



# City of Concord

## City Council

### Meeting Minutes - Draft

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Tuesday, October 11, 2016

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 (d) to discuss property acquisition and non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining to be held at 6:15 p.m.*

1. Call to Order.

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 Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Councilor Gail Matson

5. Approval of the Meeting Minutes.

September 12, 2016 City Council Meeting Minutes.

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

6. Friends of the City Auditorium Presentation.

**Action:** Betty Hoadley, resident, highlighted preservation efforts by the Friends of the Auditorium since 1991 as contained within the communication. She noted that the total value of the Friends of the Audi's preservation and maintenance contributions to the city theater over 25 years is close to \$2 million.

7. Agenda overview by the Mayor.

Mayor Bouley indicated that, at the September 12th Council meeting, they did not adjourn but recessed the meeting. He asked if someone could make a motion to come out of recess so that meeting could be adjourned.

Councilor Champlin moved to come out of recess for the September 12, 2016 Council meeting. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley pointed out that they had one item left but they did not have a quorum on September 19th so that item will be considered as unfinished business.

Councilor Nyhan moved to adjourn the September 12th Council meeting. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley indicated that there have been many questions in regards as to what is going on with Concord Steam and their potential relationship with Liberty Utilities. He invited City Solicitor Jim Kennedy and Senator Feltes to speak this evening.

City Solicitor Jim Kennedy provided an update explaining that there are currently two dockets. One is the asset purchase agreement which has to do with Liberty Utilities purchasing certain assets from Concord Steam, namely its customer list in order to help facilitate those customers ability to transfer from Concord Steam to Liberty Utilities natural gas. He explained that the city intervened in this matter and also with the emergency rates and discontinuance of service matter. Today, the city's primary concern with respect to both of these dockets has been "how is Concord Steam going to shut down and what does this mean for the city, its infrastructure and its taxpayers." Mr. Kennedy indicated that there are many steam lines and man holes within the city and the city is concerned as to how are these going to be taken care of when Concord Steam shuts down. He stated that staff has worked with the PUC and Concord Steam on this matter in ensuring that part of their plan involves filling these man holes with cement and that the process is done properly without any damage being incurred. There is also a number of repairs in the city with respect to certain man holes that were damaged by Concord Steam over the years that the city would like to see Concord Steam repair prior to its discontinuance of service. He noted that the projected date of closure for Concord Steam is May 2017; the city wants to keep a close eye on what the state is doing in respect to their downtown loop following the closure - the city wants to

work closely with the state to ensure that what measures are taken there are going to also be done in the best interest of the city so the impact is as minimal as possible.

Mr. Kennedy explained that the final matter that they discussed was taxes because they want to be sure that property taxes are going to continue to be paid pending the closure - the 2016 and 2017 tax years. He noted that part of the docket is contemplating, at least for Concord Steam's sake, how much money they will need to discontinue service; the city thinks that part of the money that is saved and put aside is money to be certain that they pay their property taxes.

Senator Feltes stated that Councilor/Representative Shurtleff has been working on a task force looking out for Concord and this transitions with respect to the state. He pointed out that one thing that has been troubling is the transition for non-profits and business owners downtown; in working with people on this process, it became clear that the voices of the non-governmental entities in downtown has not been raised at the Public Utilities Commission. He indicated that, working with a number of stakeholders, they presented a draft petition to stand up for and raise the voice for the downtown community at the PUC; a final petition will be filed at the end of the week. Senator Feltes indicated that, when the agreement between Liberty Utilities and Concord Steam and the staff of the PUC was filed, it included \$1.9 million going from Liberty Utilities to Concord Steam which helped reduce the emergency rates of Concord Steam customers but what Liberty Utilities got for that \$1.9 million was a customer list and some easements/property rights. He explained that the notion and the justification of creating this so called regulatory asset for Liberty Utilities and them being able to recoup in rates is the notion that more Liberty Utilities customers will come on to the system. He stated that the petition will be a request for a \$1 million fund to help non-governmental customers in downtown make this difficult transition. He stated that he feels this is justified in his view within the context of the analysis. He doesn't know what will become of the petition but feels that it's worth filing.

