



**City of Concord**  
**City Council**  
**Meeting Minutes - Draft**

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Monday, May 14, 2018

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 (a) to discuss the City Manager's Annual Evaluation to be held at 5:30 p.m.*

*Non-public session in accordance with RSA 91-A:2, I (b) non-meeting with legal counsel to follow the Council meeting.*

Present: Councilor Bouchard, Mayor Bouley, Councilors Coen, Grady Sexton, Herschlag, Keach, Kenison, Kretovic, Matson, Nyhan, St. Hilaire, Shurtleff, Todd and Werner. Councilor Champlin was absent and excused.

Mayor Bouley called the meeting to order at 5:30 p.m.

Councilor Nyhan moved to enter into non-public session in accordance with RSA 91-A:3, II (a) to discuss the City Manager's Annual Evaluation. The motion was duly seconded by Councilor Grady Sexton and passed unanimously with no dissenting votes.

At 6:43 p.m., Councilor St. Hilaire moved to exit non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

Councilor St. Hilaire moved to seal the minutes. The motion was duly seconded and passed unanimously with no dissenting votes.

This portion of the meeting was adjourned at 6:44 p.m.

1. Call to Order.

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

2. Invocation by Larry Wolfe, First Church of Christ, Scientist.
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 Meeting Minutes.

April 9, 2018 City Council Meeting Minutes.

**Action:** Councilor Grady Sexton moved approval of the April 9, 2018 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

## 6. Resolution in recognition of the services of Douglas B. Ross.

**Action:** Mayor Bouley presented the resolution in recognition of the services of Douglas B. Ross.

## 7. Resolution in recognition of the services of Firefighter Paramedic Stephen Lorenze.

**Action:** Mayor Bouley presented the resolution in recognition of the services of Firefighter Paramedic Stephen Lorenze.

## 8. Community events presentation by Pam Puleo, Concord Hospital.

Pam Puleo, Concord Hospital, presented Concord Hospital's annual community benefits report. Referencing the last page of the report, she highlighted the various columns explaining that the difference between the expense and the revenue is considered a community benefit. She pointed out that the expense is charted in cost not charges; the actual cost to provide a service. Ms. Puleo indicated that Concord Hospital has been conducting community health needs assessment and reporting on its community benefit activities since the mid 90's, well in advance of the state and federal laws that now require them to do so. She noted that the bulk of their investments are in subsidized health services; services that they don't charge for or they don't charge enough to cover the cost to provide the service.  
*(Copy of handout on file in the City Clerk's Office)*

Mayor Bouley indicated that Concord Hospital has been very generous with the city and feels that it's important that the city and the hospital continue to support

each other.

9. 2020 Census Presentation.

Jeff Behler, Regional Director, explained that there will be a total of 45 offices throughout his region that will be temporary lasting from two to two and a half years to solely support the 2020 data collection activities; a Concord office will be opening in early January. He highlighted some of the employment positions that will be available and noted that they hope to work with any partners to determine what is the best message and best vehicle to get the message out about these jobs. He stated that the census is safe because Article XIII protects all the data collected and it is easy to complete. Mr. Behler indicated that they are currently in the process working to find partners to help them fill jobs and to spread the word in regards to the census. Yara McSweeney, Partnership Specialist, was present for the presentation.

Mayor Bouley asked if there was a place online for people to find out information on these employment opportunities. Mr. Behler replied that there will be explaining that they will be putting together social media content as well as other content/tool kits for their partners to share.

Councilor St. Hilaire inquired as to how military personnel serving overseas are counted. Mr. Behler responded that if military personnel are deployed temporarily, they will be counted at their home address; if military personnel are stationed overseas, they will be counted at their home state level.

10. 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 items 37, 39 and 44 moved to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

**Referral to the Solid Waste Advisory Committee and the General Services Department**

11. Communication from Councilor Herschlag requesting review of the policy that now

requires trucks with dump beds to off load into containers by hand instead of raising their beds to unload at the transfer station on Old Turnpike Road.

**Action:** Communication referred to the Solid Waste Advisory Committee and the General Services Department.

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

12. Communication from Councilor Herschlag requesting funding for a sidewalk on Borough Road.

**Action:** Communication referred to the Transportation Policy Advisory Committee.

### **Items Tabled for June 11, 2018 Public Hearings**

13. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 2, Finance; Article 2-4, Payment of Debts due to the City; together with report from the Deputy City Manager - Finance.

