



City of Concord

City Council Meeting Minutes

Monday, September 10, 2018

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A:2 I (a) to discuss collective bargaining strategies to be held at 6:00 p.m.

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

Mayor Bouley called the meeting to order at 6:00 p.m.

Councilor Champlin moved to enter into non-public session in accordance with RSA 91-A: 2, I (a) to discuss negotiations with respect to collective bargaining. The motion was duly seconded and passed unanimously with no dissenting votes.

At 6:40 p.m., Councilor Grady Sexton 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 6:42 p.m.

1. Call to Order.

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

2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.

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

Excused: 1 - Councilor Candace Bouchard

5. Approval of the Meeting Minutes.

August 13, 2018 City Council Meeting Minutes.

Action: Councilor Nyhan moved approval of the August 13, 2018 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Resolution in honor of the services of Retired Fire Lieutenant Ian Holm.

Retired Fire Lieutenant Ian Holm was not present for the resolution.

7. Presentation by Seacoast United Sports Club.

James Peterson, Director of Sales and Marketing for Seacoast United Sports Club, indicated that last year the club celebrated its 25th year as an organization. He noted that they have eleven facilities in three states - New Hampshire, Massachusetts and Maine. Everyone associates them with soccer but found out that they have the largest baseball and field hockey organization in New England; they started softball last year and, as of this summer, have brought lacrosse on. He indicated that with five sports operating under their umbrella, they have 10,000 children that play for their club from ages ten to eighteen. Mr. Peterson indicated that they have an indoor facility on Ferry Street in Concord.

With regard to their soccer program, Mr. Peterson noted that they run a very successful Columbus Day tournament that's hosted at NHTI. Noting that the Black Ice Pond Hockey event is successful with 100 teams bringing a lot of people into the city; he stated that in 2017 the Seacoast United Columbus Day tournament had 220 teams that participated. He wanted to highlight who they are and what that tournament does purely from a socio-economic standpoint. He confirmed that the tournament was billed as the largest Columbus Day tournament in New England last year. The projection for this year is to hit 250 teams.

8. Merrimack River Greenway Trail Presentation.

Kelly Ovitt Puc, Friends of the Merrimack River Greenway Trail, provided an

update on the land and water conservation fund grant to pave a 150 foot multi-use trail plus a portion of the boardwalk section that is going to need to be along the river because of wetlands. She stated that they put in \$65,550 towards engineering and permitting which left them with \$134,450 for construction. They went out to bid in the spring receiving two bids for this project; the lower bid was \$123,537 over budget. She indicated that the problem they are currently facing is that the deadline to spend those funds is at the end of this year.

Greg Bakos, Friends of the Merrimack River Greenway Trail, explained that when the bids came in high they explored options. He noted that the project was not bid at an opportune time of year, is a small project and had unique features which made it unrealistically expensive at the time. He indicated that they explored ways in which they could redesign the project such as shortening it, making the boardwalk portion narrower or looking at using a different design loading making the structure lighter and not as durable. They felt that redesigning wouldn't really net the results in which they need financially and wouldn't leave them with a good project. Mr. Bakos indicated that they are here this evening to look at another option: to build the trail along the western edge of Terrill Park. They met with individuals that administer the LWCF grant and noted that they were very receptive to this rescoping of the funds; they felt it was a compatible use. He stated that they did ask that they include parking.

Mayor Bouley noted that what is being asked of Council is: 1.) to authorize the City Manager to extend the time period needed and 2.) they are requesting more money which he would ask the Council to send back to the Recreation and Parks Advisory Committee for their consideration in which Council would receive their recommendation for a public hearing.

Councilor Herschlag inquired whether any cost analysis has been done for a stone dust/non paved path compared to a paved path. Mr. Bakos responded that the stone dust would be a lower up front cost but doesn't provide the benefits that a paved path would provide. Councilor Herschlag asked if they were able to come up with a number between these two types of paths. Mr. Bakos responded that he does not believe they did a final estimate on stone dust because they were heading towards pavement in the first place.

