



# City of Concord

## City Council

### Meeting Minutes

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Monday, July 13, 2015

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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

1. Call to Order

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

2. Invocation by the Reverend Tim Wildman from the First Congregational Church.

Action: No clergy was in attendance for the invocation.

3. Pledge of Allegiance.

4. Roll Call.

**Present:** 14 - 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 Jan McClure, Councilor Keith Nyhan, Councilor Dan St. Hilaire, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Councilor Stephen Shurtleff

5. Approval of Meeting Minutes.

June 1, 2015 City Council Meeting Minutes.

Councilor St.Hilaire moved approval of the June 1, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

June 8, 2015 City Council Meeting Minutes.

Councilor Champlin moved approval of the June 8, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

June 22, 2015 Finance Committee Meeting Minutes.

Councilor Keach moved approval of the June 22, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

June 25, 2015 City Council Meeting Minutes.

Councilor Matson moved approval of the June 25, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

*\*\*Consent Agenda Items\*\**

*Approval of the Consent Agenda*

Mayor Bouley indicated that there was a Councilor request to remove item 18 for discussion at the end of the agenda.

Councilor St. Hilaire moved approval of the consent agenda, as amended, with item 18 being removed for discussion. The motion was duly seconded and passed with no dissenting votes.

**Referral to Community Development and the City Solicitor**

7. Communication from the United Church of Penacook requesting that the City of Concord discontinue the right of way that exists for the portion of land that lies between the sidewalk and the church along Merrimack Street, in Penacook.

Communication referred to Community Development and the City Solicitor.

**Items Tabled for August 10, 2015 Public Hearings**

8. 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.

This ordinance was moved to set for a public hearing.

9. 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.

This ordinance was moved to set for a public hearing.

10. 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.

This resolution was moved to set for a public hearing.

11. 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.

This resolution was moved to set for a public hearing.

### **From the City Manager**

12. Citizen Comments.

This positive comments was received and filed.

### **Consent Reports**

13. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,034.52 as provided for under the pre-authorization granted by City Council.

This consent report was approved.

14. Diminimus gifts and donations report from the Police Department requesting authorization to accept a gift of defensive tactics equipment, with a value of approximately \$500, as provided for under preauthorization granted by City Council.

This consent report was approved.

15. Comprehensive Annual Financial Report Award notification from the Deputy City Manager-Finance and the Assistant Finance Director.

This consent report was approved.

16. Report from the City Treasurer regarding a Fee Increase for Motor Vehicle Registrations.

This consent report was approved.

17. Report from the Deputy Fire Chief on an Award for Funding from the United States Federal Emergency Management Agency Assistance to Firefighters Grant Program - Sprinkler Project.

This consent report was approved.

18. Report from the City Planner recommending City Council release and discharge from public servitude, the dedicated portion of Locke Road that remains as a "paper street".

**Consent Resolutions**

19. Resolution authorizing prepayment of 2015 taxes in accordance with RSA 80:52-a; together with report from the City Treasurer.
- This consent resolution was approved.
20. Resolution authorizing the City Manager to submit applications to the New Hampshire Highway Safety Agency as outlined in its current grant program; together with report from the Police Department.
- This consent resolution was approved.
21. Resolution authorizing the City Manager to enter into a Trail Agreement on land owned by Jane E. Raymond, northerly of District No. 5 Road, which will permit the public use of the trail and allow the inclusion of the trail in the City's trail system; together with report from the Senior Planner. (Revised report submitted)
- This consent resolution was approved.
22. Resolution authorizing the City Manager to enter into a Trail Agreement on land to be conveyed to Unitil Energy Systems, Inc. near Portsmouth Street which will permit the public use of the trail and allow the inclusion of the trail in the City's trail system; together with report from the Senior Planner.
- This consent resolution was approved.

**Consent Communications**

23. Street closure request for the 35th Anniversary Concord Criterium Bike Race to be held on Saturday, August 1, 2015.
- This consent communication was approved.
24. Street closure request for the Concord City Celebration Week Parade to be held on Sunday, August 16, 2015.
- This consent communication was approved.
25. Street closure request for the 5th Annual Cyclocross Bicycle Race to be held on Saturday, September 19, 2015.
- This consent communication was approved.
26. Street closure request for the 2nd Annual Walk with Mayor Jim Bouley to be held on September 22, 2015 or September 23, 2015.
- This consent communication was approved.

