



City of Concord

City Council

Meeting Minutes

Monday, March 14, 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 and RSA 91-A: 2, I (a) to discuss collective bargaining strategies to be held at 5:30 p.m.

1. Call to Order

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

2. Invocation by the Reverend Peter Hey, Wesley United Methodist Church.

3. Pledge of Allegiance.

4. Roll Call.

Present: 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

Excused: 2 - Councilor Byron Champlin, and Councilor Dan St. Hilaire

5. Approval of the Meeting Minutes.

February 8, 2016 City Council Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the February 8, 2016 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Resolution in honor of the services of Firefighter John Dejoie.

Action: John Dejoie was not present to receive his resolution.

7. 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 Grady Sexton moved approval of the consent agenda, as amended, with items 30, 31, 37 and 38 removed to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley took Rule Six for items 8 and 24.

Referrals

8. Communication from Nobis Engineering, on behalf of their client Forget and Boucher, LLC, owner of property located at 175 Manchester Street in Concord requesting a 4.6 acre parcel be rezoned from Residential (RS) and Industrial (IN) to Commercial Highway (CH).

Action: referrals received and filed.

Items Tabled for April 11, 2016 Public Hearings

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

10. 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: This resolution was moved to set for a public hearing.

11. 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: This resolution was moved to set for a public hearing.

12. 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: This resolution was moved to set for a public hearing.

13. 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: This resolution was moved to set for a public hearing.

14. 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: This resolution was moved to set for a public hearing.

15. 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: This public hearing report was moved to set for a public hearing.

From the City Manager

16. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$4,213.02 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

18. Diminimus gifts and donations report from the Fire Department requesting authorization to accept a donation of 21 leather radio straps with a value of \$420 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

19. Diminimus gifts and donations report from the Senior Planner requesting authorization to accept monetary gifts totaling \$285.18 for the maintenance of trails as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

20. Diminimus gifts and donations report from Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$1,315 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

21. Fiscal Policy Advisory Committee recommendation on the FY 2017 tax rate target report from Deputy City Manager Finance.

Action: This consent report was approved.

22. Report from the Deputy Fire Chief on a change of scope for the Assistance to Firefighters Grant Program- Sprinkler Project.

Action: This consent report was approved.

23. Report from the Fire Chief on an appointment to the Call Force.

Action: This consent report was approved.

24. Report authorizing the City Manager to enter into an agreement with the Cheers Restaurant for improvements to City property immediately adjacent to the dining establishment.

Action: This consent report was approved.

25. Annual Report from the Deputy City Manager for Development on the City's Overall Economic Performance.

Action: This consent report was approved.

26. Report from the City Planner seeking referral to the Planning Board for consideration of amendment to the zoning ordinance regarding carpools in manufactured housing parks.

Action: This consent report was approved.

27. Report from the Health & Licensing Officer recommending approval of licensing applications and the issuance of permits as applied for by Concord Hospital for

their Evening en Blanc event to be held on August 20, 2016.

Action: This consent report was approved.

28. Report from the Traffic Operations Committee in response to a communication from Councilor St. Hillaire regarding a resident concern on traffic speed along the section of Mountain Road just north of the Hoit Road intersection.

Action: This consent report was approved.

29. Report of the Tax Exemption Policy Committee on revisions to the existing elderly and blind exemptions and veterans credits.

Action: This consent report was approved.

30. July 4th celebration report from Parks and Recreation Director. (Pulled from consent by Councilor Bouchard)

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

Consent Resolutions

31. Resolution affirming the expenditure of up to \$5,000 from the Conservation Trust Fund 5 C-E; together with report from the Heritage Commission. (Pulled from consent by Councilor Herschlag)

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

32. Resolution in recognition of the services of Sergeant Daniel A. McDonald.

Action: This consent resolution was approved.

33. Resolution authorizing the City Manager to enter into Trail Agreements on land owned by St. Paul's School, Francis Glahn Rev Trust, Jay & Manisha Patel, and Jeremy S. Arnold, off Fisk Road, Long Pond Road and Coventry 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.