Councilor Nyhan asked when this goes back to RPAC if they could ask them to opine on what this project would look like without \$140,000 from the city.

Councilor St. Hilaire moved to authorize the City Manager to request the additional time for this grant. The motion was duly seconded and passed with no dissenting votes.

9. 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 Champlin moved approval of the consent agenda with item 23 removed for discussion at the end of the agenda. The motion was duly seconded and passed with no dissenting votes.

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

10. Communication submitted by Councilor Champlin, on behalf of Katherine Simonton, 16 Pearl Street, requesting consideration be made to traffic improvements at the intersection of Pearl Street and North State Street in Concord.

Action: This item referred to the Traffic Operations Committee and the Transportation Policy Advisory Committee.

Referral to the Community Development and Legal Departments

11. Communication from Joseph R. Alosa, Sr., New England Kenworth, requesting the abandonment and/or closure of Osgood Street in Concord.

Action: This item referred to Community Development and the Legal Department.

Items Tabled for October 9, 2018 Public Hearings

12. Ordinance amending the Code of Ordinances Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, by amending Section 18-3-14, Duty of Police, repealing 18-3-14 (g) and adding a new section 18-3-18 Parking Encumbrance Permits; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

13. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter I, Government Organization, by amending Article 1-5, Fees, Fines, and Penalties,

Schedule I, Fees by updating Parking Encumbrance Fees; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

14. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing, and Parking, Section 18-1-24, Parking-Law Enforcement Vehicles, Schedule XXI; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

15. Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls report from Director of Real Estate Assessments.

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

16. Resolution accepting and appropriating the sum of \$130,000 for residential granite curb cost sharing as part of the annual roadway surface improvements project (CIP #78); together with report from the General Services Director.

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

From the City Manager

17. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

18. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,712.73 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

19. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary revenue totaling \$2,150.00 as provided for under preauthorization granted by City Council.

Action: This consent report was approved.

20. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary revenue totalling \$4,421.00 as provided for under

preauthorization granted by City Council.

Action: This consent report was approved.

21. Granite Center Redevelopment Project status report from the Director of Redevelopment, Downtown Services and Special Projects.

Action: This consent report was approved.

22. Solid Waste Advisory Committee report on Transfer Station use by dump-bodied trucks and trailers.

Action: This consent report was approved.

23. Report from the Director of Human Resources and Labor Relations regarding filling of a Fiscal Technician III position in the Parking Division of the Concord Police Department. (Pulled from the consent agenda by Councilor Coen)

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

Consent Resolutions

24. Resolution repurposing the sum of \$32,500 in the Parks and Cemeteries Small Turf Equipment project (CIP #569) to include \$23,400 from the 2018 Small Turf Equipment subproject and \$9,100 from the 2019 Small Turf Equipment subproject for the purchase of a cemetery sweeper; together with report from the Parks and Recreation Director.

Action: This consent resolution was approved.

25. Resolution authorizing the City Manager or his designee to apply for funding through the New Hampshire Project First Grant Program administered by the New Hampshire Department of Safety; and appropriating funds awarded for this purpose; together with report from the Fire Chief.

Action: This consent resolution was approved.

26. Resolution authorizing the City Manager to issue a license to Granite Center L.L.C. for the installation of certain private improvements within the Storrs Street and Dixon Avenue Rights-of-Way; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This consent resolution was approved.

Appointments

27. Mayor Bouley's proposed appointment to the Recreation and Parks Advisory Committee. Sarah Ward

Action: This appointment was approved.

28. Mayor Bouley's proposed appointments to the Solid Waste Advisory Committee. Michael Nork and Eric Steinhauser

Action: This appointment was approved.