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

14. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations; together with report from the Planning Board.

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

15. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 19, Penalties, Section 1-5, Towing Vehicles Away; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

16. Resolution appropriating the sum of up to \$1,150,000 and authorizing the issuance of bonds and notes in the amount of up to \$1,150,000 for construction of a new multi-purpose recreational building at White Park (CIP #51); together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

17. Resolution repurposing the sum of \$369,986 from the Water Treatment Plant Improvements Project (CIP #88) and the Pump Station Improvements Project (CIP #372) for use on the CO2 Tank and Control Replacement Subproject (CIP #88); together with report from the General Services Director.

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

18. Resolution repurposing the sum of \$52,000 from Fire Department CIP subprojects for the purpose of installing a radio fire alarm box system (CIP #561); together with report from the Fire Chief.

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

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

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

20. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex Plan documents.

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

21. Discretionary Preservation Easement Renewal Request for property located at 174 Little Pond Road owned by the Katharyn S. Hok Trust, per RSA 79-D.

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

22. Resolution providing authorization to subdivide a 1 acre portion of City owned land identified as Tax Map 101, Block 2, Lot 10, and convey to Margaret L. Lassonde in exchange for 21.6 acres of land identified as Tax Map 100, Block 2, Lot 19, for conservation purposes; together with report from the Assistant City Planner, on behalf of the Conservation Commission.

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

### **Items Tabled for June 14, 2018 Public Hearings**

23. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2019 ending June 30, 2019 and repurposing funds made available through the Annual Capital Close-Out and Repurposing of Capital Projects resolution. (Not previously submitted)

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

24. Resolution amending the amount of money to be appropriated by the City of Concord for the Fiscal Year 2019 ending June 30, 2019 and repurposing funds made available through the Annual Capital Close-Out and Repurposing of Capital Projects resolution. (Not previously distributed)

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

25. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2019 (July 1, 2018 to June 30, 2019) hereby authorizing and approving the expenditure of \$10,151,000 and authorizing the issuance of \$10,151,000 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1. (Not previously submitted)

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

26. Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant. (Not previously submitted)

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

27. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates. (Not previously distributed)

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

28. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. (Not previously distributed)

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

### **From the City Manager**

29. Positive Citizen Comments.

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

### **Consent Reports**

30. Diminimus gifts and donations report from the Director of Human Services requesting authorization to accept monetary gifts totaling \$271.04 as provided for under the pre-authorization granted by City Council.

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

31. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,477.98 as provided for under the pre-authorization granted by City Council.

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

32. City Council's 2018-2019 Quarterly Priorities Report from the City Manager.  
**Action:** This consent report was approved.
33. 2018 Fiscal Year to Date Financial Statements from the Deputy City Manager - Finance.  
**Action:** This consent report was approved.
34. Public Safety Board Annual Report.  
**Action:** This consent report was approved.
35. Quarterly report from the Police and Fire Chiefs on Drug Overdoses and Other Statistics.  
**Action:** This consent report was approved.
36. Quarterly Current Use Change Report from the Director of Real Estate Assessments.  
**Action:** This consent report was approved.
37. Report from the Transportation Policy Advisory Committee recommending transportation project priorities for the FY 2019-2028 Capital Improvements Program.  
**Action:** Item removed to the end of the agenda for discussion.
38. Report from the Traffic Engineer on behalf of the Traffic Operations Committee in response to a referral from Councilor Champlin regarding a resident request for 'Children at Play' signs on Chapel Street to slow traffic.  
**Action:** This consent report was approved.
39. Report from the City Engineer recommending the acceptance of improvements at the intersection of Manor Road and Abbott Road, included as CIP #582 Manor Road/Abbott Road Roundabout Intersection Improvement Project. (Pulled from consent by Councilor Herschlag)  
**Action:** Item removed to the end of the agenda for discussion.
40. Report from the Assistant City Planner, on behalf of the Conservation Commission, requesting authorization to accept a donation of an 8.3 acre parcel of land, identified as Map 98, Block 1 Lot 7, assessed at \$30,300 for the purpose of

conserving the land in perpetuity.