Action: This consent resolution was approved.

34. Resolution authorizing the City Manager to enter into two grant agreements with the State of NH Department of Environmental Services for the Local Source Water Protection Program Grant and the Aquatic Resource Mitigation Fund Grant which the City has been awarded for the amounts of \$20,000 and \$300,000, respectively, to be used towards the purchase of two parcels totaling 116-acres within the Penacook Lake Watershed, located off of Lakeview Drive and West Parish Road;

together with a report from the Senior Planner.

Action: This consent resolution was approved.

Consent Communications

35. Street closure request from the Christa McAuliffe School PTO for a block party fundraising event to be held on Wednesday, May 25, 2016, rain date Thursday, May 26, 2016.

Action: This consent communication was approved.

36. Street closure request from Intown Concord for the 42nd Annual Market Days Festival and the Capital City Classic 10K Road Race events to be held Thursday, June 23, 2016 through Sunday, June 26, 2016.

Action: This consent communication was approved.

37. Street closure request for the Capital City Classic 10K Road Race to be held Sunday, June 26, 2016. (Pulled from consent by Councilor Nyhan)

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

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

Appointments

39. Appointment of Katherine Healy to the Conservation Commission.

Action: This appointment was approved.

40. Conservation Commission Appointments.

Action: This appointment was approved.

From the Mayor

End of Consent Agenda

Public Hearings

- 41A. Resolution accepting and appropriating the sum of \$22,400 in unmatched grant funding from the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program, for funding of a Homeland Security

Exercise in conjunction with Concord Hospital and Concord School District; 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.

- 41B. Resolution authorizing and appropriating \$27,675 as a transfer to the Airport Capital Fund; funding for this appropriating shall be entirely from the Airport Fund Balance; together with report from the Associate Engineer.

Action: There being no Council objection, public hearings b and c were read together.

City Manager provided a brief overview for public hearings b and c.

Mayor Bouley opened the public hearings for both items b and c. There being no public testimony, the Mayor closed both hearings.

- 41C. Resolution accepting and appropriating the sum of \$374,425 for the purpose of reconstructing the drainage outfall system to the southern portion of Runway 17/35 including \$328,500 in entitlement funds from the Federal Aviation Administration (FAA), \$18,250 from the State of New Hampshire, and \$27,675 from the City of Concord; together with a report from the Associate Engineer.

Action: Public hearing for this item taken with item b.

- 41D. Resolution authorizing and appropriating \$45,730 from Arena Fund Balance and appropriating the transfer of \$45,730 to the Arena Capital Projects Fund for emergency arena chiller repair; together with report from the General Services Department.

Action: There being no Council objection, public hearings d and e were read together.

City Manager provided a brief overview for public hearings d and e.

Mayor Bouley opened the public hearings for both items d and e. There being no public testimony, the Mayor closed both hearings.

- 41E. Resolution appropriating \$71,200 for arena chiller repair by repurposing \$25,470 from various completed and unexpended arena projects under CIP #64 and

transferring \$45,730 from the arena operating budget.

Action: Public hearing for this item taken with item d.

- 41F. 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: City Manager Tom Aspell provided a brief overview explaining that two public hearings must take place before a Council vote in May.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor recessed the public hearing until the April 11th Council meeting.

- 41G. Public Hearing and City Council vote on Solar Arrays proposed to be located at the Hall Street Wastewater Treatment Plant. (Public testimony submitted)

Action: Councilor Werner, Energy & Environment Advisory Committee Chair, indicated that the city is poised to take a leadership position in renewable energy as they propose to place a 2 megawatt solar installation at the Hall Street Wastewater Treatment Plant. He urged his colleagues to support this project. He highlighted facts on the project: the project will take care of approximately 30 percent of the total energy bill over a 20 year period; they will achieve \$835,000 in energy savings over that 20 year timeframe; the city will gain \$400,000 in property tax revenue from the proposed vendor Solar City over that 20 year timeframe; and they will significantly reduce their carbon foot print helping to move from a high carbon economy to a low carbon economy. He thanked Doug Ross, Phil Bilodeau, Brian LeBrun and Beth Greenblatt for their hard work and expertise in getting them to this point. He further thanked the Energy and Environment Advisory Committee members.

