



City of Concord

City Council

Meeting Minutes - Final

Monday, August 14, 2017

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

*Non public session to meet with legal counsel in accordance with RSA 91-A:2, I (b)
to be held at 6:30 p.m.*

1. Call to Order.

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

2. Invocation by Rabbi Robin Nafshi, Temple Beth Jacob.

3. Pledge of Allegiance.

4. Roll Call.

Present: 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Byron Champlin

5. Approval of the Meeting Minutes.

June 26, 2017 City Council Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the June 26, 2017 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

July 10, 2017 City Council Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the July 10, 2017 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Presentation of new Library databases Hoopla and Zinio.

Library Director Todd Fabian explained that the idea behind these two databases, Hoopla and Zinio, are new ways to get new technology to users. He explained that Zinio is a periodical based platform with no loan limit.

Assistant Library Director Mat Bose explained that Hoopla is a downloadable and streaming service; it can download movies, music, graphic novels, e-books and e-audio books. He indicated that it's similar to a Netflix for library users. He explained that Concord Public Library card holders can download five items a month. Mr. Bose highlighted the Zinio app explaining that it's an online digital magazine service that doesn't have a limit as to how much can be downloaded or streamed on a device.

Councilor Nyhan questioned whether there is anything being done to promote these two databases. Mr. Fabian responded that that they will be doing a social media blitz and going out in public to speak to groups.

Mr. Bose added that they are planning on holding monthly "how to" sessions having people come in with their devices and get them set up.

Mayor Bouley noted the importance of going out in public to meet with certain groups to promote these databases. He indicated that there are people/groups that may have transportation issues but have access to technology.

Councilor Nyhan inquired whether there is an opportunity to market the Concord Public Library outside of the city; is there an option for an online City of Concord Library membership. Mr. Fabian explained that if someone is an out-of-service member and pays for the one year membership, they would essentially receive the same services as a Concord resident but would be paying for it.

Councilor Nyhan asked whether it's possible for someone to have just an e-membership noting that instead of attracting one person at \$100 per year for membership to the library maybe attracting twenty people at maybe a reduced membership to access just online programs such as Zinio and Hoopla. He added that there wouldn't be any additional overhead for the city and may pull in more users. Mr. Fabian responded that he hasn't seen that model but staff can look at it.

Councilor St. Hilaire inquired whether residents have to physically appear to apply for a membership card or can they apply for one online. Mr. Fabian explained that currently, when they sign someone up off-site for a card, they will receive a

temporary card. He indicated that the temporary card does expire and someone does have to physically drop by the library for a library card.

7. Agenda overview by the Mayor.

****Consent Agenda Items****

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

Approval of the Consent Agenda

Action: Councilor Grady Sexton moved approval of the consent agenda, as amended, with item 19 removed to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley took Rule Six on item 39.

Referral to Community Development, Legal and the Planning Board

8. Communication from Interchange Development LLC requesting relief from covenants and request for rezoning Whitney Road/Hoit Road Parcels (Map 06P, Lots 5 and 6).

Action: This communication referred to Community Development, Legal and the Planning Board.

Items Tabled for September 11, 2017 Public Hearings

9. 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, to add the position of Environmental Compliance Manager at the Water Treatment Plant Division; together with report from the Director of Human Resources and Labor Relations and the General Services Director.

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

10. Resolution accepting and appropriating the sum of \$852,591.97 in previously collected street damage fees as a transfer to the Highway Reserve Fund retroactive to June 30, 2017; together with report from the Deputy City Manager - Finance.

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

11. Resolution appropriating the sum of \$120,000 as a transfer to Highway Reserve for

the Road Improvement Program, using anticipated revenues from Street Cutting Excavation Fees as the funding source; together with report from the Deputy City Manager - Finance.

