



# City of Concord

## City Council

### Meeting Minutes

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Monday, June 12, 2017

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 to discuss the City Manager's Annual Evaluation to be held at 6:00 p.m.*

*Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to take place following the City Council Meeting.*

1. Call to Order.

The meeting was called to order at 7:00 p.m.

2. Invocation by Pastor Ben Lamphere, Trinity Baptist Church.

3. Pledge of Allegiance.

4. Roll Call.

**Present:** 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, 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 Dan St. Hilaire, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Councilor Stephen Shurtleff

5. Approval of the Meeting Minutes.

May 8, 2017 City Council Meeting Minutes.

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

May 22, 2017 Finance Committee Draft Meeting Minutes.

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

6. Report from the Joint Task Force on Childhood Hunger.

**Action:** Maria Manus Painchaud, task force member, provided an overview of the report.

Councilor Bouchard moved to accept the report. The motion was duly seconded and passed with no dissenting votes.

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:** Mayor Bouley indicated that he will be taking Rule 6 on item 11 within the consent agenda.

Councilor St. Hilaire indicated that he will take Rule 6 in regards to consent item 20.

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

**Referral to the Legal Department**

8. Application from Jason Hill, 6 Wilfred Avenue, Concord for restoration of involuntarily merged lots.

**Action:** This communication referred to the Legal Department.

**Referrals to Community Development**

9. Communication from Philip Hastings, Cleveland, Waters and Bass, P.A., on behalf of their client JDH Realty Holdings, LLC. requesting City Council release and discharge from all public servitude certain portions of Locke Road in Concord.

**Action:** This communication referred to Community Development.

10. Zoning Protest Petition pursuant to RSA 675:5 submitted by and on behalf of property owners within and abutting the area affected by the proposed Pleasant Street zoning change as outlined in a communication previously submitted by Richard Uchida on behalf of GJC Associates.

**Action:** This communication referred to Community Development.

11. Communication from Gallagher, Callahan & Gartrell, P.C., on behalf of their client, Merrimack County, requesting the discontinuance of a portion of the North Main Street right-of-way.

**Action:** This communication referred to Community Development.

#### **Referral to the Transportation Policy Advisory Committee**

12. Communication requesting consideration be given to the installation of an additional crosswalk on Storrs Street in the vicinity of the Dixon Avenue parking lot.

**Action:** This communication referred to the Transportation Policy Advisory Committee.

#### **Item Tabled for June 26, 2017 Public Hearing**

13. Resolution adopting the Solar Energy Systems Exemption for the City of Concord pursuant to the provisions of RSA 72:62: together with report from the Director of Real Estate Assessments. (Revised resolution submitted)

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

#### **Item Tabled for July 10, 2017 Public Hearings**

14. Ordinance Amending the Code of Ordinances, Title IV, Zoning Code, Chapter 29.3, Issuance of Building Permits on Certain Lots on Unaccepted Streets; together with report from the Assistant City Planner.

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

#### **From the City Manager**

15. Positive Citizen Comments.

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

#### **Consent Reports**

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,994.50 as provided for under the pre-authorization granted by City Council.

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

17. Report from the Deputy City Manager - Development recommending Council authorize the acceptance of a monetary gift for the purchase of 100 flags to be displayed on Main Street.

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

18. Fiscal Year 2016 Comprehensive Annual Financial Report Award notification from the Deputy City Manager-Finance and the Assistant Finance Director. (Pulled from consent by Councilor Nyhan)

**Action:** This item removed from the consent agenda for discussion at the end of the agenda.

19. Report from the City Solicitor in response to a City Council referral regarding the application from Anthony and Pauline Minichiello for restoration of involuntarily merged lots pursuant to RSA 674:39 aa.

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

20. Request by Intown Concord for the Serving and Consumption of Alcoholic Beverages on City Property during Concord Market Days.

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

### **Consent Resolutions**

21. Resolution in honor of the services of retired Firefighter Cory Clark.

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

22. Resolution authorizing the City Manager to submit a grant application to the NH Department of Safety - Law Enforcement Opioid Reduction Initiative, for funding designated to assist the Department in conducting illegal drug related investigations; together with report from the Police Department;

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

23. 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.

**Consent Communications**

24. Street closure request from Runner's Alley for the Capital City Classic 10K Road Race to be held Saturday, June 24, 2017.

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

25. Street closure request from Sparta Synergy for the 37th Anniversary Concord Criterium Bike Race to take place Saturday, August 5, 2017.

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

26. Street closure request from Millennium Running for the 4th Annual New England Half Marathon to be held on Sunday, October 1, 2017.