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

41. Report from the Parks and Recreation Director regarding the need for summer Lifeguards and Water Safety Instructors.

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

### **Consent Resolutions**

42. Resolution in honor of the services of Retired Deputy Fire Chief Jonathan France. (For presentation in June)

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

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

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

44. Resolution authorizing the City Manager to issue a license to Capital Commons L.L.C. for the installation of certain private improvements within the South Main Street rights-of-way and Storrs Street Parking Garage; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

45. Resolution repurposing the sum of \$188,323.50 from existing funds of the 2015/2016 Horseshoe Pond Drainage Improvements and Watershed Management Study, and de-authorizing the sum of \$466,668 of State (NHDOT) funds from the 2015/2016 Horseshoe Pond Drainage Improvements and Watershed Study (CIP #571); together with report from the City Engineer.

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

### **Appointments**

46. Mayor Bouley's proposed appointment to the Recreation and Parks Advisory Committee. Stacey Brown

**Action:** This appointment was approved.



47. Mayor Bouley's proposed appointments to the Transportation Policy Advisory Committee (TPAC). Rebecca McWilliams and Gregory Bakos

**Action:** This appointment was approved.

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

### **Public Hearings**

- 48A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections, Willard Street at Manor Road; together with a report from the Traffic Engineer.

**Action:** Public hearing E was held prior to this public hearing. (See public hearing E for the testimony)

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

- 48B. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, by establishing Article 18-5, Permit Parking; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

**Action:** Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a brief overview.

Councilor Bouchard inquired whether residents will still be able to park in the garages during snow emergencies. Mr. Walsh responded yes. He explained that the ordinance would take effect July 1st; the meters would be 9:00 a.m. to 7:00 p.m. Monday through Friday and permits will be 8:00 a.m. to 7:00 p.m. Monday through Friday. The public will have the ability to park in any space in the garage outside of those hours at no cost.

Councilor Bouchard pointed out that she has experienced and heard from others that, during the winter, there were times in which there were no available spaces in the garages. She asked if staff was comfortable with the numbers during certain times during the year. Mr. Walsh responded that he can see, possibly during a snow emergency, where they may become more heavily used.

Councilor Herschlag asked if he is correct in understanding that the number of spaces available to the public, under the permit system, won't change. Mr. Walsh

responded that to be correct. He indicated that they will always have metered spaces in the three parking garages and the quantity of those spaces will not change.

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

- 48C. Resolution accepting and appropriating the sum of \$47,770 from Liberty Utilities for the purpose of reimbursing the City for funds expended on behalf of Liberty Utilities on CIP#36 Manchester Street/Airport Road intersection improvement project; together with 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.

- 48D. Resolution accepting and appropriating the sum of \$108,119 for compensation and fringe benefits to be funded by Federal Emergency Management Agency (\$107,335) and Homeland Security Grant Program (\$784) revenues; together with report from the Fire Chief.

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

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

- 48E. Resolution adopting a goal of 100% renewable energy for the City of Concord. (Public testimony submitted) (Additional public testimony received)

**Action:** There being no Council objection, this public hearing item was held prior to public hearing items A through D.

Mayor Bouley opened the public hearing.

### **Public Testimony**

Chuck Willing, Energy and Environment Committee, explained that the goal that the committee is proposing is 100 percent renewable energy community-wide in Concord across the electricity, thermal and transportation sectors. They propose to achieve the electricity goal by 2030 and the thermal and transportation goals by 2050. He clarified that the goal is aspirational and is not intended to be legally

binding. He explained the process they are proposing: to adopt the aspirational goal, develop a strategic plan to achieve the goal, implement the goal to many actions over the next 32 years. They want the plan to have the broadest community input so that it is a consensus plan with the Energy and Environment Committee leading the development of the plan working hand in hand with city staff, the Planning Board, the Conservation Commission and Council. He noted that they would form a stakeholder committee with ideally all community interests represented and hold community forums in which residents of the city can give their input. In regards to cost, he stated that they are confident that a transition to renewable energy will be a cost saver. Noting the timeframe, he indicated that it may seem ambitious to some explaining that the technology to achieve the goal already exists and renewable energy costs are coming down and are expected to beat fossil fuels at some point within the next decade or sooner; achieving the goal is economically and technologically achievable.