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

12. Resolution de-authorizing the sum of \$34,000 in bond authorizations from the Stormwater Improvements Project (CIP #83), authorizing the issuance of bonds and notes for up to \$34,000 and appropriating said funds for the exit 16/Mountain Road/Shawmut Street Roundabout Project (CIP #24); together with report from the City Engineer. (Revised resolution submitted)

Action: This resolution 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 City Engineer requesting authorization to accept funding from Concord Steam Corporation for sanitary sewer manhole repairs in the amount of \$7,200.00, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$9,117.80 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

16. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$400.00 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Diminimus gifts and donations report from the Public Properties Division requesting authorization to accept a donation of a Skate Sharpener valued at \$2,000 as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

18. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary revenue totalling \$6,609.25 as provided for under preauthorization granted by City Council.

Action: This consent report was approved.

19. Status report from the City Manager on City Council's 2016-2017 Priorities. (Pulled from the consent agenda by Councilor Herschlag)

Action: Item removed to end of agenda for discussion.

20. Quarterly Report from the Police and Fire Chiefs on Overdoses and Related Statistics.

Action: This consent report was approved.

21. Quarterly Current Use Change Tax Report from Director of Real Estate Assessments.

Action: This consent report was approved.

22. Report from the Police Department in response to a referral from City Council regarding speeding vehicle concerns in Woodcrest Heights.

Action: This consent report was approved.

23. Report from the City Solicitor in response to a City Council referral regarding an application for Restoration of Involuntarily Merged Lots from Jason Hill, 6 Wilfred Avenue, Concord.

Action: This consent report was approved.

24. Report from the City Solicitor regarding the Paralegal Position in City Solicitor's Office.

Action: This consent report was approved.

25. Report from the Economic Development Director on Economic Development Progress to Date.

Action: This consent report was approved.

26. Rollins Park Adopt a Tree Program report from the Parks and Recreation Director.

Action: This consent report was approved.

27. Report regarding inclusion of City trails in a regional web-based database.

Action: This consent report was approved.

28. Report from the City Planner concerning request to NHDOT to narrow the lane widths on Sheep Davis Road (NH 106) near Loudon Road to eleven (11) feet.

Action: This consent report was approved.

Consent Resolutions

29. Resolution in recognition of the services of Master Police Officer James R. Fallon.

Action: This consent resolution was approved.

30. Resolution in recognition of the services of Master Police Officer Matthew A. Nelson.

Action: This consent resolution was approved.

31. Resolution in honor of the services of retired Paramedic Lieutenant H. Bobby Silvestriadis.

Action: This consent resolution was approved.

32. Resolution in honor of the services of retired Firefighter Paramedic Wellington Bartels.

Action: This consent resolution was approved.

33. Resolution in honor of the services of retired Firefighter James Cournoyer.

Action: This consent resolution was approved.

34. Resolution authorizing the City Manager to submit an application to the United States Department of Justice - Edward Byrne Memorial Justice Assistance Grant Program for funds designated for law enforcement related programs; together with report from the Police Department.

Action: This consent resolution was approved.

35. Resolution authorizing prepayment of 2017 taxes in accordance with RSA 80:52-a; together with report from the City Treasurer.

Action: This consent resolution was approved.

36. Resolution adopting a Cash Management Policy; together with report from the City

Treasurer.

Action: This consent resolution was approved.

37. Resolution designating depositories for the City of Concord, New Hampshire for the Fiscal Year 2018.

Action: This consent resolution was approved.

38. Resolution relative to short term investment of excess funds.

Action: This consent resolution was approved.

39. Resolution relative to the public highway discontinuance of a portion of North Main Street between Court Street and Pitman Street in Concord New Hampshire; together with report from the City Planner. (Revised resolution and report submitted)

Action: This consent resolution was approved.

Consent Communications

40. Street closure request from West Church for a block party to be held on September 10, 2017.

Action: This consent communication was approved.

41. Street closure request for a neighborhood block party to be held on Ridge Road on Sunday, September 24, 2017.

Action: This consent communication was approved.

42. Street closure request from Intown Concord for Halloween Howl to be held on October 27, 2017.

Action: This consent communication was approved.

43. Street closure request from Girls on the Run New Hampshire for a 5K Road Race to be held at Memorial Field in Concord on November 18, 2017.

Action: This consent communication was approved.

Appointments

44. Proposed Appointment of Scott Sakowski to Zoning Board of Adjustment

Action: This appointment was approved.

