



# City of Concord

## City Council

### Meeting Minutes

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Tuesday, October 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 at 6:15 p.m.*

1. Call to Order

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

2. Invocation by the Reverend Jerry McCann from the United Church of Penacook.

3. Pledge of Allegiance.

4. Roll Call.

**Present:** 13 - 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 Stephen Shurtleff, and Councilor Brent Todd

**Excused:** 2 - Councilor J. Allen Bennett, and Councilor Robert Werner

5. Approval of the Meeting Minutes.

September 14, 2015 City Council Meeting Minutes.

**Action:** Councilor Grady Sexton moved approval of the September 14, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes

6. Agenda overview by the Mayor.

7. Resolution in honor of the services of Battalion Chief Richard Whitney.

8. Resolution in honor of the services of Fire Captain Scott Anstey.

9. Public Arts Presentation

**Action:** Rob Carey, Creative Concord Co-Chair, and Pam Tarbell presented

options of public art for the city to explore. Additional information is on file at the City Clerk's Office.

City Manager Tom Aspell noted that if Council was interested he would work on a set of by-laws, a process and potential way to look at funding. He would come back to the Council with a program; if Council adopts, they could begin the process of populating spaces with public art pieces that the public could enjoy.

Councilor Nyhan asked what criteria was used in selecting these pieces and artists. Mr. Carrey responded that they were trying to get a sense of a variety of options - proportion and styles.

Mr. Aspell indicated that they did discuss and wanted to look at New Hampshire and regional artists.

Councilor Nyhan stated that he feels that this a good idea. He hopes that, as they move forward, they look as to whether there will be a theme that should be pursued for the downtown.

Councilor Champlin wanted clarification as to whether the concept is to lease an individual piece and place it by The Works and the Phenix Plaza and then looking at possibly expanding it over time to other locations as well.

Mr. Aspell explained that the idea is to use this area as an example because there is an expanse of sidewalk here and a place in which people congregate. He feels that this is a good location to start with to see what type of success it has and then expand out to other locations downtown.

Councilor Champlin inquired as to whether there is a sense of how frequently pieces would be rotated or is this still something that is being worked on. Mr. Carey responded that a year is probably a good time frame because of the labor/effort it takes to fix the piece; a year is a benchmark that other cities have used for leasing a piece.

Councilor Todd agreed with Councilor Nyhan's thought of looking at a few different themes in regards to Main Street and the City's status as a state capital. He added that his inclination is to see if they could have some sculptures that were interactive as well.

Councilor Herschlag feels that public art adds an element to the community. He inquired as to what type of partnership and contribution is being sought from the city. He asked, if there is a financial partnership, where the dollars would come from and who would be responsible for any damage and insurance.

In response to Councilor Herschlag's question, Mr. Aspell explained that they have not yet gotten to that point because there are so many options to consider. He noted that there is no request for public money this evening; everything would be coming before the Council for a decision. He pointed out that if Council asks staff to explore this, they are not telling staff to spend dollars at this time.

10. Concord 250 Presentation.

**Action:** Fred Coolbroth Jr., Concord 250 Board Member, thanked the city and the Council for their support of the 250th Anniversary. He stated that, during festivities held over the summer, many event attendees had indicated that they received a great sense of civic pride and felt a deep connection to the city. He announced that Concord 250 will be unveiling its mosaic 250 art project which will be their gift to the city. Mr. Coolbroth indicated that the committee has been partnering with the Concord Historical Society which will be burying the new time capsule to be unveiled in 2065. They will once again be partnering with the Concord YMCA for the New Year's Eve Gala which will be titled "Cheers to the Next 250 Years." He presented the Council with proclamations signed by many elected officials.

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

***Note: Items listed as pulled from the consent agenda will be discussed at the end of the meeting.***

*Approval of the Consent Agenda*

**Action:** Councilor Grady Sexton moved approval of the consent agenda, as amended, with items 11 and 23 being removed for discussion. The motion was duly seconded and passed with no dissenting votes.

**Referral to City Administration**

11. Communication from Intown Concord and the Merchants Roundtable requesting a license to hang seasonal decorations on lamp posts on Main Street. (Pulled from consent by City Administration)

**Action:** Item removed to the end of the agenda for discussion.

**Referral to the Traffic Operations Committee**

12. Communication from Kelly LaFave, Mountain Road resident, asking that consideration be made to safety improvements at the intersection of Mountain and Hoit Road in Concord.