From the Mayor

End of Consent Agenda

Public Hearings

- 29A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-17, Alteration of Speed Limits; Rockingham Street; together with a report from the Traffic Engineer.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, stated that if the city wants to have a series of classifications of streets in which some streets carry more traffic at higher speeds and other neighborhood streets at lower speeds then he feels that this should retain the 30 mph with the exception of the short segment at the end where there is no sidewalk. He noted that they want to encourage people to stay on the major streets and not cut through other streets; he feels that 30 mph is a reasonable speed for Rockingham Street.

Brian Sartorelli and Anthony Tenczar, Rockingham Street residents, noted their agreements with the report. They thanked the committees that looked at this issue.

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

Action for this item taken out of order and approved by the Council. See action

under item 30.

- 29B. Resolution appropriating the sum of \$91,900 for the procurement of outside services to complete a bagged fall leaf collection, to be funded entirely from fund balance in the Solid Waste Fund; together with report from the Solid Waste Advisory Committee. (Public testimony received)

Action: Adam Clark, Administration Division Manager, provided an overview.

Councilor Kenison indicated that she has received three different calls in regards to the proposal for the bag leaf collection in which people were concerned. She noted that one person had indicated that they place 35 to 40 bags of leaves out in the spring and estimates that it would be twice that amount in the fall. She feels that this is a very thorough report and is pleased to see alternatives within it. She noted that the calls had stated that they would prefer to have the hybrid three week bag collection.

Regarding the reduction of tonnage, Councilor Coen inquired whether its 27 tons less that is expected. Mr. Clark noted that what they are thinking as a group, with the transition to a full bag program, is that they are going to have some people that are going to mulch their leaves or rake them into the woods so there would be a decrease in the tonnage. Councilor Coen asked how is this was going to be funded. General Services Director Chip Chesley responded that it would be funded by the solid waste fund and not by the general fund so there would be no affect on the property taxes. Councilor Coen noted that currently the leaves go to a compost center and if the leaves are bagged, the concern is that it would not be going to a compost center. Mr. Clark responded that they would be all composted.

Councilor Herschlag, referencing the hybrid system, asked whether this would continue to be six weeks of pick up with the vacuum and an additional two or three weeks on top of this or would the bagged program overlap the vacuuming. Mr. Chesley replied that the bag program would run concurrently with a vacuuming program.

Mayor Bouley clarified that they will continue to vacuum as normal but in the last two weeks of the program they would accept bags.

Councilor Champlin asked if the vacuumed leaves would still go to the composting facilities in which they currently go if they were to adopt the hybrid method. Mr.

Chesley responded yes.

Councilor Todd indicated that he has heard from constituents who were concerned about any loss in service in terms of the vacuuming program. He pointed out that it appears that they would just be augmenting the program. He asked what kind of an education program would the city have in conjunction with this if Council were to accept this. Mr. Clark explained that they have been working on this internally and do have some drafts prepared in preparation of a decision this evening.

Councilor Champlin asked for clarification that the proposal they have before them is to eliminate the vacuuming and go with bags, however, there is a hybrid option which would continue the vacuuming but with an option the last three weeks for bag pick up. Mr. Clark indicated that to be correct. Mr. Chesley added that it would be for either three or two weeks.

Mayor Bouley opened the public hearing.

Public Testimony

Dale Vincent, resident, stated that the concern is the additional costs for the homeowners.

Roberta Kieronski, resident, feels that they should keep the vacuuming but questioned whether the leaves would be able to be placed in plastic containers instead of bags. City Manager Tom Aspell responded yes.

Rebecca Johnson, resident, spoke in support of the continuation of the current services.

Councilor Champlin asked Ms. Johnson how she felt about the hybrid option if the current system was not kept. Ms. Johnson wants to continue with a vacuuming service and the bags would only be if there were only a few at the end of the service.

Councilor St. Hilaire pointed out that, because of the drainage in the center of the city and the concern with clogging, the center of the city is a priority as opposed to the outer areas.

Arthur Booth, resident, stated that he is unable to bag all the leaves on his property.

Ron Raynor, resident, supports the continuing of the bulk vacuuming collection and perhaps the adoption of a hybrid approach. He noted his concern with the city poorly advertising the possible change in the leaf collection program; he found out from the Concord Monitor. He made a few suggestions that he would recommend.