27. Street closure request for the 64th Annual Christmas Parade to be held on Saturday, November 21, 2015.

This consent communication was approved.

### **Appointments**

28. Mayor Bouley's Appointment to the Recreation and Parks Advisory Committee.  
(Amelia Martin Brock)

This appointment was approved.

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

### **Public Hearings**

- 29A. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations; Article 26-16, Fire Prevention Code and Article 26-18, Life Safety Code; together with report from the Fire Chief.

**Action:** There being no Council objection, the public hearing titles for items A and B were read together.

City Manager Tom Aspell provided a brief overview explaining that both items are housekeeping measures to bring the regulations into harmony with the building and fire codes.

Mayor Bouley opened the public hearings for items A and B. There being no public testimony, the Mayor closed the hearings.

- 29B. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations; Article 26-7, Fire Limits; together with report from the Fire Chief.

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

- 29C. Resolution appropriating the sum of \$21,482 approved through the Department of Justice - Office of Justice Programs - Bulletproof Vest Partnership Program to fund fifty percent of ballistic vest purchases made by the Concord Police Department; together with report from the Deputy Chief of Police - Administration.

**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.

- 29D. Resolution accepting and appropriating the sum of \$23,634 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice

Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department.

**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.

- 29E. Report from the Main Street Fountain Committee regarding the proposed fountain on the city plaza in front of the State House. (Additional public testimony submitted) (Action on this item recessed following the public hearing that was held on July 13, 2015)

**Action:** Tim Sink, Greater Concord Chamber of Commerce, indicated that a new opportunity has come about to create a signature feature, to bring the fountain feature back into the downtown. He noted their thinking behind this is that they are interested in increased visitor traffic that would spend more time in downtown Concord. He highlighted the features including a fountain that would have 24 to 30 nozzles - flush mounted to the ground in a linear symmetrical pattern; led lighting with changeable colors that are programmable; and the ability to turn the fountain off if there is going to be a public gathering. In terms of safety and the environment, he indicated that this doesn't use a great deal of water because the water is recycled and purified by a filter; the jets are not strong enough to cause any injuries; there is a wind control system involved to control the jets to an appropriate level if the winds pick up; it does not gather water.

Mr. Sink indicated that the fountain would be 55 feet long and 10 feet wide; there is an 8 foot wide spray free zone that would occur between the planters and the first nozzles. The fountain would be 25 feet from the center of the arch - if they go with 24 nozzle approach it would eliminate some nozzles that are closer to the Franklin Pierce statue. He showed examples of fountains that exist in front of other State Houses across the country including Oregon, Pennsylvania, and Massachusetts. In terms of the costs involved, he indicated that the materials and installation would cost approximately \$260,000; the maintenance is projected to be \$4,000 to \$6,000 per year which would include labor, utilities and chemical replacement. Mr. Sink explained that they had submitted a grant proposal to the CDFA for \$200,000 and if they receive this grant, this would net the project \$160,000. They will find out within the next few weeks whether or not they receive this grant. He stated that he is confident that, if this project goes through, that they will be able to find the funding for it. In regards to the timing, he indicated that they would be working with city staff to minimize any impact on the construction schedule for downtown noting that the design process is already underway.

Councilor Bouchard inquired whether there are any photos of what the city plaza will look like without the fountain once completed. Mr. Sink responded yes but doesn't have any with him this evening. Referencing drawings of the fountain, Councilor Bouchard pointed out that the landscaping is not included in front of the plaza and inquired whether the landscaping is staying. Mr. Sink replied that it's not within their control to take away the landscaping and is a negotiation that would need to occur with the state. Councilor Bouchard asked whether there is still a plan to put in a kiosk for the Chamber of Commerce. Mr. Sink responded that he would like to see that happen. Councilor Bouchard noted