Councilor Coen inquired whether filling the man holes would be the responsibility of Concord Steam or Liberty Utilities. Mr. Kennedy responded that it will be Concord Steam's responsibility. He pointed out that the filling of the downtown

loop that is maintained will be taken on by a holding company that maintains this loop.

Councilor Keach asked how the holding company is structured. Mr. Kennedy responded that this will be set up following the discontinuance of service. It will be an LLC formed just for the purposes of ownership for this downtown loop. He explained that how it works will be between the state and the entity. Councilor Keach indicated that it was his understanding that, within the current agreement, there is some clause that would prevent individuals who have a debt with Concord Steam from converting to Liberty Utilities. Mr. Kennedy replied that he understands that this was part of the settlement agreement; the city didn't sign on to the settlement agreement. He stated that PUC members were questioning that portion of the settlement agreement.

Councilor Herschlag noted that part of the emergency rate increase is based on cost to Concord Steam and the cost to go out of business. He questioned what guarantees or what oversight will there be to ensure that the money that they are collecting from their customers will be used appropriately so that money is available to fill in the man holes and make the repairs that the city needs to pay their taxes. Mr. Kennedy responded that the city will be monitoring this and something that the city requested of the PUC during the proceedings was that the city has this oversight.

Councilor Herschlag indicated that it's his understanding that Concord Steam and the PUC staff would not be adverse to having the city's money put into an escrow account. He asked whether this is something the city would request as part of the order. Mr. Kennedy indicated that they are expecting an order to come out within the next few months. The city did ask for specific items with respect to that order and whether or not an escrow account is set up, Mr. Kennedy doesn't know what the PUC will do in regards to this. He noted that if the city is not satisfied with the order, they can move to reconsider and make those requests.

Councilor Herschlag stated that it's his understanding that, at the last PUC hearing, PUC staff had some concerns about whether or not they would be legally allowed

to support the funding for the petition. He questioned whether Senator Feltes has heard anything further in regards to this. Senator Feltes responded that following the filing of the petition, there will be a whole set of processes; there would be more communications and discussions.

Councilor Herschlag thanked the City Manager who spoke out about this issue at the public meeting and Senator Feltes for bringing this before the commission. He feels very strongly that anybody who is a Concord Steam customer, after they convert to gas or oil, should not be paying more after the conversion than they are currently.

Councilor St. Hilaire asked whether it's known what the status is for conversion for the City Hall complex and the school district. City Manager Tom Aspell indicated that staff has come up with a plan of what they are going to do in terms of the layout; they need to put this out to bid. Brian LeBrun, Deputy City Manager - Finance, explained that they are in the design phase of the project. He indicated that they did the original analysis to see if they were going to put separate plants in each one of the buildings or one main plant. He noted that the analysis came back that one main plant would be the most efficient so once they receive that final design then they will be able to put it out to bid with a December or January time period.

Councilor St. Hilaire indicated that the school district wouldn't be able to do this as quickly as the city and inquired whether they could hook up to the temporary steam facility while they are working this out. Mr. Aspell responded that his understanding is that once somebody else besides the state's involved then it becomes more like a utility. He noted that the state wants to keep the loop open so they can serve themselves.

Councilor Kretovic asked if, at one time, Concord Steam owned a large asset in the south end, a large piece of property that they were intending to move to. She asked if this was not an asset for consideration in this. Mr. Kennedy replied that he believes this was owned by an affiliate company of Concord Steam.

Mayor Bouley indicated that he has seen a draft of the petition and, from a public policy point of view, he is very comfortable in supporting this. He asked, from a legal point of view, whether Mr. Kennedy is recommending that the city sign onto this. Mr. Kennedy feels that it's a public policy point of view; legally he would like to take more time before responding to this. He doesn't feel that there is any real legal problem here but in the absence of offering a legal opinion this evening.

