



City Council Meeting
Minutes
Tuesday, October 9, 2012
City Council Chambers
7:00 p.m.

1. Mayor Bouley called the meeting to order at 7:00 p.m.
2. Invocation by Reverend Jonathan Hopkins, Concordia Lutheran Church
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady-Sexton, Keach, Kretovic, Nyhan, St. Hilaire, Shurtleff and Werner were present. Councilor McClure was late. Councilor Patten was excused.
5. Approval of the September 10, 2012 and September 24, 2012 meeting minutes.

Action: Councilor St. Hilaire moved approval of the September 10, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

Councilor Kretovic moved approval of the September 24, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

- Consent Agenda Items -

Action: Councilor Nyhan moved approval of the consent agenda, as amended, with item 17 removed to the end of the agenda. The motion was duly seconded and passed with no dissenting votes.

Referral to the Traffic Operations Committee

7. Communication from Councilor Nyhan asking the Traffic Operations Committee to consider south end traffic concerns.

Items Tabled for November 13, 2012 Public Hearings

8. Resolution closing and completing or making a portion of remaining unexpended funds available from certain capital projects and re-appropriating \$131,071 to support Scada

System Improvements at the Hall Street Wastewater Treatment Facility, CIP #104; together with report from the General Services Department.

9. Resolution accepting and appropriating the sum of up to \$295,000 in matched Transportation Investment Generating Economic Recovery (TIGER) grant funds from the United States Department of Transportation, Federal Highway Administration (USDOT-FHWA) for the design of the Downtown Complete Streets Improvement Project (CIP #460), including the issuance of bonds and notes of up to \$118,000 for the local match portion of the project; together with report from the City Engineer.
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)

From the City Manager

11. Positive Citizen Comments.
12. Council meeting date calendar.

Consent Reports

13. Appropriation Transfer Report: September 2012.
14. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,843.63 as provided for under the preauthorization granted by City Council.
15. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$4,230 as provided for under the preauthorization granted by City Council.
16. Changes to annual encumbrances report from the Deputy City Manager – Finance.
17. New retirement rates for FY2014 and their impact on the city budget report from the Deputy City Manager – Finance. (*Pulled from consent by Councilors Bennett and Coen*)

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

18. Report from the Treasurer/Tax Collector regarding advertising with motor vehicle renewal notices.

Consent Resolutions

19. Resolution authorizing the City Manager to submit applications to the New Hampshire Highway Safety Agency as outlined in its current grant program; together with report from the Police Department.

Consent Communications

20. Street closure request for a neighborhood block party to be held on Saturday, October 20, 2012.
21. Street closure request for the 61st Annual Concord Christmas Parade to be held on Saturday, November 17, 2012 at 9:30 a.m.

Appointments

From the Mayor

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

22. October 9, 2012 Public Hearings

- A. Resolution appropriating the sum of \$80,000 and authorizing the issuance of bonds and notes for design and consultation regarding solid waste disposal options, CIP #483; together with report from the General Services Department. (9-9)

Action: Brian LeBrun, Deputy City Manager-Finance, provided a brief overview.

Councilor Nyhan noted that the Solid Waste Advisory Committee recommends moving forward to appropriate the dollars.

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

- B. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (9-10)

Action: Brian LeBrun, Deputy City Manager-Finance, provided a brief overview.

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

- C. Resolution accepting and appropriating the sum of \$57,739.11 from the sale of tax deeded property at 8 Bradley Street and 109 Fisherville Road for the management of tax deeded property account; together with report from the Treasurer/Tax Collector. (9-11)

Action: Brian LeBrun, Deputy City Manager-Finance, provided a brief overview.

Councilor Keach inquired whether the money would go into the general fund if this item didn't pass. Mr. LeBrun confirmed that to be correct.

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

- D. Ordinance amending the Code of Ordinances, Title V, Administrative Code: Chapter 34, Personnel Rules and Regulations, Article 34-5, Recruitment; Section 34-5-5, Probationary Appointments; together with report from the Director of Human Resources and Labor Relations. (9-12)

Action: Brian LeBrun, Deputy City Manager-Finance, provided a brief overview.

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

- E. Resolution adopting the National Incident Management System as the basis for all Incident Management in the City of Concord; together with report from the Fire Chief. (9-13)

Action: Brian LeBrun, Deputy City Manager-Finance, provided a brief overview.

Councilor Coen indicated that the recommendation is to accept this for the idea of future grant dollars and not because it's the process or the way that the city is going to start doing things that would be better. Mr. LeBrun responded that the reason for acceptance is because they're good processes and the city is consistent with all other agencies who participate in natural disasters. He indicated that the issue of grants and FEMA reimbursements is that if they don't accept it, then they are not eligible for those things. He stated that the reason to accept is because they are good processes to follow.

