



City of Concord
City Council
Meeting Minutes - Draft

Monday, April 11, 2016

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public sessions in accordance with RSA 91-A: 3, II (d) to discuss property acquisition; RSA 91-A: 2, I (a) to discuss collective bargaining strategies and RSA 91-A:3, II (e) for the consideration of pending claims and litigation to be held at 6:00 p.m.

1. Call to Order.

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

2. Invocation by the Reverend Kevin Twombly, Grace Capital Church.
3. Pledge of Allegiance.
4. Roll Call.

Present: 13 - Jim Bouley, Byron Champlin, Mark Coen, Amanda Grady Sexton, Allan Herschlag, Fred Keach, Linda Kenison, Jennifer Kretovic, Gail Matson, Keith Nyhan, Stephen Shurtleff, Dan St. Hilaire, and Robert Werner

Excused: 2 - Candace Bouchard, and Brent Todd

5. Approval of the Meeting Minutes.

March 14, 2016 City Council Meeting Minutes.

Action: Councilor Kretovic moved approval of the March 14, 2016 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

****Consent Agenda Items****

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

Approval of the Consent Agenda

Action: Councilor St. Hilaire moved approval of the consent agenda, as amended, with items 15, 17, 18, 19 and 25 removed to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Referral to the Parking Committee

7. Communication from Rebecca Stephens, pranaStrong yoga and wellness, LLC, requesting consideration be made to have parking limits near the former gazebo area and opposite Sam's Market in the village of Penacook changed from thirty minutes to one hour.

Action: Referral received and filed.

Referral to the Planning Board and the Conservation Commission

8. Report regarding tax deeded properties located at 101 Washington Street (Penacook) and 8 Coral Street from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Referral received and filed.

Items Tabled for May 9, 2016 Public Hearings

9. 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; together with report from the Assistant City Planner.

Action: This ordinance was moved to set for a public hearing.

From the City Manager

10. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

11. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,912 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

12. Diminimus gifts and donations report from the Police Department requesting authorization to accept grant funding from the New Hampshire Highway Safety

Agency in the amount of \$4,233.60 in order to conduct pedestrian and bicycle safety patrols, as provided for under preauthorization granted by the City Council.

Action: This consent report was approved.

13. Diminimus gifts and donations report from the Police Department requesting authorization to accept funds in the amount of \$2,130, ordered through a disposition issued by the Merrimack County Superior Court as restitution and voluntary forfeiture, to be turned over to the Concord Police Department Drug Enforcement Unit, as provided under preauthorization granted by the City Council.

Action: This consent report was approved.

14. Diminimus gifts and donations report from General Services, Public Properties Division, requesting authorization to accept a donation of twelve 55-gallon drums of propylene glycol with an estimated value of \$5,000 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

15. Report from the Deputy City Manager - Finance recommending the FY 2017 Finance Committee Budget Review Schedule and Guidelines. (Pulled from consent by Mayor Bouley)

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

16. Report from the Director of Human Resources and Labor Relations regarding a position title change in the IT Department, System Analyst II/Project Manager.

Action: This consent report was approved.

17. Report from the Director of Real Estate Assessments recommending the renewal of a Payment In Lieu of Taxes Agreement between Fellowship Housing Opportunities Inc. Affiliates and the City of Concord. (Pulled from consent by Councilor Herschlag)

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

18. Public Safety Board Annual Report. (Pulled from consent by Councilor Herschlag)

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

19. Report from the Public Safety Board on a referral from the City Council regarding the City's permitting process for events on private residential property. (Pulled

from consent by Councilor Herschlag)

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

20. Report from the City Engineer on the status of the Exit 16/Mountain Road Intersection Improvement Project (CIP24).

Action: This consent report was approved.

Consent Resolutions

21. Resolution authorizing the City Manager to apply for a grant agreement for up to \$120,000 with the New Hampshire Department of Transportation, Bureau of Aeronautics for the purpose of designing the rehabilitation of Taxiway A at the Municipal Airport (CIP#468); together with a report from the Associate Engineer.

Action: This consent resolution was approved.

22. Resolution authorizing the City Manger to submit an application to the United States Department of Justice, Bulletproof Vest Partnership Grant Program to receive funding for the purchase of ballistic vests; together with report from the Police Department.

Action: This consent resolution was approved.