Mr. Willing explained that they want to set up local policy in a way that encourages people to install solar on their rooftops, drive electric vehicles and be as energy efficient as possible. They are counting on economics along with positive reinforcement from city goals and policies to encourage people to make these decisions on their own. Within the proposed resolution, he pointed out that they have identified sources of energy that they feel could be part of the renewable mix.

Councilor Herschlag inquired whether the resolution provides enough flexibility for change or adjustment if new sources of energy comes along as they are implementing the goals, Mr. Willing responded that they specified sources that they believe definitely belong and specified sources that they believe definitely don't belong. He believes that its not exclusive so that new sources of energy, as they emerge, would potentially be eligible.

Councilor Herschlag asked if an explanation can be given as to why they are excluding waste incineration and large scale hydro. Mr. Willing responded that they don't consider waste incineration to be renewable for environmental reasons because it's a combustion technology that does not combust natural fuels. For large scale hydro, he noted that they are mindful of the fact that there is a lot of opposition to large imported hydro from Canada and that there are environmental impacts in Canada.

Mayor Bouley questioned why the resolution excluded bio diesel. Mr. Willing believes this was an omission and noted that the committee would be in favor of

this. He explained that this wasn't meant to be comprehensive in terms of what's in and what's out.

Mayor Bouley asked if they could make adjustments to make it more open ended. In terms of what would be considered as renewable or not, he asked if wood products is not considered a renewable source. Mr. Willing replied that this is a sort of fuel in which there is some debate over because its a combustion technology but it's how the bio mass project operates; it can be considered carbon neutral and believes that bio mass should be included.

Mayor Bouley indicated that he hasn't met anyone that doesn't support this noting that he feels that there is universal support for a resolution such as this. As one starts digging through the layers of this and looking at the fine print, he noted that it sometimes means different things to different people. He pointed out that the school tax rate is higher in Penacook so the tax rate is really important there. He noted that Wheelabrator is one of the largest taxpayers in Penacook and it might be stressful for Penacook residents to read that this resolution is looking to put them out of business. Mr. Willing explained that they wouldn't be part of the energy mix that they would purchase but doesn't mean that they couldn't exist and operate to sell their power to someone else.

Mayor Bouley explained that Wheelabrator takes 22 percent of the state's solid waste; otherwise they would end up landfilling. He indicated that he has had individuals from the State Department of Environmental Services and from Penacook who are very concerned with the wording of the resolution - their interpretation is that this is looking at shutting them down.

Mayor Bouley understands the idea of the goal before the implementation but questioned whether it would be helpful to get their arms around some of the costs. Mr. Willing responded that it was hard for them to predict exactly what the Council would want to do and want to spend money on to implement this goal. Mayor Bouley pointed out that the city government uses 100 percent renewable energy for their electricity. He noted that they are already achieving some of the goals of the Energy and Environment Committee.

Zoe Dienes, St. Paul's School student, spoke in support of the proposed resolution. She indicated that she sees students on campus that are dedicated in protecting the environment by taking the initiative and joining the eco action club. She noted that they have seen an increase in interest in solar panels to power their

campus as well as the addition of many compost bins. She noted that they are working on the ban of plastic bottles around the St. Paul's campus. She noted that it doesn't take just one city to make a change but feels that the City of Concord can inspire many others.

Emily Barker, St. Paul's School student, feels that Concord should be the leader in the 100 percent renewable energy drive and spoke in support of the proposed resolution.

Nick Babladelis, Environmental Steward at St. Paul's School, stated that, on behalf of St. Paul's School and the endorsement of the rector, the school is ready to be a creative partner in whatever vision the Council and committee sets for the renewable future.

Tim Sink, Greater Concord Chamber of Commerce, indicated that they support the spirit of the proposed resolution and feels that the overall goal of this is very laudable but have some concerns over specific content of the resolution which revolves around the aggressive timetable. He noted that going 100 percent renewable in 12 years seems very aggressive and, if this is to be cost neutral to residents and businesses, this would assume a lot of technological advances and reduction in costs that may be possible but by no means guaranteed. He wants to issue caution in terms the specific wording and the need to be careful in terms of the timetable.

