



Non-public meeting in accordance with RSA 91-A: 3, II to discuss the City Manager's Annual Evaluation to be held prior to the Council Meeting at 6:00 p.m.

City Council Meeting

Minutes

April 11, 2011

Non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining to be held following the Council meeting.

City Council Chambers

7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Pastor David Spencer, Center Point Church
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner were present. Councilor McClure arrived late. Councilor Blanchard was excused.
5. Approval of the March 14, 2011 meeting minutes.

Action: Councilor Grady moved approval of the March 14, 2011 meeting minutes. The motion was duly seconded and passed with no dissent.

6. Councilor St. Hilaire presented a resolution in recognition of the services of Master Police Officer Michael W. Kulak. (3-32)
7. Concord TV Presentation – Doris Ballard.

Action: Doris Ballard, Executive Director of Concord TV, stated that their goal is to get out more in the community and reach out to the public. She commented on their new van, their production vehicle, funded through donations and sponsorships. She noted that this van will be present at community events and used for a new monthly program entitled “Concord TV on the Go”. She highlighted some upcoming events for Concord TV. In summary, she indicated that they envision becoming part of the culture of the school and the city; they want to get more volunteers; and are making a commitment to the city that they will do all that they can to prioritize their time, recruit more volunteers and support so that they can increase their collaboration with the city and the school district that results in more content on the government and education channels.

8. Cemetery Monument Dedications Presentation.

Action: Jill McDaniel, Cemetery Administrator, referenced the common ground section in Blossom Hill Cemetery explaining that this burial ground appears to have been created for poor people and people without families. She indicated that there are approximately 690 burials with 482 infants and 208 adults with the first burial being in 1896 and the last in the 1950's. She noted that in 2005 while placing grade stakes out to mark for snow removal, there were 36 markers that were discovered in the first row of common ground. She noted that the next spring, staff went out and pulled those markers up. In 1934, a trust had been set up with \$90 entitled "income to be used for the care of inexpensive single grave and common ground" and after many years of activity, the principal has grown to \$78,000 with \$7,428 available to be used specifically for the care in this section. She explained that they decided in 2007 is that staff would probe the rest of the grounds and measure it to find out where all the burials were noting that they were able to come up with 77 monuments and markers out of 690 people. She stated that they were only able to find three additional markers than what already appeared taking all of the 80 markers and placing them in their appropriate spot right to the inch of where each burial was. She noted that she was able to create a map showing the exact grave location for all buried in this section; the records have now all been updated and reflect the proper grave locations to the inch in the row.

Ms. McDaniel explained that the city took over ownership of the Concord Calvary Cemetery in 1995 at which time very limited physical records were received. Referencing the common ground at Concord Calvary Cemetery, she noted that the first burial in this section was in 1857 and the last burial was in 1948 and these burials were never recorded in the cemetery office until approximately 1948 when someone went out and wrote down all the names off of the monuments so the only records that the city has is if someone has a monument. She indicated that at that time there were 165 burial records created and placed on file and in 2008 she went out to this section with those records and was able to create a map and update the burial records to reflect the proper grave locations. She explained that her research over the last few years has brought to light the fact of many more unrecorded burials; she has been able to locate 42 additional burials in this section to date bringing the total number to 207, 62 infants and 145 adults.

Referencing the baby section at Concord Calvary Cemetery, Ms. McDaniel indicated that this was also known as Potters Field and that burials were not recorded at the cemetery office until 1961 when it appears that someone went out and made a list of all the burials for infants. She noted that there were only 37 markers with information on it. She stated that she had received 19 inquiries from the Concord community requesting information for specific babies known to be buried along the wall. She indicated that she didn't have any records of these and without their interests and inquiries she would never have been made aware that this was such a large section. She stated that after extensive research, between the holding tomb records, Waters Funeral Home records and records from the church, she was able to find 15 additional

burial records from the church, 55 burial records from the holding tomb documents and 169 burial records from Waters Funeral Home that were never recorded at the cemetery office. She pointed out that they started with 37 babies and are now up to 360 babies that were never recorded or memorialized as they should have been.