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

**Appointments**

27. City Managers proposed appointments to the Zoning Board of Adjustment. Stephen Norton and Andrew Winters

**Action:** This appointment was approved.

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

**Public Hearings**

- 28A. Resolution accepting and appropriating \$45,505 in unmatched grant funding from the Department of Safety, State Homeland Security Grant Program, for Funding of Security Surveillance and Building Access Equipment; together with report from the Deputy Fire Chief.

**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.

- 28B. Resolution accepting and appropriating the sum of \$28,420 from the sale of property and transferring the sum of \$28,420 to Reserve Funds; together with a report from the Deputy City Manager-Development.

**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.

- 28C. Resolution accepting and appropriating the sum of \$12,500 from the Trustees of the Protestant Episcopal Church of New Hampshire; together with report from the City Manager.

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor St. Hilaire inquired whether the city sends a thank you letter to the Diocese. Mr. Aspell responded that one is sent once Council accepts the funds.

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

- 28D. Resolution relative to the public highway discontinuance of a portion of Pitman Street in Concord, NH; together with report from the City Planner.

**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.

- 28E. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan; Article 35-2, Compensation Plan, Schedule D, Class Specification Index, addition and modification to positions at the Wastewater Treatment Plant Division; together with report from the Director of Human Resources and Labor Relations and the General Services 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.

### **Public Hearing Action**

29. Resolution accepting and appropriating \$45,505 in unmatched grant funding from the Department of Safety, State Homeland Security Grant Program, for Funding of Security Surveillance and Building Access Equipment; together with report from the Deputy Fire Chief.

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

30. Resolution accepting and appropriating the sum of \$28,420 from the sale of property and transferring the sum of \$28,420 to Reserve Funds; together with a report from the Deputy City Manager-Development.

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

31. Resolution accepting and appropriating the sum of \$12,500 from the Trustees of the Protestant Episcopal Church of New Hampshire; together with report from the City Manager.

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

Councilor Nyhan thanked the Episcopal Diocese noting that it's generous and appreciated. He also appreciates Council putting this money back into the community.

The motion to approve passed with no dissenting votes.

32. Resolution relative to the public highway discontinuance of a portion of Pitman Street in Concord, NH; together with report from the City Planner.

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

Mayor Bouley took Rule 6.

The motion to approve passed with no dissenting votes.

33. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan; Article 35-2, Compensation Plan, Schedule D, Class Specification Index, addition and modification to positions at the Wastewater Treatment Plant Division; together with report from the Director of Human Resources and Labor Relations and the General Services Director.

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

## **Reports**

## **New Business**

## **Unfinished Business**

34. 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.

35. Resolution authorizing the City Manager to enter into a license agreement with Associated Enterprises, Inc. to install a balcony and related improvements within the North Main Street rights-of-way; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item tabled at the May 8, 2017 Council meeting)

**Action:** Councilor Herschlag moved to remove this item from the table. There being no second to the motion, this item remains on the table.

#### **Comments, Requests by Mayor, City Councilors**

Councilor Todd reminded residents that the Penacook Village Farmer's Market is running every Monday from 4:00 p.m. to 6:30 p.m. He indicated that it is located in a new location at 95 Village Street, Penacook with free live music.

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

City Manager Tom Aspell provided an update on the citywide community center project. Referencing a notice before the Council, he indicated that this was hand delivered by the Parks and Recreation Director David Gill. He explained that Mr. Gill visited 40 homes in the immediate area today and was able to speak to approximately 35 individuals who were all in favor of the project. He noted that they had a pre-construction meeting on June 9th with the contractors mobilizing on the property on or about June 15th. He indicated that the only feedback that he needs this evening is whether or not Council would like the ribbon cutting to be held before or after demolition.

In regards to the relationship with the contractor and the city, Councilor Coen asked if they are approaching this in a different way.

Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, responded that Milestone Engineering and Construction is the contractor but they are using a construction management approach for the project rather than a general contractor approach. He explained that the difference is that the construction manager is much more collaborative with the owner, they work for the city and, the savings that they might derive from their sub-contractors, come to the city whereas normally those would be retained by the general contractor. He stated that it's a



more advantageous process and enabled the city to get a better price than they would have had otherwise with a traditional design bid build model that they normally used in the past.

Councilor Kretovic congratulated Mr. Walsh for being selected Concord's Young Professional of the Year by the Greater Concord Chamber of Commerce and the Concord Young Professional Network.

