



City of Concord

City Council

Meeting Minutes - Draft

Monday, December 14, 2015

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

1. Call to Order.

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

2. Invocation by Reverend Tim Wildman, Pastoral Counselor, First Congregational Church
3. Pledge of Allegiance.
4. Roll Call.

Present: 14 - Councilor J. Allen Bennett, Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Mark Coen, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Gail Matson, Councilor Jan McClure, Councilor Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Amanda Grady Sexton

5. Approval of the Meeting Minutes.

November 9, 2015 City Council Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the November 9, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

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

Action: Mayor Bouley presented the resolution to Capital Region Food Program members Peter Hayden, Steve Painchaud and Maria Painchaud.

7. Presentation by Todd Fabian, Library Director, regarding Concord Public Library Initiatives.

Action: Library Director Todd Fabian indicated that September was National Library Card Month in which they participated in a fun competition to see what

community could receive the most new card holders. He explained that the competition was done by percentage of increase to make it more equitable for other communities; Concord won the first year with 357 new card holders in September.

He noted that in July, they changed some of the perimeters within the library including moving up their days of operations an hour and changing their loans so that items are out for three weeks instead of four weeks. He noted that they are trying to campaign the library which includes handing out bookmarks and coasters to be distributed to local establishments to help reach out to other demographics.

Councilor Todd thanked Mr. Fabian for all of his marketing efforts for the Library.

8. Agenda overview by the Mayor.

Action: Mayor Bouley presented resolution number 8883 in recognition of Councilor Jan McClure.

Mayor Bouley presented resolution number 8882 in recognition of Councilor J. Allen Bennett.

*****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 Nyhan moved approval of the consent agenda, as amended, with items 9 and 20 removed to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Referral to the Energy and Environment Advisory Committee

9. Communication from Walter Carlson requesting that the City look into placing solar panels in the open area at Concord Airport. (Pulled from consent by Councilor St. Hilaire)

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

Items Tabled for January 11, 2016 Public Hearings

10. Resolution accepting and appropriating the sum of \$16,934.40 in grant funds from the New Hampshire Highway Safety Agency, funds designated for DWI / Impaired

Driver Patrols; together with report from the Police Department.

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

11. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees, Senior Housing; together with report from the Assistant City Planner.

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

12. Report from the City Planner amendment to Mapped Line of Future Street - Bog Road to Kyle Road.

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

From the City Manager

13. Positive Citizen Comments

Action: This positive comments was received and filed.

Consent Reports

14. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,510.73 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

15. Diminimus gifts and donation report from the City Manager requesting authorization to accept four Melissa Anne Miller oil paintings, approximated value \$150+, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

16. Cable TV Franchise Agreement negotiations extension report from the City Solicitor.

Action: This consent report was approved.

17. Comprehensive Annual Financial Report for Fiscal Year 2015.

Action: This consent report was approved.

18. Report from the Fire Chief on the revision of the City's Local Emergency Operations Plan.

Action: This consent report was approved.

19. Report from the Fire Chief on an application for a grant funding opportunity from the New Hampshire Department of Safety for critical infrastructure protection for the Fire Department's headquarters complex and communications center.

Action: This consent report was approved.

20. Report from the City Engineer on the status of the US Route 3 Corridor (North) Improvement Project (CIP35). (Pulled from consent by Councilor Coen)

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

21. Report authorizing the City Manager to enter into a License Agreement with the 1883 Black Ice Pond Hockey Association for temporary installation of flags on sections of North and South Main Street.

Action: This consent report was approved.

22. Report from the Transportation Policy Advisory Committee in response to a referral from City Council regarding a resident concern on wheelchair accessibility on Union Street.

Action: This consent report was approved.

23. Report from the Traffic Operations Committee in response to a communication from Councilor Herschlag regarding a request by residents of Borough Road to consider installing Deer Crossing signs on Borough Road between Blueberry and Millstream Lanes.

Action: This consent report was approved.

24. Report from the Deputy City Manager - Development recommending authorization for the hosting of the "Runway 5K" at the Concord Municipal Airport in 2016.

Action: This consent report was approved.

25. Report from the Economic Development Advisory Council regarding suggestions for Business Development Strategies.

Action: This consent report was approved.

Consent Resolutions

26. Resolution in honor of the services of Battalion Chief Guy Newbery (for presentation in January).

Action: This consent resolution was approved.

27. Resolution authorizing the submittal of an application to the NH Department of Environmental Services Local Source Water Protection program grant to assist in the purchase of two parcels totaling 116-acres located off of Lakeview Drive and West Parish Road; together with report from the Conservation Commission.

Action: This consent resolution was approved.

28. Resolution authorizing the City Manager to apply for and accept up to \$45,000 from the NH Department of Environmental Services for Household Hazardous Waste Collection and Special Project Grants; together with report from the General Services Director.