Brian LeBrun, Deputy City Manager-Finance, explained that Council approved \$35,000 in order to undertake this project in 2014. He noted that the money has been very well spent in analyzing the project and moving forward with the request for proposals which produced the bids that they received.

Beth Greenblatt, Beacon Integrated Solutions, explained that renewable generation, in general, is more expensive currently than traditional fossil fuel generation. In order to help bring down the cost of renewable generation and to bring it on par with traditional fossil fuel generation, she noted that there are various state and federal incentives that are helping to bring down those costs. She stated that, among those incentives, there are some financial drivers and environmental drivers.

She explained that net metering is a payment for the solar generation that the city generates in its project and provides to Unitil - it's required by state law. Ms. Greenblatt explained that there is a cap on the metering and that cap right now is, if not at its limit, is very close to reaching it's limit; there is a bill that recently passed the House and which is now in the Senate which will incrementally lift that cap a little and make the cities anticipated projects viable.

The reimbursement rate for net metering to the city for the projects being contemplated is based on the utilities cost of energy or their default service for energy. Ms. Greenblatt explained that, as part of their analysis, they looked at whether it is more expensive to buy the solar or get an incentive back from the utility; the conclusion was that the projects that they have identified are economically beneficial to the city and it is more beneficial to enter into an agreement for solar because of the reimbursement rate from the utility. She highlighted the proposed solar project within her presentation (*a hard copy is on file at the City Clerk's Office*).

Mr. LeBrun pointed out that, while this is a great project, there are some other issues involved explaining that currently the property at Hall Street has been farmed and this is something that Council has to take into consideration when making their decision.

Councilor Shurtleff noted his concern with losing farm land. Referencing the report, he pointed out that it indicates that the property on Old Turnpike Road, the landfill, was not a feasible site and wondered why.

Mr. LeBrun responded that when they received the financials back from all of the vendors there wasn't one that proposed a financially viable solution for that property. Ms. Greenblatt added that siting a solar facility on a landfill has increased costs because there is significantly more environmental due diligence that needs to happen. Landfills are capped, with or without a liner, and under no circumstance can these facilities penetrate the cap.

Councilor Shurtleff stated that the site is close to the 100 year flood plain and questioned if there should be water damage or any other act of god, who would the panels belong to and who would be responsible for replacing any damaged panels. Ms. Greenblatt responded that the entire facility would be owned by Solar City and they will carry appropriate insurance; there are contract provisions as to what happens relative to the generation and at what point would the facility be

considered a total loss.

Councilor Shurtleff inquired as to who would be responsible for maintaining the site as far as mowing or anything else that was needed. Ms. Greenblatt responded that Solar City would be responsible for maintaining the parcel within their fenced in leased area.

Mayor Bouley asked whether the landfill could be explained more. Ms. Greenblatt explained that it's less an obstacle than it is a cost. She noted installing a ballasted racking system comes at a much higher cost than pile driving poles into the ground.

Mr. LeBrun explained that, as an example, the economics of this project compared to the default pricing shows a saving of approximately \$1.2 million for two arrays at the Hall Street plant; it would cost the city approximately \$600,000 over 20 years in order to do the same thing at the landfill site.

In terms of the Hall Street facility, the Mayor inquired whether there was any discussion of another location on that city property. Ms. Greenblatt responded that it's always better to take advantage of a part of a parcel that is cleared. There are trees on the front parcel that would need to come down but Ms. Greenblatt noted that they can have Solar City look at as to whether or not there is a way to optimize the facility and interconnection to minimize the amount of land. She explained that they are proposing a more unique racking system that is a tracker so that it's tracking the sun. She explained that there may be some obstacles with respect to that type of racking system that would prohibit them from building in the front. It's something that can be addressed with Solar City.

