



City Council Meeting

Minutes

August 10, 2011

*Non-public meeting in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to follow the Council meeting.*

City Council Chambers

7:00 p.m.

1. The Mayor called the meeting to order at 7:20 p.m.
2. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, Nyhan, Shurtleff and Stetson. Councilors Patten, St. Hilaire and Werner were excused.
3. Agenda overview by the Mayor.
4. **August 10, 2011 Public Hearings**

Mayor Bouley indicated that he would like to begin with public hearing items B through F if there is no Council objection. There being no objection by the Council, items B through F were read together.

Carlos Baia, Deputy City Manager – Development, explained that during the second round of bids for requests for proposals, two non-qualified bids were submitted and the state rejected that round and it was discovered later that there was a third bid that was submitted a day later. He indicated that the bidder has claimed that they would have met the qualifications but the state has no way of knowing or confirming that because they don't open bids that are received late. He stated that in an abundance of caution for the opportunity to salvage this deal, the state has decided to re-open a third round of requests for proposals. He noted that the state has set a date of August 24, 2011 and staff is asking that Council recess the hearings on items B through F until August 24, 2011.

Referencing item F, Councilor Stetson inquired whether Council is going to get a chance to see this prior to the night they have to vote on it. Mr. Baia responded that it's a very tight deadline and is not normally the way the city would handle this. He indicated that electricity prices are so volatile that's it's very difficult to get the type of notice as normally would for a meeting. He indicated that they will try to get it turned around as quickly as possible and once the city gets its consultant to review it, staff will send it out electronically to Council but it's not going to be a week ahead of time and may be less than a day. Councilor Stetson asked whether this will also be posted for the public to review. Mr. Baia indicated that to be correct.

Mayor Bouley pointed out that the state Executive Council is meeting on the 24th and Council will be meeting the same day, he asked when the Executive Council would receive it. Mr. Baia responded that they may receive that information the day prior. He added that the bids are being opened on August 22nd and he imagines it will be on the 23rd when the Executive Council receives it. He indicated that as soon as the city's consultant has had an opportunity to look at it from the city's perspective, staff will send it to the Council and post it publicly. Mayor Bouley asked whether it was possible to have the city's consultant look at it at the same time that the state looks at it. Mr. Baia replied that he believes so.

The Mayor opened the public hearings for items B through F. There being no public testimony, the hearings were recessed until August 24, 2011.

A. Charter Amendment redistricting ward lines. (7-4) (***Revised proposed charter amendment and ballot question***)

Action: Councilor Coen asked what the purpose of the committee was about, what they were charged to do and the perimeters that they were supposed to look at. Mayor Bouley explained that every 10 years the census is held, the city then receives those results and the Planning Department reviews those numbers and breaks down the city. The committee is then provided with a map which is broken down into census blocks in which each of the block is a boundary by road, stream or power line. He indicated that the population of the city has grown to 42,695 and based on that number, with the ten wards, the ideal number per ward for representation is 4,270 and the city has always gone +/- 5 percent on either side of that 4,270 number to create a district which would be represented by one person for each ward. He stated that these wards are also used, not only for City Council elections, but also for School Board elections and State Representatives. He pointed out that they have no say in the State Representative process because it is done at the state level but that they do use the wards that the city creates to use their boundaries as well. The Mayor added that it is a process of redefining boundaries within the wards for the purpose of elections. He indicated that they tried to make sure that there was harmony amongst the neighborhoods and wards and tried to make sure that they provided an optimal number of polling locations within each ward.

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

B. 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. (6Sus4), (7-4A) (***Public hearing recessed on July 13, 2011***)

Action: Public hearing recessed until August 24, 2011.

C. Special Contract between the City of Concord and Concord Steam Corporation. (6Sus5), (7-4B) (***Revised contract submitted***) (***Public hearing recessed on July 13, 2011***)

Action: Public hearing recessed until August 24, 2011.

- D. License Agreement Hall Street Right of Way. (6Sus6), (7-4C) (***Public hearing recessed on July 13, 2011***)

Action: Public hearing recessed until August 24, 2011.

- E. License Agreement Hall Street Wastewater Treatment Plant. (6Sus7), (7-4D) (***Public hearing recessed on July 13, 2011***)

Action: Public hearing recessed until August 24, 2011.

