



# City of Concord

## City Council

### Meeting Minutes

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Monday, January 9, 2017

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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*Non-public sessions in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies, RSA 91-A: 3, II (d) to discuss contract negotiations and RSA 91-A:2, I (b) meeting with legal counsel to be held at 6:00 p.m.*

1. Call to Order

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

2. Invocation.

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 Stephen Shurtleff, and Councilor Robert Werner

**Excused:** 1 - Councilor Brent Todd

5. Approval of the Meeting Minutes.

December 12, 2016 City Council Meeting Minutes.

**Action:** Councilor St. Hilaire moved approval of the December 12, 2016 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

5A. AARP Presentation by Todd Fahey.

Todd Fahey, NH State Director for AARP, stated that AARP's mission is to advocate for policies that make lives better for 50+ individuals, their families and the communities in which they live. He noted that one of the initiatives that they work on nationwide is making communities more livable for all ages and look for examples of livable communities. He indicated that the Main Street project was highlighted in their publication and he wants to acknowledge the great work that

was done and recognized how the city facilitated community with the project.

6. Friends of the City Auditorium Presentation.

Betty Hoadley, resident, indicated that the vendor has had to order 2,000 special screws in order to secure some of the seats. She stated that there will be an upcoming fundraiser, The Rhythm of the Night, on January 21st. On January 16th, the Audi will hold in annual mini Pitch In, a community service event to prepare for the fundraiser. She announced the recent fundraising amount: \$96,500.

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 Nyhan moved approval of the consent agenda with item 14 removed for discussion. The motion was duly seconded and passed with no dissenting votes.

**Referral to the Legal Department**

8. Application from Anthony and Pauline Minichiello for restoration of involuntarily merged lots pursuant to RSA 674:39-aa.

**Action:** This communication was referred.

9. Communication from the Town of Pittsburg Board of Selectmen regarding local control of municipal roads.

**Action:** This communication was referred.

**Items Tabled for February 13, 2017 Public Hearings**

10. Resolution accepting and appropriating the sum of \$100,000 in grant funds from the NH Department of Environmental Services Aquatic Resource Mitigation Grant Program to be used towards the design and construction of a culvert replacement and stream bed restoration along Mill Stream at Portsmouth Street, CIP #83; together with a report from the City Engineer.

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

**From the City Manager**

11. Positive Citizen Comments.

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

**Consent Reports**

12. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$3,050.35 as provided for under the pre-authorization granted by City Council.

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

13. Comprehensive Annual Financial Report for Fiscal Year 2016.

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

14. Report from the Deputy City Manager for Development in response to a referral from Councilor Herschlag regarding St. Paul's School's compliance with its Easement Agreement. (Pulled from consent by Councilor Kretovic)

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

15. Report from the Airport Advisory Committee recommending that City Council authorize the use of the Concord Municipal Airport for the annual Aviation Awareness Day/Runway 5K to be held on October 21, 2017.

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

16. Report from the City Engineer recommending City Council license the installation of a replacement well on city property at the Concord Municipal Airport in response to a request from the US Geological Survey (USGS).

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

**Consent Communications**

17. Street closure request for the 1883 Black Ice Pond Hockey Championship to begin on Thursday, January 26, 2017.

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

18. Street closure request from the Concord Farmers Market Association requesting Capitol Street be closed on Saturdays from 6:00 a.m. to 1:00 p.m. beginning May 6, 2017 through October 28, 2017.

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

### **Appointments**

19. City Manager's Proposed Appointment to the Conservation Commission. Jeffrey Lewis

**Action:** This appointment was approved.

20. City Manager's proposed re-appointments to the Heritage Commission. Philip J. Donovan, Jr., Carol Durgy Brooks, and Bryant F. Tolles, Jr.