45. Proposed Appointment of Ricardo Tracewski to the Library Board of Trustees

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

46A. 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, Assistant Information Technology Director; together with report from the Director of Human Resources and Labor Relations. (Revised ordinance submitted)

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.

46B. Resolution accepting and appropriating the sum of \$32,000 in grant funds from the New Hampshire Highway Safety Agency, funds designated for the purchase of mobile data terminal equipment; together with report from the Police Department.

Action: City Manager Tom Aspell provided a brief overview.

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

46C. Resolution appropriating the sum of \$900,000 for the purpose of the design, permitting, acquisition of right-of-way, and construction for the Hooksett Turnpike Bridge Replacement Project (CONCORD 15877, CIP #361), including accepting and appropriating \$720,000 in New Hampshire State Bridge Aid Program funds and authorizing the issuance of bonds and notes in the amount of \$180,000 for the local agency match for this project; together with report from the City Engineer.

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

46D. Resolution appropriating the sum of \$900,000 for the purpose of the design, permitting, right-of-way, and construction for the Birchdale Road Bridge Replacement Project (CONCORD 15878, CIP #498), including accepting and appropriating \$720,000 in New Hampshire State Bridge Aid Program funds and authorizing the issuance of bonds and notes in the amount of \$180,000 for the local agency match for this project; together with report from the City Engineer.

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

- 46E. Resolution appropriating the sum of \$1,468,980 for the purpose of constructing Phase I of the rehabilitation to Taxiway A for Runway 17/35 and crack sealing and marking Runways 17/35 and 12/30 including accepting \$1,322,082 in grant funds from the Federal Aviation Administration (FAA), and \$73,449 from the State of New Hampshire, and authorizing the issuance of bonds and notes of up to \$73,449; together with a report from the Associate Engineer.

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.

- 46F. Resolution accepting and appropriating the sum of \$8,513.53 in private donations from a Main Street property owner for structural modifications to a sidewalk bumpout on South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with report from the City Engineer.

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

47. 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, Assistant Information Technology Director; together with report from the Director of Human Resources and Labor Relations. (Revised ordinance submitted)

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

48. Resolution accepting and appropriating the sum of \$32,000 in grant funds from the New Hampshire Highway Safety Agency, funds designated for the purchase of mobile data terminal equipment; together with report from the Police Department.

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

49. Resolution appropriating the sum of \$900,000 for the purpose of the design, permitting, acquisition of right-of-way, and construction for the Hooksett Turnpike Bridge Replacement Project (CONCORD 15877, CIP #361), including accepting and appropriating \$720,000 in New Hampshire State Bridge Aid Program funds and authorizing the issuance of bonds and notes in the amount of \$180,000 for the local agency match for this project; together with report from the City Engineer.

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

50. Resolution appropriating the sum of \$900,000 for the purpose of the design, permitting, right-of-way, and construction for the Birchdale Road Bridge Replacement Project (CONCORD 15878, CIP #498), including accepting and appropriating \$720,000 in New Hampshire State Bridge Aid Program funds and authorizing the issuance of bonds and notes in the amount of \$180,000 for the local agency match for this project; together with report from the City Engineer.

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

51. Resolution appropriating the sum of \$1,468,980 for the purpose of constructing Phase I of the rehabilitation to Taxiway A for Runway 17/35 and crack sealing and marking Runways 17/35 and 12/30 including accepting \$1,322,082 in grant funds from the Federal Aviation Administration (FAA), and \$73,449 from the State of New Hampshire, and authorizing the issuance of bonds and notes of up to \$73,449; together with a report from the Associate Engineer.

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

52. Resolution accepting and appropriating the sum of \$8,513.53 in private donations from a Main Street property owner for structural modifications to a sidewalk bumpout on South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with report from the City Engineer.

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

Reports

53. Report from the City Solicitor regarding Senate Bill (SB) 191, Keno and the funding of full-day kindergarten in New Hampshire; together with communication from Charles McIntyre, New Hampshire Lottery regarding SB 191.