- F. Contract for electricity between the City and a to be determined third party supplier. (6Sus8), (7-4E) (***Public hearing recessed on July 13, 2011***) (***To be submitted under separate cover***)

Action: Public hearing recessed until August 24, 2011.

August 10, 2011 Public Hearing Action

5. Charter Amendment redistricting ward lines. (7-4) (***Revised proposed charter amendment and ballot question***)

Action: Mayor Bouley pointed out that there is a revised copy of the proposed question to be placed on the ballot that was provided to Council this evening.

Deputy City Solicitor Jim Kennedy clarified that a phrase at the end was added that the ward map adopted by the Council on August 10, 2011 is also on record at the City Clerk's Office. He noted that a statement was added that reads: "if you are in favor of this proposal, vote yes. If you do not favor it, vote no. He noted that these were just clarification elements for the ballot question.

Councilor Nyhan moved to adopt the revised language for Alternative 7. The motion was duly seconded.

Mayor Bouley thanked the committee for an outstanding job. He also expressed his gratitude to the Planning Department for their help and technology.

Councilor Nyhan's motion was approved with no dissenting votes.

6. 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. (6Sus4), (7-4A)
7. Special Contract between the City of Concord and Concord Steam Corporation. (6Sus5), (7-4B) (***Revised contract submitted***)
8. License Agreement Hall Street Right of Way. (6Sus6), (7-4C)

9. License Agreement Hall Street Wastewater Treatment Plant. (6Sus7), (7-4D)
10. Contract for electricity between the City and a to be determined third party supplier. (6Sus8), (7-4E) (*To be submitted under separate cover*)

Consideration of Suspense Items

Councilor Nyhan moved to consider suspense items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

- 8 Sus1 Confirmation of a new City Solicitor Appointment report from the City Manager.

Action: Mayor Bouley explained that section 29 within the City Charter indicates that the City Solicitor's appointment shall be subject to confirmation by vote of the City Council. He pointed out that this is the only officer within the city that Council is to confirm.

City Manager Tom Aspell explained that the city conducted a national search as they do for all department heads and Mr. Kennedy came out as the most viable candidate.

Councilor McClure moved approval of the confirmation. The motion was duly seconded

Councilor Keach publicly thanked Mr. Kennedy for his service over the past year noting that he feels that he is a logical choice and has done a great job. He questioned the timeframe for getting a Deputy City Solicitor in place. Mr. Aspell noted that he would make Mr. Kennedy's appointment effective September 18th and that they will go out looking for that person to move on this quickly to fill this position.

Councilor Blanchard asked whether other candidates had been interviewed. Mr. Aspell responded that five candidates were interviewed using two different panels.

Councilor Nyhan echoed Councilor Keach's statement adding that he is pleased with the nomination and looks forward with working with Mr. Kennedy in the future.

Councilor McClure's motion passed with no dissenting votes.

- 8 Sus2 City Council vote on the City Manager's Employment Contract; in accordance with Section 21(b) of the City Charter. (*City Council vote on the City Manager's performance, in accordance with Section 21 (b) of the City Charter, was taken May 9, 2011*)

Action: Mayor Bouley noted that in compliance with the Charter, the Council is responsible to take a satisfactory or not satisfactory vote on the Manager's

performance each spring. He stated that they accomplished this several months ago in which he was voted to have a satisfactory performance. He indicated that the second piece of this is to approve a contract. He noted that the contract is available at the City Clerk's Office and will be made available to the public this evening. Mayor Bouley stated that the contract basically stays the same as it did last year but pointed out that the salary did increase by 1.25 percent.

Councilor Nyhan moved approval of the City Manager's contract. The motion was duly seconded.

Councilor Keach commended the City Manager for doing an outstanding job in presenting budgets that are workable and pointed out that other communities have not received the level of guidance and anticipation that they have received as a Council.

Mayor Bouley stated that it has been a pleasure working with the City Manager and that the city should be proud to have him as an employee.

The motion to approve passed with no dissenting votes.

Adjournment

The time being 7:43 p.m., Councilor Nyhan moved to enter into a non-public meeting in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded.

Recreation Director David Gill noted that he is pleased to announce that the city has received donations in the amount of \$4,000 enabling them to keep two pools open for an extra seven days. His recommendation is to keep the Rollins Park and Merrill Park pools open because they are the two busiest pools by attendance this year. He thanked the Mayor for his assistance in getting over \$4,000 donated.

The motion to enter into a non-public meeting passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*