Action: This consent resolution was approved.

Consent Communications

29. Street closure request for the 1883 Black Ice Pond Hockey Championship to begin on Thursday, January 28, 2016.

Action: This consent communication was approved.

Appointments

30. Mayor Bouley's proposed appointment to the Planning Board. Ian D. West

Action: This appointment was approved.

From the Mayor

End of Consent Agenda

Public Hearings

- 31A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III (Two Hours Between the Hours of 7:00AM and 6:00PM, Monday - Friday) concerning a section of Village Street; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects.

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.

- 31B. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards and Article 28-5 Supplemental Standards; together with report from the Assistant 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.

- 31C. Resolution appropriating the sum of \$610,000; accepting \$466,668 from the State of New Hampshire Department of Transportation and authorizing the issuance of bonds and notes for \$143,332 for the purpose of design and construction of the I-393/Horseshoe Pond Drainage Improvements and Watershed Management Study; CIP #571; together with a report from the Associate Engineer. (Public testimony submitted)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Shurtleff indicated that one of the items that he saw within the report was that one of the results of this drainage would be to raise the water levels in Horseshoe Pond to the historic levels. He stated that it's his understanding that Turkey Pond is only two-thirds of the size that it was 200 years ago because of the amount of silt and sand that gone into it. He inquired whether this means that one of the goals is to raise the level of Horseshoe Pond by one-third.

As he understands the report, Mr. Aspell explained that it's to restore the historic pond's water level and not to raise.

Councilor Shurtleff noted that the historic water levels were one-third more than they currently are. His understanding in reading the report is to the historic water levels of what they were 200 years ago.

City Engineer Ed Roberge explained that the intent of the watershed study, as well as the project, is to evaluate the impacts and to see if they can come back to that historic level. He stated that the project is all encompassing and trying to attempt to look the historic impacts, what were the water levels years ago and whether they can mimic that.

Councilor Shurtleff noted his concern is that the silt and sand has become farmland over the years. He is concerned with raising the level to the historic levels and

possibly covering that land.

Mr. Roberge indicated that there has been a lot of discussion back and forth with the community and those partners; they understand Mr. Morrill's and Mr. Brochu's concerns. The intent is not to raise the water levels of what might of been or what will be but how do they balance its use within the environment and the agricultural uses that are there.

Councilor Shurtleff stated that it's his understanding that Horseshoe Pond is an impaired body of water because of the amount of salt that flowed in off roadways over the years. Being an impaired body of water, he asked whether this project would cause more salt saturated water to flow into the pond and cause even more environmental harm to it.

Mr. Roberge responded that it's not quite defined an impaired body of water; it may be marginal and approaching it. He noted that part of the effort of the project is to identify what the issues are and how do they repair or improve these conditions.

Councilor Shurtleff noted that it's his understanding that this is before the Department of Environmental Services as far as the dredging permits to open up this channel so that water can flow out of Horseshoe Pond back into the Merrimack River to be carried away. If the dredging permits are not granted by DES, he inquired whether that would halt this project.

Mr. Roberge replied that they want to work with their permitting partners to do the right thing and wouldn't say that it would put the project at a stand still because there may be other physical elements that can be looked at. He stated that they are going to try to accomplish both facets of the project and work together with all of their partners.

Councilor McClure noted that one of the concerns is the impact of the polluted water and yet the watershed management study won't be completed until after the project is under construction. She wonders how they are balancing the need to make sure that they are not impairing the water quality more by the actions that they are doing.

Mr. Roberge stated that there are two separate elements: 1) a drainage capacity issue - the physical construction of the piping handles the capacity issue; 2) the

water quality elements - they are on the edge of impairment so they want to improve this but there are a host of issues that come up such as best management practices, cleaning catch basins, etc. He noted that all of these elements that may follow along from an operational standpoint will improve the water but it doesn't physically change what is constructed.

Mr. Aspell added that they would like to get a consultant on for the water management study for the Spring, around March, and it may possibly take from nine months to a year to get this study done. He noted that construction wouldn't start until the 2017 construction season.

Councilor McClure noted her concern with designing something that they don't know is going to improve or maintain water quality.

Mr. Aspell responded that the drainage piece is going to have to function regardless and the question is that they will have a design and then they'll do the water quality study. If they feel that it will really damage the pond, then they will have to decide whether or not to move forward with the construction; or they will feel that there is a solution here that's viable from a drainage standpoint and for the water quality/quantity standpoint and therefore move forward with construction. He can't see a purpose with designing a project then doing the study afterwards.

Councilor McClure stated her concern that the impact of the solution to one problem may actually hurt the farm economy that is trying to survive down there. Mr. Aspell stated that the idea is to come up with a solution that works for both.

