



**Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to be held at 6:15 p.m.**

City Council Meeting
Minutes
January 14, 2013
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Reverend Jason Wells, Grace Episcopal Church.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady-Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire and Shurtleff were present. Councilors Patten and Werner were excused.
5. Approval of the December 10, 2012 meeting minutes.

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

Referencing page 4 of the minutes, Councilor Kretovic asked that Chris Mulleavey's public testimony be amended to reflect his "personal support". Referencing the roll call, Councilor DelloIacono asked that his name be amended to reflect the correct spelling.

The approval of the minutes, as amended, passed with no dissenting votes.

6. Agenda overview by the Mayor.

- Consent Agenda Items -

Action: Councilor Nyhan moved approval of the consent agenda. The motion was duly seconded. Mayor Bouley pointed out that item 20 was originally listed under the items tabled for a February 11, 2013 public hearing and wanted to recognize that it should be listed to be approved under the consent agenda. The motion to approve passed with no dissenting votes. Councilor Kretovic abstained from voting on the consent agenda.

Referral to the Energy and Environment Committee

7. Communication from Linda Rauter, Chichester resident, encouraging the Energy Committee to consider recommending improvements to automated lights in parking lots with the Concord area.

Items Tabled for an February 11, 2013 Public Hearing

8. Resolution repurposing \$150,000 from completed and unexpended City Hall roof project (CIP #65) to support additional improvements to the Green Street Community Center project (CIP #63); together with a report from the General Services Department.
9. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 14, Morals and Conduct; Article 14-2; Miscellaneous Police Regulations, Aggressive Panhandling; together with report from the Public Safety Board.
10. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-8, Peddlers, Solicitors, Section 15-8-4.1, Registration of Solicitors – Requirements; together with report from the Legal Department in response to a communication from Pinnacle Security requesting the City of Concord repeal/modify existing ordinances prohibiting door to door solicitation. (7-9) (10-10) (11-37C; 11-40) (*Ordinance referred to the Public Safety Advisory Committee and the Legal Department for further review at the November 13, 2012 Council meeting*)(*Revised ordinance submitted; together with report from the Public Safety Board*)
11. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Article 1-5, Fees, Fines, and Penalties, Schedule I, Solicitation Photo Identification Badge.
12. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8 Parking Time limited in Designated Spaces, North State/West Streets; together with report from the Parking Manager.
13. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from the City Planner and EDAC recommendation.
14. Resolution amending the official map so as to establish mapped lines of a future street for an extension of Whitney Road southerly to Sewalls Falls Road; together with report from the Assistant City Planner.
15. Resolution amending the official map so as to establish mapped lines of a future street for an extension of Old Suncook Road southerly from Manchester Street to Garvins Falls Road, and an extension of Integra Drive westerly to the proposed extension of Old Suncook Road; together with report from the Assistant City Planner.

16. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner.
17. Resolution amending the official map so as to eliminate the existing remnants of mapped lines of future streets located between Christian Avenue, Ormond Street and East Side Drive; together with report from the Assistant City Planner.
18. Resolution amending the official map so as to eliminate the existing remnants of mapped lines of future streets located between Old Turnpike Road, Manchester Street, Airport Road and Terrill Park Drive; together with report from the Assistant City Planner.
19. Resolution amending the official map so as to eliminate the mapped lines of future streets for the extension of Brookside Drive and Bow Street; together with report from the Assistant City Planner.
20. Resolution authorizing the City Manager to enter into a Trail Agreement on land owned by Gordon Matson and Judith Wildman, southerly of District #5 Road, which will permit the public use of the trail and allow for the inclusion of the trail in the City's trail system; together with report from the Conservation Commission. *(Public hearing not required; to be approved as part of the consent agenda)*

From the City Manager

21. Positive Citizen Comments.
22. Council meeting date calendar.

Consent Reports

23. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$3,967.95 as provided for under the preauthorization granted by City Council.
24. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$400 as provided for under the preauthorization granted by City Council.
25. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$100 as provided for under the preauthorization granted by City Council.
26. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$2,000 as provided for under the preauthorization granted by

City Council.