23. Resolution authorizing the City Manager to submit applications to the New Hampshire Highway Safety Agency for grant funding of roadway safety initiatives and equipment as outlined in its current grant program; together with report from the Police Department.

Action: This consent resolution was approved.

24. Resolution authorizing the City Manager, by way of the Fire Department, to submit an application to the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program, for grant funding of a Homeland Security Exercise for Active Shooter Training; together with report from the Deputy Fire Chief.

Action: This consent resolution was approved.

25. Resolution authorizing the City Manager to submit an application to the New Hampshire Division of Historical Resources for Certified Local Government (CLG) funds to be utilized for preparation of an application to place the Gas Holder Building on the National Register of Historic Places; together with report from the Assistant City Planner. (Pulled from consent by Councilor Kretovic)

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

26. Resolution supporting the Flying Yankee Restoration Group's mission to relocate the historical Flying Yankee Streamliner Train to the City of Concord; together with report from the City Manager.

Action: This consent resolution was approved.

27. Resolution authorizing the City Manager to negotiate, execute, and implement an agreement to acquire property located at 15 Bonney Street, Tax Map Parcel 1413P/49; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This consent resolution was approved.

Consent Communications

28. Street closure request from the Concord Family YMCA for a block party/barbecue to be held on Friday, May 13, 2016.

Action: This consent communication was approved.

29. Street closure request from the Library Director for Live Music on the Lawn events to take place on Prince Street on Wednesday, June 29, 2016, Wednesday, July 20, 2016 and Wednesday, August 17, 2016; all events to be from 4:00 p.m. - 9:00 p.m.

Action: This consent communication was approved.

Appointments

30. City Manager's Appointment of Jan McClure to Conservation Commission.

Action: This appointment was approved.

31. Mayor Bouley's proposed appointments to the Golf Course Advisory Committee. Dave Croft, Richard Holden, Frances Hunt, Roger Jobin, Robert Norton, Travis Martin, Linda Mattlage and Justin Kimball

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 32A. 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.

(Public hearings to be held in March and April with final action in May)

Action: Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing. He explained that action on this item will be taken at the May Council meeting.

- 32B. 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; together with non-ordinance fees and a report from the Deputy City Manager - Finance.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley referenced the parking lot rental on page 3 within the non-ordinance based fees. He questioned the rationale between charging the \$1,025 for six months or the \$1,970 for twelve months.

Mr. Aspell explained that the rates have been slowly adjusted over the last decade or so; the funds go to the arena enterprise fund. He believes that there are three or four different entities that take advantage of these two. He explained that there really is no analysis in terms of a percentage of income or in terms of use. Mr. Aspell indicated that the idea is to bring additional funds into the arena to help offset the cost of the arena therefore making skating more available to the public at a cheaper price.

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

- 32C. Resolution appropriating the sum \$6,555,000, authorizing the issuance of bonds and notes in the amount of \$6,355,000, and authorizing the use of recreational impact fees in the amount of \$200,000 for the design and construction of a new city wide community center, CIP #443; together with report from the Director of Redevelopment, Downtown Services and Special Services.

Action: City Manager Tom Aspell provided an overview explaining that that staff's recommendation is option 1A - this option preserves and reuses the 1965 wing of the building as well as the existing cafeteria and kitchen for a total of 18,740 square feet. He noted that the remaining portions of the structure would be demolished and a new 11,423 square foot addition would be constructed featuring a high school size gymnasium and related support facilities. He indicated that the total building size is 30,160 square feet; amenities include three multi-purpose rooms, two exercise rooms, and one senior room. The existing cafeteria would be

renovated into a large function hall/multi-purpose room. He added that the former Gamble property would be demolished, no additional parking constructed, and only minor improvements would be made to the existing parking lot. He explained that within the FY18 operating budget, they would look at adding library services.

Mr. Aspell indicated that staff provided information regarding Council questions regarding an elevated walking track and a gymnasium. He explained that, based on funding, option 1A does not include funding for a turf center or a walking track. He indicated that the city currently has approximately \$575,000 left in the budget that Council provided for doing design. They would use impact fees from all citywide districts for this. He stated that if Council were to approve this project this evening: they would go to bid in September 2016; commence construction in November 2016; complete project in Fall 2017.