Tom Nickerson, resident, feels that a hybrid situation should be based upon some sort of equity with regards to when they're going to start and where they are going to go.

Roy Schweiker, resident, indicated that he is a proponent of the hybrid model. He feels that it can be done without increasing the cost by taking one of the weeks from the spring and moving it to the fall.

Fred Hogan, resident, noted that he would not want to lose the leaf collection service. He commended staff that picks up the leaves around the city.

Rich Maher, resident, commended the leaf pick up staff. He noted his concern with the bags getting wet and falling apart and/or ripping. He supports the hybrid option.

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

Action for this item taken out of order and approved (revised) by the Council. See action under item 31.

- 29C. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 31, Purchasing and Contract Procedure, Article 31-1, Purchasing Procedures; together with report from the City Solicitor.

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.

- 29D. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-5, Recruitment; together with report from the Director of Human Services and Labor Relations.

Action: City Manager Tom Aspell provided a brief overview.

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

- 29E. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, the Zoning Map; together with report from the Deputy City Manager - Development.

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.

- 29F. Resolution accepting and appropriating the sum of \$22,540 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department. (Copy of application received, not previously distributed)

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.

- 29G. Resolution appropriating the sum of \$24,382.76 received from the State of New Hampshire as proceeds from forfeited property, funds to be utilized by the Police Department in furtherance of illegal drug related investigations; together with report from the Police Department.

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

- 29H. Resolution appropriating the sum of \$104,100, to include \$56,100 to the Project Inspection Fund and \$48,000 to the General Fund for Fiscal Year 2018 retroactive to June 30, 2018, to be funded entirely from excess revenues in the Inspection Fund and fund balance in the General Fund; together with report from the Deputy City Manager-Finance.

Action: City Manager Tom Aspell provided a brief overview.

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

- 29I. Resolution appropriating the sum of \$1,412,510 for the purpose of constructing phase II of the rehabilitation to Taxiway A (CIP #468), accepting \$1,278,000 in grant funds from the Federal Aviation Administration (FAA) and \$71,000 from the State of New Hampshire, and authorizing the issuance of bonds and notes in the amount of up to \$63,510; together with report from the Associate Engineer.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Herschlag noticed the resolution only lists the \$63,510 as a general obligation bond and in the CIP it's in airport general obligation bond. He wonders why the wording wasn't more specific within the resolution. Brian LeBrun, Deputy City Manager - Finance, explained that the airport fund is a special revenue fund which is a subset of the general fund; any bonds that they sell under the airport, parking or any other special revenue fund really is still part of the general obligation to the city.

Councilor Herschlag asked what assurance they have that this will be paid out of the airport fund. Mr. LeBrun responded that with the projection that they have, the debt service will be paid from the airport fund. If for some reason the airport fund isn't able to make those payments, the Council will have to make a different decision.

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

- 29J. Resolution authorizing and appropriating the sum of \$42,000 from the 1883 Black Ice Pond Hockey Association; together with report from the Parks and Recreation Director.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Keach asked if the \$42,000 goes to the general fund or is it reserved for recreation. Mr. Aspell responded that the money is reserved for this specific purpose.

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

Public Hearing Action

30. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17,

Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-17, Alteration of Speed Limits; Rockingham Street; together with a report from the Traffic Engineer.

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

31. Resolution appropriating the sum of \$91,900 for the procurement of outside services to complete a bagged fall leaf collection, to be funded entirely from fund balance in the Solid Waste Fund; together with report from the Solid Waste Advisory Committee. (Public testimony received)

Action: Councilor St. Hilaire moved to approve the hybrid program therefore altering the resolution to \$37,500 as listed under the report. The motion was duly seconded.

Mayor Bouley clarified that the motion would continue with the vacuuming program but if they are getting towards the end and it looks like the city is not going to get to an area, they have the option to bag the leaves if they wish.