**Action:** This appointment was approved.

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

### **Public Hearings**

- 21A. Resolution authorizing and appropriating \$12,796 as a supplemental appropriation to the Cable TV System expense line to support the added expenditure in conjunction with the newly signed agreement with Concord Community Television; 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.

- 21B. Resolution authorizing and appropriating the sum of \$45,000 from the Mountain Green Reserve Fund as a supplemental appropriation to the pump station replacement renovations project, Mountain Green Station Project (CIP#275); together with report from the General Services Director.

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

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

- 21C. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds on behalf of the Concord Family YMCA; together with report from the Director of Redevelopment, Downtown Services and Special Projects

**Action:** There being no Council objection, items C, D and E were read together.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, stated that community development block grants are monies available to municipalities through the NH Community Development Finance Authority: \$500,000 is available annually on a competitive basis for economic development; up to \$500,000 is available for public facility and housing projects; and up to \$500,000 is available for emergency activities directly benefitting low and moderate income persons. He noted that in addition, up to \$12,000 is available per planning study grants; all projects must primarily benefit low and moderate income persons. He indicated that Concord is a non-entitlement community which is why they must compete for these monies. He explained that the purpose for the public hearing this evening is to take public testimony concerning a proposed application to the NH Community Development Finance Authority for up to \$500,000 in community development block grant funds which would be subgranted to the Concord YMCA to partially finance a \$700,000 renovation to its daycare facility located on Warren Street. Mr. Walsh indicated that the proposed renovations would include but not be limited to conversion of its heating system from Concord Steam to an internal gas fired steam boiler system - \$125,000; elevator repairs - \$60,000; extensive flooring, lighting and other improvements to rejuvenate the facility. Based upon information provided by the YMCA, Mr. Walsh indicated that 57 percent of their clientele meets CDBG income requirements.

Mr. Walsh indicated that there is also a hearing on the City's Housing and Community Development plan which outlines the city's housing and community development goals which needs to be updated and adopted every three years. He stated that the funds are conforming with this particular plan specifically the city's goal to support local social service agencies and their efforts to rehabilitate their facilities. Lastly, he indicated that there is a hearing on the residential anti-displacement relocation assistance plan. He explained that although there is no relocation or displacement anticipated with this particular project, if it were to be the case, this document would be used to assist residents or businesses that may temporarily or permanently displaced or need to be relocated.

Mayor Bouley opened the public hearings for items C, D and E.

### **Public Testimony**

Jim Doremus, Concord Family YMCA CEO, and Matt Leahy, YMCA Board of Directors member, thanked Council for considering the CDBG application.

Councilor Werner inquired as to how many families per year directly benefit as a result of this facility. Mr. Doremus responded that over 150 children on a daily basis are being served; 100 in the pre-school program and 50 in the after school program.

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

- 21D. Resolution re-adopting the City of Concord's Housing and Community Development Plan; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report and revised Housing and Community Development Plan submitted)

**Action:** Public hearing for this item taken with item C.

- 21E. Resolution re-adopting the City's Anti-Displacement and Relocation Policy Statement and Procedures; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

**Action:** Public hearing for this item taken with item C.

- 21F. Resolution authorizing the City Manager to continue implementation of the revolving loan fund program and appropriating the sum of \$505,634; together with report from the Director of Redevelopment, Downtown Services and 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.

### **Public Hearing Action**

22. Resolution authorizing and appropriating \$12,796 as a supplemental appropriation to the Cable TV System expense line to support the added expenditure in conjunction with the newly signed agreement with Concord Community Television; together with report from Deputy City Manager - Finance.

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

23. Resolution authorizing and appropriating the sum of \$45,000 from the Mountain Green Reserve Fund as a supplemental appropriation to the pump station replacement renovations project, Mountain Green Station Project (CIP#275); together with report from the General Services Director.

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

In follow up to a question during the public hearing, City Manager Tom Aspell indicated that the balance within this account is \$154,222.

The motion to approve passed with no dissenting votes.

24. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds on behalf of the Concord Family YMCA; together with report from the Director of Redevelopment, Downtown Services and Special Projects

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

25. Resolution re-adopting the City of Concord's Housing and Community Development Plan; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report and revised Housing and Community Development Plan submitted)

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

26. Resolution re-adopting the City's Anti-Displacement and Relocation Policy Statement and Procedures; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

27. Resolution authorizing the City Manager to continue implementation of the revolving loan fund program and appropriating the sum of \$505,634; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

### **Reports**

28. Report from the Fire Chief in follow-up to a referral from City Council on a Safe Stations Program.

**Action:** Fire Chief Dan Andrus provided an overview of the report indicating that the city has worked closely with Riverbend over the years but has begun a new partnership with them. He explained that the Fire Department now has the ability when they go out on a call, if a person is not in danger of physical or mental conditions they can call the Riverbend hotline to consult with a clinician who will walk through a triage tool to determine whether the patient can be either seen at the scene, followed up by Riverbend or transported to Riverbend's urgent care facility on Pleasant Street; for patients that have overdosed and are acutely intoxicated or otherwise medically compromised, the emergency department at the hospital will remain the destination of choice for them to be stabilized.

He noted that they also have a partnership with the Capital Area Public Health Network and, under the leadership with Granite United Way, the network has expanded their scope beyond the traditional emergency planning roles to encompass a broader community health role. He indicated that they led the effort to develop a community health improvement plan in which substance abuse is the highest priority; staff at Granite United Way are working very hard to implement this plan to work with schools and others for substance misuse prevention. They are also scheduling and have presented a number of drug abuse education prevention, referral and treatment events to educate patients and family members.

Chief Andrus pointed out that the city's program is not a safe stations program like Manchester and Nashua but feels that this is the best solution and partnership with a community agency that can provide the city with that type of 24/7 support.

Councilor Kenison applauds the efforts and initiatives for getting this underway. She inquired as to the percentage of people that the Fire Department sees that have mental illness that would be funneled to the mental health center. Chief Andrus responded that they are really not sure noting that this is part of the evaluation tools - to see how much utilization they get from this program.

Councilor Kenison wonders if the Fire Department would have any role for those individuals who would not be appropriate to refer to mental health. She inquired whether there is some channel to avoid taking these others to the emergency room if they are not in critical need. Chief Andrus responded that there is a role for people that have been revived by narcan; they would strongly be encouraged to seek help in the emergency department because there is a possibility that the narcan can wear off and they could relapse. He stated that if someone has overdosed to the point in which they are being given narcan to get them breathing again, this is a



medical emergency and should be seen by the emergency department. He added that Riverbend has provided cards for their crisis line that can be handed out and noted that they are also looking at some of the resources that the state has put out including their statewide addiction hotline.

Councilor Herschlag asked what the city is doing to make sure people have access to contact numbers - can this be obtained by dialing 211. He questioned how the city would ensure that people are aware of the process that has been established within the Concord community. Chief Andrus responded that most of their efforts has been to get this program up and running and now that this hurdle has passed, they can work on getting the information out to the public using tools such as social media.

Councilor Herschlag inquired whether it would be beneficial to contact local radio stations and newspapers. Chief Andrus replied that he has met with WKXL this afternoon and stated that the next step is to get this information out to the public now that this program has been implemented. He stated that one of the next steps in moving forward with this partnership is working with Riverbend to get the message out there; he is cautious about marketing services that is not being provided and he doesn't want to overreach what Riverbend can provide.

Councilor Champlin noted that he read an article in the Monitor and a news item on WMUR in regards to this program. He feels that they are off to a good start in publicizing this program.

Mayor Bouley thanked the Chief and the Fire Department noting that this has been a priority for the Council, for the Public Safety Advisory Committee and for the community. He feels that the solution that has been crafted is a uniquely Concord solution that fits into its geographic and demographics. He stated that the model used of public/private partnerships is something that the city has excelled at in the past.