Mayor Bouley noted that from his personal point of view from public policy, he feels that it makes incredible sense to what Senator Feltes has offered.

Councilor St. Hilaire asked whether an alternative option be Council voting on a resolution in support of this matter.

Senator Feltes clarified that signing on to the petition is not going to negate the city's ability to make a different argument than someone else signing on the petition. He noted that it's a joint petition to open the docket and ask for this.

Mr. Kennedy feels that signing onto the petition would automatically makes the city a party to it and he would feel more comfortable independently serving the city, as an independent party.

Mr. Aspell stated that he is comfortable with signing the petition today, however, recognizing the fact that it's a draft petition. He has the authority to sign it but feels that there is a public policy piece associated with this and feels that it's appropriate for the Council to have a position on this.

Councilor Herschlag moved that Council supports the City Manager in the signing of the petition. The motion was duly seconded.

Mayor Bouley noted his concerns in regards to the estimates that downtown business and non-profits are receiving to convert. He noted that the city needs to step up and protect their downtown in which they have made an incredible investment in. He asked Mr. Kennedy to review/think about the petition until the end of the meeting.

Councilor Herschlag withdrew his motion until Council hears back from the City Solicitor at the end of the meeting. The second was also withdrawn.

**\*\*Consent Agenda Items\*\***

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

*Approval of the Consent Agenda*

**Action:** Councilor Grady Sexton moved approval of the consent agenda with items 9, 28, and 31 removed for discussion at the end of the meeting. The motion was duly seconded and passed with no dissenting votes.

**Referral to the Legal Department and Community Development- Planning**

8. Communication from Councilor Kenison asking that consideration be given to addressing RSA 674:39-aa, Article IV which allows any municipality to adopt local ordinances to restore previously merged lots that are less restrictive than RSA 673:39-aa, Articles I and II.

**Action:** This communication was referred.

**Referral to the Legal Department**

9. Communication from Councilor Herschlag requesting the Rules Committee review the use and presence of cell phones and personal computing devices, by City Councilors, at City Council meetings. (Pulled from consent by Councilor Herschlag)

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

**Referral to the Community Development- Code Administration**

10. Communication from Jon Kelly, Penacook resident, expressing his concerns with dog owners not picking up after their dogs as well as suggesting potential improvements to the problem.

**Action:** This communication was referred.

**Items Tabled for November 14, 2016 Public Hearings**

11. Resolution rescinding and de-authorizing the sum of \$1,440,000 of matched Highway Safety Improvement Program (HSIP) funds from the NH Department of

Transportation as no longer necessary, and appropriating the sum of \$1,250,000 and authorizing the issuance of bonds and notes up to \$1,250,000 for the Loudon Road Corridor Improvements Project (CIP #19); together with report from the City Engineer.

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

12. Resolution accepting and appropriating the sum of \$74,686.30 in grant funding from the New Hampshire Department of Safety - Law Enforcement Opioid Abuse Reduction Initiative, funds designated for conducting illegal drug related investigations; together with report from the Police Department.

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

13. Resolution accepting and appropriating the sum of \$26,016.30 in grant funds from the New Hampshire Highway Safety Agency, funds designated for Sustained Traffic Safety Enforcement Patrols (STEP); together with report from the Police Department.

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

14. Resolution accepting and appropriating the sum of \$21,577.50 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.

15. Resolution accepting and appropriating the sum of \$13,500 in grant funds from the New Hampshire Highway Safety Agency, funds designated for the purchase of mobile scanning and printing equipment for Police Department vehicles; together with report from the Police Department.

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

16. Resolution accepting and appropriating the sum of \$10,000 in grant funds from the New Hampshire Highway Safety Agency, funds designated for conducting Distracted Driving Enforcement Patrols; together with report from the Police Department.

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

17. Resolution accepting and appropriating the sum of \$20,596 from the New Hampshire Charitable Foundation to support projects that enhance the special character and vitality of Concord; together with report from the Deputy City



Manager - Finance.