Action: In Mayor Bouley's absence, Mayor Pro Tem St. Hilaire presided over this item.

City Solicitor Jim Kennedy explained that Senate Bill 191 addresses full day kindergarten that may be funded in subsequent years; also addressed within the bill, was a Keno discussion relative to allowing cities and towns to adopt Keno which he understands is a gambling game. He indicated that to the extent that there are funds that come from Keno, those funds may also be contributed to full day kindergarten. He noted that if a city or town wishes to adopt Keno, there are certain procedures that municipalities must take. He noted that the first thing, to the extent that the municipality wishes to consider adopting Keno, the governing body is required to have a vote as to whether or not they want Keno to be voted on in the upcoming Municipal Election in November. Mr. Kennedy stated that the governing body can make the determination as to whether or not they want to have a vote to have Keno in their town or city. He highlighted information within the timeline he submitted: the City Council can vote or not vote tonight to have Keno on the ballot in November; the City Council can vote to hold a public hearing to determine whether or not they are going to have Keno on the ballot in November; following a public hearing, Council can vote to include or not include Keno on the ballot in November. He noted that he feels that how Senate Bill 191 was structured was for there to be some type of deliberation of the public prior to the ballot vote in November. Referencing the time line, he indicated that the reason he presented this is because the statute does provide strict time frames as to when this procedure must take place if Council decides to do this year.

Referencing the final version of the bill, Councilor Herschlag pointed out that if the Council decides not to hold a public hearing or decides not to place this item on the ballot, that five percent of the registered voters within the community can sign a petition to have it placed on the ballot. Mr. Kennedy responded that to be correct. Councilor Herschlag asked whether the Council would need to hold a public hearing if a petition was received by five percent of the registered voters. Mr. Kennedy replied that it's his understanding that there would still need to be a public hearing 15 to 30 days prior to the election.

Charlie McIntyre, Executive Director of the NH Lottery Commission, indicated that the process laid out by the Solicitor is accurate. He stated that their mission is to responsibly raise revenues for the state. He noted that he would answer questions in regards to the game if anyone has questions this evening or later.

Councilor Herschlag inquired if no communities or very little communities voted to have Keno and the revenues didn't meet expectations, how would that impact the revenues that would go to the schools. He noted that he is not clear on whether there is a guarantee of revenue within the first few years or if it's always dependent upon revenues. Mr. McIntyre responded that, by Constitution, all lottery funds go to the education trust fund and they end up funding about eleven percent of adequacy grants that the state sends out. He indicated that there are twelve communities up for approval and he suspects that he will receive a request to testify in front of the House Ways and Means sometime in January about revenue expectations, both lottery and Keno.

Councilor Shurtleff noted that what the legislature stated about passing this bill is that they will provide \$1,100 per student per year for every school that has full day kindergarten. He pointed out that Concord doesn't have full time kindergarten but Merrimack Valley School District does and this would be an additional \$176,000; for Penacook alone, it would be an additional \$77,000. He indicated that if revenues from Keno escalates and goes up, that number could eventually reach \$1,800. He confirmed that they would receive \$1,100 per student anyway and if profits come in from Keno, that number could eventually rise to \$1,800.

Mr. McIntyre added that the revenue estimates that he presented to the legislature at the time Keno was debated are conservative. He anticipates them exceeding that number.

City Manager Aspell asked if there was any role that any community plays or is it handled by the state if a community approves Keno. Mr. McIntyre responded that the application process would be identical to the current lottery application process. He explained that the only additional piece would be confirmation of a license being held by the applicant of an active pouring liquor establishment. He stated that there is no city process needed to be added that isn't normally within a municipality.

Councilor Keach inquired as to what state agency would be responsible for enforcement of the rules. Mr. McIntyre replied that they have a compliance

department in their agency and field staff that perform visits as well. He indicated that violations in this regard are exceptionally rare and would not be their biggest problem - it would be on the low end of problems.

Councilor Kenison stated that she is still trying to wrap her head around the public hearing part. She asked what the purpose of a public hearing if there is a petition because it would be on the ballot regardless. Mr. McIntyre responded that he didn't write the law so is unsure as to why it's required.