Councilor Coen wants to be clear about the land and asked whether the proposal is in any of the 100 year flood plain area. Mr. LeBrun, referencing the provided graphic, pointed out that all of the arrays are located in areas that are not in the flood plain.

Councilor Kenison inquired in regards to the cost of connecting this project to the grid. Ms. Greenblatt explained that they would file an interconnection application with Unitil and Unitil would charge Solar City an amount of money to do a full impact study of what it will take to interconnect the facility into their distribution system. She noted that the cost of this is built into their overall cost per kilowatt hour that they are charging to the city with some provisions - if the cost comes out extraordinarily higher than what was anticipated then they reserve the right to come

back and discuss with the city how they may be able to offset some of those costs. She pointed out that the amount that they budgeted was a reasonable number and consistent with other types of facilities that have been interconnected.

Councilor Todd asked whether it's correct that the process will not disturb the farmland or will not render it unusable. Ms. Greenblatt responded that the design of the system will need to take this into consideration and she suspects, through the permitting process, that all of this analysis will need to be demonstrated that land will not be impacted in an adverse way.

Councilor Shurtleff questioned as to what would happen to this agreement if the Senate didn't agree and killed the bill or if future legislature reduced the cap; how would it impact the agreement between Solar City and the city. Ms. Greenblatt responded that when they put the RFP out, they made it clear that they had a specimen agreement that they were going to start on negotiations; in that specimen agreement there are exit provisions for those types of issues.

Mayor Bouley opened the public hearing.

Public Testimony

Kit Morgan, Conservation Commission Chair, noted that the commission has a number of concerns with the use of the prime agricultural land. He noted that the Conservation Commission met last month to discuss this project. They support renewable sources of energy but are concerned with the farm land aspect of this proposed project. He explained that the viability of farm land operations is a great concern within the state. He feels that it's highly unlikely that a farmer would be able to use the remaining portion of this property because it would be too small to be viable.

Councilor Herschlag asked whether Mr. Morgan feels that there is anything that would degrade the land by having the solar arrays in the future. Mr. Morgan stated that he feels that the loss of the land for twenty years or so would be a pretty severe blow to the viability of any farms that are currently operating during that period. He feels that it may be pretty unlikely that it would be farmed again afterwards.

Mayor Bouley inquired whether Mr. Morgan feels that the city has been in support of farming. Mr. Morgan responded absolutely. The Mayor inquired whether there

is a lease on this particular land that is being farmed. Mr. Morgan responded yes.

Mr. Aspell noted that he believed the farmer had a lease on it for 20 years but this coming year, knowing that they may put a proposal out, that lease was not renewed. There is no current lease on the property.

David Murray, Concord farmer, stated that he is a stockholder in one of world's largest solar company so he is a proponent of solar energy and has used renewable energy for years. He noted that every grain of soil matters and every acre and square foot of farmland matters. In the process of looking at the checks and balances of, he feels that though solar would be a wonderful reflection for the city. He wants the Council to take a long hard look as to whether this project goes forward or not at this particular location whether this will be setting a precedent moving forward. He doesn't want to set a non-productive precedent for their agricultural land and feels that the land in this location is important to consider.

Councilor Herschlag asked whether Mr. Murray feels that there is anything that would degrade the land by having the solar arrays in the future. Mr. Murray responded that it's not the soil he is concerned about but the viability of the piece of land - the scale of the land is very important.

Councilor Keach asked if Mr. Murray would walk away from income that would be ten times what he is currently making in his fields. Mr. Murray hopes that the city is not looking at itself as a private entity because its intent is to be a public entity and to look out for the welfare and the well being of every single taxpayer and resident of the city.