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

18. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Community Development Specialist; together with report from the Deputy City Manager - Development.

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

### **From the City Manager**

19. Positive Citizen Comments

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

### **Consent Reports**

20. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$130.55 as provided for under the pre-authorization granted by City Council.

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

21. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$6,936.75 as provided for under the pre-authorization granted by City Council.

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

22. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$17,548.76 as provided for under the pre-authorization granted by City Council.

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

23. Diminimus gifts and donations report from the Police Department requesting authorization to accept grant funding from the New Hampshire Highway Safety Agency in the amount of \$8,877.60 in order to conduct pedestrian and bicycle safety patrols, as provided for under preauthorization granted by the City Council.

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

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

Agency in the amount of \$2,897 designated to purchase a new radar display trailer, as provided for under preauthorization granted by the City Council.

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

25. Report from the Traffic Engineer on behalf of the Traffic Operations Committee and the Transportation Policy Advisory Committee in response to a communication from Councilor Herschlag regarding a constituent request to change the flashing yellow arrow signal at the Route 3/Borough/Manor intersection back to a red/green arrow signal.

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

26. Report from the City Engineer recommending the use of unexpended project water funds for the repair of the existing water main infrastructure within the work limits of CIP#35 Reconstruction of Fisherville Road and US Route 3, Phase 6.

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

27. Report from the City Manager regarding an agreement between the City of Concord, the Concord School District, and Concord Community Television for the continued development and operation of Concord Community Television.

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

28. Report from the Director of Redevelopment, Downtown Services, and Special Projects concerning the status of the City-Wide Multi-Generational Community Center (CIP 443). (Pulled from consent by Councilors Herschlag and Werner)

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

### **Consent Resolutions**

29. Resolution in recognition of the services of Sandra "Sandi" Lee, from the Library. (For presentation in October at the Library.)

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

30. Resolution in honor of the services of Firefighter Paramedic Ian Butman. (For presentation in November)

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

31. Resolution authorizing the City Manager to enter into a purchase and sales agreement with Maple Tree Realty, LLC for the sale of a +/- 4,700 square foot lot identified by MBL #64/3/6, located at 51 Bradley Street; together with a report

from the Deputy City Manager - Development. (Pulled from consent by Councilor Champlin)

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

### **Consent Communications**

32. Street closure request for the 15th Annual Rock 'N Race to benefit the Payson Center for Cancer Care to be held on Thursday, May 18, 2017.

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

33. Communication from Intown Concord regarding the 43rd Annual Market Days Festival to be held June 22-24, 2017.

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

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

### **Public Hearings**

- 34A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Fleet Maintenance Technician and Welder/Mechanic; together with report from the Director of Human Resources and Labor Relations.

**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.

- 34B. Resolution accepting and appropriating the sum of \$10,000 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.

Mayor Bouley pointed out that the resolution is for the dedication of the money for fuel assistance and asked if they could simply send this money to the Human Services Department for that as they see the need for.

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

- 34C. Resolution appropriating the sum of \$63,922 to the Project Inspection and Golf

Funds Operating Budgets for FY2016, retroactive to Fiscal Year ending June 30, 2016; 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.

- 34D. Resolution accepting and appropriating the sum of \$52,500 for the purpose of transferring funds to Concord Community Television, funding for this purpose is entirely from payments received from Comcast under the Cable Franchise Agreement; 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**

35. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Fleet Maintenance Technician and Welder/Mechanic; together with report from the Director of Human Resources and Labor Relations.

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

36. Resolution accepting and appropriating the sum of \$10,000 from the Trustees of the Protestant Episcopal Church of New Hampshire; together with report from the City Manager.

**Action:** Councilor St. Hilaire moved approval as amended striking the purpose of providing fuel assistance and adding in its place to the Human Services budget for distribution as needed. The motion was duly seconded and passed with no dissenting votes.

37. Resolution appropriating the sum of \$63,922 to the Project Inspection and Golf Funds Operating Budgets for FY2016, retroactive to Fiscal Year ending June 30, 2016; together with report from Deputy City Manager-Finance.