27. Report from the Transportation Policy Advisory Committee in response to a communication from Therese Houde regarding the Concord Area Transit bus routes. (9-7)
28. Report from the Traffic Engineer in response to a communication from Amanda Mischke asking City Council to consider traffic safety improvements at the intersection of Washington and North State Streets in Concord. (12-8)
29. Report from the General Services Director recommending the City Manager be authorized to apply for and accept grant funds available from the New Hampshire Department of Environmental Services relative to the collection of Household Hazardous Waste.
30. Report from the City Engineer recommending the installation of a street light on South Commercial Street.
31. Continued customer service improvements to the City's credit/debit card acceptance program report from Finance.
32. Report from the Director of Human Resources and Labor Relations recommending the re-classification of two public properties personnel from Senior Maintenance Aides to Maintenance Technicians.

Consent Resolutions

33. Resolution authorizing the City Manager to apply from time to time for grants from the New Hampshire Humanities Council for purposes consistent with the mission of the Concord Public Library; together with report from the Library Director.

Consent Communications

34. Street closure request for White Street from Washington Street to Blanchard Street from noon on Thursday, January 24, 2013 through Monday, January 28, 2013 for the Black Ice Pond Hockey Championship.

Appointments

35. Mayor Bouley's proposed reappointment to the Community Development Advisory Committee (CDAC). *Leo Fraser*
36. Mayor Bouley's proposed appointment to the Board of Ethics.
Clyde R. W. Garrigan

From the Mayor

37. Communication from the Mayor regarding the City Manager's Annual Performance evaluation. (*Not previously distributed*)

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

38. January 14, 2013 Public Hearings

- A. Resolution appropriating the sum of \$35,739 from the grant repayment account in the housing revolving loan fund (2701) to be utilized in the CDAC emergency grant account; together with a report from the Assistant for Special Projects. (12-9)

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.

- B. Resolution appropriating \$23,904.02 from trust fund reserves as a supplemental appropriation to the city's general fund for the purpose of education and training and funding for this appropriation shall be entirely from trust fund reserve accounts identified herein; together with report from the Deputy City Manager – Finance. (12-10)

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.

- C. Resolution to establish a new trust fund reserve to offset future health insurance costs and increases for retirees and funding for this reserve shall be entirely from FY2012 assigned fund balance as presented under a separate resolution; together with report from the Fiscal Policy Advisory Committee. (12-11)

Action: City Manager Tom Aspell provided a brief overview.

Councilor McClure inquired whether this is revocable or irrevocable reserve fund. Brian LeBrun, Deputy City Manager-Finance, responded that it was revocable.

Councilor St. Hilaire questioned as to how this fits in with the OPEB obligations that they have. Mr. Aspell responded that it's separate from that explaining that this money would just be used for the retiree insurance program versus the OPEB which is liabilities they have concurred for employees hired at a certain period.

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

- D. Resolution appropriating the sum of \$894,000 from assigned fund balance as a transfer to trust fund reserves as listed herein. Funding for this appropriation shall be entirely from FY 2012 assigned fund balance. (12-12)

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.

- E. Resolution appropriating \$70,000 from trust fund reserves as a supplemental appropriation to the city's general capital improvement fund for the purpose of equipment replacement and funding for this appropriation shall be entirely from trust fund reserve accounts identified herein. (12-13)

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.

- F. Resolution appropriating \$10,000 from trust fund reserves as a supplemental appropriation to the city's general fund for the purpose of equipment replacement and funding for this appropriation shall be entirely from trust fund reserve accounts identified herein. (12-14)

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.

- G. Resolution authorizing the City Manager to enter into a purchase and sale agreement with Equity Trust concerning the sale of city owned property off of Hopkinton Road; together with report from the Conservation Commission. (12-15)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Keach noted that during a prior acquisition, mountain biking wasn't allowed at a certain parcel and questioned whether it was allowed here. Councilor McClure responded that it isn't here either because this parcel is agricultural land off of Hopkinton Road that is down slope from where the west end farm trail is. She indicated that the top of the hill, at the west end farm trail by Dimond Hill Farm, is open to mountain bikes.