Councilor Nyhan moved to move forward with this and to hold a public hearing stating that he feels that it's ultimately up to the voters.

Solicitor Kennedy clarified options: vote tonight to put on the ballot, however, what is required is a public hearing 15 to 30 days prior to the election - not the question of whether to put it on the ballot but just a deliberative discussion for the citizens of Concord to discuss whether or not there should be Keno in the city.

City Manager Aspell indicated that he'd ask Mr. McIntyre himself or one of his representatives to come to that hearing to answer any questions.

Councilor Coen asked for clarification on the motion.

Councilor Nyhan explained that his motion was to identify the most streamlined way to place this on the ballot and have the hearing to comply with all the requirements set forth - to hold a deliberative hearing between October 9th and October 23rd and to place it on the ballot for November 7th.

Councilor St. Hilaire clarified that the motion is to place the question on the ballot and to comply with the statute by having a public hearing prior to the election.

The motion was duly seconded.

Councilor Kenison noted that she would like to hear what the people have to say before placing this on the ballot so she would be voting against the motion.

Councilor Werner noted that the purpose of the public hearing doesn't obviously affect whether it's placed on the ballot; it appears to him that the purpose of it is so that people attend to make their cases for or against Keno. He feels that it would be more of a forum in terms of those making cases for and making cases against.

Councilor St. Hilaire agrees that this is a good description - it gives people the opportunity to provide information pro or con prior to the election. In the end, all the people of Concord will show up to vote.

Councilor Herschlag stated he supports the motion. He noted that by placing this on the ballot, they are placing this in the hands of the community as to whether or not to have Keno in Concord. He is inclined to leave it up the residents to make this determination as opposed to making it for them.

Councilor Keach noted his agreement with Councilor Herschlag. It's his opinion that the legislature's intent is to hear directly from the people.

Councilor Kretovic agrees and stated that she has heard from constituents about the want and need for full day kindergarten in Concord. What she hasn't heard consistently is that they want this funded through Keno. She feels that it's important to hear from the community.

Councilor Kenison indicated that she does support the motion after hearing fellow Councilors comments.

Councilor Nyhan's motion passed with no dissenting votes.

54. Status report from the Parks and Recreation Director regarding the design of Terrill Park (CIP #59). (Communication from Concord Crush submitted)

Action: Mayor Bouley returned to the meeting.

Recreation Director David Gill explained that in FY17, \$125,000 was appropriated for full design of Terrill Park; VHB was hired last Fall; the Recreation and Parks Advisory Board approved a concept; they looked at shoreland protection and soil samples. He provided information in regards to the space.

Dave Fenstermacher, VHB, highlighted a slide presentation pointing improvements to existing areas along with proposed future improvements within the park.

Councilor St. Hilaire pointed out that he liked concepts on the screen noting that they are slightly different to what was included within the packets only in the parking lot in which there is a longer queueing area which he prefers. Mr. Gill explained that was one of the latest additions that VHB provided based on the

wetlands, moving the parking lot entrance further up Old Turnpike which avoids some of the stacking concerns.

Councilor St. Hilaire inquired whether there would be lights on the field and parking lot. Mr. Fenstermacher replied yes.

Councilor Nyhan inquired as to how many parking spots are at Memorial Field. Mr. Gill responded that he believes that there are 95. He indicated that there will be more spaces at Terrill Park. Councilor Nyhan questioned whether there would be adequate parking. Mr. Gill explained that very rarely do they have a group size larger than 400 people and the parking lot currently can accommodate 400 people coming in for an event. Councilor Nyhan noted his concern with parking because there is no option for people to park on the street in this area.

Councilor Coen inquired as to the total number of proposed parking spaces. Mr. Gill responded that it would accommodate 130 parking spaces. Councilor Coen noted his concern with the amount of parking spaces if any statewide tournaments are held here. Mr. Gill explained that the recent trend is that most tournaments are played on multiple fields rather than one field. Councilor Coen feels that this is a great concept but feels that there is a space limitation for the parking. He doesn't want this to be an issue that sours people from a tournament being played here.