**Action:** This referrals was received and filed.

**Items Tabled for November 9, 2015 Public Hearings**

13. Resolution authorizing the issuance of bonds and notes of up to \$130,000 and appropriating \$130,000 for the purchase of two golf simulators and clubhouse improvements; together with report from the Parks and Recreation Director.
- Action:** This resolution was moved to set for a public hearing.
14. Resolution appropriating the sum of \$25,100 for operating expenses related to golf simulators at the Beaver Meadow Golf Course, funding for this resolution will be from the \$39,160 anticipated simulator project revenue.
- Action:** This resolution was moved to set for a public hearing.
15. 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, Head Golf Professional; together with report from the Director of Human Resources and Labor Relations.
- Action:** This public hearing report was moved to set for a public hearing.
16. Resolution appropriating \$11,000 to the Airport Fund Operating Budget for Fiscal Year 2015, retroactive to June 30, 2015; together with report from the Director of OMB.
- Action:** This resolution was moved to set for a public hearing.
17. 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; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Public testimony received)
- Action:** This ordinance was moved to set for a public hearing.

**From the City Manager**

## 18. Positive Citizen Comments

**Action:** This positive comments was received and filed.

**Consent Reports**

19. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,542.20 as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

20. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$65.01 as provided under the preauthorization granted by City Council.

**Action:** This consent report was approved.

21. Diminimus gifts and donations report from the Fire Department requesting authorization to accept a gift card with a value of \$50 as provided for under preauthorization by the City Council.

**Action:** This consent report was approved.

22. Impact Fee Report in compliance with RSA 674:21 V(1) from Deputy City Manager - Finance.

**Action:** This consent report was approved.

23. Report from the City Engineer outlining lighting alternatives for the Downtown Complete Streets Improvement Project (CIP 460). (Pulled from consent by City Administration)

**Action:** Item removed to the end of the agenda for discussion.

24. Interim Report on the Northern Pass from the Northern Pass Committee. (Communication from McKenna's Purchase and petition in support of the burial of the proposed lines submitted)

**Action:** This consent report was approved.

**Consent Resolutions**

25. Resolution proclaiming December 2015 as Capital Region Food Program Month. (For presentation in December)

**Action:** This consent resolution was approved.

26. Resolution making a return of the perambulation of the town line between the City of Concord and the Town of Boscawen; together with a report from the City Surveyor.

**Action:** This consent resolution was approved.

### **Consent Communications**

#### **Appointments**

#### **From the Mayor**

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

#### **Public Hearing**

- 27A. Resolution accepting and appropriating \$86,296 from the State of New Hampshire Department of Transportation Highway Block Grant Aid for the purpose of transferring out to the Highway Reserve Trust; together with report from the Director OMB.

**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**

28. Resolution accepting and appropriating \$86,296 from the State of New Hampshire Department of Transportation Highway Block Grant Aid for the purpose of transferring out to the Highway Reserve Trust; together with report from the Director OMB.

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

#### **Appointments by the Mayor**

#### **Reports**

#### **New Business**

**Action:** In regards to public art on Main Street, Councilor Champlin feels that this is a good idea and a great way to get put their toes in the water. He feels that this sounds like a good way to move forward in a very intentional and very well

considered manner in which to integrate public art into the community at a low risk and to see how it fairs.

Councilor St. Hilaire echoed Councilor Champlin's comments. He feels that the city should move forward, especially the lease option because it gives them a lot of opportunity to place art in several different locations. He feels that it's the added piece that they need to cap off the Main Street project.

Councilor Nyhan indicated that they need to do something and does like the idea of coming up with some sort of theme. He feels that public art is a good idea and thinks that the city should move forward with it. He stated that they need to be open minded to what the long term plan should be with regard to a uniform custom feel on Main Street.

Councilor Herschlag wants to be reassured that, by moving forward, they are not obligating city funds in the future for this project without discussions later on down the road.

Councilor Champlin moved to authorize the City Manager to move forward and have discussions with Creative Concord in order to develop a plan to bring back to the Council for its approval. The motion was duly seconded.

Mayor Bouley indicated that this motion doesn't bind the city to any financial responsibility but is just merely asking staff to come back with options and plans for them to consider as a community.