Chief Andrus stated that they are fortunate to be allied with Riverbend in this partnership. He noted that the firefighters are working hard for the young people within the city to give alternatives to recreational drug use.

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

29. Presentation regarding Concord Steam/Public Utilities Commission (PUC).

**Action:** City Solicitor Jim Kennedy indicated that there was a pre-hearing conference at the PUC relative to the petition that was filed by Senator Feltes and other interested parties relative to creating a fund with Liberty Utilities for those in need of funds for the transition for whatever source of energy they are on now to natural gas, presumably steam to natural gas. He noted that it was made clear, at this hearing, that the staff at the PUC is opposed to the petition and the Office of the Consumer Advocate is opposed to it also; this office maintains that it's not appropriate for the current rate payers to pay for any fund for the transition from steam to natural gas. Mr. Kennedy stated that the city presented and made clear that they thought it was incumbent upon any utility that is leading the business of providing a public utility to make every effort and have a duty, by precedent of the Public Utilities Commission, to be certain that any entity transitioning off a public utility that they be certain they have a means to transition. He noted that there were a number of other entities that are looking for assistance in transitioning from steam to natural gas and those entities made clear why they need the funds. At this stage, he indicated that they are at the procedural level of trying to set up a procedure as to what is going to be the most effective way to address as to whether or not this fund can be established. They are currently as a stand still in moving forward but soon expects the PUC to make a decision on what the procedural schedule will be.

Councilor Keach inquired whether the PUC has signed off on the bail out for Concord Steam. Mr. Kennedy responded yes.

City Manager Tom Aspell pointed out that as the economy continues to heat up, it's going to be more expensive for everyone to switch over as time goes by; they are seeing this happen with a lot of organizations.

Councilor Herschlag, in his capacity of a citizen, indicated that individuals are concerned that Liberty Utilities customers will be paying Concord Steam customers to convert to natural gas. He feels that there is a bit of misunderstanding explaining that he believes that the intent of the fund is to assist Concord Steam customers who will have higher costs spread out over ten years than they would currently paying before the increase that they will receive this winter. He noted that the \$1.9 million fund that has already been approved by the PUC is really nothing more than a bail out for Concord Steam customers to help mitigate the costs as Concord Steam winds down and goes out of business; the argument is that Liberty Utilities has bought assets from Concord Steam but the fact of the matter is that the only assets that they bought are some rights of ways and customer list. Concord Steam's assets consists of the building assessed at \$965,000 and \$1.5 million for

the electrical distribution system both of which Liberty Utilities is not purchasing. He noted that the fact that the Office of the Consumer Advocate and the PUC not supporting the \$1 million fund to assist those who will extraordinary costs because of the conversion is entirely inconsistent with them approving the \$1.9 million.

Mayor Bouley asked for clarification that the three Public Utilities commissioners have approved and adopted the \$1.9 million bail out for Concord Steam. Mr. Kennedy responded that was approved approximately a month ago. Mayor Bouley inquired whether it's known what the arrangement is. Mr. Kennedy responded that he doesn't have the agreement in front of him but generally it's the \$1.9 million to purchase the assets of Concord Steam.

Councilor Keach inquired as to what happens to the pipes that are underground. Mr. Kennedy responded that the city participated in the closure proceeding of Concord Steam at the Public Utilities Commission and presented evidence and made very clear that the city wanted to be on the record that those manholes that are not going to be used are going to be filled with cement so it won't damage the city's infrastructure. He noted that staff is still monitoring this and if there is any damage, the city will be filing a claim. Councilor Keach questioned who is going to pay if there is related maintenance costs or closure costs for the pipes. Mr. Kennedy responded that Concord Steam is. Councilor Keach inquired who would be paying once they are bought out. Mr. Kennedy replied that staff is monitoring this now to the extent that the city is subject to any expense as a result of the closure, staff will be making this known. Councilor Keach asked if this was still in negotiations. Mr. Kennedy responded that to the extent that there is any damage done to the city's infrastructure - this hasn't been determined fully and completely at this time.