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

- H. Report from the Director of Real Estate Assessments recommending the renewal of the payment in lieu of taxes agreement between Briar Hydro Associates and the City of Concord. (12-16)

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.

- I. Status report from the City Engineer on the US Route 3 Corridor (North) Improvement Project – Phase 5 (Village Street, Penacook from the Boscawen Town Line to Stark Street) CIP #35. (12-41) *(Additional report from the City Engineer)*

Action: City Engineer Ed Roberge provided an overview to the Council. He summarized the public meeting held on January 5th in which 50 residents, staff and Council members attended this 3 ½ hour meeting. He indicated that at this meeting they reviewed a number of elements, including: the complete streets corridor strategies, intersection improvements, the alternatives, streetscape design details, underground utilities, required bridge repairs, sequencing and construction schedules, alternative design costs and alternative program costs related. He indicated that a topic of great interest was underground utilities which was nearly unanimous of the people in attendance. He noted that another big element was intersection alternatives and, of the people in attendance at the meeting, 37 were in support of the roundabout and 13 were in support of the traffic signal. He stated that they spoke in detail of the bridge, the limitations and maintenance required, which has been deferred over a number of years; a bridge deck membrane and expansion joints repairs or replacements. He indicated that all of these elements are generally non-structural in terms of a life safety condition. He noted that if it came down to dollars and if the \$350,000 to repair the bridge would affect some other decision that the Council would make, the attendees at the meeting indicated that they would prefer to defer that work until a later time. He added that they could perhaps apply for state bridge aid dollars in the future, noting that he did indicate to the public that if they were to apply for state bridge aid dollars, those funds probably wouldn't be available until 2021. Mr. Roberge indicated that they spoke at length on the streetscape elements and a streetscape design that maintained the rural village character of Penacook Village; not too ornate, not too plain, but enough to identify the character of that existing village. He noted that they spoke at length in regards to project schedule and heard concerns with day time construction and the impact of businesses within the district themselves discussing options such as overnight work or second shift work. He indicated that currently the project, as it's been funded through fiscal 2013, has about a \$540,000 fund balance so, depending on what action is taken, they will be looking at some sort of supplemental appropriation and project schedule adjustment from where they stand today. Mr. Roberge indicated that if Council were to look at underground utilities and bridge construction for this calendar year, the cost to do that work would require them to appropriate approximately \$1,735,000 in total funds for fiscal 2013. He indicated that if they are going to move forward with underground utilities, he

recommends that Council instruct staff to come back in February with a resolution for consideration at the March public hearing. He stated that he feels that there are three items that he feels that Council needs to discuss this evening: to make a determination on the final design alternative; to make a determination on whether or not the Council would support the notion of underground utilities within the village district; to accept this amended project schedule.

Councilor Nyhan asked about the financial value of underground utilities relative to the expense. Mr. Roberge responded that it would never be any cheaper than now. Councilor Nyhan indicated that this is a significant increase in costs for the project and questioned what the benefit is on the other end: is it just the aesthetic value; is there a maintenance piece in which it's cheaper to maintain those utilities; is there a benefit as far as economic development. Mr. Roberge responded that the best component is aesthetics which will create a whole different village perception; from the utility standpoint, this will be new utilities replacing ones that have been out there for 30 to 100 years. He stated that there is capacity benefit by moving forward with underground utilities. Relative to the cost, Councilor Nyhan inquired whether this was an incremental cost or a complete project cost. Mr. Roberge replied that they are estimating \$1.5 million which would be a complete relocation cost.