Councilor Kretovic appreciates this vision created for Terrill Park because it's a project that's been talked about for the last 15 plus years. From the Transportation Policy Advisory Committee's perspective, when it comes to the Merrimack River Greenway Trail they see this connection between Manchester Street and Loudon Road as significant for this area of the city to have walkable access to stores. She can clearly see that if they have a parking issue, people can park at Everett Arena and take the Merrimack Trail walking the path to the fields. From the sports side, she feels that this is good for recreation for students within the area to access.

Councilor Herschlag indicated that one of the reasons he voted against the budget last year was because there was funding included for this project. He is no closer to supporting this project today than he was last year. He noted that one of his main concerns is that they still don't have a facility study for Memorial Field yet they continue to pump dollars into that facility and not upgrading it to meet the needs. He further noted that he has not seen a pro-forma and doesn't know what operating and maintenance costs are going to be, how much user fees are going to

be generated to abate some of these costs. He added that he doesn't see bleachers, a bathroom, a changing area, and locker rooms in the current plan. He doesn't see how they pay for this and continue to maintain the facilities that they currently have. He also has concerns with the amount of parking spaces.

Councilor Todd agrees with the concerns about parking but feels that as Councilor Kretovic pointed out, there could be other options if the Greenway Trail was to go forward. He inquired whether Mr. Gill or RPAC has been coordinating with the Merrimack River Greenway Trail group. Mr. Gill responded that VHB is also the consultant for city staff for the Merrimack River Greenway Trail and they have been working with the City Engineer regarding keeping abreast of what's going on and how it ties in. With RPAC, they have had several conversations regarding the new recreation corridor - an opportunity from Terrill Park to the Kiwanis Park area.

In light of an article in the Concord Monitor, Councilor Todd noted that there could be potential stumbling blocks and wonders if there is consideration inviting the Greenway Trail group to an upcoming RPAC meeting to further coordinate with them and bring back information in regards to the coordination efforts, updates, any obstacles, and/or any way that the city can further help them along to a future Council meeting.

Councilor St. Hilaire stated that he too has concerns with parking and noted that they may want to consider moving the shelter and playground to have access to more of the lawn.

Councilor Bouchard stated that she is very excited about this project and looks forward to the first steps of the all-purpose turf field and build out. She feels that this type of recreation and park builds with what Concord has already done to Main Street and is something to bring other people into Concord.

Mayor Bouley asked if they could expand upon the need. Mr. Gill responded that he wouldn't say there is a need for a particular sport but there is a need for rectangular fields which are multi-purpose. Mayor Bouley inquired as to why they decided to include items such as a playground and a splash pad. He asked whether these two items would be more appropriate at other parks. Mr. Gill responded that they added a playground for younger children to keep them busy while their older brother or sister is playing in a game. He noted that the splash pad is one of the national trends for a high performing park.

Mayor Bouley pointed out that many teams arrive on busses and inquired as to where those busses would be parking. Mr. Gill responded that there is access in the new parking lot and noted that they would do a better job showing this in an updated concept. He noted that they have never had the conversation that this is going to replace Memorial Field; if this is the direction that Council would like them to go down, they would need to have a more formal conversation with the school district regarding their additional use of a city park. He pointed out that a lot of the phase two items within the report are optional and are not core to improving the park. They can look at more parking because there is some flexibility to work with.

Mayor Bouley asked staff as to why this and not investing in Memorial Field or asking the church or WKXL for land. He recalls that the city has looked into surrounding land, has been denied and believes that most of this land is actually wet and not usable. Mr. Gill responded they have moved up some of the plans with Memorial Field such as bleachers, the track and five tennis courts being replaced. He is not sure whether the city has looked into purchasing adjacent land but can research this. Mr. Gill noted that Terrill Park is an eyesore with illegal activity occurring and having this concept/plan begins to build a new reputation with a great visibility from I-93. He noted that the next steps are outlined in the report and that they do have to develop an operating cost and a pro-forma. He feels that this is a great opportunity to change the reputation of this area.