Councilor Kenison pointed out that the goal is aspirational and there is no up front cost approved by the Council. She is having a hard time understanding why this would be such a concern. Mr. Sink, referencing number one within the resolution which states "it is the goal and policy of the City of Concord that 100 percent of all electricity consumed in the City of Concord will come from renewable energy sources by the year 2030", feels that this is strongly worded and generates concern on their part.

Councilor Herschlag noted that his understanding of the resolution is that its a goal and they would lay out the specifics of the plan later on. He feels reassured by two items: 1) it's a goal; 2) they do have expensive energy here and this is an important consideration moving forward with renewable resources. Mr. Sink indicated that he is concerned with the aggressive timetable and feels that the wording of the resolution appears to be very specific in terms of setting things in motion. He stated that they support the spirit of the resolution and if there is a way to get to

this goal that can be cost neutral from an energy perspective, they are all for this. He noted that they can't afford to institute policy that increases energy costs in Concord.

Councilor Herschlag asked if Mr. Sink would feel more comfortable if there was something added to the resolution that would also indicate that costs were a consideration moving forward on the timetable that is outlined. Mr. Sink responded that he would like to see this resolution move forward but does feel it needs a certain level of massaging in order to make it more reasonable.

Mayor Bouley asked, if they were to "take a breath" for the next thirty days, would Mr. Sink's organization be willing to work on the language to improve it. Mr. Sink responded yes.

Roy Schweiker, resident, feels that this is a laudable goal but feels that the word "policy" needs to be removed from the resolution.

Robert Spencer, resident, stated that he feels that the aspirational goal being proposed should be difficult and should get them to think about ways to do this that may not have been thought of yet.

Michael Leuchtenberger, Unitarian Universalist Church, indicated that the church has built a solar panel array that fuels the electricity they need in their building. He stated that the experience was easy technologically but the challenge was dealing with the city ordinances and policies that are currently in place. He encouraged the city to think creatively about ways to make this process easier.

John Hattan, resident and member of the State Employees Association, noted that they were grateful for the opportunity to participate in this process. He hopes that this will be part of a relationship that they continue through.

Joe Magruder, resident, applauds the city and the committee for all the work to get them where they are now but feels that they are currently in a period in which they need to set very aggressive goals moving forward. He hopes Council takes a historic step and approves this resolution with or without the changes being discussed.

Mayor Bouley referenced various projects within the city and stated that what made them successful is because they took their time and they built consensus. He

asked whether it would be worthwhile to bring other people in to work with the language of the resolution before adopting it. Mr. Magruder doesn't have a problem with that as long as it's held to a short timetable of no more than thirty days.

Tom Irwin, Conservation Law Foundation and resident, noted his strong support of this proposed resolution. He commended the city for the work it has done on energy related issues and feels that they are in a situation now in which ambitious leadership is needed. He feels that the goals established within the resolution are appropriately ambitious and not only addresses electricity consumption but also heating, cooling and transportation.

Mayor Bouley asked if Mr. Irwin thinks it's worthwhile to build consensus around the actual goal. Mr. Irwin responded that consensus is always ideal. He believes Council has all the information it needs to make a decision and urged the Council to make a decision and to work with stakeholders to develop a plan to implement and achieve the goals.

Mike Schowalter, resident, indicated that renewable energy and all the technology that goes into it is very new and is developing very quickly. He feels that, by passing this resolution, the city will be sending a signal to entrepreneurs and those wanting to do business here that Concord is open to have them make their base of business here in the city.

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

### **Public Hearing Action**

49. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (Public hearings held in March and April with final action to be taken May)

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

50. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections, Willard Street at Manor Road; together with a report from the Traffic Engineer.

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

51. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, by establishing Article 18-5, Permit Parking; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

Councilor Herschlag thanked staff for starting to move them from a lease system in the garages to a permit system. He feels that this is a positive step in the right direction and will be a positive impact in revenues for the maintenance of their garages.

The motion passed with no dissenting votes.

52. Resolution accepting and appropriating the sum of \$47,770 from Liberty Utilities for the purpose of reimbursing the City for funds expended on behalf of Liberty Utilities on CIP#36 Manchester Street/Airport Road intersection improvement project; together with report from the Associate Engineer.