Referencing the deferment of the bridge maintenance, Councilor St. Hilaire questioned whether this would impact the project in some way. For example, if Council decides to move forward with underground utilities they would be running under the bridge he asked whether this would complicate things in the future. Mr. Roberge replied that it would make sense not to defer the work and do it in conjunction with the underground utilities. He cautioned that what might be routine maintenance now could become a structural element in the future. Councilor St. Hilaire questioned whether there is an estimation as to how many years it would take to start looking at structural issues. Mr. Roberge replied that what they are fearful of is what is now surface repairs becomes a full deck replacement, it expands the work for the future. He stated that right now there is nominal work but if they wait ten years it could become major rehabilitation replacement work. Councilor St. Hilaire asked if the bridge is solely owned by Concord. Mr. Roberge indicated that to be correct. Councilor St. Hilaire asked how it would impact Boscawen questioning whether they would be incurring costs that they need to approve to make sure the utilities connect with ours. Mr. Roberge responded that it would not affect Boscawen whatsoever in this particular project.

Referencing the cost of the project, Councilor Coen inquired as to how much the city is paying for and how much is the state or federal government paying for. Mr. Roberge responded that this is a 100 percent city funded project and there has been no state or federal funds allotted for this project. He stated that this has been City Council's priority for the last five or six years.

Councilor McClure indicated that it has been mentioned that the additional costs would be approximately \$1,735,000 and questioned if the breakdown is as follows: \$1.5 million

for underground utilities; \$235,000 for the bridge. When looking at the breakdown, Mr. Roberge indicated that the three components of the \$1,735,000 of this supplemental appropriation would include: utility relocation, the Village Street bridge repairs, and the final overlay component of Phase 4a and 4b. He explained that when working in each of the phases, the final overlay is done in arrears and they always fund that next portion of the project. He stated that those three components total is essentially more than that: \$1.5 million, \$350,000 and \$425,000, less the amount of the funds that they have appropriated in the CIP 35 program today. Councilor McClure questioned whether it would be an additional year of construction currently scheduled to complete everything in 2014. Mr. Roberge replied that they would expect that. In regards to the bridge, Councilor McClure noted that she heard that they might be eligible to receive federal money for that work but if they apply for it they wouldn't receive it until 2021. She questioned as to how much of the cost the city would receive from the federal government. Mr. Roberge responded that the bridge aid program is 80 percent federal and 20 percent municipal.

City Manager Tom Aspell inquired as to the cost difference between a roundabout and a traffic signal at Washington Street. Mr. Roberge explained that the estimate for construction for the Phase 5 work is approximately \$2.2 million which assumes a roundabout. He indicated that if they are looking at signalization, that doesn't include the signal equipment that would be required which would be more expensive and would cost another \$125,000 to \$130,000 per intersection. Mr. Aspell asked if it was safe to say that not only is it a great capital cost with signals but also a greater operating cost on an annual basis. Mr. Roberge responded yes. Mr. Aspell noted that while Council may want to consider deferring the bridge maintenance until 2021 that is a large assumption that there will actually be any federal or state aid programs in terms of bridges.

Councilor St. Hilaire stated that there are so many other communities with red listed bridges that are pushed out to that date and feels that there is no way that this bridge is going to get on.

Councilor Nyhan questioned whether it was \$2.2 million for the original Phase 5 cost. Mr. Roberge confirmed that it was \$2.124 million. Councilor Nyhan questioned whether it is \$1.5 million for underground utilities. Mr. Roberge indicated that to be correct. Councilor Nyhan questioned whether it was \$350,000 for bridge repair. Mr. Roberge responded that is what they are estimating.

Mayor Bouley opened the public hearing.

Public Testimony

Glenn Geiger, Concord resident and business owner in Penacook, spoke in support of a roundabout. He indicated that when he comes from Washington Street to Village Street to take a left turn it is hard to see traffic coming and feels that this is a bad intersection. He stated that if they were to go with just the signalization it is his understanding that the signals wouldn't be put in for 3 to 7 years because it doesn't meet the criteria. He feels

that a signal would speed up traffic because vehicles would try to go through a yellow light. He indicated that he feels that roundabouts are safer because they reduce speeds and makes pedestrian crossings shorter. Mr. Geiger feels that if traffic lights are installed at some point in the future, the city will have to do another project in this area to add turn lanes because the signalization will not be able to handle the traffic flow in the future. He noted his concerns with traffic signals cutting off businesses in the area. He stated that he feels, economically, that it makes sense to put a roundabout in this area. He added that he feels that the installation of underground utilities will help with the development of this area.