Following brief discussion, the Mayor pointed out that the report indicates that they are trying to minimize the environmental impacts and improve the agricultural operations.

Mr. Roberge explained that their goal is to effect that balance and not affect agricultural capacity or use of the land while improving the drain system.

Councilor Nyhan asked where the discharge water is currently going. Mr. Roberge responded that it's part of the municipal drain system that runs through some smaller brick pipes and goes cross country from 393 to the Merrimack River via under I-93 nearest Fort Eddy Road.

Councilor McClure asked when staff last met with the downstream landowners.

Mr. Roberge responded that it was approximately a month and a half ago.

Councilor Champlin asked if this would be the last opportunity to vote on this issue if they were to vote in favor of this resolution this evening. Mr. Aspell responded that they didn't anticipate it coming back.

Councilor Herschlag asked if the resolution could be amended so that the project will come back to Council after the design and study is complete, before the construction commences, to ensure that the project wouldn't incur damage and to ensure the project wouldn't increase pollutants.

Mayor Bouley opened the public hearing.

Public Testimony

Sherri Morrill, Morrill Farm Dairy, noted that she understands the problems with the drainage on 393 and with the Kimball Jenkins Estate but she doesn't want to see their problem alleviated to their problem. She stated that they don't want to see the water becoming any more impaired. She spoke in support of the watershed study done and completed prior to anything else happening and also that there is a firm plan in place for the outflow project and how, if this does go forward, is this going to drain.

Andrew Morrill, Morrill Farm Dairy, stated that the issue that they run into is with high water which costs them time and money because it takes time for fields to dry and they can't get out there to operate to harvest crops.

Paul Gagnon, Forest Society, indicated that the Forest Society holds a conservation easement on the property and agrees with the Morrill's comments. They are concerned that the two pieces - the inflow and the outflow, are not going to be done; they want to be sure that one is not going to be done without the other. He stated that they are concerned with the water quality study and using the study to inform how this project is going to be done; they don't want to see the study coming in after the designs are built. Mr. Gagnon indicated that there was some talk about there being a culvert for a piece of the project that would go through the property and into Horseshoe Pond and stated that this would only be allowed if the conservation values of this property is not impacted. He noted that if it was not allowed, the city would have to do a taking of the property to make this happen which he pointed out that they would not be supportive of.

Councilor Shurtleff asked if it makes more sense to do the watershed study first and make sure they have dredging permits from DES and then design what is needed to fit those requirements. Mr. Gagnon noted his agreement.

Councilor Herschlag asked if he was correct in understanding that the Morrills feel that the watershed study should occur prior to any design and construction. Ms. Morrill responded that to be correct.

Referencing the report, Mayor Bouley asked where it would be found that the city isn't paying attention to both the inflow/outflow. Mr. Gagnon responded that they need to know how it's going to work and how the quality is going to be impacted before there can be effective designs.

Mayor Bouley asked if they have gotten the impression from the city or the state that they are not interested in dealing with the protection of the farm land. Mr. Gagnon noted that they believe that the city is interested in the protection of the farm land but understands that there is political pressure because of the problem at Kimball Jenkins but they don't want to see one problem dumped onto a different property.

Mayor Bouley stated that he doesn't feel any political pressure.

Councilor McClure stated that a design is needed in order to assess how it's going to impact both the water quality and water quantity. She feels that they can't assess what's going to happen until there is a design that shows them what's going to happen.

Councilor Coen indicated that what he is not hearing is whether there is an alternate thought of how this works or whether the recommendation is to do nothing. Mr. Gagnon noted that they suggested the dredging. Councilor Coen asked if the society was for this. Mr. Gagnon stated that they are for a good design that addresses the problem. He stated that the concern is that one piece will move forward without the other piece; they want to see both of the pieces in place.

Mayor Bouley asked if the forest society is against doing anything at Kimballs Jenkins and doesn't want the agricultural affected. He stated that he wants to ensure that they are able to farm the land as long as they want to. He pointed out that there are two problems that they are trying to face at the same time and

questioned why the forest society is opposed to doing these concurrently and how they can't coexist to fix a problem.

Mr. Gagnon indicated that the forest society is sympathetic to what's going on at Kimball Jenkins and do want to see that problem addressed but addressed in a way that doesn't have a severe negative impact on the conservation easement. He noted that they are concerned that if they do a water quality study after designs are created that they will not have the information to create an adequate design. He stated that this may be an unfounded concern.

Mayor Bouley asked who had said it was afterwards. He stated that he sees the word concurrent which means it would be done together. Mr. Gagnon noted that is not what he thought he was hearing.

