
50. Resolution authorizing the City Manager to enter into a sub-lease agreement with the Merrimack County Visitation Program for property located at 247 Pleasant Street, Concord; together with a report from the Assistant for Special Projects.
51. Resolution authorizing the City Manager to accept conservation and recreational trail easements from P & M Realty of Concord LLC; together with a report from the Planning Board.

#### **Consent Communications**

52. Street closure request for the 31<sup>st</sup> Annual Concord Criterium bicycle race to be held on Saturday, August 6, 2011.

#### **Appointments**

53. Mayor Bouley's proposed reappointments to the Information Technology Advisory Committee (ITAC). *Terry Clarkson, William McGonagle, Deanne Morrison, Robert Couch and Trisha Dionne.*

54. Mayor Bouley's proposed reappointments to the Solid Waste Advisory Committee.  
*Terry Clarkson and Arthur Aznive*
55. Mayor Bouley's proposed appointments to the Energy & Environment Advisory Committee. *Eleanor Baron, Kathleen Brockett, Meredith Hatfield, Randy Bryan, Jonathan Gregory, Roger Hawk, Dick Henry, Chuck Willing, Michael Bruss, Jim Monahan and Laura Bonk*
56. City Manager's proposed appointment to the Library Board of Trustees.  
*Marian Akey*

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

57. **June 13, 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) (5-11) (***Public hearings to be held in May and June; Council action to take place in July***)

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor Blanchard inquired what the expected anticipation is in regards to whether the assessments will go up or down. Mr. Aspell responded that there is no anticipation at this time.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing. Mayor Bouley reminded Council that the final vote on this item will be taken at the July Council meeting.

- B. 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. (5-12)

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor Coen asked the age of the current roof. Mr. Aspell replied that it is 30 years old.

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

- C. 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. (5-13)

**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.

- D. 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. (5Sus1)

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor Werner asked how this process relates to zoning citing the neighborhood concerns that were in the newspaper on Sunday. Mr. Aspell responded that there is no relationship

Mayor Bouley opened the public hearing.

Matt Walsh, Assistant for Special Projects, explained that Community Development Block Grant funds are available to municipalities for economic development, public facilities and housing rehabilitation projects as well as feasibility studies that benefit primarily low and moderate income persons. Each year the city is eligible for up to \$500,000 for these types of projects, in addition the city is eligible for up to \$12,000 for feasibility projects and \$350,000 is available annually on a first come first serve basis for emergency grants. He indicated that the purpose of this particular grant application is to seek up to \$500,000 in Community Development Block Grant funds to benefit the Friendly Kitchen to help support reconstruction of the facility on Montgomery Street; in addition, the purpose of the public hearing being held this evening is to secure public testimony on the city's Housing and Community Development Plan as well as the city's Residential Anti-Displacement and Relocation Assistance Plan which is always re-adopted as part of these applications and is referenced in the resolution before Council. Mr. Walsh noted that this particular project conforms to the goals and objectives of the city's Housing and Community Development Plan and relative to the city's Residential Anti-Displacement and Relocation Assistance Plan, while this particular project does not involve any displacement or relocation of persons or businesses, if the city were or any of their sub-grantees were to undertake such at project, they would comply with the uniform relocation act. Even though the Mayor opened the public hearing, he indicated that he formally had to request that Council open the public hearing.

Rick Skarinka, Friendly Kitchen Board Member, noted that they are thankful of the support of the whole community.

Councilor Coen inquired whether there is an estimate for the cost to rebuild. Mr. Skarinka responded no indicating that this grant application is specifically for fixtures, furniture and equipment and that the estimated cost is approximately \$150,000 just for fixtures and equipment.

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

**June 13, 2011 Public Hearing Action**

58. 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. (5-12)

**Action:** Councilor Bouchard moved approval. The motion was duly seconded and passed 14 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Patten, St. Hilaire, Shurtleff, Stetson and Werner voting yes.