Sam Langley, Boscawen resident, indicated that he feels that if a roundabout is put in place it will be removed at some point in the future. He further indicated that he feels that a roundabout in this area will adversely affect many of the businesses; and feels that in order to make it big enough to move traffic through, the city have to take property and/or parking spaces. He stated that, at this time, he doesn't see a need for any additional traffic control than what is already there. He feels that what has already been done on the project should be continued in Penacook Square.

Councilor Shurtleff questioned whether Mr. Langley's dissatisfaction with roundabouts is because of the state roundabout located on King Street. Mr. Langley noted that he is dissatisfied with the one on King Street but it's not his only adverse encounter with roundabouts.

Kathy Bush, Penacook Village Association President, indicated that she was present to testify in favor of the recommendation for work to be performed as part of Phase 5 for Route 3. She thanked Council for voting to fund this project through its phases and for making it a priority. She further thanked City Engineering and city staff for their dedication to the details and their outreach to the Penacook residents. She noted that she has heard from their members, residents and business owners and there is support for all aspects of this project: road construction, burying of electrical and other wires, the bridge repair work. She indicated that during a show of hands at the January 5th public meeting, most of the attendees who indicated that they wanted the project to include the electric line burying, also indicated they would be willing to support a tax increase to do so. She noted that it is their hope that Council will vote in favor of the expanded project and for Penacook's future. (Full public testimony on file in the City Clerk's Office)

Ellen Langlais, Penacook resident and owner of the Penacook Pharmacy, stated that the Route 3 corridor project is a subject of much debate and concern for the businesses, residents and patrons of the village and the impact on them all, only time will tell. She noted that there is a much bigger picture, the revitalization – the potential for future growth and a visually pleasing and vibrant downtown Penacook. She asked the Council for their support to invest in the future of the Penacook Village to not only improve the roads but improve the visual landscape by placing the overhead utilities underground. She also asked for their support of minimizing the intrusion of construction to the

downtown businesses allowing for the flexibility with scheduling construction at a time when the businesses are not open.

Allan Herschlag, Penacook resident, stated that he feels that this is a very good project and hopes that this project will be given the same consideration to Penacook as Concord's complete streets project. He noted that there are a number of issues that should be given consideration: parking, access to businesses during construction, the construction timeframe, a complete construction schedule should be available before the start of construction, having a construction contact person, traffic and construction updates need to be available, and the need for preplanned promotional activities on a regular basis throughout the construction period. In regards to buried power lines, he indicated that he believes that there are ways to incorporate this element within the final construction and design plan. He noted that one suggestion that may or may not be feasible is to either bury the power lines using a 24 hour work schedule or working around the project schedule as currently outlined. He stated that he is confident that staff can find ways to bury the power lines while not extending the construction timeline. In closing, Mr. Herschlag suggested the following: hear from those most impacted by this project and for them to have an opportunity to sign off on the final design before the start of construction; from an aesthetic perspective, keep it simple with green spaces and a clean functional design.

Pat Harbour, Penacook resident, spoke in favor of the traffic signal option noting that she does not feel that a roundabout is appropriate for the business district in the village. She stated that, in her opinion, a roundabout takes away from the character of the village and its historic nature. She noted that safety is her primary concern and feels that it will impede on pedestrian safety. According to what she has read, the roundabout is difficult for the visually impaired. She noted that the two options need to be looked at for both safety and cost.