Mr. Morrill stated that he would like to see it set up so that everything is in place and the approvals are there to do the dredging of the outlet as part of the drainage project to put the water in. He noted that all they would be doing at that point is continuing the flow of water from where it's a problem to where they want it to get to at the end; not having it bottle necked onto the property they are using.

Councilor Nyhan inquired as to the cost of the design element of this project.

Councilor Champlin stated that he would like to see this project move forward but wonders if it's possible for the Council to approve this so that both aspects of the project can move forward. He asked if city staff could provide a report regarding the findings of the outflow aspect of this to ensure that it is appropriate and does address the issues around the additional water going into the pond.

Ms. Morrill pointed out that when the storm drains do overflow on 393 that water runs down North Main Street and as it comes down through, that river of water that makes the bend by the gate, it does affect them because it washes out that road. She stated that they just want to ensure that everything is in place and that the outflow needs to be part of the big picture.

Councilor Keach inquired as to the definition of an impaired body of water. Mr. Gagnon responded that it's a body of water that has been impacted in terms of pollution and it's ability to sustain natural habitat.

Ms. Morrill indicated that the impairment that had been reported to them is the high

salt level in the pond.

Ryan Linehan, Kimball Jenkins Estate, thinks that somehow they can solve the problem at the estate and not affect the farm. He feels that the plan does a good job of this and feels that it should be done.

Councilor Champlin asked if Mr. Linehan could elaborate on what happens at the estate. Mr. Linehan explained that water cascades like a waterfall over 393 and runs down from the Boutin/North Main Street intersection. He noted that it's such a tremendous amount of water that just erodes the road and parking lot.

Councilor Shurtleff asked if Mr. Linehan can see the concerns that the Morrills have and their fears that the Council could be taking care of the problems in front of the estate but causing the water quality of Horseshoe Pond to diminish and possible flooding in their fields. Mr. Linehan stated that he sees their concerns but feels that both can be accomplished and feels that it's imperative that both are accomplished.

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

- 31D. Resolution authorizing and appropriating \$960,000 as a transfer to Trust Fund Reserves; funding for this appropriation shall be entirely from FY 2015 General Fund Assigned Fund Balance; together with report from Deputy City Manager - Finance.

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.

- 31E. Resolution appropriating \$78,000 from Trust Fund Reserves as a supplemental appropriation to the City's General Fund for the purposes of equipment repair, education and training and Community Center Emergency Repairs, funding for these purposes shall be entirely from Trust Fund Reserve accounts.

Action: Mayor Bouley indicated that he will be asking the Council to consider increasing this \$78,000 figure to \$108,000; \$30,000 specifically to support the cold weather shelter at St. Peter's Church.

City Manager Tom Aspell provided a brief overview.

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

- 31F. Resolution accepting and appropriating the sum of \$200,000, including \$100,000 in grant funds from the Land and Water Conservation Fund and \$100,000 in private donations from the Friends of the Merrimack River Greenway Trail to be used for the design and construction of a portion of the Merrimack River Greenway Trail Project (CIP 543); together with report from the City Engineer.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Dick Lemieux, Friends of the Merrimack River Greenway Trail President, indicated that the money that they are turning over to the city to build this trail comes from sixty five individuals from Concord and the greater Concord community; forty six companies donated either money or products as in kind contribution; seven non-profits also donated; city staff support; editorial support; and letters of support were received from many.

Chris Kane, Friends of the Merrimack River Greenway Trail Chair, expressed thanks to the work that the Engineering Department put into this.

Councilor Herschlag asked what type of materials will be used on the trail.

Mr. Lemieux indicated that the trail will be black top and the boardwalk is to be determined.

Councilor Herschlag inquired whether there is a pro forma that would tell them what the maintenance cost of this project will be. He noted that it's his understanding that the city will be maintaining this trail.

Mr. Lemieux stated that it's his understanding that the city will be maintaining the trail. He noted that the maintenance costs are not very expensive and are pretty nominal for trails; most of the light maintenance will be done by volunteers.

Councilor Herschlag indicated that the current numbers he has seen is \$2 million for full length of the trail from Loudon Road to Terrill Park. Mr. Lemieux indicated

that to be correct.

Councilor Herschlag asked if there was an estimate on the cost of the black top for that section. Mr. Lemieux responded that the cost is about evenly split between the boardwalk and the trail.

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

- 31G. Resolution accepting and appropriating the sum of \$21,086 from the New Hampshire Charitable Foundation to support projects that enhance the special character and vitality of Concord's downtown and neighborhoods; together with report from the Deputy City Manager - Finance.

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

32. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III (Two Hours Between the Hours of 7:00AM and 6:00PM, Monday - Friday) concerning a section of Village Street; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects.

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

33. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards and Article 28-5 Supplemental Standards; together with report from the Assistant City Planner.