Councilor Bennett noted he had a question of what this is going to cost. Fire Chief Andrus responded that the cost on NIMS compliance is largely the cost of personnel time noting he doesn't anticipate seeing any bump in their budget to accommodate this.

Councilor McClure questioned as to what system they are under currently. Chief Andrus responded that they have been moving towards NIMS for a number of years. He explained that the incident command system for the Fire Department was instituted in the 1980's and refined. He explained that NIMS is the national system taking a blend of several different systems; taking the best elements from each and to diverse that into a single national incident management system after 9/11.

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

October 9, 2012 Public Hearing Action

23. Resolution appropriating the sum of \$80,000 and authorizing the issuance of bonds and notes for design and consultation regarding solid waste disposal options, CIP #483; together with report from the General Services Department. (9-9)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 14 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady-Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire, Shurtleff and Werner voting yes.

24. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (9-10)

Action: Councilor St. Hilaire moved approval. The motion was duly seconded and passed 14 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady-Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire, Shurtleff and Werner voting yes.

25. Resolution accepting and appropriating the sum of \$57,739.11 from the sale of tax deeded property at 8 Bradley Street and 109 Fisherville Road for the management of tax deeded property account; together with report from the Treasurer/Tax Collector. (9-11)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 14 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady-Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire, Shurtleff and Werner voting yes.

26. Ordinance amending the Code of Ordinances, Title V, Administrative Code: Chapter 34, Personnel Rules and Regulations, Article 34-5, Recruitment; Section 34-5-5, Probationary Appointments; together with report from the Director of Human Recourses and Labor Relations. (9-12)

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

27. Resolution adopting the National Incident Management System as the basis for all Incident Management in the City of Concord; together with report from the Fire Chief. (9-13)

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

Appointments by the Mayor

Reports

28. Report from the Deputy City Manager—Development regarding Concord Power and Steam and recommendations for the future. (*Supplemental report from the Deputy City Manager – Development also submitted*)

Action: Brian LeBrun, Deputy City Manager-Finance, provided a brief overview explaining that subsequent to the printing of the agenda the city received word from Concord Power and Steam that the funding was imminent and a supplemental report was therefore submitted for consideration. He stated that, at this time, they are not asking the Council to take any action and to continue the process that they have been going through.

Councilor Keach asked whether there is a drop dead date when this can end the discussion. He inquired whether this is dependent upon the tax credits. Mr. LeBrun indicated that the tax credit issue is part of the overall deal. He stated that the plant needs to be in operation by December 31, 2013 and producing electricity based on all the agreements that are in place now. He added that they have presented the city with a letter from financing that says that they will meet that timeframe. Councilor Keach questioned whether they have exceeded any city agreements at this point. Mr. LeBrun responded that to his knowledge, at this point they have not exceeded any city agreements.

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

29. Discussion regarding potential City Council public hearing date on report from the Downtown Complete Streets Improvement Project Advisory Committee.

Action: Mayor Bouley noted that his suggestion is that Council considers holding a separate Council meeting just for the discussion of this topic. Members of City Council noted their agreement. Brief discussion occurred to hold a meeting of the City Council on November 26, 2012 for the purposes of discussing the recommendations of the committee.

30. Report from the Economic Development Advisory Committee regarding the Creative Concord Committee of the Chamber of Commerce's branding the city campaign. (*For presentation in November*)

Action: Mayor Bouley indicated that this item is scheduled for a presentation at the November Council meeting.

New Business

Unfinished Business

31. 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) (***Action on this item tabled following a July 9, 2012 public hearing***)

Action: This item remains on the table.

32. Dame School Interim Use Report from the Assistant for Special Projects. (8Sus3)

Action: This item remains on the table.

Consideration of items pulled from the consent agenda for discussion

Item 17 has been pulled from the consent agenda for discussion.