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

December 10, 2012 Public Hearing Action

39. Resolution amending and restating the development program and financing plan for the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District; together with report from Assistant for Special Projects. (11-12) (12-34 B; 12-36)

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

January 14, 2013 Public Hearing Action

40. Resolution appropriating the sum of \$35,739 from the grant repayment account in the housing revolving loan fund (2701) to be utilized in the CDAC emergency grant account; together with a report from the Assistant for Special Projects. (12-9)

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

41. Resolution appropriating \$23,904.02 from trust fund reserves as a supplemental appropriation to the city's general fund for the purpose of education and training and funding for this appropriation shall be entirely from trust fund reserve accounts identified herein; together with report from the Deputy City Manager – Finance. (12-10)

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

42. Resolution to establish a new trust fund reserve to offset future health insurance costs and increases for retirees and funding for this reserve shall be entirely from FY2012 assigned fund balance as presented under a separate resolution; together with report from the Fiscal Policy Advisory Committee. (12-11)

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

43. Resolution appropriating the sum of \$894,000 from assigned fund balance as a transfer to trust fund reserves as listed herein. Funding for this appropriation shall be entirely from FY 2012 assigned fund balance. (12-12)

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

44. Resolution appropriating \$70,000 from trust fund reserves as a supplemental appropriation to the city's general capital improvement fund for the purpose of equipment replacement and funding for this appropriation shall be entirely from trust fund reserve accounts identified herein. (12-13)

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

45. Resolution appropriating \$10,000 from trust fund reserves as a supplemental appropriation to the city's general fund for the purpose of equipment replacement and funding for this appropriation shall be entirely from trust fund reserve accounts identified herein. (12-14)

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

46. Resolution authorizing the City Manager to enter into a purchase and sale agreement with Equity Trust concerning the sale of city owned property off of Hopkinton Road; together with report from the Conservation Commission. (12-15)

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

47. Report from the Director of Real Estate Assessments recommending the renewal of the payment in lieu of taxes agreement between Briar Hydro Associates and the City of Concord. (12-16)

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

48. Status report from the City Engineer on the US Route 3 Corridor (North) Improvement Project – Phase 5 (Village Street, Penacook from the Boscawen Town Line to Stark Street) CIP #35. (12-41) (*Additional report from the City Engineer*)

Action: Councilor Shurtleff moved to request that the City Engineer and city staff come back in February with a resolution to include a roundabout, underground utilities, bridge repair, and amending the project funding. The motion was duly seconded.

Councilor Nyhan indicated that he had concerns about the project cost associated with underground utilities and hopes that when staff comes back next month that they will come back with ideas of where this additional funding is going to come from and how they are going to offset this in the budget.

Councilor Coen asked whether there will be any properties taken or buildings demolished for a roundabout on Washington Street. Mr. Aspell responded no. Councilor Coen questioned as to how they deal with the ADA issue for visually impaired in regards to crossing a roundabout. Mr. Aspell responded that they are designed to meet all the standards.

Councilor Blanchard feels that if they don't bury the utilities now it will never get done.

Councilor Keach noted that he continues to have some questions about the utility costs. He noted that, just to be clear, this is not the final vote on that issue and the motion is to just instruct staff to move forward in that direction.

Mayor Bouley clarified that the motion is asking staff to come back with a resolution in February for a March public hearing.

In regards to burying the utilities, Councilor Shurtleff stated that in doing so would add to the aesthetics of Penacook; there are utilities that are over 40 years old and they can be upgraded to the 21st century; this would eliminate the height problem as far as some of the trees that are planned. He asked Council to support his motion.

Mayor Bouley noted that he hopes, when staff comes back with a resolution and a report, that they come back with some financing alternatives. Mr. Aspell responded that it's probably best to talk about it in the context of the fiscal year 2013 and 2014 capital budgets.

Councilor Shurtleff's motion passed with no dissenting votes.

Appointments by the Mayor

Reports

49. Status report from the City Engineer on the Sewalls Falls Bridge Replacement Project, (CIP #22). *(For presentation in February)*

Action: Presentation to be held at the February Council meeting.