Councilor Herschlag asked what the Manchester Street improvements are going to cost. Mr. Gill responded that he does not know the cost. City Manager Aspell explained that several years ago Councilor Bouchard brought up the idea of improving this intersection for traffic capacity. He noted that the issue was when to do this and the thought was when the property to the south of that intersection redevelops. He stated that the idea was to make sure, when they come up with the idea for this park, that they anticipate that the improvement is going to happen. This park would not make that improvement happen; it would be, when the time comes, to make sure it doesn't include this from happening.

Councilor Herschlag noted that without a facilities study, they don't know whether just reconfiguring Memorial Field would meet the needs of the community today and in the future. He stated that one of the issues that he has spoken to Mr. Gill about is if they just replace the bleachers where they currently are at, they haven't made any improvements to the usability of the field. He feels that if they look at either reconfiguring or moving the track or bleachers, they could expand the size of the football field and this could become a multi-purpose field. He feels that without

a facilities study, they don't know whether it makes sense or not to continue putting money into Memorial Field, how much money they should put into it, and whether or not it's going to meet the future needs of the community.

Mayor Bouley noted that concerns and positives were heard this evening and would like staff to go back and look at the design. He encouraged them to work with RPAC, the Greenway Trail members and all interested parties in regards to the comments made this evening and come back to Council with any revisions made.

Councilor Kenison noted that looking at the demand for fields is important and wants to include looking at any demands that are not met.

New Business

Action: Mayor Bouley indicated that the Site Evaluation Committee who is considering the Northern Pass is looking for additional testimony. He noted that the Council has been very clear in it's opinion and the committee that was appointed did their due diligence and came with a recommendation that Council adopted. He feels, after conferring with the Deputy City Solicitor, it would be helpful to reiterate to the committee the concerns of the community that they have stated before and where they were. The Mayor indicated that one of the things they could consider doing is to send a letter to the committee, asking the attorney to draft such a letter, to reiterate where they stand.

Councilor St. Hilaire moved to ask the Solicitor's office to draft a letter on behalf of the Council expressing their concerns in regards to the impact in Concord stating several examples of what they heard from the sub-committee that reviewed this and have this signed by the Council. The motion was duly seconded.

Councilor St. Hilaire included adding the burying of the lines if the project is to go forward. The motion was approved with no dissenting votes.

Mayor Bouley recommended Councilor Kretovic to represent the Council.

Councilor Herschlag moved that Councilor Kretovic represent the Council and to read the letter that has been identified. The motion was duly seconded and passed with no dissenting votes.

Unfinished Business

55. 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.

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

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Coen indicated that he received a letter from Mr. Gleason and Mr. Sokul regarding rates at the Beaver Meadow Golf Course. He moved to forward this to the Golf Course Advisory Committee for their review and report back to the Council. The motion was duly seconded and passed with no dissenting votes.

Councilor Herschlag indicated that there is a Ward Two meeting scheduled at the Newell Post Restaurant on Thursday, August 24th from 6:00 p.m. to 7:30 p.m. Everybody is invited to attend.

Councilor Herschlag noted that last night, there was a prayer services at St. Paul's Church that was filled to capacity. He witnessed their community take a strong stand and in strong clear words speak out against hate, anti semitism and racism; speak out against the neo-nazis, KKK and white supremacy; and speak out against those whose only agenda is to divide us as a nation. It makes him proud to be a city councilor who can say he represents Concord. It makes his wife and him proud to say they live in Concord. He thanked Concord.

Councilor Todd reminded everyone that there are still two Mondays left to attend the Penacook Farmer's Market, the 21st and 28th at 4:30 p.m.

Comments, Requests by the City Manager

City Manager Tom Aspell announced that the renovations to the Keach Park pools began today. He indicated that the General Services Department is coordinating this project and will be ready in 2018. He added that the renovations for the basketball and tennis courts at Keach Park will be upcoming - new backboards have been installed and the courts will be repainted by September.

Referencing the new community center, he indicated that the older section of Dame

School has been removed and site clean up is underway. He added that the new RFP for the new tennis courts at Memorial and Rollins Park is out so they should be receiving responses to start this construction in the fall.