Rob Morrill, Concord farmer, indicated that he has operated the farm land in question on Hall Street. He noted his concern with the loss of farm land. In response to Councilor Herschlag's earlier question, Mr. Morrill stated that after a possible 20 years there may be significant costs to get the nutrients back in the soil to where it needs to be to be growing a viable crop.

Hilary DeAngelis, resident, indicated that she had submitted written public testimony in regards to this proposed project. She asked Council to consider the precedence that they are going to set if they approve this project. She noted her concerns with the removal of the farm land; she leases some of her property for towers which includes a provision that the land must be able to go back to what it was prior to the towers but she explained that she feels that she wouldn't be able to

grow anything for years because it hasn't been used for that farming purpose. In reference to the landfill, she inquired whether there could be a larger economy scale having more solar panels that eventually would be cost effective because there are more.

Councilor Coen asked whether the towers were on Ms. DeAngelis' property before she purchased the property. Ms. DeAngelis responded that the farm has been in her family for many generations and they allowed them to be leased there.

Councilor Coen asked if it was for economic reasons. Ms. DeAngelis responded yes.

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

Public Hearing Action

42. Resolution accepting and appropriating the sum of \$22,400 in unmatched grant funding from the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program, for funding of a Homeland Security Exercise in conjunction with Concord Hospital and Concord School District; together with report from the Police Department.

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

43. Resolution authorizing and appropriating \$27,675 as a transfer to the Airport Capital Fund; funding for this appropriating shall be entirely from the Airport Fund Balance; together with report from the Associate Engineer.

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

44. Resolution accepting and appropriating the sum of \$374,425 for the purpose of reconstructing the drainage outfall system to the southern portion of Runway 17/35 including \$328,500 in entitlement funds from the Federal Aviation Administration (FAA), \$18,250 from the State of New Hampshire, and \$27,675 from the City of Concord; together with a report from the Associate Engineer.

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

45. Resolution authorizing and appropriating \$45,730 from Arena Fund Balance and appropriating the transfer of \$45,730 to the Arena Capital Projects Fund for emergency arena chiller repair; together with report from the General Services

Department.

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

Councilor Herschlag inquired whether this is something that the arena will be able to pay back with the revenues that they generate or something that will come out of the general fund. Mr. Aspell responded that, currently, the arena can handle this cost.

The motion to approve passed with no dissenting votes.

46. Resolution appropriating \$71,200 for arena chiller repair by repurposing \$25,470 from various completed and unexpended arena projects under CIP #64 and transferring \$45,730 from the arena operating budget.

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

Mayor Bouley inquired as to whether this is a used chiller noting that he had heard it would be approximately \$70,000 for used and approximately \$90,000 for new. He questioned the lifespan on a used chiller.

Brian LeBrun, Deputy City Manager-Finance, responded that they will need to replace the chiller sooner than they would like; the issue was that this was an emergency repair that needed to occur in order to make the ice in the arena for the hockey/ice skating season. There was not enough time to order a new chiller so they had to opt for the second option which was the repair. He stated that staff will be back within the next few years in order to actually replace the chiller.

The motion to approve passed with no dissenting votes.

47. 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: No action taken on this item. Second public hearing to be held at the April Council meeting.

48. Public Hearing and City Council vote on Solar Arrays proposed to be located at the Hall Street Wastewater Treatment Plant. (Public testimony submitted)

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

Councilor Werner noted that the House has passed the net metering bill which would increase 50 megawatts to 100 megawatts. He feels that it's very likely that the Senate will concur with this in some form. He stated that it's inconceivable to those in the state that work on energy policy that the cap would not be raised significantly. He feels that, from a policy point of view around the state aspect, they are on good ground. He pointed out that even though the lease for farming has run out, the farmer will be farming the land this year. He stated that this project would not affect the farmer and his operations for this calendar year.

Councilor Shurtleff stated that he will be voting in favor of this proposal but does so with a lot of reluctance. He noted his concern with the shrinking farm land all over the state and doesn't want Concord to be a part of that problem.