17. New retirement rates for FY2014 and their impact on the city budget report from the Deputy City Manager – Finance. (***Pulled from consent by Councilors Bennett and Coen***)

Action: Councilor Bennett read the background from the report “Bi-annually, the NHRS establishes the actuarial retirement rates that will be charged to the State and local communities, school districts and counties. Over the past several years, the retirement rates have increase substantially and FY14 will follow suit. For the fiscal year beginning July 1, 2013, the assumed rate of return has decreased from 8.5% to 7.75%, a substantial drop and consequently increasing the rates. In addition to the change in the assumed rate of return, in fiscal year 2012, the Legislature also eliminated the state’s contribution towards Group II employees (police and fire) and teacher’s retirement contribution costs. While there was a reallocation of costs between the employee portion of the retirement withholding and the employer cost, any new increases to the retirement rates are fully absorbed by the employer and the impact is evident with these newly released rates.” Councilor Bennett pointed out that the total increase for 2014 will be in the vicinity of \$1.1 million which translates to an increase in property taxes of approximately 3 percent. He stated that, as chair of the Fiscal Policy Advisory Committee, he felt that this should be brought forward to let people know that there are a few options: to raise the property tax rate by 3 percent and/or find \$1 million worth of cuts between now and next July to try and mitigate this.

Councilor Coen indicated that the \$1.1 million is the municipal side and does not include the schools and the county. He asked if there was a ballpark figure as to how much that would be. Mr. Lebrun responded that he did speak to the school today to see if they had the estimates of what the impact would be on the school department and they had not done that calculation yet and were on the process of working on it. Councilor Coen noted that it could be \$2 million that the City of Concord would be responsible for.

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

Councilor Keach thanked Councilors Bennett and Coen for pulling this item from the consent because it’s a really critical part of city government. He stated that retirement costs have bankrupted communities all around the nation and for them to talk about this now and not

wait until it becomes a huge problem is critical. He noted that the retirement costs are only going to escalate and they are a cost that, as a city, they really can't control because they have committed to retirement.

Councilor Bouchard noted that it's her understanding that this \$1.1 million cost they are going to be facing is due to the state changing the way that they reimbursed. She stated that this is clearly downshifting from the state to the local property taxpayers.

Councilor Bennett indicated that he believes that this was brought before the Supreme Court and came back with the court saying this wasn't a downshift of costs and that the city is responsible.

Councilor Bouchard pointed out that, before this, the state used to pick up 35 percent and in the last budget they changed that formula. She stated that it might be legal for them to do it but it's certainly a downshifting.

Councilor Keach noted that the city has no place to downshift.

Mayor Bouley stated that this is not something that this Council did, this is not something that the School Board did, this is not a decision that the Administration has come to them with recommending; this \$1 million come directly from a decision made by the last legislature to downshift and no longer covering the 35 percent cost they were before so that the property taxpayers are picking up that 35 percent.

Councilor Bouchard stated that, as a State Representative, she did not vote for this.

Councilor Shurtleff indicated that he served on the special committee that came up with this recommendation and voted against it.

The motion to accept the report passed with no dissenting votes.

Comments, Requests by Mayor, City Councilors

Councilor Nyhan thanked the Episcopal Diocese for their donation.

Councilor Werner noted that he visited Marjory Swope Park and feels that it's a real tribute to former Council Swope and the Swope family and that residents should go out and enjoy this park.

Councilor Shurtleff reminded residents of Ward One that on Saturday, October 13th, at 9:00 a.m. at the United Church of Penacook there will be a charette hosted by the Penacook Village Association in which the city's Engineering Department will be there to discuss the Route 3 work in the village of Penacook which will begin next year.

Referencing Info Item 6, Councilor Blanchard questioned whether the resident will receive a response to his letter. Mayor Bouley indicated that the Clerk's Office will be responding to this resident.

Mayor Bouley asked the City Clerk to talk briefly about absentee voting for the upcoming November 6th Election. City Clerk Janice Bonenfant explained that for any resident that cannot make it to the polls on Election Day, there are absentee ballots available in which residents can either write in a request in which an absentee ballot will be mailed to them or they can stop in and pick one up. She added that residents can register to vote in the Clerk's Office until 5:00 p.m. on Friday, October 26th or Saturday morning, October 27th, from 11:00 a.m. to 11:30 a.m. at the City Clerk's Office. She added that anyone that is currently registered to vote and that does not have a photo id, which they will need for November 6th, there are vouchers available at the City Clerk's Office for voter id's.

Councilor Keach asked that if someone comes into the polls without a phot id whether they will be given the option of signing an affidavit. Ms. Bonenfant indicated that to be correct.

Councilor St. Hilaire pointed out that the vouchers are for getting a free voter photo id.

Councilor Kretovic asked what the deadline was for getting absentee ballots to the Clerk's Office. Ms. Bonenfant responded that anyone hand delivering them to the Clerk's Office needs to do so by 5:00 p.m. the day before the election, Monday, November 5th. She added that they can be accepted through the mail on Election Day, November 6th.

Adjournment

The time being 7:34 p.m., Councilor St. Hilaire 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