Councilor St. Hilaire stated that there is an inequity in the system when some of the leaves are not picked up and feels that this provides some equity to do both; it gives residents some certainty.

Councilor Herschlag asked who would be picking up the leaves and where they will be going. Mayor Bouley pointed out that the report indicates a "vendor" for pick up so he believes it hasn't yet been determined and, it is his understanding, that if they are vacuumed they go to locations within the city and in terms of where they would go if they are bagged, there are a few options that would be worked out between the city and a vendor.

Councilor Herschlag inquired whether the contract would have to come back to the Council. Mayor Bouley explained the Council approves the policy and the City Manager is responsible for the execution of the contract.

Councilor Kenison feels that her constituents will be happy with the hybrid model and noted that she will be voting in favor of the motion.

Councilor Champlin noted his support of the motion adding that he is pleased to see that the vacuuming will continue.

Councilor Werner supports the motion stating that he feels that it provides service to the rural areas of the city making it more equitable.

Councilor Kretovic supports the motion and indicated that anyone that has trouble bagging should contact the scouts for help.

The resolution, as amended, passed unanimously with no dissenting votes.

32. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 31, Purchasing and Contract Procedure, Article 31-1, Purchasing Procedures; together with report from the City Solicitor.

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

33. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-5, Recruitment; together with report from the Director of Human Services and Labor Relations.

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

34. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, the Zoning Map; together with report from the Deputy City Manager - Development.

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

35. Resolution accepting and appropriating the sum of \$22,540 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department. (Copy of application received, not previously distributed)

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

36. Resolution appropriating the sum of \$24,382.76 received from the State of New Hampshire as proceeds from forfeited property, funds to be utilized by the Police Department in furtherance of illegal drug related investigations; together with report from the Police Department.

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

37. Resolution appropriating the sum of \$104,100, to include \$56,100 to the Project Inspection Fund and \$48,000 to the General Fund for Fiscal Year 2018 retroactive to June 30, 2018, to be funded entirely from excess revenues in the Inspection Fund and fund balance in the General Fund; together with report from the Deputy City Manager-Finance.

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

Councilor Herschlag indicated that during their budget hearings it was stated by one of the councilors that, if the golf course was forgiven an administrative fee of approximately \$76,000, the golf course would be running a small profit. He noted that this apparently is not the case as they are looking to include an additional \$48,000 to keep the fund balance from going below zero. In addition, he noted that there are two CIP items that relate to the golf course this year, club house improvements and course improvements, that are not being paid by the golf course. He finds it very disconcerting that every time they have a discussion about the golf course and the funding of the golf course, it's accompanied by additional funding and not a clean discussion on how they are going to resolve this issue.

Councilor Herschlag questioned as to what would happen if they didn't transfer the money to the golf course but established a separate fund that would make it more obvious of the expense and revenue of the golf course. Brian LeBrun, Deputy City Manager - Finance, responded that the expenses and revenues of the golf course are currently extremely clear as they are operating it as an enterprise fund. He stated that with the suggestion being made, he would not put it in a separate fund because it would really create a deficit for the golf fund. Mr. LeBrun noted that if Council doesn't approve this transaction then there is not enough revenue in the golf fund to cover the overall expenses that were appropriated because the revenues didn't come in to a level that they anticipated; the fund would run a deficit and in their audited financial statements, they would have a deficit fund in the golf fund. He noted that at some point along the line, the deficit would have to be corrected. They could continue to grow the deficit which doesn't look good for the golf fund or they support it in some manner - the manner in this case would be support from the general operating fund which is a decision of the Council.

Councilor St. Hilaire inquired whether the books show a transfer in from the general fund. Mr. LeBrun replied that the books will show a transfer in from the

general fund if this is approved by the Council.

Councilor St. Hilaire stated that there will be a record of what's going in and what's going out.