Councilor Kenison noted her agreement with Councilor Shurtleff. She looks at this trying to balance it - looking at reducing the carbon foot print, at renewable energy, at savings to the city long term. The balance for her falls in supporting the project.

Councilor Kretovic echoes both Councilors Shurtleff and Kenison's concerns with regard to the farm land. At the same time, she wants to give thanks to the Energy and Environment Advisory Committee for bringing this forward because this is exactly what the committee has been tasked to do. Councilor Kretovic noted that the city has tasked the Conservation Commission to be the city's land stewards and it took so long for it to get to them; this was being looked at for a year and it didn't get to the Conservation Commission until the last minute. She feels that this is a great project but shouldn't be a precedent. She noted that they need to make sure moving forward this small piece of prime agricultural land that they may sacrifice today shouldn't be what starts a loss of land across the city.

Mayor Bouley asked for clarification from Councilor Kretovic's statement about this not getting to the Conservation Commission until last minute.

Councilor Kretovic responded that the chair of the Conservation Commission, Kit Morgan, had indicated that they had only looked at this last month.

Mayor Bouley pointed out that the previous Council had voted unanimously to put the RFP for this project out.

Councilor Keach noted that he will be voting in favor of this project. He pointed

out that this is a good example of how this Council is charged with establishing policy and there are various committees within the city that advocate from all their different directions which makes the process work the way it should work. He feels that the environmental and economic benefits do exceed the agricultural benefits in this case. He feels moving forward, that it should be viewed on a case by case basis.

Councilor Todd stated that, with reluctance, he will be voting in favor of this project. He noted that there is a loss here and that this should, in no way, create a precedent. He does feel that the city needs to start somewhere in their energy policy; Concord could really become a trend setter. Councilor Todd thanked the individuals who provided testimony and he does hear them and agrees with them on this issue but feels that the city does need to start this energy policy now.

Mayor Bouley noted that he has always supported farming within the city. He feels that the word reluctant is a fair comment of how he feels. He would really like to see the city to consider taking a look at the property in front of the plant all along Hall Street. He doesn't feel that solar arrays is something that needs to be hidden - if it's placed out front it may even send a positive message to the community that the city is investing in its future with green energy. He doesn't want to impact the abutting homeowners but feels that the city should at least look at this area.

City Manager Tom Aspell indicated that this is something that can be looked at. He stated that he would like to leave here with some sort of ability to move forward with the project. If it turns out that the area is viable to make any changes, staff will come back with a status report; if it isn't, staff would also come back with a status report.

Councilor Coen inquired whether there would be farmable land if they removed the trees. Mr. Aspell responded that he wasn't sure if the soil was farmable and added that the area is within the 100 year flood plain.

Mayor Bouley stated that he was looking at the land in front of the building which doesn't appear to be in the flood plain. Mr. Aspell responded that this area is not in the flood plain.

Council was not opposed to looking at the area suggested by the Mayor.

Councilor Bouchard moved to include within the original motion, to approve the

report and approve the Energy & Environment Advisory Committee's recommendation to locate the 1.98 million kilowatt hours solar pv arrays at the Hall Street Wastewater Treatment Plant, adding to give the City Manager direction to look at the suggestion the Mayor made. The motion was duly seconded and passed with no dissenting votes.

Appointments by the Mayor

Reports

49. Communication from the bicycling subcommittee of the Transportation Policy Advisory Committee (TPAC) requesting the use of 26 parking spaces on North State Street for an event to be held Thursday, June 2, 2016 through Saturday, June 4, 2016.

Action: Craig Tufts, TPAC-Bicycle Committee Chair, explained that this is a complete streets concept that they want to test out - the idea of a buffered or protected bike lane that separates bikes from car traffic. He stated that it's not intended to be a proposal for a reconfigured North State Street. He noted that with the Main Street project, people are really thinking about complete streets and how they can change the spaces in public spaces and streets. Mr. Tufts pointed out that Concord is a bronze level bicycle friendly community and that a lot of the communities that win the silver, gold and platinum levels do projects such as this.