Ms. McDaniel indicated that after all of these findings, she felt it necessary to have some kind of a remembrance for these 1,203 individuals that were not recorded or memorialized in such a way in which they should have been. She noted that Reverend Terry Donovan Odell offered to officiate a service of honor and remembrance on May 1, 2011 at 2:00 p.m. beginning at the Perkins Chapel at the Blossom Hill Cemetery. A monument dedication will be held after at the common ground at Blossom Hill Cemetery. She noted that Star Granite donated the monument and the base and are only charging the city for the wording and the setting fee. She added that they received a generous donation of half of that cost from a resident and the trust fund will pay for the remainder of this fee. She explained that they will proceed over to the Calvary section to the common ground and baby section. The baby section will be memorialized by a monument found under the chapel stairs and Star Granite will be placing this on a base with inscription.

Mayor Bouley thanked Ms. McDaniel for all the work that she has done. The Mayor asked her to introduce the members of the committee that helped with this venture. Ms. McDaniel introduced Reverend Terry Odell, Donna Raycraft, Elizabeth Odell, Lee Polish and Beth McDaniel. Mayor Bouley thanked the committee members.

Councilor Bouchard thanked Ms. McDaniel and the committee for all their work.

Councilor Patten noted that his great grandmother is buried in the common ground at Blossom Hill Cemetery and up until a few years ago, did not know the location of her exact burial. He thanked Ms. McDaniel for all the work she has done.

Councilor Nyhan inquired as to how Ms. McDaniel is doing her research. She responded that the majority of her research is through old ledgers and old lists. Referencing genealogy and ancestry websites currently available, he suggested that she could reach out to others to help to find some additional information.

9. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Referral to the Parking Committee

10. Communication from Robin Ekstrom, West Congregational Church, requesting an exception to city-wide-on-street parking on Garrison Street.

Referral to Community Development

11. Communication from New Hampshire Real Estate Investment Corporation requesting a license for their tenants to place a new panel sign in an existing freestanding sign located in front of their property at 113 Storrs Street.

Referral to the Rules Committee

12. Communication from Rick Watrous, Concord resident, with questions specific to the Ethics Ordinance being drafted by the Rules Committee.

Items Tabled for a May 9, 2011 Public Hearing

13. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. *(Public hearings to be held in May and June; Council action to take place in July)*
14. 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 the Assistant for Special Projects.
15. Resolution accepting and appropriating the sum of \$85,000 from the sale of City owned property known as the so-called "Fish Hook Lot" located at 11 Constitution Avenue.
16. Resolution transferring the sum of \$73,320 from the North-End Opportunity Corridor Tax Increment Finance (NEOCTIF) District to the Economic Development Reserve (EDR) Fund.
17. Resolution accepting and appropriating the sum of \$16,915 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with report from the Assistant for Special Projects.
18. Resolution appropriating the sum of \$407,113 for the purpose of designing a parallel taxiway for runway 12/30 at the Concord Municipal Airport, including \$386,757 in grant funds from the Federal Aviation Administration (FAA) and \$10,178 each from the State of New Hampshire Division of Aeronautics and the City of Concord, CIP #73; together with report from the Associate Engineer.

From the City Manager

19. Positive Citizen Comments.
20. Council meeting date calendar.

Consent Reports

21. Appropriation Transfer Report: March 2011.
22. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$1,687.50 as provided for under the preauthorization granted by City Council.
23. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$3,375 as provided for under the preauthorization granted by City Council.
24. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$2,025 as provided for under the preauthorization granted by City Council.
25. Diminimus gifts and donations report from the Human Services Department requesting authorization to accept monetary gifts totaling \$1,000 as provided for under the preauthorization granted by City Council.
26. Diminimus gifts and donations report from the Human Services Department requesting authorization to accept monetary gifts totaling \$100 as provided for under the preauthorization granted by City Council.
27. Report from the Deputy City Manager – Finance FY2012 City Council Finance Committee Review Schedule and Guidelines.
28. Report from the Deputy City Manager Finance – Auditorium Agreement and Recommendations. (*Revised report submitted*)
29. Public Safety Advisory Committee Annual Report.
30. Report from the City Engineer in response to a request from National Grid to license the installation of a monitoring well within the City right-of-way on Gulf Street as part of ongoing site soil and groundwater investigations required by NH Department of Environmental Services.
31. Report from the City Engineer in response to a request from Riverbend Community Mental Health, Inc. to approve a proposal to construct sidewalk and parking improvements along Pleasant Street between North State Street and South Street in the public right-of-way.
32. Concord Area Transit (CAT) 2nd Quarter Progress Report and Performance Indicator Report from the Public Transit Committee.
33. Report from the General Services Department in response to a petition from residents of Horseshoe Pond Place in Concord requesting a snow shelter at the bus and trolley