Councilor Herschlag asked if money transferred in would affect the way the fund balance appeared on the books with the golf course. Mr. LeBrun responded that whichever way they handle it has an impact on the fund balance or working capital of the golf fund - those calculations are done on an annual basis. He stated that its all recorded and that everything flows through the financial statements.

Councilor Herschlag noted that by transferring it in it gives the appearance that the fund balance isn't running in the negative when in reality it is.

Councilor Coen stated that the golf course is an interesting situation because its a municipal course, a city owned property. He explained that over the years, Council has approved financing for all sorts of activities. He noted that approximately 88 percent of the golf course is funded by the user fees and not by the taxpayers. He feels that this is a tremendous return on their investment as a city. He noted he supports the motion to approve and is looking forward to the discussion about the role of enterprise funds in the city moving forward.

Referencing Councilor Herschlag's concern about the capital projects for the golf course this year, Councilor Kretovic noted that they have talked about the fact that the golf course has supported the general fund for more than twenty years in exchange for putting off the maintenance on the irrigation system. In regards to the club house, she pointed out that it was built in 1965 with windows from the same time. She noted that these are improvements that have been put off and there comes a point in which they have a trade off. She feels that this is the time to move forward when at least the golf course is producing 88 percent that is covered by their expenses.

Councilor Herschlag noted that it's not only this year that the general fund is funding the capital improvements at the golf course. He indicated that when looking at the capital improvement plan, for the next nine years there is an additional \$4 million to \$4.5 million that the general fund will be supporting improvements at the golf course. He stated that while the club house was built in 1965, there were significant renovations that took place in the mid 80's. He is going to be consistent and is not going to support this resolution at this time and will not

support any additional funding to the golf course until after he sees a report from the Fiscal Policy Advisory Committee with their recommendations as to how they feel they should be moving forward with the financing of the golf course.

The motion to approve passed 13 to 1 on a roll call vote with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Keach, Kenison, Kretovic, Matson, Nyhan, St. Hilaire, Shurtleff, Todd and Werner voting yes. Councilor Herschlag voted no.

38. Resolution appropriating the sum of \$1,412,510 for the purpose of constructing phase II of the rehabilitation to Taxiway A (CIP #468), accepting \$1,278,000 in grant funds from the Federal Aviation Administration (FAA) and \$71,000 from the State of New Hampshire, and authorizing the issuance of bonds and notes in the amount of up to \$63,510; together with report from the Associate Engineer.

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

39. Resolution authorizing and appropriating the sum of \$42,000 from the 1883 Black Ice Pond Hockey Association; together with report from the Parks and Recreation Director.

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

Reports

40. Presentation by the City Planner on the Concord NEXT Zoning Code Update: Character Analysis & Public Meeting Information.

Action: City Planner Heather Shank provided a brief overview noting that when they scoped this project they tried to keep it as tight as possible and just look at downtown properties, how to make development of these easier, and properties that needed visioning. She indicated that the consultant began looking at their code and community and realized that there were a lot of other issues that needed to be addressed. She noted that they have taken more on than what was in the original scope; all of this, however, for the same budget and same timeline. They are basically getting more than they paid for or asked for. Referencing the timeline, she indicated that they scoped this as a two year project announcing that they are now targeting towards the spring for a draft of the code instead of the end of this year; part of the reason being that staff wanted to ensure that staff and the community had time to understand. Ms. Shank indicated that the consultants will be coming to the city in November for a public meeting and hopefully to a Council meeting. She

explained that the purpose of the meeting is to confirm that they are on the right track. She announced that she is holding a public meeting on Tuesday, September 25th, from 6:00 p.m. to 8:00 p.m. in Council Chambers. She provided a brief overview of information contained within the document.

Councilor Herschlag noted that what impresses him about this document is that they really identified why the city sees so many cases going to the Zoning Board of Adjustment for variances and have offered suggestions as how to correct it so it will be a more straight forward process for homeowners and developers moving forward. He is glad to see the project moving forward in a positive manner and that if it continues to move in this direction, its going to have a very positive and significant impact when it comes to development and the ability to understand and interpret the zoning codes.