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

38. Resolution accepting and appropriating the sum of \$52,500 for the purpose of transferring funds to Concord Community Television, funding for this purpose is entirely from payments received from Comcast under the Cable Franchise Agreement; 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.

## **Reports**

### **New Business**

**Action:** Mayor Bouley announced that the city has successfully negotiated a new contract with AFSCME.

Councilor St. Hilaire moved, in accordance with RSA 273-A:3, II(c), to approve the cost items included in the collective bargaining agreement from January 1, 2017 through December 31, 2019 between the City of Concord and the City of Concord Municipal Employees Unit of Local #1580, American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME). The motion was duly seconded and passed with no dissenting votes.

### **Unfinished Business**

39. 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.

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

**Action:** This item remains on the table.

41. Information to be discussed and voted on at the New Hampshire Municipal Association's upcoming Legislative Policy Conference on September 23rd. (Communication from Councilor Herschlag submitted) (Item on September 2016 Recessed Meeting Agenda, no meeting held) (NHMA 2017-2018 Legislative Policy Positions submitted)

**Action:** Councilor Coen pointed out that included are results from the NHMA's meeting regarding the recommendations moving forward for the next twenty four months.

Councilor Herschlag feels that some of the items that were approved may not be in the best interest of the community. He hopes if these recommendations are brought forward or find sponsors at the legislature that City Administration keeps Council assessed as to their progress so that they, as a Council, can make a determination to guide Administration as to whether or not they would approve those measures or would like Administration to intervene and speak against them.

Mayor Bouley indicated that this has been the policy in the past and feels that they stay with the current policy which addresses Councilor Herschlag's statement.

Mr. Aspell explained that as these items come before the legislature, staff tracks and brings proposals to him. Many Councilors are at the legislature tracking and bringing over amendments/proposals to him. He indicated that he feels that he has a good handle as to what the position is and if he ever has any questions, he asks the Councilor for clarification.

Councilor Coen moved to accept this item as information. The motion was duly seconded and passed with no dissenting votes.

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

**Action:** Mayor Bouley indicated that they are planning a Main Street project closing ceremony to be scheduled for Thursday, November 10th at 4:00 p.m. between Main and Pleasant Streets. A reception will follow at the Capitol Center for the Arts.

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

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

- *Items 9, 28 and 31 have been pulled from the consent agenda for discussion.*

9. Communication from Councilor Herschlag requesting the Rules Committee review the use and presence of cell phones and personal computing devices, by City Councilors, at City Council meetings. (Pulled from consent by Councilor Herschlag)

**Action:** Councilor Herschlag noted for consistency between it being referred to the Legal Department and his request for referring it to the Rules Committee, he moved to change his request to be referred to the Legal Department and to have them come back to the Council with recommendations for the use of cell phones and personal computing devices by City Councilors at City Council meetings. The motion was duly seconded and passed 9 to 5 on a roll call vote with Councilors

Kenison, Kretovic, St. Hilaire, Shurtleff, Todd, Bouchard, Mayor Bouley, Councilors Grady Sexton and Herschlag voting yes. Councilors Keach, Nyhan, Werner, Champlin and Coen voted no.

28. Report from the Director of Redevelopment, Downtown Services, and Special Projects concerning the status of the City-Wide Multi-Generational Community Center (CIP 443). (Pulled from consent by Councilors Herschlag and Werner)

**Action:** Councilor Werner indicated that this was removed so that there was discussion and questions answered about the approach of energy efficiency generally in the design of the multi-generational facility.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, indicated that the Council had approved a budget of \$7,126,000 to design and build the facility as well as furnish it. He explained, at that time, they talked about such things as LEED certifications and indicated that they were not going to go down this road because of budgetary constraints; they would explore options to make the building as efficient as possible but they didn't include anything in the budget for anything that might be more along the lines of cutting edge technologies. He noted that within the report he raised the issue of solar panels on the gymnasium - the issue here with the FAA and the added cost of the solar panels.