50. Annual setting of the tax rate target with recommendations from the Fiscal Policy Advisory Committee.

Action: Mayor Bouley noted that the recommendation is exactly the same as it was last year. He stated that they know that they are going to have a difficult budget year with one of the obvious reasons being the downshifting of costs from the legislature dealing with retirement at \$1.1 million. He noted that giving the City Manager the flexibility as they did last year makes sense.

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

51. White Park Skate House/Multi-Use Building status report from the Director of Parks and Recreation. *(Not previously distributed)*

Action: David Gill, Director of Parks and Recreation, provided a brief overview explaining that the recommendation is option one.

Councilor St. Hilaire inquired whether there will be areas to put skates on. Mr. Gill responded yes explaining that one of the areas that they are looking for is that the surface inside is going to have to be a multi-purpose floor. Councilor St. Hilaire asked if there will be a rubberized walkway from the skate house to the pond. Mr. Gill responded yes. Councilor St. Hilaire inquired in regards to the bathrooms. Mr. Gill replied they will be the same thing.

Referencing the master plan, Councilor DelloIacono asked where it was located in White Park. Mr. Gill responded that the 2004 master plan had the building on the left hand side of the park explaining that they did challenge and agreed that the location was best, the parking lot was built for a building to be there. Councilor DelloIacono questioned whether this area tends to flood a lot. Mr. Gill replied that the entire park is a little soft. He explained that

they are working with H.L. Turner Group regarding geo testing and it does support the building type proposed.

Councilor Keach asked if this is designed to be a year round facility. Mr. Gill responded yes. Councilor Keach questioned as to what would become of the old skate house. Mr. Gill explained that his recommendation would be to tear it down and that they would look into it to make sure it's not historic. He noted that there is not much functionality left to that building.

Councilor Blanchard referenced the costs and asked where the dollars would be coming from. Mr. Gill responded that this is one of their tasks moving forward and that they will bring forth the information to Council once ironed out. Councilor Blanchard noted that she thought that Black Ice Hockey was going to contribute to this. Mr. Gill replied that the city has a multi-year agreement with Black Ice Hockey and that the city received \$20,000 last year from the organization and they are willing to continue that sponsorship.

Councilor Coen asked whether this would have any affect with the current office space in which the Parks and Recreation Department is located. Mr. Gill responded that the original plan in 2004 was a larger building because they were going to move the recreational offices from its current location to the new building. He indicated that with the city moving forward with Dame School, the Heights Community Center, the recreational offices would move to that facility. Councilor Coen questioned whether they would keep the building or whether the current recreational office building would be demolished. Mr. Gill indicated that is a discussion for the future.

Councilor Blanchard questioned the projected use for the spring, summer and fall. Mr. Gill responded that this is a task moving forward.

Mayor Bouley inquired as to what the participation was for the two public meetings held. Mr. Gill responded that there were 17 people in attendance at the first meeting and 16 people in attendance at the second meeting. Mayor Bouley questioned whether there were neighbors to the park. Mr. Gill responded yes indicating that the neighborhood was fairly represented at the first meeting; he noted that he did not get the addresses of the attendees of the last meeting. Mayor Bouley noted that he just wanted to make sure that they receive the proper input on this end of the project as opposed to waiting until later.

Councilor Keach noted that he sees where there could be rental opportunities and feels that as they go forward, it's important that the Legal Department look the covenant and all the deed restrictions that goes along with the property.

Mayor Bouley asked whether the placement of the building being proposed is along the iron fence next to the pond, between the pond and the parking lot. Mr. Gill indicated that it's on the left hand side of the parking lot.

Councilor St. Hilaire pointed out there is an area labeled work room and questioned whether this is a kitchen. Mr. Gill responded that it's more like a prep area for a caterer. Councilor St. Hilaire indicated that it would be important to have something a caterer could use. He questioned whether there would be a heating source or oven. Mr. Gill indicated that, at this stage and as they continue to move forward, they could estimate that into the cost. Councilor St. Hilaire pointed out that there is a gas fire pit. Mr. Gill responded that one of the several comments in the winter time especially was a heating option outside.