Consideration of items pulled from the consent agenda for discussion

** Item 19 has been pulled from the consent agenda for discussion.*

19. Status report from the City Manager on City Council's 2016-2017 Priorities.
(Pulled from the consent agenda by Councilor Herschlag)

Action: Referencing page eight, Councilor Herschlag noted that there is information regarding punch list items and how they are being addressed for the Main Street Project. He recently walked on Main Street noticing that the crosswalks on North Main Street have been improved but there are still many cracks and chips in the materials. He further noticed cracks in some of the sidewalks - the initial repair was to put some caulking or epoxy in it but today they were cutting the entire cracked section out and replacing it with new concrete. He understands that there is a two year warranty on work that was done; some failed items are being repaired currently and he questioned whether these items, if they fail again, will still be covered within this two year period. City Engineer Ed Roberge responded that they would be covered. He explained that it's important to understand the degree of failure; yes they are responsible for workmanship and material quality issue. If it's some level of abuse, it's a different category that they would need to talk to them about. He stated that they are working in partnership with the contractors and they will be watching this closely.

Referencing the current issues, Councilor Herschlag inquired whether these were design issues, construction issues or a combination of the two. Mr. Roberge responded that it could be a combination of the two. He noted that making sure that they have the right solution and the right remedy is always an important factor. Councilor Herschlag noticed that a number of the pavers in the crosswalks and some of the decorative areas have cracks and significant chips in them. He questioned whether these are going to be replaced. Mr. Roberge responded that some of those are wear and tear and they have to really monitor and watch this closely. Councilor Herschlag indicated that some of the chips and cracks in the pavers in the crosswalk are pretty significant. He asked if there was a way to identify which ones are wear and tear and which ones were damaged because they were placed inappropriately.

Mayor Bouley suggested that Councilor Herschlag talk to the City Engineer and walk around on Main Street. He feels that it would be really beneficial for the engineer to see some of the items that Councilor Herschlag sees as opposed to pointing them out at a meeting.

Councilor Shurtleff moved to accept the report. The motion was duly seconded.

Councilor Shurtleff asked if it's appropriate for a member of the Council, if they see an item on the consent agenda that they have a question about, to contact the department head to try to get the question answered prior to a meeting.

Mayor Bouley indicated that past Mayors and himself have strongly encouraged Councilors to reach out to the City Manager or a department head to have any questions answered. He pointed out that there are times when it's beneficial for everyone to hear something.

Councilor Herschlag stated that he specifically pulled this item so that there could be a discussion in public so that the community, that's paying for the project, is aware of how those issues are going to be remedied.

Councilor Shurtleff noted that there is a comment section and Councilors could let the citizens know at that time.

The motion was approved with no dissenting votes.

Consideration of Suspense Items

Action: Councilor St. Hilaire moved to suspend the rules to consider suspense items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Sus1. Request to the New Hampshire Department of Transportation (NHDOT) to revise the painted lane widths on the I-393 Connector from the Transportation Policy Advisory Committee.

Action: Councilor Nyhan moved to accept the request. The motion was duly seconded.

Councilor St. Hilaire recommends, since the Executive Council is holding hearings on a ten year highway plan, having someone from the City of Concord attend.

The motion to approve passed with no dissenting votes.

Item Tabled for a September 11, 2017 Public Hearing

Sus2. Ordinance amending the Code of Ordinances, Title 1, General Code, Chapter 1,

Government Organization, Article 1-3, Miscellaneous Regulations, Ward Lines; together with report from the City Solicitor.

Action: City Solicitor Jim Kennedy provided an overview of the proposed amendment to the city's ward lines with respect to Wards Four and Five. He explained that what this proposed ordinance does is incorporates the Green Street Community Center into Ward Five and the Concord Boys and Girls Club into Ward Four.

Councilor Bouchard inquired whether any voters would be affected and if they are, what will the city do to reach out to them. Mr. Kennedy responded that the affected voters will be notified via letter from the City Clerk's Office following this meeting.

Councilor St. Hilaire moved to set this item for a September 11th public hearing. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 9:10 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*