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

53. Resolution accepting and appropriating the sum of \$108,119 for compensation and fringe benefits to be funded by Federal Emergency Management Agency (\$107,335) and Homeland Security Grant Program (\$784) revenues; together with report from the Fire Chief.

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

54. Resolution adopting a goal of 100% renewable energy for the City of Concord. (Public testimony submitted) (Additional public testimony received)

**Action:** Councilor Keach moved to table the resolution and refer it to the Fiscal Policy Advisory Committee for further review. He commended the work of the Energy and Environment Committee and agrees with all the conclusions but, based upon the testimony and the review of the minutes, he doesn't feel there's been adequate consideration about potential economic impacts to the city. The motion was duly seconded.

Councilor Werner, Energy and Environment Committee, thanked members of the committee for all the work they put into this resolution and all the outreach that has taken place within the community. He further thanked everyone that showed up



this evening. He appreciates that the Chamber of Commerce and the Conservation Commission have submitted testimony that supports their goal. While he wishes that Council could vote on this resolution tonight and be assured of a strong favorable outcome that is in the interest of their entire community and their future, he will support the motion to forward this resolution to the Fiscal Policy Advisory Committee for further review, additional work, additional outreach and additional testimony. He is confident that after this process is completed, within a short time, this resolution will be back before the Council and that they will strongly endorse it.

Councilor Shurtleff wondered if an item number fifteen could be added to the resolution that would state: "the energy renewal resolution will be open to further additions, deletions and corrections with the consent of the City Council". He looks at this resolution as simply being a road map to get them from where they are today to where they want to be.

Councilor Nyhan echoed the sentiments of Councilor Keach. He supports the aspirational goals but has a few concerns with the wording.

Councilor Herschlag agrees with Councilor Shurtleff and feels that, putting in the suggested addition, would answer the concerns of those who didn't feel comfortable moving forward with the wording within the resolution. He noted his concern as to how long it may take to come back to the Council.

Councilor Bouchard inquired whether this would be back to Council for their June meeting.

Mayor Bouley feels that there would be a quick turnaround.

Mayor Bouley indicated that he supports Councilor Keach's motion. He noted that he has been involved in many big initiatives over the years and has found that to be successful in these initiatives, they need to build consensus within the community.

Councilor Herschlag inquired in regards to the process/timeline in which this resolution will come back to the Council.

Mayor Bouley explained that the motion is to table this resolution and will be like any agenda item that Council tables noting that it should be back to Council by their June meeting.

Councilor Kenison asked whether they would need to hold another public hearing when this comes back to Council. Mayor Bouley responded no.

The motion to table the resolution and refer it to the Fiscal Policy Advisory Committee passed with no dissenting votes.

## **Reports**

55. Update from the City Engineer concerning North Main Street crosswalks.

**Action:** David Cedarholm, indicated that there are twenty three brick paver crosswalks on Main Street and out of these, there are only four that have problems. Their locations are: North Main Street near the Capital Plaza; North Main Street near Warren Street; North Main Street near Depot Street; North Main Street and Pleasant Street. He noted that they have done a full assessment of the four crosswalks that are problematic and determined that there are significant differentiators in those four compared to the others.

Mayor Bouley inquired as to when they will be fixed and whether it will cost any additional money. Mr. Cedarholm responded that it will cost between \$40,000 to \$45,000. Mayor Bouley asked if any additional money is needed or whether there is money within the project. Mr. Cedarholm replied that there is approximately \$160,000 in the budget so there are no additional dollars needed. He noted that they hope to receive quotes within the next few weeks and will try to complete the fix before Market Days but realistically they may be looking at early July.

Councilor Kenison questioned whether there was any way they could complete a quick fix. Mayor Bouley responded no.

Councilor Herschlag pointed out that there are a number of other areas in which issues have come up: cracked pavement; seams between the granite have opened up considerably; sewer caps have moved up. He inquired as to what they are going to do for a more permanent solution in regards to moisture and the pavement itself. Mr. Cedarholm responded that these are maintenance issues and General Services is putting a plan together to take care of these maintenance issues.