Councilor Champlin's motion passed with no dissenting votes.

Councilor Herschlag asked if Administration would be able to give Council a quick status report on the parking study. Mr. Aspell explained that they are at the point where they are trying to finish the financial pro forma. He indicated that the idea would be to bring something back to the Council this winter in December or January.

Councilor Herschlag indicated that Police and Fire were to bring reports relating to substance abuse to the Public Safety Board and inquired as to where himself and other members of the community would be able to access these reports. The Fire Chief indicated that he was still working on some data for the report. Councilor Herschlag asked how the reports would be accessed; would it go to the Public

Safety Board first and/or would they be available on the city's website. Mr. Aspell responded that what they have done in the past is add these to a Council agenda so that they are accessible and searchable for the public.

Councilor St. Hilaire inquired about the status of the grant the city was supposed to receive for Loudon Road. Mr. Aspell replied that they have not received word from the federal government yet in terms of whether or not that funding is going to be available.

Mayor Bouley believes that the Department of Transportation withdrew this indicating that there were no dollars. Mr. Aspell indicated that is what they are preparing for but have not yet received the final word.

Mayor Bouley indicated that he feels that when the next Council takes up the capital budget, there should be a real effort to make sure they come up with a plan to take care of repaving Loudon Road. There is a price tag involved but feels that there are some avenues and potential revenue sources that may be available.

### **Unfinished Business**

29. 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.

30. 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.

31. 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 Shurtleff indicated that he has recently had two individuals ask him about the access to the Friendly Kitchen during the winter season. He asked the City Manager to publicly restate the answer he was given. Mr. Aspell indicated that the state has made it clear that they don't plan on maintaining sidewalks within their budget. He explained that when the project for the Friendly Kitchen had come before the Planning Board, the question was asked as to who was going to maintain that sidewalk. The attorney for the Friendly Kitchen assured the Planning Board that this would be maintained by the Friendly Kitchen. Mr. Aspell explained that the Friendly Kitchen did try to maintain this on a regular basis but found, based on the amount of snow over the past few years, that it became difficult and impossible to maintain regularly. He noted that the city has always maintained a plowed sidewalk as one of its priorities that goes down the historic district - down to Horseshoe Pond and back to the Friendly Kitchen. He pointed out that some do not want to walk that distance so they cross over the bridge which is not maintained. He spoke of some city acquired properties within the area in which there will be a roadway with a sidewalk. He indicated that in the meantime, the city is cleaning up the area so if people would like to traverse that area from the downtown to Constitution Avenue and the Friendly Kitchen they are able to do so without trespassing on other people's properties.

Councilor Herschlag stated that the Ward Two meetings will be hosting a candidate forum at the Newell Post Restaurant for the Mayor's race and At-Large race on Tuesday, October 27th from 5:30 p.m. to 7:30 p.m.

Councilor Champlin thanked the Friends of White Park and the Parks and Recreation Department for rehabbing the Monkey Around Playground at White Park. He announced that a fundraiser will be taking place at the Audi on Saturday, October 17th at 7:00 p.m. with the Jordan Terrill-Wysocki Trio performing as a benefit for the Jakob Murray Memorial Scholarship Fund which is used by the community players for the Children's Theatre Project.

Councilor Todd indicated that on Saturday, October 17th, at 9:00 a.m. the Penacook Village Association will be hosting a candidate forum for the Mayorial and At Large races at the Penacook Elementary School.

Mayor Bouley recognized members of the Concord Police Department for participating in the Walk a Mile in Her Shoes event and for being the largest single organization to raise the largest amount of money to support the crisis center.

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

#### **Consideration of Suspense Items**

*Items 11 and 23 were pulled from the consent agenda for discussion.*

11. Communication from Intown Concord and the Merchants Roundtable requesting a license to hang seasonal decorations on lamp posts on Main Street. (Pulled from consent by City Administration)