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

34. Resolution appropriating the sum of \$610,000; accepting \$466,668 from the State of New Hampshire Department of Transportation and authorizing the issuance of bonds and notes for \$143,332 for the purpose of design and construction of the I-393/Horseshoe Pond Drainage Improvements and Watershed Management Study; CIP #571; together with a report from the Associate Engineer. (Public testimony submitted)

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

Councilor Shurtleff moved to amend this resolution to request that, before any construction begins on this project, the Engineering Department comes back to the Council to bring them up to date as to what is going to transpire and making sure all permits are in place. The motion was duly seconded.

Councilor Herschlag asked whether the Council would be willing to make the amendment more specific so that it would state that it comes back to the Council after the design and study were completed.

Councilor Shurtleff noted that he believes that this is covered within his motion.

Councilor Nyhan inquired whether the City Manager was able to get the information in regards to the design costs. Mr. Aspell responded that it's approximately \$200,000.

With regard to the environmental study, Councilor Nyhan asked when staff anticipates this coming back. Mr. Aspell responded that staff could bring back a draft finding of the water study along with all the other pieces of information in approximately a year from now.

Mayor Bouley noted his thanks for the public testimony received this evening on this item. He stated that they are trying to solve a problem for both parties.

Councilor Todd hopes that, as plans continue to move forward, staff will continue to outreach with the constituents to make sure that they are involved in the planning process.

Councilor St. Hilaire noted his concern with the salt content and feels that if the city is going to partner with the state, the city needs to realize that they may have to reduce the salt levels in those drive through areas.

The motion, as amended, passed with no dissenting votes.

35. Resolution authorizing and appropriating \$960,000 as a transfer to Trust Fund Reserves; funding for this appropriation shall be entirely from FY 2015 General Fund Assigned Fund Balance; together with report from Deputy City Manager - Finance.

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

36. Resolution appropriating \$78,000 from Trust Fund Reserves as a supplemental appropriation to the City's General Fund for the purposes of equipment repair, education and training and Community Center Emergency Repairs, funding for these purposes shall be entirely from Trust Fund Reserve accounts.

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

Mayor Bouley noted that he would like to see a motion to increase this appropriation from \$78,000 to \$108,00; the additional \$30,000 to be used to support the cold weather shelter at St. Peter's Church.

Councilor McClure moved to increase this appropriation from \$78,000 to \$108,00; the additional \$30,000 to be used to support the cold weather shelter at St. Peter's Church. The motion was duly seconded.

Mayor Bouley stated that the city is very fortunate to have both the First Church and South Church opening their doors for an emergency shelter for ten long years. He noted as they move forth with permanent housing, there is still a gap and without any type of emergency shelter the burden falls on the Human Services Department. He stated that the only option they have is to either find a shelter or put individuals in a hotel. He noted that if the city has to place individuals in hotel rooms throughout the winter, the costs far exceed the \$30,000. Christ the King Parish has come forth indicating that they are more than willing to open up St. Peter's activity center. The Mayor stated that this is a temporary "band aid" approach because the building is for sale. He noted his appreciation for everyone's efforts towards this.

Councilor Champlin noted that in his faith tradition there are acts of mercy and acts of justice - acts of mercy act in the short term to address issues but don't fundamentally change the status quo; acts of justice do move towards long term, long range problem solving. He stated that this is an act of mercy and is important and necessary and will do good. He is glad that the city is focused on an act of justice in terms of trying to move towards housing the chronically homeless and reducing the overall homeless population in the city. Councilor Champlin pointed out that St. Peter's is located within Ward Four; Ward Four also hosts the Friendly Kitchen, the Homeless Resource Center and will once again be hosting the emergency shelter. He knows that this is a sensitive issue in Ward Four because

they have become a focal point for the homeless population. He looks forward to working with the City Manager and other city staff to ensure the impact on the neighborhoods are minimized.

Councilor Werner indicated that he is a member of the Christ of King Parish and indicated that, at every mass, Father Roberge has reported on the progress and relationship with the city.

Councilor St. Hilaire recognized the work that the Mayor has put into this effort.

Councilor Todd further recognized the Mayor and others for their help.

Councilor Herschlag also thanked the Mayor and pointed out that it's just not \$30,000 explaining that the community is coming together to provide a tremendous amount of resources - not only financial but also in volunteer, labor and community support to ensure that those less fortunate will have a place to stay this winter.

The motion, as amended to increase this appropriation from \$78,000 to \$108,00 with the additional \$30,000 to be used to support the cold weather shelter at St. Peter's Church , passed with no dissenting votes.

37. Resolution accepting and appropriating the sum of \$200,000, including \$100,000 in grant funds from the Land and Water Conservation Fund and \$100,000 in private donations from the Friends of the Merrimack River Greenway Trail to be used for the design and construction of a portion of the Merrimack River Greenway Trail Project (CIP 543); together with report from the City Engineer.