Councilor Werner inquired as to the legal liabilities issues of individuals tripping on these sidewalks.

Jim Kennedy, City Solicitor, responded that, to the extent that the city is on notice of any issue relative to hazard, the city has made steps to abating that hazard in a

responsible manner. He indicated that if there is a serious trip hazard that the city knows about, the city should place markings around that trip hazard to make whatever effort reasonable and otherwise to be certain that people aren't going to trip or do damage to their property from those areas. He stated that it's important, any time the city is on notice of any type of issue, that the General Services Department or Engineering Department take any steps necessary to make those areas safe for public travel.

Councilor Herschlag asked if it was normal for a roadway of this type to have these types of maintenance issues two to three years after a project is completed in regards to the cracking and deterioration of the pavement that runs parallel to the crosswalks. Mr. Cedarholm responded that it's never a surprise to him when he sees cracking in pavement unless the subgrade was completely rebuilt. He noted that in each of those locations its close to a crosswalk and he doesn't know exactly what subgrade preparation was done.

### **New Business**

### **Unfinished Business**

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

Councilor Todd thanked Library Director Todd Fabian for attending the Penacook Village Association's May meeting and getting the conversation of the Penacook Branch Library off to a great start. He announced that the next Penacook Village Association's meeting will be their annual meeting on Tuesday, June 12th at 6:00 p.m. in the Merrimack Valley Middle School cafeteria. He indicated that the guest speaker will be Suzi Pegg, Economic Development Director, on the topic of the economic future of Penacook.

Councilor Kretovic pointed out that, recently, there has been a large number of trees removed along the streetline on Fort Eddy Road and the Fort Eddy Plaza. She believes its a city requirement that there be some shaded trees in parking lot areas as well as the plaza across the street. She asked if they could ask Code Administration to follow up with the property owners to ensure there will be appropriate replanting in those areas.

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

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

*\*Item 39 has been pulled from the consent agenda for discussion.*

37. Report from the Transportation Policy Advisory Committee recommending transportation project priorities for the FY 2019-2028 Capital Improvements Program.

**Action:** Councilor Herschlag indicated that he has had a number of correspondence with concerns for this project moving forward. He believes that its within their budget for the final design plan on this. He wondered if residents can be reminded at which meeting Council will be discussing the capital improvement projects. Brian LeBrun, Deputy City Manager-Finance, responded that the date is Thursday, June 7th.

Councilor Kretovic indicated that she also has received correspondence with concerns about this agenda item. She believes there may be some confusion as to what happens when the city's Transportation Policy Advisory Committee submits a report to the Council that they do every year in regards to all transportation projects that are coming before the city; they make recommendations because that is what they are charged to do. Referring to this agenda item, she noted that it was misinterpreted as if the Council was moving this project forward as opposed to simply accepting a report.

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

39. Report from the City Engineer recommending the acceptance of improvements at the intersection of Manor Road and Abbott Road, included as CIP #582 Manor Road/Abbott Road Roundabout Intersection Improvement Project. (Pulled from consent by Councilor Herschlag)

**Action:** Councilor Todd announced that there is a public meeting tomorrow at 6:30 p.m. at the Merrimack Valley Middle School cafeteria regarding this item. He explained that this is a transportation enhancement that was not financed by the city but financed by a private developer. He moved to accept the report conditionally pending the public information forum and pending actual completion of the project at which time they would ask the City Engineer to report back to Council to let them know whether the project is acceptable to city standards. The motion was duly seconded.

Mayor Bouley inquired whether someone could explain the "subject upon completion" piece.

Councilor Todd thought that it would be in Council's best interest to see the project come to fruition, to actually have it built first including landscaping and vegetation in the center of the roundabout and everything that goes with it. He added that they should have emergency vehicles test the roundabout first, have it receive a "seal of approval" by the City Engineer and then have it come back to Council for acceptance.

Mayor Bouley questioned whether this is typical practice.

City Manager Tom Aspell explained that its a little different than what they have done in the past but when they get to the end, City Council is responsible for accepting improvements; it becomes part of the infrastructure which they will then maintain in perpetuity.

Councilor Todd's motion passed with no dissenting votes.