**Action:** City Manager Tom Aspell indicated that Intown Concord and the Merchants Roundtable would like to begin the process but would need licensing. If the typical process is followed, this would go on the agenda as a referral with a report back at the next Council meeting in November which would leave them very little time to be able to go out fundraising and do the work they need to do. He asked that this be removed from consent and requests that the Council license them for this proposal with a few modifications to their request. He pointed out that their request was for a three year license which he feels is a good idea but would want the ability to terminate for cause or convenience; they have requested that there be a renewal for five years after the three year period which he feels is a good idea but to protect both parties, there would be the ability to terminate for cause and convenience; the proposal was that the city pay for electricity which he feels is amenable; the installation and removal would be \$1,600 on a regular basis and it's his suggestion that the city fund this portion; they will raise all of the dollars for the wreaths and the lighting which is approximately \$10,000 and he feels that the exchange is that the taxpayers would want some credit for making this happen; Intown Concord would be responsible for providing the materials and liability policy insurance; would be responsible for storing the wreaths and the city would have the ability to determine what goes up or not as the wreaths become older.

Mr. Aspell asked that, if Council is amenable to these items, that Council allows him to enter into a license agreement to move forward with this project.

Councilor Coen inquired as to whether the aesthetics of the wreaths fit into what they are trying to project on Main Street. Mr. Aspell responded that he believes so. Liza Poinier from Intown Concord provided a model of a sample wreath to the Council.

Mayor Bouley asked how many wreaths will be purchased. Ms. Poinier responded that there are 49 light poles on North Main Street so if they do every pole, they will be purchasing 49 wreaths this year. She stated that they are aiming to raise all the money this year so that they can purchase the materials for both North and South Main even though they will not be installing the South Main wreaths until next year. She indicated that there are options such as doing every pole, every other pole, or only the ones that are on the bump outs; they can be flexible depending upon how much money they are able to raise and what they look like once they start putting them up.

Councilor Herschlag asked if there were any estimates of costs as to how much lighting will be. Mr. Aspell responded no explaining that they don't know how many will be placed up. He feels that the costs would be insignificant.

Councilor Herschlag inquired whether the city would have the option, at the end of the three year lease, to amend who pays for the costs of electricity and the installation/removal. Mr. Aspell responded that the city would have the opportunity to terminate, as they would, for cause or convenience at any time along there.

Councilor Shurtleff moved to accept the licensing agreement as modified by the City Manager. The motion was duly seconded and passed with no dissenting votes.

23. Report from the City Engineer outlining lighting alternatives for the Downtown Complete Streets Improvement Project (CIP 460). (Pulled from consent by City Administration)

**Action:** City Engineer Ed Roberge provided an overview of the options contained within his report including providing example photos of the different lighting options.

Councilor Coen recalled that they were looking at doing uplighting on a building on Capitol and Main Street. He pointed out that it doesn't appear in this presentation. Mr. Roberge responded that when they evaluated this, two issues came to fruition: 1.) the units being proposed were problematic to be in the sidewalk in terms of their long term sustainability; 2.) the entire corner is currently "way" lit and they thought it would be overkill to place lighting there.

Councilor Coen recalled that the idea was having an opportunity for the building

owners to participate, at their own costs, in uplighting buildings along Main Street. Mr. Aspell responded that property owners were not prepared to go forward with uplighting the upper section of the buildings so there would be half of a building that would be lit with no promise that the top would be done. Mr. Aspell indicated that he is working on a public/private partnership program for lighting the buildings.

Councilor Coen asked if the infrastructure that was done included wiring that would allow the building owner to install uplighting. Mr. Aspell stated that they will have the ability to add lighting to their building in a very cost effective way that won't impact the project.

Councilor St. Hilaire asked Mr. Roberge to explain what is meant by channels. Mr. Roberge explained that the multi-channels allows them to create motion; fixtures would have the ability to change colors. He noted that four channels is dynamic in terms of producing a show.

Councilor Champlin clarified that the colored lighting option also has a white option but is a colder white color.

Councilor Bouchard stated that the feedback that she is receiving is that people also like the idea of having white while having colored lights during special occasions.

Councilor McClure asked for clarification that, if they go with the colored option, they won't get the warm white color with that option. Mr. Roberge explained that what is seen in a colored LED unit is an RGBW, the three primary colors mix together to create white. He noted that it's not a warm white light that is seen in the others and that are consistent with the overhead lights; it just physically can't do that and is one of the limitations that the RGBW's have.

Councilor McClure asked if the lighting demonstration that was held in the City Plaza included warm or cold white. Mr. Roberge replied that it was the warm white. Councilor McClure questioned whether the programmable feature makes the colored lighting more expensive. Mr. Roberge responded yes.