that the Center for Disease Control considers these interactive fountains to be treated the same as a "splash" park and asked if they expect people/children to be playing in this fountain. Mr. Sink responded that, given the location, he doesn't consider it a "splash" park he considers it a fountain feature but can't guarantee that people won't go through it. Councilor Bouchard indicated that one of her main concerns is that children may be tempted to play in it worrying that it is on a very busy street. She noted that the water control has to be very well controlled because just breathing in some of the sprays can make people sick; the Center for Disease Control recommends following New York state ordinances which includes infra red treatment besides the regular recycling treatment. She feels that the fountain is a great idea and a great wow but that the location is wrong. She asked if fencing the fountain in or signs as to what is permissible has been considered. Mr. Sink responded that he defers to Council to come up with these strategies. He noted that he has spoken to other communities that have these fountains and has been told that they are draws to the area. Councilor Bouchard noted her concerns indicating that it would be a very popular feature in a busy area and that the city's first priority should be for public safety.

Councilor Coen indicated that it is his understanding that the fountain is 100 percent privately funded. Mr. Sink responded that to be correct. Referencing maintenance costs, Councilor Coen has heard that there may be money for fountain maintenance for approximately five years that would be privately funded. Mr. Sink clarified that additional funds beyond what they have to pay for materials and installation would be available for maintenance. He is unsure and doesn't want to make a promise that he can't follow through on.

Councilor Werner noted that it's presumed, at some level, that there would be some money at the beginning for maintenance but thereafter there wouldn't be any dollars left for maintenance. Mr. Sink replied that their hope would be that the city would include this in the maintenance of all the downtown amenities; making this part of the entire downtown improvement maintenance and upkeep. Councilor Werner asked how long this fountain would run in a typical day. Mr. Sink responded that they can choose whatever they want for a duration because it is easily programmable. Councilor Werner noted his concern with the plaza being wet if the area is being used for a gathering because it may be slippery. Mr. Sink responded that the area could be damp if the fountain was shut off just before a gathering but it wouldn't be any different than a passing shower. He doesn't feel that this is a concern.

Councilor Herschlag asked who would be responsible for turning the fountain off on the weekend if someone had a permit for a gathering at the plaza. He noted his concern with this being an added cost to have someone come in to turn the fountain off. Mr. Sink explained that there is a wireless component so that it can be programmed remotely.

### **Public Testimony**

Bob Larsen, resident, sees the fountain be symbolic of the younger generation. He feels that a fountain would be stimulating and energetic and feels that it's going to draw people to the downtown.

Roy Schweiker, resident, feels that the plaza is the wrong place for a fountain. He doesn't want it to

interfere with the historic area of the State House and uses of the plaza for gatherings.

Brenda Perkins, Kathleen Gallagher Family Realty, feels that the fountain feature is a great idea for downtown. She feels that it will encourage more activity downtown.

Roger Hawk, resident, feels that the image of a city is all about how the downtown looks; the more they can do to make the downtown a proper and lively place, the more they are going to attract people. He added that the more creative things that can be done will get people interested in the downtown. He feels that the location of a fountain in front of the State House is the right place for it because it reinforces the significance of the building.

Judy Eliasberg asked whether any of this is going to be done with tax credits. Councilor St. Hilaire responded that, if the CDFA funding is received, the businesses that contribute will get a tax benefit. Ms. Eliasberg feels that tax credits should be used for things that are more urgent. She wants the enhancement of Main Street and feels that tax credits could be used to enhance downtown living. She pointed out that there are already two fountains and questioned why they were not in operation. Mayor Bouley indicated that the fountains should still be working. Ms. Eliasberg noted her concerns with the fountain not working in the future and with children running through it.

City Manager Tom Aspell explained that the fountains are turned off during musical events within the squares because the music cannot be heard when they are running.

Will Delker, resident, spoke in favor of the fountain. He indicated that when he was on the advisory committee he didn't have strong feelings about this particular design. In April, he visited Philadelphia and saw what he believes to be the exact design that is being contemplated. He explained that the fountain he saw was within the historic City Hall Plaza and operates without interfering in any way with the ability to use the plaza.

Nikki Clark, Executive Director of the Capitol Center for the Arts, indicated that she is excited for this fountain feature because she feels that anything they can do to get people to come to this community and stay is a good thing. She hopes this water fountain will be an introduction to the notation that the city can have other stimulating visually interesting items.

Betsy McNamara, resident, noted that she is excited as to what she is seeing; how walkable and vibrant the downtown looks like it will be once all of the construction is done. She feels that the fountain will add an explanation point to this redesign being accomplished. She feels that having a vibrant plaza where children are playing and families are gathering is a very respectful thing and a respectful way to honor that area.