Councilor Todd feels that this is going in an interesting direction. Referencing a recommended new zone, RS5, minimum lot size as a 5,000 sf lots, he feels that this has been an acute problem within Penacook and feels that this could solve a lot of problems within the city.

New Business

Unfinished Business

Comments, Requests by Mayor, City Councilors

Councilor Matson highlighted the new adult programs at the community center. She urged people to register this week since classes begin next week noting that there are many new classes such as language, fitness, cooking, music, acting and more.

Councilor Kenison indicated that Robert Azzi will be presenting Ask a Muslim Anything at the Concord Public Library on September 26th.

Councilor Coen noted that several months ago there was a Concord Monitor article regarding Wayne Stickney who was involved in cleaning up and refurbishing the town pound on Fisherville Road/North State Street. He wanted to publicly thank him for his time and effort. This had him thinking that he would like to see the city have a citizens appreciation award to recognize efforts of residents.

Councilor Champlin announced that on September 28th, 29th and 30th the League of NH Craftsmen will be holding a capital artsfest on South Main Street.

Councilor Champlin wanted to note and support a letter that the Council received from Tim Sink, Greater Concord Chamber of Commerce President, acknowledging the great job that General Services has done in assisting the Chamber and the Chamber's Creative Concord Committee in installing the pieces of public art that has gone up over the past few months.

Councilor Kretovic wanted to inform individuals of the Walk a Mile in Her Shoes event held in early October (October 3rd) presented by the Crisis Center of Central NH. She stated that it's brought about to bring awareness that one doesn't understand what a person goes through until you walk a mile in their shoes. This event raises funds for the crisis center in support of survivors of domestic violence, sexual assault and elder abuse in the community.

Councilor Kretovic announced that on October 4th Intown Concord presents their 10th Annual Upstairs Downtown Walking Tour. She indicated that this year its going to the haunted tour and hinted that one of the properties included will be a city property. She noted that details are available on Intown Concord's Facebook page and website.

Councilor Herschlag noted that it's important to remember that tomorrow is September 11th; the day our country was attacked, thousands lost their lives and two iconic buildings were reduced to rubble. Today, we are still involved in wars related to this attack; first responders and others who died and risked their lives to save others are still dying today because of their heroic actions. He noted the attack on the Pentagon and the brave airline crew and passengers who lost their lives to save so many others. He asked that while people are going out voting or going about their business tomorrow, to take a few moments to remember the loss of life and the sacrifices so many others have made as a result of this attack.

Councilor Todd indicated that there is a Penacook Village Association meeting on Wednesday, September 19th, at 6:30 p.m. at the Penacook Elementary School cafeteria. The meeting is to finalize the village association's vision statement and start an action plan and calendar for projects that people want to work on. More information is available on penacook.org.

Mayor Bouley indicated that in August he was contacted by a lobbyist hired by the biomass industry to sign on to a letter that was represented to him that all Mayor's were signing on to. He thought it was appropriate to have this discussion amongst the Council. He stated that he was then contacted by a second lobbyist in the

biomass industry, a representative from the wood industry, Councilor Werner from the League of Conservation Voters, the Concord Monitor and two emails from Cheryl Bourassa and Krista Graham. He indicated that he has reached out to several members of their delegation and, based on the input he received, most members have indicated they will be voting to override. The Mayor pointed out that this is Senate Bill 365 which is relative to the renewable generation to provide fuel diversity. Referencing page 2, line 23, the Mayor indicated that it would include Wheelabrator. He noted that the second one is Senate Bill 446 relative to net energy metering - increasing from one megawatt to five megawatts. He poses to the Council that the legislature will be meeting this Thursday and will be taking up first in the Senate and then move on to the House if the override is successful. His question is to the Council is whether they want the City Manager to send an email out to the delegation and encourage them to override or not override or just be silent.

Councilor Kenison stated that if the override passes in the Senate, in the House she fully intends to vote to override the Governor's veto. She appreciates the Mayor taking this item to be discussed before the Council.