Councilor Herschlag inquired whether the lights will be able to be used after a snowfall in the winter; will they be up high enough from the snow falling or piling up on the planters. Mr. Roberge responded that the raised planters will be above ground and the ones in the tree grates, a flushed surface, would need to be cleared

off. Councilor Herschlag asked how high above ground are the ones that will be in planters. Mr. Roberge replied that they are eight to twelve inches depending on the final configuration.

Councilor Herschlag asked if they will be approximately \$22,800 over the proposed budget if they go with the colored option at \$420,000. Mr. Roberge responded that this sounds close to correct.

Councilor Herschlag noted his concern with the uplighting and the light pollution it generates. He was hopeful that they would be able to come up with a solution that would be environmentally friendly at the same time providing improved aesthetics for downtown.

Councilor McClure felt that the colored lighting was unattractive and asked if this was because it was a cold light and whether it the nature of the light itself that made it garish. Mr. Roberge explained that they can design the proper colors to soften it - they have a 256 color range on each of these fixtures. He indicated that there will be the ability to have a sharp color or a softer color; the ability to tone it down a bit.

Councilor Champlin stated that he likes the option of the colored lights and feels that they would be complimentary during downtown events. He feels that white lights should be used for the majority of the time so that the color really has impact and is specific to what they are trying to do programatically downtown. He asked, if Council were to approve having colored lights, would Administration have a policy or process in place for determination of which requests are approved and which are not approved. Mr. Aspell agreed that there would need to be a process in place explaining that during the first year, he may bring requests before the Council for approval. He feels that it would be manageable and that it would happen on an unusual basis, an exception, so that it's special.

In reference to the presentation by the consultants, Councilor Champlin asked if there was a sense of the impact of the colored light option in other communities relative to creating vitality downtown. Mr. Roberge responded that when the consultants presented they supported the white light particularly with the brick scene that the city has. He noted that they are a big supporter of light and would be pleased in whatever direction that the city went.

Councilor Bouchard asked for clarification when staff speaks in regards to a

"show" does it means that lights are quickly changing colors, slowly changing colors, and would it distract drivers. Mr. Roberge explained that it should be kept somewhat conservative and tasteful. The lighting design that they would look at would be more calmer than flashing.

Councilor St. Hilaire questioned as to how the uplighting would look when the trees lost their leaves. He asked if there would still be enough effect from the branches. Mr. Roberge replied that the designer had noted this and had indicated that there are installations that are kept on all year long and others that shut down. Mr. Roberge indicated that the uplights could be shut down because they are on a separate channel and holiday lighting could be added to the trees. Councilor St. Hilaire asked if the holiday lighting would be the string lights on the branches similar to what is done on Ft Eddy Road. Mr. Roberge responded yes.

Councilor St. Hilaire asked whether staff needed an answer this evening. Mr. Roberge indicated that it would be great to have an answer on the direction so that staff could move the project forward. Councilor St. Hilaire stated that he's asking this because the winter/string lights on the trees is an intriguing option given the fact that this might not work as well during the winter. He was wondering if there was a third option that could be looked into; going with a white light and what the price difference is to do the string lights on every tree during the winter and what the cost would be compared to the full package for color. He feels that if it's comparable or less, it's an option that he personally would want to look at.

In reference to what Councilor St. Hilaire is suggesting be looked at, Councilor Herschlag asked if this is something that would work in the summer if there wasn't any uplighting. Mr. Roberge responded yes. If they weren't to put in any lighting at this point, Councilor Herschlag questioned whether this would preclude installing it in the future and would there be additional costs. He asked how this would impact the cost of the project if they delayed the lighting for two or more years. Mr. Roberge explained that one of the things they did with this project is that they ran electric to all the tree outlets, tree planters, and tree grates so the conduit is there today. He stated that if they decide to defer, at least that infrastructure is in place and they won't need to tear anything up.

Mayor Bouley asked, in an effort to communicate with the citizens, if there could be a light to indicate when there is no overnight parking. Mr. Roberge responded that there are a host of cities that do this explaining that it is illegal so staff advises not to do this.