Mayor Bouley thanked Mr. Tufts for serving on the committee and questioned why this road was picked.

Mr. Tufts responded that they considered many locations but this one made it to the top: it was visible; it was by the State House so legislators could see what is going on. They didn't want to impact the complete streets project.

Councilor Herschlag asked why they would want to do these now if there is nothing in the horizon in moving forward with these types of bike lanes.

Mr. Tufts feels that getting exposed to these ideas is a good thing for the city. If this idea comes up for a future project it won't be brand new because they will know a little bit about it and what it is.

Councilor Herschlag wondered why a video showing this wouldn't accomplish the same thing for the community as opposed to disrupting traffic on North State Street for three days.

Mr. Tufts feels that seeing it for yourself would have the biggest impact and being able to have some bikes for people to use to test it out.

Councilor Bouchard noted her support of bicycling but pointed out that there are a lot of workers that park along this corridor that will be displaced. She further pointed out that she is not sure whether there will be many legislators around during that period of time to witness this. She inquired whether there is another corridor that could be used that wouldn't be so disruptive to working commuters and those who use those spaces.

Mr. Tufts responded that he doesn't feel that the other options met the goals that this location does. As far as the state legislators, he indicated that the Bike/Walk Alliance of NH are organizing legislative bike rides and that group organized it on these dates because they had been planning on doing this.

Councilor Kenison asked whether goals would be able to be met if this was done on a weekend. Mr. Tufts stated that it was possible but they were planning on having a bike to work event on Friday.

Councilor Shurtleff stated that June 2nd is the last day for legislature to finish all its work. He inquired whether they had contacted the businesses within the area about the impact of tying up these spaces. Mr. Tufts responded this is something that they want to do and feels that it is a good idea to reach out to talk to the businesses.

Mayor Bouley stated that he personally would oppose this because he would like to see it in another area. He feels that it would disrupt workers and all the surrounding state activities. He stated that parking is a premium within this area. He pointed out that he feels that the same things could be accomplished on Storrs Street. He added that work is also going to begin on the State House dome in which areas will need to be blocked off.

Councilor Todd thanked the committee for all the work they have done to promote bicycling within the city. He hopes that they are able to find another location to have this event.

Councilor Nyhan moved to not accept the report from the TPAC-Bicycling Sub-Committee. The motion was duly seconded.

Mayor Bouley suggested that if this report does not pass, that they could come back next month with an alternative route.

The motion to not accept the report passed with no dissenting votes.

New Business

Unfinished Business

50. 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.

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

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Kretovic announced that Souperfest will be held at the Rundlett Middle School on Saturday, March 19th to benefit the Concord Coalition to End Homelessness. The cost is \$10 for adults and \$5.00 for children.

Councilor Kenison commended Councilor Shurtleff for his testimony before the House on keeping the court house downtown.

In regards to Councilor Kenison's commendation, Mayor Bouley thanked the county, the developer, the city, the Merrimack County Delegation and Councilor Shurtleff. He felt that the organized effort was outstanding to receive a vote 126-212. He noted that they will have to make the same concerted effort within the Senate and encouraged all to participate and talk to their senator or anyone on the committee.

Mayor Bouley announced that the State of NH Site Evaluation Committee is going to be having a site inspection for Northern Pass starting at 9:30 a.m. on March 16th at the Public Utilities Commission located at 21 South Fruit Street. The site inspection will proceed and include a number of stops. The Mayor distributed hand outs for the inspection containing all the stops (*a copy of the handout is on file at the City Clerk's Office*).

Mayor Bouley announced that he will be forming a task force in coordination with the Capitol Region Food Program on childhood hunger. He has identified many organizations within the community who are willing to participate. The goal is to: identify and collect data; identify who is currently providing services around food; and put together a recommendation for the non-profit role for the city and everyone else. He has appointed Maria Manus as the task force chair and has asked Councilors Grady Sexton and Bouchard to serve on the task force as well.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion.