Referencing the gymnasium floor, Councilor St. Hilaire inquired as to what would be contemplated uses by Parks and Recreation besides basketball. Mr. Aspell responded that a pad could be requested for pickle ball, foosball, indoor soccer, volleyball, etc.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, doesn't feel that the city is getting a lot for its money in regards to this project by tearing down a wing and rebuilding another with the same amount of space.

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

- 32D. Resolution modifying and readopting the provisions of RSA 79-E, Community Tax Relief Incentive Program; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, provided an overview.

Councilor Champlin asked how they determine that a building is qualified to be on a historic register. Mr. Walsh responded that there is an inventory form provided by the NH Department of Historic Resources and a qualified historic preservation consultant usually becomes engaged to complete this form. They would evaluate the history and architecture of the structure regarding criteria that is set out by the

state or the federal government to determine which register it may be eligible for.

Mayor Bouley inquired as to what the difference is in regards to the old resolution versus the new resolution. Mr. Walsh responded that item 1 on page one of the resolution is new language; item 2C on page two is new language.

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

- 32E. Resolution appropriating the amount of \$2,000,000 and authorizing the issuance of bonds and notes in the amount of \$2,000,000 for installation of underground utilities in conjunction with the Downtown Complete Streets Project, CIP #460; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

Action: Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, provided an overview.

Councilor Champlin noted that it seems to him that if they are spending \$2 million to do part of the project that they should consider spending \$3 million to do the entire project. Referencing a Concord Monitor article, he inquired as to why it would push the completion of project into 2017 if they did this. Mr. Walsh responded that there is a massive amount of utility work that comes together at a large pole in front of the Capitol Center for the Arts and the amount of additional work that goes into dealing with utilities that feed into this pole, would necessitate them going into the next spring.

Councilor Herschlag asked how this would impact the length of time that it would take to pay back the bond for this. He further asked how much outside contribution from the TIF district will be necessary to support a new bond. Mr. Walsh responded that the full principal and interest payment, assuming a twenty year term at three percent, would be approximately \$160,000 per year. He explained that the proposal at this time is to issue this as a ban (bond anticipation note); the cost of the issuance which they can carry for five years is relatively affordable because it's interest only on \$2 million - it would be approximately \$20,000 a year plus the cost of issuance which is another \$10,00 to \$15,000 as opposed to \$160,000. He noted that the short term cost is relatively affordable for the five year period for the ban and then it would go to the \$160,000.

Following brief Council discussion, Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, spoke in opposition of the proposed resolution.

Jim Baer, resident, spoke in opposition of the proposed resolution. (Full written testimony on file at the City Clerk's Office)

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

- 32F. Resolution appropriating the sum of \$42,000 and authorizing the issuance of bonds and notes of up to \$42,000 for cart barn improvements for the purpose of adding electric golf carts at the Beaver Meadow Golf Course; together with report from the Parks and Recreation Director.

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.

- 32G. Resolution accepting and appropriating the sum of \$19,404 in grant funds from the New Hampshire Highway Safety Agency, funds designated for Sustained Traffic Safety Enforcement Patrols (STEP); together with report from the Police Department.

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

- 32H. Report from the City Solicitor regarding the Cable Television Renewal Franchise Agreement between the City of Concord and Comcast of Maine/New Hampshire, Inc.

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

33. 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. (Public hearings to be held in March and April with final action in May)

Action: Council action to be taken at the May City Council meeting.

34. 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; together with non-ordinance fees and a report from the Deputy City Manager - Finance.

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

Mayor Bouley indicated that he would like to explain why he asked about the arena parking lot. He feels that this is one of those fees where the city has interests who are conducting commerce on this property and are paying \$1,000 for the whole summer; they have direct competitors who pay significantly more for their real estate, property taxes and rentals. He noted that Councilor Champlin is chairing a committee to review fees and hopes that this committee would take a look at this particular fee.

Councilor Herschlag noted he was pleased to see the Right to Know requests, per copy, has been reduced.

The motion to approve passed with no dissenting votes.

35. Resolution appropriating the sum \$6,555,000, authorizing the issuance of bonds and notes in the amount of \$6,355,000, and authorizing the use of recreational impact fees in the amount of \$200,000 for the design and construction of a new city wide community center, CIP #443; together with report from the Director of Redevelopment, Downtown Services and Special Services.