Councilor Werner noted at the end of the report that there was a notation in regards to a permit from the FAA and whether this had to do with glare. He was confused because if it does, earlier within the report it was stated that they wouldn't be going down the road of solar either structurally now or in the future. Mr. Walsh responded that they did file a permit with FAA explaining that it's required because of the proximity of the building to the airport and being in the glide slope for the airport. As part of this process, they were advised by the internal engineering staff to talk about solar and the HL Turner Group has started this dialogue with the FAA. He noted that there are two different concerns with solar: 1) the cost to build the gymnasium so it can support solar on the roof; 2) getting sign offs from the FAA relative to if they feel this would create any hazard for the airport.

Gerry Blanchette, HL Turner Group, explained that they have gone through the FAA permitting process in which they have come back looking for coordinates for various corners of the building to determine exactly what's happening at the building itself to see whether or not there is an impact at the airport itself. They are in the process of having dialogue relative to this; there is no specific requirement or notation in the permit application process that they have been involved with that

talks about solar panels themselves. He explained that in their follow up application, they wrote to the FAA to find out if there is any issues with solar panels relative to the install. Mr. Blanchette explained that the cost of a residential type system is approximately \$7 to \$9 per lot. He indicated that they recently completed a project last fall for the Holderness ice rink which is similar to this building and it cost \$376,000 for their solar array; the Holderness school has the ability to apply for and obtain federal and state tax credits.

Councilor Werner asked if the intent is not to pursue solar at this time then what about other green building features such as maximizing natural light, different surfaces that can extend natural light within a building, r values, and efficient lighting. What he and the Energy and Environment Committee is looking for is a much more developed aspect of those kinds of features that could go into the building.

Mr. Blanchette indicated that they have two different projects going on in the same project: the 1965 portion of the project itself and the new section. He indicated that the new section is easy to make energy efficient; what their plan is for the older section is to place metal studs along the inside perimeter an inch and a half or so away from the perimeter walls themselves and put spray insulation around the entire space. He explained that they will be getting an r value of 21 and are hoping to get an r value of 30 after replacing the roof in its entirety.

Councilor Werner noted that the city is on a good path in regards to energy efficiency and doesn't want to miss opportunities to continue to be a leader in this area with this particular building.

City Manager Tom Aspell indicated that if there are opportunities that come along in which they may be able to take advantage of along with the dollar costs, he can bring them back to the Council for them to consider.

Councilor Herschlag stated that many times when this project was presented he had asked staff if Council would be presented with green energy options and was assured that they would be included within the plan. He noted that he hoped they would see heat pumps and the idea of solar panels powering the heat pumps so they wouldn't have to pull energy off the grid. He is disappointed that they are not seeing an option that shows those types of sources to heat and cool the building. He wants to see what the cost would be and what savings there would be over the life of the building. Mr. Aspell responded that his recollection is correct but those



were when they were looking at the \$17 million and \$11 million options; when they brought in \$6.8 million piece back in April, they did not propose at that time solar panels, heat pumps or anything to that order because of the pricing. He noted that they were looking to get the price down so that the taxpayers can afford it.

Councilor Herschlag indicated that it was his understanding that those options would be returned to Council. He hopes that if there are additional costs, that they also look at whether those additional costs will pay off down the road.

Referencing page two within the report, Councilor Nyhan indicated that it talks about renovating the existing gymnasium and included the cost of \$400,000 for a storage shop and \$225,000 for rec and storage facility. He asked what would constitute these costs for renovating an open gymnasium into a storage facility. Mr. Blanchette responded that they have to abate the building itself - it needs a new roof, work on the plumbing system, the entire floor has to be abated, and asbestos needs to be removed.