59. 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. (5-13)

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

60. 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. (5Sus1)

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

61. 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) (5-35A; 5-36)

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

62. 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) (5-35B; 5-37)

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

63. 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) (5-35C; 5-38)



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

### **New Business**

64. Re-thinking Main Street presentation. *(For presentation in July)*

**Action:** This item to be presented at the July Council meeting.

### **Unfinished Business**

65. 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) (5-42) *(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.

66. 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)(5-43) *(Tabled setting this item for a public hearing at the May 10, 2010 City Council meeting)*

**Action:** This item remains on the table.

67. 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) (5-44) *(Report approved for a future public hearing at the August 9, 2010 City Council meeting)*

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

Councilor Shurtleff indicated that he was the one to have this tabled over a year ago because at that time the city had applied for a \$600,000 grant from the EPA to clean up the Tannery site and work was just beginning for the new Penacook medical center on East Street so as to not to cause any confusion to both applications, he moved to table this. He noted that since the work is underway and the city has received its EPA grant, he moved to take this off the table, requesting that a resolution be drafted and set for a public hearing. The motion was duly seconded and passed with no dissenting votes.

### **Comments, Requests by Mayor, City Councilors**

Councilor Keach complimented the city and the community for the outstanding cooperation and support that they have given to the Friendly Kitchen.

### **Comments, Requests by the City Manager**

City Manager Tom Aspell noted that effective at 4:01 p.m. on June 30<sup>th</sup>, John Duval will be the new acting Chief of Police.

Referencing suspense item 1, Mr. Aspell indicated that the Concord Boys and Girls Club summer green team will be stenciling storm drains and catch basins in June trying to protect the city's rivers and streams.

### **Consideration of Suspense Items**

Councilor Grady 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.

6 Sus1            Report from the General Services Department recommending the City Manager be authorized to grant permission to the Concord Girls & Boys Club summer green team to stencil storm drains/catch basins, a simple yet effective project to improve water quality in the Merrimack River.

**Action:** Councilor Grady moved acceptance of the report. The motion was duly seconded and passed with no dissenting votes.

6 Sus2            **Referral to the Finance Committee**  
Communication from Douglas Finney, Franklin Street, requesting the City of Concord consider repaving Horseshoe Pond Lane.

**Action:** Councilor St. Hilaire moved to refer the communication to the Finance Committee. The motion was duly seconded and passed with no dissenting votes.

6 Sus3            **Referral to Community Development and the Planning Board**  
Communication from Richard Uchida, on behalf of his client Delta Dental Plan of New Hampshire, Inc., asking the City consider rezoning a parcel of land at 107 Commercial Street from Open Space Residential (RO) to Institutional (IS) Zoning.

**Action:** Councilor St. Hilaire moved to refer the communication to Community Development and the Planning Board. The motion was duly seconded and passed with no dissenting votes.

**Items Tabled for a July 13, 2011 Public Hearing**

Mayor Bouley asked whether Council would object taking one vote to set suspense items 4 through 8 for a public hearing to be held on July 13, 2011. There was no Council objection.

- 6 Sus4 Report from the Deputy City Manager – Development recommending a public hearing be held on a Payment in Lieu of Taxes (PILOT) agreement between the City of Concord and Concord Power and Steam, LLC.
- 6 Sus5 Special Contract between the City of Concord and Concord Steam Corporation.
- 6 Sus6 License Agreement Hall Street Right of Way.
- 6 Sus7 License Agreement Hall Street Wastewater Treatment Plant.
- 6 Sus8 Contract for electricity between the City and a to be determined third party supplier. *(To be submitted under separate cover)*

**Action:** Councilor DelloIacono moved to set suspense items 4 through 8 for a public hearing on July 13, 2011. The motion was duly seconded and passed with no dissenting votes.

**Adjournment**

The time being 7:31 p.m., Councilor Shurtleff moved to enter into non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining. The motion was duly seconded and passed with no dissenting votes.

Following their non-public meeting, Councilor St. Hilaire moved to approve the AFSCME three year contract. The motion was duly seconded and approved.

The time being 8:04 p.m., Councilor DelloIacono moved to adjourn the meeting. The motion was duly seconded and approved.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*