Jane Pauley, resident, feels that adding a water feature that could bring children closer to history is a positive thing. She feels that the fountain is something that could add to the downtown rather than take away from. She asked the Council to vote in favor of this project.



Fran Phillipe, resident, noted that she doesn't feel that the plaza is the right location for this fountain feature. She is concerned with the lack of space in the area for gatherings, children playing in the fountain, and the water being in the way of people taking photos of the State House. She asked the Council to vote against this project.

Tonya Rochette, resident, agrees that this fountain could be a great way to stimulate kids in regards to the history factor of downtown. She doesn't see it taking away from the historic properties but feels that it's a way to bring people into downtown. She feels that a fountain would add another element of something neat and something to attract people.

Kevin Curdie, resident, indicated that a fountain existed before the Franklin Pierce statue was erected. He doesn't have concerns with the younger children but does with the older children that hang out in area with their skateboards and bikes. He feels that the lighting, in the early evening, could be a nice enhancement.

Sue McCoo, downtown business owner, feels that the fountain is a great idea but does have a few concerns. She asked that the city be cognizant of all the salt and sand used in the winter in the downtown area. In regards to people using the fountain, she noted that there will be people using the area to shower and as a restroom. She asked that if the fountain is built that the city please maintain it.

Councilor Coen asked Ms. McCoo, as a business owner, if she sees the potential of the Main Street redevelopment. Ms. McCoo stated that downtown looks great but she would liked to have see heated sidewalks in the project. She noted that there is going to be more downtown maintenance once the project is completed; if you are going to build it, maintain it.

Zoe Picard, Webster resident, asked Council to consider that all the citizens of New Hampshire should have a say as to what is done in front of the historic State House. She doesn't feel that it's up to just the City of Concord to make a decision that impacts the State House. She feels that the time for water features is behind them.

Peter Daley, resident, commended Council for what they have done to better Main Street. He is very impressed in regards to what he has seen being developed over the past few months and feels that these improvements will do the businesses more of a service than the fountain will. He feels that any extra money should be used towards the beautification of what they see from the highway. He noted that the fountain may add to Main Street but feels that the city should spend dollars to bring people into downtown from the highway instead.

Fran Phillipe, resident, inquired where the storage tanks and underground pipes will be located for the fountain. Councilor St. Hilaire responded that they will be underground in the plaza and not within the lawn area. Ms. Phillipe questioned in regards to the maintenance of the mechanism that is running the fountain. She asked if the area would need to be dug up if anything goes wrong. Councilor St. Hilaire clarified that there will be sort of a manhole cover that one could climb down into to get access to the controls.

Ms. Phillilpe noted that Gail Page was not able to be present this evening but wanted her to convey that she is also against the project.

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

### **Public Hearing Action**

30. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations; Article 26-16, Fire Prevention Code and Article 26-18, Life Safety Code; together with report from the Fire Chief.

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

Councilor St. Hilaire pointed out that Council has had an item tabled under unfinished business in regards to the life safety code. He wants to confirm that this item has nothing to do with that tabled item.

Mr. Aspell responded that to be correct.

The motion to approve passed with no dissenting votes.

31. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations; Article 26-7, Fire Limits; together with report from the Fire Chief.

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

32. Resolution appropriating the sum of \$21,482 approved through the Department of Justice - Office of Justice Programs - Bulletproof Vest Partnership Program to fund fifty percent of ballistic vest purchases made by the Concord Police Department; together with report from the Deputy Chief of Police - Administration.

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

33. Resolution accepting and appropriating the sum of \$23,634 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department.

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

34. Report from the Main Street Fountain Committee regarding the proposed fountain on

the city plaza in front of the State House. (Additional public testimony submitted)  
(Action on this item recessed following the public hearing that was held on July 13, 2015)

Action: Councilor St. Hilaire moved to table the vote on this item until a later date. He wants to give Council the liberty to contribute to determine whether they can be here on particular dates for the vote.

The motion to table was duly seconded.