Following brief Council comment, the Mayor thanked Mr. Kennedy for the presentation.

### **New Business**

### **Unfinished Business**

30. 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.

31. 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 Nyhan recognized the Fire Department for their response, professionalism and thoughtful follow up to a recent house fire within Ward 7.

Councilor Champlin announced the White Park Winter Carnival taking place on January 21st from 1:00 p.m. to 4:00 p.m. along with the Ugly Sweater 5K race. He also announced the 1883 Black Ice Pond Hockey Championship taking place on January 26th through the 28th.

Councilor Coen announced that the ice skating pond at the Beaver Meadow Golf Course is opened along with the cross country ski trails.

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

City Manager Tom Aspell indicated that when General Services was out the last time to treat the roads, it was the 17th time this year; going back to this date last year, they had been out four times and totaled 15 times all of last year.

Mayor Bouley complimented staff that maintain roads and sidewalks during the winter.

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

*\* Item 14 has been pulled from the consent agenda for discussion.*

14. Report from the Deputy City Manager for Development in response to a referral from Councilor Herschlag regarding St. Paul's School's compliance with its Easement Agreement. (Pulled from consent by Councilor Kretovic)

**Action:** Councilor Kretovic indicated that the reason she removed this item is because when she viewed the photos it occurred to her that this is the third time that Council has seen these photos since the road was given over to St. Paul's. She is concerned about the time and resources that they take every few years to review this. She indicated that the Transportation Policy Advisory Committee already looks at this road along with it's subcommittees. She doesn't have a concern with sending a letter but does with this item continually coming before the Council noting that she feels that there are other avenues to monitor this in the future. She recommends that the City Manager have either General Services do this as part of their review or leave it to TPAC to manage moving forward.

She moved that the City Manager be allowed to send the letter but in the future have it reviewed by existing committees. The motion was duly seconded and passed with no dissenting votes.

### **Consideration of Suspense Items**

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

#### Sus1. Referral to the Parking Committee

Communication requesting consideration be given to restricting parking to one side of the street on those streets within the city that may be so narrow as to create problems navigating the streets when cars are parked on both sides.

**Action:** Councilor Nyhan moved to refer this item to the Parking Committee, the Police Department and the Fire Department.

Mayor Bouley noted that it appears that there is a short term problem and a long term problem; he wants to make this easier for General Services but his concern really lies specifically with emergency vehicles. He noted that he feels that the Parking Committee can handle the long term problem of how they want to move forward with this in the future and dealing with winter snow effect but in terms of this year, he feels that the public safety officials can look at a short term quick fix.

Councilor Coen noted that he does see emergency no parking signs within snow banks and inquired as to who makes these decisions to put these up and where to put them. City Manager Tom Aspell responded that Parking, Police, Fire and General Services work together to make a determination, particularly, when planning on doing a snow removal operation during the evening.

Councilor Shurtleff noted that they know that both departments are busy but because of the nature of this request impacting emergency vehicles, asked if they could report back to the Council for the February meeting with an assessment of the situation and any recommendations to alleviate the problem.

Councilor Champlin believes that a solution to both a short term and long term is prudent. He noted that the constituent who raised this question is not just concerned with winter parking but also concerned with their street being so narrow even during the summer with cars parked on both sides of the street.

The motion to refer passed with no dissenting votes.

Councilor St. Hilaire, in accordance with RSA 273-A:3, moved to approve the cost items included in the collective bargaining agreement from January 1, 2017 through December 31, 2019 between the Concord Police Patrolmen's Association (CPPA) and the City of Concord. The motion was duly seconded and passed with no dissenting votes.

### **Adjournment**

The time being 8:14 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*