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

Councilor McClure feels that this is a great example of effective public/private partnership.

Councilor Herschlag noted that he feels that this will be a remarkable resource for the city. He hopes that as the project moves forward, this Council could have a discussion as to whether they want to establish an assigned fund to ensure that maintenance costs will be able to be dealt with as needed.

Councilor Bouchard stated that it's her understanding that the federal government has now diverted this money in cities and towns since federal parks will no longer be getting that money. She feels that it's unfortunate that the federal government has

diverted the money away from the importance of helping cities, towns and federal parks in having open space.

The motion to approve passed with no dissenting votes.

38. Resolution accepting and appropriating the sum of \$21,086 from the New Hampshire Charitable Foundation to support projects that enhance the special character and vitality of Concord's downtown and neighborhoods; together with report from the Deputy City Manager - Finance.

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

Appointments by the Mayor

Reports

39. Report from the City Engineer on the status of the Downtown Complete Streets Improvement Project (CIP460).

Action: City Engineer Ed Roberge provided a brief overview.

Councilor St. Hilaire moved acceptance of the report. The motion was duly seconded and passed with no dissenting votes.

40. Report from the Ad-Hoc Street Tree Committee recommending the adoption of a Street Tree Policy

Action: City Manager Tom Aspell provided a brief overview.

Councilor Champlin recognized Councilor McClure and committee members for all their work. He noted that the committee made an emphasis on shade trees and the impact that they can have on creating a healthier more attractive environment. They also included recommended street trees for the use of city staff.

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

New Business

41. Communication from Jack Shields, Penacook resident, asking that City Council consider changing the date of Halloween for Penacook to the same day and time as Concord; together with report from former Police Chief regarding Halloween dates and times within the community. (Additional communication from Jack Shields

received)

Action: City Manager Tom Aspell recalls that City Council's position is that they do not set the date for Halloween in Penacook or Concord and therefore, in the past, has decided not to set the date going forward.

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

Councilor Herschlag inquired as to who determines whether or not trick or treating occurs on different dates. Mr. Aspell responded that the city does not determine explaining that it could be held any day. The city and Council does not recommend to anyone when Halloween is officially held.

Councilor Champlin questioned where the Concord Monitor, WMUR, etc. gets the information for the Halloween dates. Mr. Aspell responded that it's just been the tradition over the years.

Councilor Shurtleff explained that a historian, Ruth Spears, brought up the fact that this was never meant to disparage Penacook by having it the night before; it was always a tradition to do this with Boscawen because a local movie theater had free movies on Halloween night for children at the old Palace Theater and that is how the tradition began.

Councilor Bouchard asked who sets the times for trick or treating. Mr. Aspell responded that it's based upon tradition.

Councilor Herschlag indicated that he would be voting against acceptance because the recommendation is to accept the information and maintain the status quo concerning Halloween. He noted that the residents that he has spoken to would not like to maintain the status quo of Penacook going a day before Concord.

Mr. Aspell explained that the status quo concerning Halloween is that the city does not determine when Halloween is; it is not the status quo of any particular date because that would assume that the city sets the dates.

The motion to accept the report passed with one dissenting vote.

Unfinished Business

42. Supplemental report from the City Engineer outlining lighting alternatives for the

Downtown Complete Streets Improvement Project (CIP460).

Action: Councilor St. Hilaire moved to remove this item from the table. The motion was duly seconded and passed on a voice vote.

City Manager Tom Aspell provided a brief overview.

Councilor Coen indicated that he is in favor of going with the white uplighting and not the colored lighting. He would prefer not to do the string lighting this year so that they have a chance to see what the uplighting would look like. He stated that his biggest reason on this is because the city did hire a lighting consultant and the report stated that the nature of downtown Concord lends itself to white light and not to colored lighting. Councilor Coen pointed out that there is a dark area in a section of Warren Street and North Main Street and that the consultants talked about providing lighting from School Street Garage to Main Street. He feels that if they are going to spend this amount of money, he would rather have that money allocated to enhance that intersection.

Councilor St. Hiliare indicated that several months ago he was really enthusiastic about colored uplighting and since then he has changed his position after seeing the lighting and demonstrations. He noted that he didn't think the colors on the trees looked good and doesn't suit Concord. He stated that, suprisingly, he didn't find the uplighting to be that attractive either. He noted he suggested the holiday tree lighting option, number four, because he feels that it makes a big difference with the trees wrapped in lights.