Items 30, 31, 37 and 38 have been pulled from the consent agenda.

30. July 4th celebration report from Parks and Recreation Director. (Pulled from consent by Councilor Bouchard)

Action: Councilor Bouchard wants to highlight that this is a possible big change as to how they currently have their fireworks. The fireworks are currently held at Memorial Field and what is being considered is having the fireworks at the farm field behind Buffalo Wild Wings. She explained that there will be test shots going off in May to see, where throughout the city, you can see the fireworks from. She just wants to inform the public that this is more than changing where the fireworks will be but also how they are doing the fireworks.

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

Councilor Nyhan noted that his understanding from last year, when the decision was made to keep the fireworks at Memorial Field, is that there were some concerns in regards to the construction on Main Street. He doesn't see this being alleviated this year and wonders what the mind set is in regards to how it's being planned and how this year construction on Main Street won't be as big a problem as it was last year.

City Manager Aspell explained that the northern section of Main Street is substantially complete; they plan to begin the southern section on March 28th. He noted that the idea is to get as much done before the fireworks were to occur. He feels that they could accomplish having both things going at once.

Councilor Nyhan added that he hopes the city will investigate opportunities to provide transportation for some of the outlying areas; maybe from Memorial Field

to the downtown area.

Mr. Aspell responded that staff could look at this noting that it would be budget dependent. He indicated that staff will come back and report on a periodic basis to keep Council up to date.

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

31. Resolution affirming the expenditure of up to \$5,000 from the Conservation Trust Fund 5 C-E; together with report from the Heritage Commission. (Pulled from consent by Councilor Herschlag)

Action: Councilor Herschlag indicated that he pulled this item to bring attention to the city's current demolition review process. He hopes that the options and recommendations are much more comprehensive than just extending the review process by a month and a half.

Councilor Herschlag moved approval. The motion was duly seconded and passed with no dissenting votes.

37. Street closure request for the Capital City Classic 10K Road Race to be held Sunday, June 26, 2016. (Pulled from consent by Councilor Nyhan)

Action: Councilor Nyhan indicated that he wanted to speak in regards to items 37 and 38 collectively within item 38.

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

38. 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: Councilor Nyhan stated that this particular race, as many road races are, is targeted to occur on weekends for less impact to downtown businesses. He indicated that this race has been run for a number of years and every year there seems to be controversy that is created because the race organizer doesn't reach out to some of the neighborhood churches that are impacted by the race. He has been consulted over the past few years to try to help mitigate some parking issues and last minute details that weren't ironed out. He noted that what he would like to do for this request and perhaps for Council to consider moving forward, is prior to approving he would like to have confirmation from city staff that the race organizer

actually has contacted all the impacted businesses and to have city staff report back to Council.

Councilor Nyhan moved to table this item subject to staff coming back to Council to report that the race organizer has done the due diligence and the downtown churches and businesses won't be impacted on that Sunday morning. The motion was duly seconded.

City Manager Aspell asked for clarification as to whether it would be so that people wouldn't be impacted or that they be notified. He stated that people are going to be impacted regardless.

Councilor Nyhan stated that he is always concerned about the impacted; he wants city staff to report back that the church administrators have been consulted with, that they are aware of it, and if they have concerns their concerns have been addressed.

Councilor Nyhan's motion to table passed with no dissenting votes.

Consideration of Suspense Items

Sus1 Street closure request for the annual Walk A Mile (WAM) event to be held on Wednesday, October 5, 2016.

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

Councilor Todd moved approval. The motion was duly seconded. Mayor Bouley, Councilors Bouchard, Grady Sexton and Kretovic took Rule Six. The motion passed on a voice vote.

Adjournment

The time being 8:55 p.m., Councilor Todd 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*