Councilor St. Hilaire explained that there is not a reason to vote on this item unless the fountain committee receives the CDFR grant; without the grant, the fountain doesn't happen. He indicated that the committee will find out by July 22nd and proposed meeting to vote on either July 22nd or 23rd.

Councilor Keach questioned as to what would be the downside in taking the vote contingent upon receiving the funding.

Councilor St. Hilaire indicated that there is no downside really but it's just the courtesy of allowing the Councilors to vote on something knowing that it's going to happen rather than voting on just the contingency. He noted that if it didn't happen, one may not have wanted to be forced to take a position one way or another.

Mayor Bouley indicated that he would prefer not to take a vote contingent upon any future funding on this.

Discussion ensued in regards to the availability of the Councilors.

Councilor St. Hilaire inquired whether there is a precedent for somebody calling in to a meeting if they cannot be present, questioning the legality of this option.

City Solicitor Jim Kennedy explained that when such attendance is not practical and there is a quorum of the Council present, they may have a member meet electronically so long everyone can hear that member. That member will need to identify themselves and state who is with them on the other side of the line.

Mayor Bouley inquired whether the city had the technology to allow this to happen.

Mr. Kennedy responded that he believes that they have the technology to do so.

Councilor Bouchard questioned whether they would be setting a precedent by doing this. She is concerned with going forward on other issues in the future.

Mr. Kennedy indicated that this would be up to the Council to decide.

Councilor St. Hilaire stated that RSA 91-A allows a public body to call into a meeting. He indicated that if he were ever sick and he still wanted to vote on something important, he would hope that Council would allow him that courtesy.

Councilor Keach stated that he doesn't feel that it's an issue of precedence; if it's legal, it's legal.

Councilor Herschlag noted this his understanding is that this project is dependent on whether or not it can be completed without interfering with the Main Street work schedule. He asked if someone would be willing to address this concern before considering to move forward with the project.

Mayor Bouley indicated this was one of the questions he had and was going to bring it up during their deliberative session when voting on this item. He doesn't feel that it makes sense to have a long drawn out discussion of this project if they learn on July 22nd that there is no money available. He noted that if there is money available, they will need to have a serious discussion on whether this is something that they want to move forward with or not.

Based upon availability, it was determined that a meeting be held at 6:00 p.m. on July 23rd.

The motion to table this item for a special meeting to be held at 6:00 p.m. on July 23rd passed with two dissenting votes. Councilor Champlin recused himself from voting on this item.

## **Reports**

### **New Business**

### **Unfinished Business**

35. 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.

36. 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.

37. 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)

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

38. 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 Coen commended city staff for a great job done in regards to the 4th of July fireworks.

Councilor Herschlag indicated that a couple from his ward were picnicing on the Sewalls Falls Bridge and when they returned to their car, they found that their vehicle had been broken into. He noted that police officers that responded were not only professional but also very caring. He noted that the city is fortunate to have the Police Department that they do. He thanked Chief Osgood and the officers for the excellent job they do in protecting the community.

Councilor Grady Sexton noted that she wasn't aware that people were picnicing on the bridge. She inquired whether this is permissible and safe.

City Manager Tom Aspell confirmed that the bridge is closed. He indicated that people do walk and bike across the bridge but he doesn't encourage this.

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

### **Consideration of Suspense Items**

Report from the City Planner recommending City Council release and discharge from public servitude, the dedicated portion of Locke Road that remains as a "paper street".

**Action:** Councilor St. Hilaire indicated that since he's been on the Council, this hasn't been done. He pointed out that he is unsure as to what a "paper street" is and that the ramifications of what this means are unknown to him. Since he doesn't know what he would be voting on, he moved to refer this item to Community Development and the City Solicitor. He wants a report as to what the effect of voting on this is, what they are doing, and whether this has ever been done in the past.

The motion to refer this item to Community Development and the City Solicitor was duly seconded.

Councilor Herschlag indicated that he had been contacted by the lawyer representing this project and felt that the contact was not appropriate therefore ending the contact. He reported this to the City Manager and just wanted to make sure that he doesn't have a conflict in regards to this issue.

It was determined that there was not a conflict in regards to Councilor Herschlag voting on this item.

The motion passed with no dissenting votes.

### **Adjournment**

The time being 8:40 p.m., Councilor Nyhan moved to enter into non-public session in accordance with RSA 91-A:3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

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