Councilor Champlin is pleased that they are retaining a part of the older and more attractive part of the historic building, the old dining room/theater area. He questioned whether they are conducting due diligence to make sure, in the demolition phase, that nobody accidentally destroys the part of the building that they want to save. Mr. Walsh responded that they will be safeguarded during the demolition process explaining that they were very careful in where they were going to make the break as to which part is going to stay and what part is going to be torn down. He assured Council that they will be taking the appropriate measures to protect the structure that's going to stay.

Councilor Herschlag noted that it's his understanding that when this project went out to bid it came in at \$1.9 million over budget. He stated that they have been told that, in using the construction management model to work with the contractor, it helps to reduce costs and makes for a better relationship with the contractor. He questioned as to how much of the reduction in the overage from the original estimate is a result of the construction management form of negotiating - how much of that \$1.4 - \$1.5 million that was reduced from the project, is a result of removing items from the project. Mr. Walsh explained that when one hires a construction manager they work with you on a collaborative process and go through various rounds of budgeting. He noted that they take the drawings that the architect has prepared and shop it out to various sub-contractors to receive budget estimates. He indicated that the first time they did this they ended up being \$1.9 million over where they wanted to be with the project. Mr. Walsh explained that what they were able to do is to sit down in a conference room, have multiple meetings with Milestone and talk to them about what their sub feedback was adjusting the program accordingly so they could get the project closer to the budget. He noted that they didn't reduce the program at all for the project; it's still the 31,000 square foot building. He added that they actually ended up picking up two additional program rooms.

Councilor Herschlag asked if he was correct in understanding that there were some

adjustments made to materials that will be used on the exterior of the building. Mr. Walsh responded that there was explaining that there was some exterior red brick that was removed from the gymnasium and replaced with decorative block to save some money. He stated that this is really the only exterior change that would be noticed.

City Manager Tom Aspell explained that, in working with different groups within the city, they have been trying to increase the number of events available to the community. He noted that one such possibility that the Events Committee has been working with is with the League of NH Craftsmen to try to pull together an event on an annual basis to do something related to the arts. One of the events they would like to hold would be in October and he explained that there is a time issue here because anything to do with the arts requires time in advance, generally six months in advance. He asked for Council's support to work with the League of NH Craftsmen to try to pull together an event for October in which the city would be a co-sponsor in some fashion which may involve the city making an in kind donation and/or marketing with them to attract people.

Councilor Champlin moved to authorize the City Manager to move forward with working with the League of NH Craftsmen as stated. The motion was duly seconded.

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

### **Consideration of items pulled from the consent agenda for discussion**

*\* Item 18 was pulled from the consent agenda for discussion*

18. Fiscal Year 2016 Comprehensive Annual Financial Report Award notification from the Deputy City Manager-Finance and the Assistant Finance Director. (Pulled from consent by Councilor Nyhan)

**Action:** Councilor Nyhan indicated that one of the items he is most proud of within the city is the city's financial strength, in particular as it relates to its balanced budget and a keen eye towards financial flexibility as it relates to savings. He wants to give credit to the Deputy City Manager - Finance and his staff for their hard work and for receiving this award.

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

**Adjournment**

The time being 7:45 p.m., Councilor Champlin moved to adjourn the regular meeting and enter into non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*

**Information**

Inf1. March 16, 2017 Recreation Parks Advisory Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf2. March 21, 2017 Traffic Operations Committee Meeting Minutes

**Action:** Information item received and filed.

Inf3. March 23, 2017 Transportation Policy Advisory Committee Meeting Minutes

**Action:** Information item received and filed.

Inf4. March 29, 2017 Committee for Concord's Plan to End Homelessness Meeting Minutes.

**Action:** Information item received and filed.

Inf5. April 6, 2017 Heritage Commission Meeting Minutes.

**Action:** Information item received and filed.

Inf6. April 19, 2017 Planning Board Meeting Minutes.

**Action:** Information item received and filed.

Inf7. April 22, 2017 Conservation Commission Meeting Minutes.

**Action:** Information item received and filed.

Inf8. April 27, 2017 Transportation Policy Advisory Committee Meeting Minutes

**Action:** Information item received and filed.

Inf9. May 1, 2017 Concord Public Library Board of Trustees Meeting Minutes.

**Action:** Information item received and filed.

Inf10. May 9, 2017 Architectural Design Review Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf11. May 15, 2017 Finance Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf12. May 16, 2017 Traffic Operations Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf13. May 27, 2017 Finance Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf14. May 30, 2017 Ad-Hoc Events Committee Draft Meeting Minutes.

**Action:** Information item received and filed.