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

Councilor Herschlag noted that he would like to avoid having Council requesting additional designs when a design comes back to the Council. Additionally, he was hoping to push this off until the 2017 budget.

Councilor Herschlag moved to table this item. There being no second to the motion, the motion failed.

Councilor St. Hilaire asked if the Meals on Wheels program was still using the Dame School facility. Recreation Director David Gill responded that they are currently there once a month. He noted that they have interest to expand their services here if the city moves forward with renovations.

Councilor Herschlag noted his concern with the increase in property taxes for this project which is why he would like to see this as part of a full budget package for 2017. He indicated that he has had discussions with the City Manager and Recreation Director in regards to looking at the city providing more services as opposed to overseeing them. He noted that one of the components that he was hoping to see was a new business model that would show the city running programs to generate additional revenue. He hopes that, as they move forward with this project, they look at a new business model. He further hopes that any proposal that comes back shows the use of energy saving devices.

Mayor Bouley asked Councilor Herschlag as to what types of new services he envisioned. Councilor Herschlag responded that a daycare may generate revenues referencing one that Kittery, Maine operates. Mayor Bouley noted his concern with the city competing with organizations that are already providing those services.

Councilor St. Hilaire asked if the city would be renting out the program rooms for groups that want to have meetings. Mr. Aspell responded that they would be renting the rooms out; the city has always made exceptions for certain groups. The idea is to have some revenue coming in.

Councilor Champlin asked if revenues generated by facilities are used to retire the debt or whether they go into the general operating fund. Mr. Aspell responded that they would go into the general fund which would be used to offset debt and operating costs.

Councilor Herschlag stated that they have seen pro formas for the previous plans and inquired whether they have seen one for this plan. Mr. Walsh explained that they did not give them a full business plan or pro forma but did summarize it within Appendix 1; staff prepared numerous spreadsheets looking at various options both on the revenue and expenditure sides.

Councilor Nyhan pointed out that it would cost an approximate \$1.00 per month to the taxpayers.

The motion to approve passed on a roll call vote with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Keach, Kenison, Kretovic, Matson, Nyhan, Shurtleff, St. Hilaire and Werner voting yes. Councilor Herschlag voted no.

36. Resolution modifying and readopting the provisions of RSA 79-E, Community Tax Relief Incentive Program; together with report from the Director of

Redevelopment, Downtown Services, and Special Projects.

Action: Councilor St. Hilaire moved approval. The motion was duly seconded.

Councilor Champlin feels that this is the right direction in which to go and feels that this is exactly the type of use that it was intended for. He applauds the city in moving in the direction of trying to provide another tool to help protect historic properties within the city.

Councilor Herschlag noted that it's his understanding that the Heritage Commission is working on revising the rules for the Demolition Review Committee and rather than doing this piece meal, he prefers to postpone this vote until Council sees that report. He wants it before the Council as a complete package.

Mayor Bouley indicated that he and the City Manager attended the Heritage Commission meeting in which there was an overwhelming support for this. He noted that he received an email from Phil Donovan, Heritage Commission Chair, in support of this item. (Copy of email on file at the City Clerk's Office).

The motion to approve passed on a roll call vote Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Keach, Kenison, Kretovic, Matson, Nyhan, Shurtleff, St. Hilaire and Werner voting yes. Councilor Herschlag voted no.

37. Resolution appropriating the amount of \$2,000,000 and authorizing the issuance of bonds and notes in the amount of \$2,000,000 for installation of underground utilities in conjunction with the Downtown Complete Streets Project, CIP #460; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

Councilor Coen noted his concern that in five or ten years they may regret that they didn't expend the extra \$1 million to bury the lines but is concerned that it would delay the project.

Councilor Kenison asked for staff clarification as to the additional cost and delay.

City Engineer Ed Roberge explained that what's important to understand is that there are three major circuits that serve downtown in the south end - all three come up Theatre Street and are at the large pole in front of the Capitol Center for the Arts. He noted that in order to relocate that, it takes a lot of work and effort to relocate

along Storrs Street and relocate along State Street; this is where the complexity begins and where the cost is. He explained that there is more to do than to relocate wires in this location and is going to take a lot more than the amount of time allotted. He indicated that the reason that they would need more time or would not be able to complete certain sections of Main Street is because of the amount of time it's going to take for them to do work outside of the project area and bring it back in. He pointed out that the steep cost is due to the amount of supportive work that goes with it.