44. Resolution authorizing the City Manager to issue a license to Capital Commons L.L.C. for the installation of certain private improvements within the South Main Street rights-of-way and Storrs Street Parking Garage; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

**Action:** Mayor Bouley stated that this is an important project to the downtown and is a good addition to Main Street. His concerns is whether they are treating different projects to different standards. He pointed out that there have been other building projects that were denied canopies and now there is one before them in which staff recommends. He indicated that they recently received a briefing from the City Planner noting that they have yet to adopt standards for structures over the sidewalks - balconies, signage, etc. He is curious as to why staff is proposing to treat people differently depending on the project and why is staff bringing forth a proposal before they have set the standards.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, responded that he is not aware of the project that may have been treated differently in the past. He stated that if this did occur, they can always come back to the Council and ask for a license. Relative to the new Main Street design guide, he met with the Community Development Department to talk about this item a couple of times and did not get the sense from the department that this would

violate the new guidelines; if it does, Council can choose to table this item, remand it back to Community Development to review this in more detail or they can wait until Council adopts the guidelines in the future.

Councilor Herschlag asked if he was correct that the guidelines for Main Street treat canopies differently than they treat balconies. Mr. Walsh responded that this was his understanding; this is not habitable space. He noted that its the Council's sidewalk and if the Council feels that this is not in the spirit and intent of the Main Street guidelines, they can table it, deny it or have staff come back with a different proposal.

Mayor Bouley asked if this was more for setting up a loading/unloading zone for a hotel in the downtown. He pointed out that ten years ago, Council denied a loading/unloading zone for another building in the city. He feels that they should be careful as a city to treat everyone the same.

Councilor Herschlag explained that this is a canopy that would extend twelve feet onto the sidewalk. He asked if it would make sense, before giving approval to this, to review the Main Street guidelines and see if they anticipated this.

Councilor Shurtleff indicated that it's his understanding that the guidelines do not go into effect until Council votes on them explaining that, in the past, they would make corrections. He asked whether it wouldn't be appropriate to table this request until this Council has the chance to see what the guidelines say and approve them.

Councilor Shurtleff moved to table this request. The motion was duly seconded.

In terms of wayfinding signs, Mayor Bouley inquired as to where there is already wayfinding signage like what is being suggested. Mr. Walsh responded they already have it in the Storrs Street parking garage that relates to the office building known as Capital Commons at 11 South Main Street; they are looking to modify that.

Councilor Kretovic noted that she believes that this report is also asking for a tented-like structure in the parking garage which does not impede the public right of way out on Main Street. She asked if it would make sense to separate these two items so that one can move forward while they wait for the design guidelines.

Mayor Bouley clarified that he believes the motion would table everything within item 44. Councilor Shurtleff confirmed this to be correct.

Referencing the electronic charging stations, Councilor St. Hilaire noted that he is curious to find out which chargers they are placing in there. He feels that it would be good to be versatile and not to choose one manufacturer over another.

Councilor Werner thanked Councilor St. Hilaire for bringing up the charging stations. He feels that these should be as universal as possible with this type of technology.

Councilor Bouchard asked whether there would be a charge for charging.

Mr. Walsh responded that the developer, Capital Commons, LLC, has been in conversation with Tesla and noted that his understanding with electric vehicles is that they are challenging because there is no universal charger. He indicated that these are spaces that are leased by Capital Commons and would continue to be under their development agreement that they have with the city. He explained that they have not made it clear with staff whether or not they would be offering this service to the general public or simply patrons of their hotel or office building; staff can get this information for the Council.

Councilor Shurtleff's motion to table passed with one dissenting vote.

### **Consideration of Suspense Items**

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

### **Referral to the Traffic Operations Committee and the Transportation Policy Advisory Committee**

Sus1. Communication from residents on Broadway and Rockingham Street in Concord requesting consideration be given to address concerns they have regarding traffic volumes, excessive noise and increasing traffic violations in their neighborhood.

**Action:** Councilor Kretovic moved to refer this communication to the Traffic Operations Committee and the Transportation Policy Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

**Adjournment**

The time being 9:34 p.m., Councilor St. Hilaire moved to adjourn the regular Council meeting and enter into a non-meeting with legal counsel in accordance with RSA 91-A:2, I (b) . The motion was duly seconded and unanimously passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*