Councilor St. Hilaire moved to accept the report and look ahead at option one. The motion was duly seconded.

Councilor St. Hilaire asked that staff look at a concession area and a kitchen for catering.

The motion passed with no dissenting votes.

Unfinished Business

52. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (*Action on this item tabled following a July 9, 2012 public hearing*)

Action: This item remains on the table.

53. Dame School Interim Use Report from the Assistant for Special Projects. (8Sus3) (9-40) (10-32) (11-44) (12-43)

Action: City Manager Tom Aspell noted that the city did acquire the former Dame School and will continue to use the building so that it does not become run down. He indicated that this building will host the summer camp programs. He added that the recreation office will be moved from the White Park facility to this facility. He noted that in January they will begin ADA work on the bathrooms, clean the facility, remove items that are no longer needed and IT will be fitting the facility for wifi access. In February the inside of the building will be painted and the rooms will be set up for use; also advertise for a janitor and front desk office staff. He stated that the grand reopening will be taking place in April.

Councilor Bouchard thanked Mr. Aspell and Mr. Gill for getting this project running and for not letting this building become run down.

Councilor Bouchard moved to accept the report and to remove this item from unfinished business. The motion was duly seconded and passed with no dissenting votes.

Comments, Requests by Mayor, City Councilors

Councilor Blanchard referencing info item 11, copy of communication from UNH Cooperative Extension Merrimack County, encouraged Council to read this item.

Mayor Bouley noted that back in April Council unanimously adopted a resolution to support the pursuit of a ten year plan to end homelessness within the city. He indicated that he has asked that a steering committee come together to look at a plan and report back to the Council for their recommendations. He noted that the goal of the committee is to look at what they want to do here in the City of Concord, what fits best for the city and where they want to be long term. He distributed a list of the membership.

Comments, Requests by the City Manager

City Manager Tom Aspell congratulated City Council for a AA one rating for the bond sale that they authorized.

54. Communication from the City Manager – CIP Review Meeting.

Action: Mr. Aspell explained that in the past Council had discussions about having a CIP review meeting. He noted that there hasn't been much turn over with the Council and indicated that they can do two things: set a special meeting for February or staff could sit down with Councilor Kretovic to go through the capital budget.

Councilor Coen indicated that he would prefer getting together for a separate meeting to review the CIP projects.

Discussion ensued in regards to a date and was decided that they meet on Tuesday, February 19th.

Consideration of Suspense Items

Councilor Grady-Sexton moved to consider suspense items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

1 Sus1 **Referral to the Recreation and Parks Advisory Committee, the Recreation Department and the Legal Department**

Communication from Robert Baker requesting the development of a policy in regards to hockey on White Park Pond.

Action: Councilor McClure moved referral of this item. The motion was duly seconded and passed with no dissenting votes.

1 Sus2 **Referral to the Planning Board**

Communication from McKenna's Purchase Northern Pass Committee seeking the city's assistance in regards to the Northern Pass Project.

Action: Councilor McClure moved to refer this item to both the Planning Board and the Conservation Commission. The motion was duly seconded and passed with no dissenting votes.

Items Tabled for an February 11, 2013 Public Hearing

1 Sus3 Amended Hall Street Wastewater Plant License with Concord Power and Steam.

Action: Councilor Kretovic moved to table this item for a February 11th public hearing. The motion was duly seconded and passed with no dissenting votes.

1 Sus4 Downtown Complete Streets Improvement Project (CIP#460).

Action: Councilor Nyhan moved to table this item for a February 11th public hearing. The motion was duly seconded and passed with no dissenting votes.

1Sus5 **Referral to the Traffic Operations Committee**

Communication from Susan Ayer requesting consideration be given to improvements in pedestrian safety at the crosswalks on Loudon Road and Fort Eddy Road.

Action: Councilor Kretovic moved referral to the Traffic Operations Committee. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 9:17 p.m., Councilor DelloIacono 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*