Councilor Coen is not comfortable because he feels that this is too soon of a decision and he is not aware of both sides of the issue.

Councilor St. Hilaire noted that many people have come to the Council for a political position on an item that often times is beyond the Council's purview. He indicated that what he has appreciated is that, because they are non-partisan, this Council has remained above the fray on those political issues. He noted that they are all cognizant that their number one job is to represent their constituents and to conduct city business. In this vein, he'd prefer not to set a precedent with starting to indicate positions one way or another that aren't directly affected with Council business. He appreciates the fact that this is being brought to them but prefers to say no, they are non-partisan, and not taking a stance on an item unless it's affecting the City of Concord.

Councilor Kenison explained that this does have an impact on the city in terms of whether they decide to do solar on their landfill. She noted that they would be very limited under the conditions; if they could override, they have a much better position in terms of expanding the project which will be very beneficial to the city.

Councilor St. Hilaire clarified that he was unaware of the solar piece within this

item. He stated that this is too confusing an issue to discuss in the last part of a meeting.

Councilor Shurtleff noted that he will be voting for the bill in the legislature noting that it does have an impact on the city, in general, within Ward One with Wheelabrator. It will allow Wheelabrator to generate and sell into the grid by burning municipal solid waste; without the passage of this bill, how viable Wheelabrator will be is questionable.

Councilor St. Hilaire doesn't disagree with what is being said but pointed out that the city pulled out of their contract with that facility. He feels that there are many contradictions.

Councilor Shurtleff indicated that there are other communities that bring it to that facility and there is also the impact if that plant should find it necessary to close down because of the inability to sell electricity to the grid.

Councilor Werner referenced the Northern Pass and indicated that it was certainly political in the larger sense; they took a policy position that was political. He stated that these bills have direct impact on the city and many other municipalities around the state. He noted that, as a practical matter, let's take the biomass bill with Wheelabrator. He asked if Wheelabrator isn't viable then where is all the waste going to go and what would happen to the effect on their tax base.

Mayor Bouley asked if the Council feels that it's necessary to do something.

Councilor Kenison feels that if it's not unanimous then they should do nothing.

Mayor Bouley noted that if a councilor feels strongly one way or another, he encourages them to contact their representative.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion

** Item 23 has been pulled from the consent agenda for discussion.*

23. Report from the Director of Human Resources and Labor Relations regarding filling of a Fiscal Technician III position in the Parking Division of the Concord Police Department. (Pulled from the consent agenda by Councilor Coen)

Action: Councilor Coen feels that this is a good move and questioned whether

this position would also be allocated to do duties within the Police Department that are non-parking related. He asked, if so, is there a structure where the dollars would be paid by the Police Department budget and not the Parking Division budget. Brian LeBrun, Deputy City Manager-Finance, explained that the way the position is currently structured, the funding is all through the parking fund; there is a piece of the responsibility that would be part of the Police Department.

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

Consideration of Suspense Items

Action: Councilor Champlin moved to consider items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Sus 1. Diminimus gifts and donations report from the Deputy City Manager for Development requesting authorization to accept monetary revenue totaling \$2,443.06 from Mr. & Mrs. Stephen Duprey for the acquisition of 47 international flags and supporting hardware as provided for under preauthorization granted by City Council.

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

Adjournment

The time being 9:23 p.m., Councilor Grady Sexton 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*

Information

Inf1. August 8, 2018 Community Development Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf2. Communication from the University of New Hampshire notifying City Council that Marc Moore has achieved the status of Roads Scholar Two, Senior Roads Scholar and Safety Champion.

Action: Information item received and filed.

Inf3. Communication from the Greater Concord Chamber of Commerce regarding Downtown Public Art.

Action: Information item received and filed.

Inf4. Information from the State of New Hampshire regarding an upcoming bridge painting project on I-89. (Comments to be submitted to City Engineer, David Cedarholm)

Action: Information item received and filed.