Councilor Champlin asked if staff could specify the areas outside of the work area that would be affected and asked for a sense of what they are looking at in terms of extra time. Mr. Roberge responded that three circuits come up from the sub station near Storrs Street off of Loudon Road and rerouting wires along this line; further south along Storrs Street to Perley Street; and up along State Street so that these three circuits can tie back together on the north side of Thompson Street on State Street.

Councilor Champlin asked how much of South State Street. Mr. Roberge responded from Perley Street northerly to Thompson or Fayette Street.

Councilor Champlin inquired in regards to the timeframe in Spring 2017. Mr. Roberge responded that they would expect that the utilities would work to the best of their ability through this season and into next. He indicated that, weather dependent, coming back to do the streetscape improvements would be around the same March 28th timeframe and take four to six weeks to complete this area left behind.

Following brief Council discussion, the motion to approve passed on a roll call vote with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Keach, Kenison, Kretovic, Matson, St. Hilaire, Shurtleff and Werner voting yes. Councilors Herschlag and Nyhan voted no.

38. Resolution appropriating the sum of \$42,000 and authorizing the issuance of bonds and notes of up to \$42,000 for cart barn improvements for the purpose of adding electric golf carts at the Beaver Meadow Golf Course; together with report from the Parks and Recreation Director.

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

Councilor Herschlag noted that he was glad to see that the golf simulators have been successful. He thanked the City Manager and the Golf Course Advisory Committee for moving forward with the simulator to enhance the revenues from the golf course.

Councilor Nyhan asked for the cost of the rental fee for an individual renting a golf cart. Recreation Director David Gill responded that the cost is \$17.00. Councilor Nyhan inquired as to the cost for two individuals renting one golf cart. Mr. Gill responded that it would cost \$17.00 per person. Councilor Nyhan asked for clarification in the rental fees. Mr. Gill responded that it's industry standard and is universal - you pay per person and not the cart.

Following brief Council discussion, the motion to approve passed on a voice vote.

39. Resolution accepting and appropriating the sum of \$19,404 in grant funds from the New Hampshire Highway Safety Agency, funds designated for Sustained Traffic Safety Enforcement Patrols (STEP); together with report from the Police Department.

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

Mayor Bouley pointed out that there are several resolutions within the consent agenda which authorize the City Manager to submit an application for grants; there is usually a two step process to these 1) a resolution to apply and if successful; 2) a resolution to appropriate. He noted that having reviewed this tonight and having conversations with the state, what he is realizing is that they need to be more nimble in the city's ability to respond to some of these grants because they come up quickly and the turnaround is within a week or so. He feels that maybe they should have some sort of motion to skip the first step in terms of the asking for permission to apply. He is okay with this if it's for equipment or training; if it's for personnel he would expect the Manager to come back to ask for permission to apply.

City Manager Aspell provided an overview as to the history of why it became a two part process during the 80's.

Mayor Bouley asked the City Manager to come back next month with suggested language and whether this is something that the Council should vote on.

Councilor Nyhan feels that the City Manager should have the authority to apply for grants as long as Council can accept them or not.

Councilor Kretovic noted that Council had a grant appear before them a few years ago in which they approved to move forward with the application. She indicated that the wording of that grant became a real item of contention in the community. What's left from that is that there is a segment of the population that, when it comes to purchasing military style gear, they are against it. She feels that there are some pieces in which they may want to be cautious to what the grant application says.

Mayor Bouley noted his agreement explaining that they would be holding public hearings on the second part when appropriating the dollars.

The motion to approve the resolution passed with no dissenting votes.

40. Report from the City Solicitor regarding the Cable Television Renewal Franchise Agreement between the City of Concord and Comcast of Maine/New Hampshire, Inc.

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

Appointments by the Mayor

Reports

41. Report from the Senior Planner, Parks & Recreation Director and the General Services Director on the impact on invasive insect species within the City of Concord.

Action: Beth Fenstermacher, Senior Planner, provided an overview of the impact of invasive insect species explaining that, by starting a program of prevention and early detection, they are trying to reduce the impacts of future pests coming into the city - how to be proactive instead of reactive. She indicated that education is a big component in making people aware.