Mayor Bouley is intrigued by Councilor St. Hilaire's question regarding the winter lighting of trees with the string lighting. He feels that it might be worthwhile to find out the cost of this. He fully recognizes that if they want to get this done quickly, they need to make a decision. He noted that the trees are one issue with the colors but in terms of the war memorial, the arch and the Franklin Pierce statue, they are only talking about white lighting. He doesn't mind moving forward with the City Plaza lighting but feels that it's worthwhile for staff to come back with a figure on the new suggestion on the trees.

Councilor Coen stated that he would like to vote on the uplighting this evening and have the string lights on the trees as an addition in which staff can come back on afterwards. He indicated that what he has heard is that the preference is the soft white lighting downtown because it enhances the brick and other structures.

Councilor Champlin indicated that he is still interested in the colored light option and what he was going to ask is, if staff was going to come back with additional pricing for Councilor St. Hilaire's suggestion, that they also look into what has been the impact of colored lights in other communities so they can get the whole concept and any advantages.

Councilor Bouchard stated that she would prefer to wait to vote on this item until Council receives the entire cost in front of them.

Councilor St. Hilaire feels that it's prudent to look at another option explaining that the trees will not have leaves on them for four to five months out of the year; this is a significant span of time to have uplighting not working properly. He noted that if they are pricing other options, they can find out what it cost to do colored lights without the programs if this is an option. Mr. Roberge responded that they did evaluate this and one feature short of programming is to take a remote control and walk up to each to set a pre-designed set. He explained that there would be a limited number of colors and that it does reduce that design functionality. Staff believed that there was a greater expectation of program flexibility so they didn't opt to go that direction. He noted that staff could explore this pointing out that it will save some dollars.

Councilor St. Hilaire stated that if it came out to be that they could do the colored without the programming and with string lighting on the trees for the same price as colored with programming, that would make a difference to him when making his

vote. Mr. Roberge asked the Council to keep in mind that it's a labor impact because staff would need to change each light by walking up and down the street.

Councilor Shurtleff asked if the lights would be ready in time for Veteran's Day if the Council voted on the City Plaza lighting this evening. Mr. Roberge responded that it would not be ready in time for Veteran's Day.

Councilor Shurtleff noted that he would like to vote on the City Plaza lighting this evening as was suggested and to hold off on the other vote until additional figures come back to the Council.

Councilor Herschlag noted his support of the uplighting at the City Plaza. He encourage Council to delay the vote on the other lighting. He indicated that he may be very willing to vote on the string lights on the trees as year round lighting as an option.

Councilor McClure wondered if the survey, summarized within the report, is still open. Mr. Roberge responded that the survey was taken down after a week. Councilor McClure asked if the survey could be put back up because she was struck by how many people didn't like the colored light. She thought it would be helpful if people could still register their opinions about the lighting.

Mr. Aspell stated that he would like the Council to vote on the City Plaza lighting this evening because staff could get this going. He pointed out that there was a very stark difference in terms of not only lighting but public safety. He indicated that staff could come back with the four options: white uplighting with rope lighting and without rope lighting and multi-colored uplighting with rope lighting and without rope lighting.

Councilor Herschlag took his suggestion of year round string lighting off the table if it's going to require putting them on and off through out the year.

Councilor Keach supports the colored lights and feels that the roping lights cheapens the look downtown. Since they spent dollars for a consultant, he feels that they should take solid direction from the professionals. He agrees that it's prudent at this point to vote the City Plaza lighting since it appears to be non-controversial.

Following brief additional Council comments, Councilor Coen made the motion to



move forward with the accent lighting in public spaces. The motion was duly seconded

Councilor Herschlag moved to remove the inground uplights for the clock tower and under Dimitri's tree from the motion.

Mayor Bouley clarified that if Council votes in favor, they are voting in favor of removing the inground uplights to the clock tower and under Dimitri's tree; if voting opposed, then they are keeping them in. The motion failed on a voice vote.

The motion to move forward with the accent lighting in public spaces for all five: the arch, the Franklin Pierce statue, the memorial, the clock tower, and Dimitri's tree passed on a voice vote. There was one dissenting vote.

Councilor Nyhan was not present during the voting of the lighting.

There being a Council consensus, the Council directed staff to come back to Council with the additional options/costs.

Councilor St. Hilaire clarified that rope lighting is different than string lighting pointing out that rope lighting is tacky and that they are looking at string lighting as what is seen in Boston Common when looking down the road.

### **Adjournment**

The time being 9:11 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

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