Mayor Bouley inquired what the intention is, as part of the \$7.1 million, to do with this building. Mr. Walsh responded that they had carried dollars to demolish it. Mayor Bouley asked if the plan right now is to demo it. Mr. Walsh responded that to be correct. Mayor Bouley indicated that if they want to do something other than demo, staff would propose it in the Council's CIP, they would hold hearings, and Council would vote on it. From a schedule point of view, Mr. Walsh noted that the project would start construction next April and if Council decides they don't want to entertain an option to keep the building and renovate it, the intention is to move forward to demolish the building as part of the project.

Mr. Aspell added that before the building is dropped, they can decide whether there is another purpose to use the building for something else.

Mayor Bouley asked, in regards to the \$7.1 million, what was the intention at the time they voted to do with the Gamble property. Mr. Walsh replied that it was also intended to be part of the project to tear it down.

Mayor Bouley noted that they voted as a Council to demo that building as well. He pointed out that on page 3 of the report it reads: that the City Administration may forgo demolition. He noted that they are not going to anything without the approval of Council. Mr. Walsh responded that to be correct.

Councilor St. Hilaire presumes that Council would receive information such as the \$400,000 renovation for the price of building a whole new building. He would like to see comparable numbers.

Councilor Todd appreciates the contents of the report and the fact that they have looked at the parking issue.

Mayor Bouley noted that it's been indicated that there are two unanticipated items discovered within the process that will affect the cost of the project. The one that he found interesting is the infrastructure of the existing parking lot for drainage. He asked what the problem is with drainage since it appears that there is a lot of sand. Mr. Blanchette noted that they requested that the city pay some of the lines that are there and found that there are some serious issues with some of the man holes which need to be replaced in their entirety. Mr. Walsh added that the current drainage system there doesn't perk into the ground because it's a closed drainage system; most of the new developments on the Heights have built chambers or retention ponds where the water recharges into.

Councilor Werner inquired whether there will be led lights within the building. Mr. Blanchette responded yes.

Mr. Walsh responded that they will do the more routine items but it's the more cutting edge items that are not within the budget.

Councilor Werner commented that doing the basic items is not insignificant at all and does mean quite a lot when they are all added up.

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

31. Resolution authorizing the City Manager to enter into a purchase and sales agreement with Maple Tree Realty, LLC for the sale of a +/- 4,700 square foot lot identified by MBL #64/3/6, located at 51 Bradley Street; together with a report from the Deputy City Manager - Development. (Pulled from consent by Councilor Champlin)

**Action:** Councilor Champlin understands staff's desire to get rid of this piece of property because there is no longer any need for the city to hang on to it. He noted that during the public meeting on the disposition of this property his constituents unanimously were opposed to this and has serious concerns about the impact in

terms of the density of the construction in that neighborhood and the parking. He stated that he will not be voting in favor of this resolution.

Councilor Coen indicated that he will be voting in favor of this resolution because he feels this is an asset that the city has and if they can turn it over for a fair market value, he feels that they will be doing the right thing for the community.

Mayor Bouley stated that he supports affordable housing and supports expanding the tax base so he feels that this is good for both those fronts.

Councilor Kretovic moved approval. The motion was duly seconded and passed with one dissenting vote.

The Mayor invited the City Solicitor back up to finalize discussion in regards to the Concord Steam discussion that occurred earlier in the Council meeting.

City Solicitor Jim Kennedy stated that this is a highly unique sensitive matter affecting the citizens, business owners and the City of Concord. Due to the extreme unique nature of this, he feels that the city can join on as a party where they will be separate and independent on this joint petition, as a party, and will be able to act independently in the docket representing the best interest of the citizens that the city represents. He recommends, to the extent that this Council wishes to sign on, they authorize the City Manager to sign the petition when it becomes final.

Councilor Champlin moved to authorize the City Manager to sign on to the petition when it becomes final. The motion was duly seconded and passed with no dissenting votes.

### **Adjournment**

The time being 8:41 p.m., Councilor Nyhan moved to enter into the non public session in accordance with RSA 91-A:3, II (d) to discuss property acquisition and non public session in accordance with RSA 91-A:2, I(a) to discuss collective bargaining. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:  
Michelle Mulholland  
Deputy City Clerk*