Recreation Director David Gill stated that they will be having a community workshop at the Community Center for community members to learn about the trees. He noted that they will be advertising this workshop within the next several weeks.

Councilor Coen stated that one-fifth of the canopies in the city could be gone within ten years.

Mr. Gill referenced the pine grove within Rollins Park stating that it's infested.

Councilor Nyhan asked what insect is infecting the trees within Rollins Park. Ms. Fenstermacher responded that it's the Red Pine Scale.

Councilor Keach asked how the bugs migrate. Ms. Fenstermacher responded that they are often moved by humans either on firewood on materials from the highway, nurseries or construction vehicles.

Councilor St. Hilaire questioned if the Emerald Ash Borer would disappear or move on to other trees if all the ash trees disappear. Ms. Fenstermacher responded that this insect is only currently affecting the ash trees but it has been found that they will sometimes impact red maple.

Councilor Herschlag asked if there was a plan to have a plan for reforestation and a plan for replanting the parks and perhaps a model for homeowners. He asked whether there is a cost affixed to the plan. Ms. Fenstermacher responded yes to all noting that there is a plan for a plan. She stated that this is the start of raising awareness and for staff to start thinking about a plan. She indicated that the city's arborist and city forester have recommended management tools and moving forward with reforestation. She believes Rollins Park will be the first one in which they try this and perhaps from there they can set up a model.

Councilor Herschlag inquired whether the costs will be reflected within their upcoming budget. Ms. Fenstermacher responded that she does not believe that Rollins Park is within the budget. Mr. Gill added that they are still gathering the information and trying to create a plan. He feels that it's going to be a multi-year process trying to identify the solutions.

Councilor Champlin asked whether the city's new street trees policy be useful tool when providing alternatives. Ms. Fenstermacher responded yes she believes it will.

Councilor Nyhan asked since recognizing the fact that the trees at Rollins Park may be gone in approximately seven years, whether there is any value in harvesting these trees now while there is still some value in them. Ms. Fenstermacher responded that staff has spoken to the city forester and he said to reclaim any of the value

within the next two years; it is constantly being monitored to see how fast it's moving.

Councilor Matson questioned what the options are in regards to trying to control the insects. Ms. Fenstermacher replied that the goal is to reduce the number of trees that are impacted by pests so they are trying to increase the diversity of species that they are bringing in.

City Manager Tom Aspell indicated that Council will be seeing a lot of discussion in regards to this issue over the next decade. He stated that staff will be reporting back to the Council on a regular basis and will see pieces within the budget over time addressing these issues.

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

New Business

Unfinished Business

42. 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.

43. Supplemental report from the City Engineer outlining lighting alternatives for the Downtown Complete Streets Improvement Project (CIP460).

Action: This item remains on the table.

44. Street closure request from Millennium Running for the 3rd Annual New England Half Marathon to be held on Sunday, October 23, 2016. (Pulled from consent by Councilor Nyhan)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Mayor Bouley reminded residents that it's dog licensing time.

Mayor Bouley indicated that he has received a letter from Gerard Drypolcher resigning from the Planning Board.

Mayor Bouley responded that he received a book on the history of the Concord Fire Department which is available to check out at the Concord Library. He stated that it's a great testimony of how well the city functions and what a great fire department they have.

Comments, Requests by the City Manager

City Manager Aspell stated that himself, the Deputy City Manager Carlos Baia, and City Engineer Ed Roberge met with the Department of Transportation regarding Loudon Road. They are trying to determine what types of options are available. They are going to continue to work on this and eventually bring Council back some option.

Referencing a report under the consent agenda, Mr. Aspell responded that the Council approved him working with the Flying Yankee Group to relocate the historical train to the city.

Consideration of items pulled from the consent agenda for discussion.

Items 15, 17, 18, 19 and 25 have been pulled from the consent agenda.

15. Report from the Deputy City Manager - Finance recommending the FY 2017 Finance Committee Budget Review Schedule and Guidelines. (Pulled from consent by Mayor Bouley)

Action: Mayor Bouley noted that he wants to have the maximum attendance that they can at the budget meetings. He asked whether anybody had any concerns with the dates listed.

Councilor Champlin indicated that he would not be able to attend the Saturday, May 21st meeting.

Discussion ensued on Councilors availability for the dates and was agreed upon that some Councilors would need to check their calendars.