Councilor Champlin stated that he has not lost his interest or support for uplighting the trees. He spoke of the many distinctive features that have been on the table and then taken off; the remaining feature is the uplighting of the trees. He feels that the uplighting would create a very distinct downtown but is, however, cognizant of the cost of the project and would be prepared to make a motion that they reduce the cost of the project to \$100,000 and uplight half the trees with white light.

Councilor Herschlag noted his agreement with Councilor St. Hilaire. He questioned whether there is an annual service contract that they would sign for the holiday tree lighting - would it be an annual or a multi-year contract.

Mr. Aspell responded that it could be structured however they would want noting that they may want to do something that is multi-year.

Councilor Herschlag noted that the last time this was brought up, there was concern that those types of lights can't be left on the trees year round until the trees mature. He inquired whether there is a timeframe for when the lights would be able to be left up for a multi-year period of time to potentially reduce the contract cost of taking them down and restringing them each year.

Mr. Aspell responded that for that cost, they were looking at putting them up just prior to Thanksgiving and taking them down in February each and every year.

Councilor Herschlag asked if the lights could stay on the trees once they are mature enough and, if they did remain on, what would be the life expectancy of those string lights.

Mr. Aspell responded that, given the mortality rate of street trees, the city will probably be replacing them over a number of years. He explained that the way that they are looking at the service contract, they are not buying the lights. He suggested against buying them and further suggested doing a service contract in which somebody else owns the lights; the city would be leasing the lights, having them installed and taken down.

In regards to uplighting, Councilor Herschlag noted that the City Engineer had indicated that all the infrastructure would be there and everything would be in place for the addition of this lighting.

Councilor Nyhan recommended waiting until the project is completed and then make an educated decision.

Councilor Keach noted his agreement with Councilor Nyhan. He stated that his preference is uplighting whether it's white or colored. He noted that he feels that they should complete the project and figure out the holiday lighting later.

Councilor Todd indicated that he received many comments to how nice the wreaths look and questions as to why the city couldn't utilize the electrical power on the poles and the buntings to purchase buntings for the Fourth of July; perhaps doing so for other holidays as well. He is inclined to ask the question as to whether they could wait on this and have people investigate some further ideas and suggestions to utilize and get a chance to appropriately study and augment the current lighting that they are enjoying now.

Councilor McClure noted her agreement with Councilors Nyhan and Keach and pointed out that the uplighting that they are suggesting was indeed an add on to the original plan. She feels that waiting is a good idea.

Councilor Coen noted that when they hired the lighting consultant it was how do they enhance even further the downtown project. He indicated that the lighting was part of the architectural feature and part of the whole ambiance of downtown; it's not an add on for three months out of the year. He finds it more important than just an add on feature.

Councilor Champlin noted his agreement with Councilor Coen. He indicated that if they were to go with string lighting the lights would be up from November to February and there would be no lighting for eight months out of the year. He stated that they want to create an exceptional downtown that attracts people and creates an environment in which people want to spend time.

Councilor Shurtleff noted his concern with creating their own form of light pollution on Main Street with too much lights. He agrees with Councilor Nyhan's suggestion to wait until the project is completed and see how Main Street looks, making a decision at that time.

Councilor Keach stated that while he is very supportive of the uplighting, he does has concerns in regards to the financial parts of this project. He noted that the uplighting is something he would reserve for the end of the project, if they can afford it. He indicated that there may be some other aspects of this project, unanticipated, that they may want to do, in particular, the utilities on South Main Street. This is a priority for him so if it's uplighting for the whole project or utilities on South Main Street, that would be a game changer for him.

Mayor Bouley stated that he doesn't mind waiting at all; at one point he thought uplighting would be great but when he saw it, it didn't have the "wow" factor that he was looking for. He feels that the cost is so excessive that it could absolutely be used for something more appropriate. He stated that he feels that they have an exceptional downtown right now and feels strongly that they have taken a wonderful downtown and made it even better than exceptional. He indicated that they need to continue to invest in the downtown, make sure they maintain what they have, and look to the eye of economic development in terms of what they can do to make sure they can develop properties.

Following brief Council discussion, Councilor Champlin moved to table this item. The motion was duly seconded and passed with one dissenting vote.

43. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)(9-26C; 9-29) (10-37) (11-41) (12-38) (1-43) (2-57) (3-46) (4-49) (5-46) (6-43) (7-39) (8-27) (9-43) (10-42) (11-42) (12-34) (1-48) (2-35) (3-31) (Action on this item was tabled after a public hearing was held on September 9, 2013.)

Action: Councilor St. Hilaire moved to remove this item from the table. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire noted that this item has been on their Council agendas for 2 1/2 years.

Councilor St. Hilaire moved not to accept this item. The motion was duly seconded and passed with no dissenting votes.

44. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (10-36) (11-40) (12-37)(1-42) (2-56) (3-45) (4-18) (5-45) (6-42) (7-38) (8-26) (9-42) (10-41) (11-41) (12-33) (1-47) (2-34) (3-30) (Action on this item tabled following a February 2013 public hearing)

Action: This item remains on the table.

45. Report from the Rules Committee recommending revisions to the current Rules of the City Council. (Item tabled, no action taken, at the June 8, 2015 City Council meeting).

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Todd indicated that Concord 250 is partnering with the Concord Family YMCA to present Cheers to the Next 250 Years New Year's Eve gala theme on December 31st beginning at 7:30 p.m. at the Grand Ball Room at the Grappone Conference Center. Tickets are \$75 and available online at ConcordYMCA.org.

He added that at 1:00 p.m. at NHTI they will presenting a Concord Chats documentary and Concord history show and tell. He noted that all the proceeds will benefit the YMCA's annual campaign making quality childcare and wellness programs accessible to everyone in the community regardless of economic status.

Councilor Herschlag asked that when the State's Fire Marshal's report is available for the Rumford Street fire that it be distributed to the Council.

Councilor Champlin noted that the White Park Winter Carnival will be coming up on January 23rd.

Mayor Bouley stated that's in been a very busy few weeks for the Fire Department and noted that they have been doing a good job. He added that, at the fire on Rumford Street, they lost Kevin Curdie. He stated that Mr. Curdie was a friend to the Council and to the community and will be missed by all.

Mayor Bouley indicated that the swearing in of Council will be held on January 4th; January 11th will be the regular Council meeting; January 25th will be the priority setting session.

Mayor Bouley stated that Councilors McClure and Bennett never settled for anything and always demanded excellence no matter what it was. They both have taught him and the community a great deal. Councilor McClure has been his conscience; Councilor Bennett has kept him grounded. He hopes that people understand the amount of time they have taken away from their families and friends to serve on the Council. He is grateful that he was able to serve at the table with both of them.

Councilor McClure indicated that she has learned a tremendous amount from each of the Council members and staff; she feels that she is leaving from Council a better person. She thanked the city, the residents, her constituents and staff for all their support. She further thanked her husband for all his support.

Councilor Bennett stated that it's been an honor and privilege to serve on the Council and give back to the community. He thanked his wife for all her support. He noted that he's been able to work with all the gifted people that have and do sit around the Council table. He thanked Administration and city staff.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion

Items 9 and 20 have been pulled from the consent agenda for discussion.

9. Communication from Walter Carlson requesting that the City look into placing solar panels in the open area at Concord Airport. (Pulled from consent by Councilor St. Hilaire)

Action: Councilor St. Hilaire indicated that he removed this item because the constituent that wrote to Councilor Matson was suggesting looking at the airport as a place to put solar panels. He explained that when serving on the Executive Council, they approved a grant for the Manchester Airport to build some solar panels. He noted that once they installed the panels, it created a lot of problems including glare that was impeding the air traffic tower and some of the aircraft coming in to the point in which they had to cover some of the panels with tarps. He stated that rather than having the committee spend time on this, he wondered if it was better for Administration to respond to Mr. Carlson to explain that the committee that this was supposed to go to has found a perfect site: the wastewater treatment plant.

Councilor St. Hilaire moved that Mr. Carlson receive a letter from the City Manager explaining what the harms are having it by the airport and the site that has already been chosen. The motion was duly seconded and passed with no dissenting votes.

20. Report from the City Engineer on the status of the US Route 3 Corridor (North) Improvement Project (CIP35). (Pulled from consent by Councilor Coen)

Action: Councilor Coen asked for a synopsis of why they did this project.

City Engineer Ed Roberge explained that this was a dramatic and transformative project since 2005 which started with some big decisions that changed philosophies. He noted that they had a number of issues including safety, roadway condition and what is sustainable. He indicated that Council made an incredible decision on the removal of the concrete slab which added \$4 to \$5 million to the cost of the overall project; that's a legacy project. He stated that they effected some significant changes such as safety, traffic calming, adding landscaping, and the retransformation of Penacook Village. Mr. Roberge noted that the corridor is really built for the future and gives "hats off" to the Council for staying the course and completing the project; they took a six phase program turning into eight years. He stated that there were a lot of improvements and surprises along the way but some early results, from a safety standpoint, they are seeing a considerable reduction in crashes - almost to the fifty percent range; a particular intersection at McGuire Street they have cut out almost ninety five percent of traffic accidents

with traffic signals. He noted that while speeds is up in question because they couldn't gather good data, they see a good traffic calming effect, a much quieter corridor than it was before. He stated that it's a calmed, quiet multi-modal corridor without any federal funding at all.

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

Consideration of Suspense Items

Adjournment

The time being 9:45 p.m., Councilor St. Hilaire moved to enter non-public session in accordance with 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*