Councilor Shurtleff moved to table this report until the May Council meeting. The motion was duly seconded and passed with no dissenting votes.

17. Report from the Director of Real Estate Assessments recommending the renewal of a Payment In Lieu of Taxes Agreement between Fellowship Housing Opportunities Inc. Affiliates and the City of Concord. (Pulled from consent by Councilor Herschlag)

Action: Councilor Herschlag indicated that his understanding with the PILOT is that there is no requirement for proportional payments. He feels that in the future they might look at more aggressively trying to add a payment in lieu of taxes for the school component.

Councilor Herschlag moved approval of the report. The motion was duly seconded.

Councilor Keach asked if the PILOT is an amount that is offered at good will and doesn't necessarily reflect the tax burden. Mr. Aspell responded that is true but most organizations throughout the country usually will align the payment in lieu of tax payment with the municipal side of the tax rate.

The motion to approve the report passed with no dissenting votes.

18. Public Safety Board Annual Report. (Pulled from consent by Councilor Herschlag)

Action: Councilor Herschlag commended the Public Safety Advisory Board for their yearly report. He pointed out that the Police Department has done a good job of reporting drug overdose deaths and cases. Referencing an email from the Fire Department dated January 22nd, he pointed out that there was a listing of overdose calls, alcohol abuse, psychiatric, emergencies and narcotic administrations. He noted that he would like to include these statistics and/or data in the safety report.

Councilor Herschlag moved to include the statistics and/or data in the safety report. The motion was duly seconded.

Referencing the report cover sheet, Councilor St. Hilaire pointed out that it reads that the board met on March 30, 2015 and inquired whether this should be March 30, 2016.

Councilor Grady Sexton confirmed that the date should read March 30, 2016.

The motion to approve, as amended, passed on a voice vote.

19. Report from the Public Safety Board on a referral from the City Council regarding the City's permitting process for events on private residential property. (Pulled from consent by Councilor Herschlag)

Action: Councilor Herschlag stated that he agrees with the report but wanted to

point out that when there is a religious celebration there are first amendment issues that come into play. It is his understanding that, if there is a noise or disturbance issue, that it appears under Article 5 within the State Constitution it would be handled in the same manner as any other noise or nuisance complaint by either Code or the Police Department.

Councilor Herschlag moved acceptance of the report. The motion was duly seconded.

Mayor Bouley indicated that he feels that the Public Safety Advisory Board did an excellent job of listening to everyone that wanted to come to share their thoughts about what happened on Pembroke Road. He feels that Administration worked very hard, with several departments, to really take a look at a solution that would solve a problem for everyone in the community. At the end of the day, he whole heartedly endorses the report because it takes away that ambiguity of having a permit - what does it mean: to make it cleaner and more understandable to the community; to simplify it; and to make it a whole lot safer for the neighbors who are looking to enjoy their own personal property and to enjoy a peaceful nights sleep. He feels that the solution that has been generated by the committee of enforcing the existing ordinance to address the situation that occurred up there and any future event.

Following brief Council discussion, the motion to approve the report passed with no dissenting votes.

25. Resolution authorizing the City Manager to submit an application to the New Hampshire Division of Historical Resources for Certified Local Government (CLG) funds to be utilized for preparation of an application to place the Gas Holder Building on the National Register of Historic Places; together with report from the Assistant City Planner. (Pulled from consent by Councilor Kretovic)

Action: Councilor Kretovic noted that she found this to be a nice surprise to find on the agenda. She reiterated her support of the Heritage Commission and their work with Liberty Utilities to save the Gas Holder building.

Councilor Kretovic moved approval of the resolution. The motion was duly seconded and passed with no dissenting votes.

Consideration of Suspense Items

Referral to Community Development

Sus1 Communication from Jere and Carol Ericson asking that consideration be given to permanently removing the gate at the southern end of Shenandoah Drive.

Action: Councilor Nyhan moved to suspend the rules and consider the suspense item not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to refer this item to Community Development. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley indicated that he has one additional item regarding the Concord Police Supervisors Association.

Councilor St. Hilaire moved in accordance with RSA 273-A:3, IIC to approve the cost items included in the collective bargaining agreement from January 1, 2016 through December 31, 2018 between the Concord Police Supervisors Association (CPSA) and the City of Concord. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 9:23 p.m., Councilor Kretovic 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*