stop at Horseshoe Pond Place as well as a plowed walkway to North State Street. (2-8)

Consent Resolutions

34. Resolution authorizing the City Manager to apply for grants from the Certified Local Government Grant program, the Moose Plate Grant Program and other historical preservation grant programs to be used to fund preservation activities at the Blossom Hill Cemetery and the Old North Cemetery; together with report from the General Services Department.
35. Resolution authorizing the City Manager to enter into a Municipal Agreement with the State of New Hampshire, Department of Transportation (NHDOT) for State Bridge Aid Program Funding in conjunction with the design and construction of the Sewalls Falls Bridge Replacement Project, CIP #22; together with report from the City Engineer.
36. Resolution authorizing the City Manager to enter into a grant agreement for up to \$407,113 with the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics, for the purpose of designing a parallel taxiway for runway 12/30 at the Concord Municipal Airport; together with report from the Associate Engineer.

Consent Communications

37. Street closure request from the New Hampshire Troopers Association for the Annual New Hampshire Law Enforcement Officers' Memorial (NHLEOM) Ceremony to be held on May 20, 2011.
38. Street closure request from the Concord Veteran's Council for their annual Memorial Day Parade to be held on Monday, May 30, 2011.

Appointments

39. City Manager's proposed reappointments to the Library Board of Trustees.
Paula Miner and Mary Beth Robinson

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

40. April 11, 2011 Public Hearings

- A. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I and Schedule II of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-14)

Action: There being no objection from Council, items A and B were read together.

City Manager Tom Aspell provided a brief overview.

Mayor Bouley declared the hearing open for items A and B. There being no public testimony, the Mayor closed the hearings.

B. Non-ordinance fees. (3-15)

Action: Public hearing for this item taken with item A.

C. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of 72:27-a; together with report from the Director of Real Estate Assessments. (3-16)

Action: City Manager Tom Aspell provided a brief overview.

Referencing the report, Councilor McClure noted that the committee indicates in their discussion of the blind exemption that they are going to seek to put income and asset conditions on that. She inquired whether they need Council's resolution to do this and are they going to pursue this. Mr. Aspell responded that this is something that the committee would need to bring back to Council for action.

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

D. Resolution appropriating the sum of \$61,900 from the Parking Fund for installation of parking kiosks in the Capital Commons Parking Garage; together with report from the Deputy City Manager – Development. (2-36) (3-17)

Action: City Manager Tom Aspell provided a brief overview.

Councilor St. Hilaire inquired whether the units to be purchased are the exact units currently used on the streets. Mr. Aspell responded that they are the exact units as the ones used on the streets but will be programmed like they are in the rest of the garages. Councilor St. Hilaire inquired whether staff knows the locations of where these are going to be. Parking Manager Dave Florence responded that they are proposing two in the exact locations in which there are currently two pay stations; one at the Hermano's exit; one exiting the ground level to the Lighting Place area; one at the Red River Theatre entrance.

Councilor DelloIacono inquired in regards to signage. Mr. Florence replied that they would use signage similar to what is currently in the Fire House Block Garage and the Durgin Block Garage. He explained that the sign package calls for masking over the existing signs to change the wording to pay at kiosk before

leaving the garage. He added that they would staff the garage for a week similar to what they did in the other garages.

Councilor Nyhan noted that when the ad-hoc Parking Committee looked at this issue they also identified some potential purchases of the old equipment asking whether this is still being pursued. Mr. Florence responded that one of the things that staff did not anticipate was that the maker of the current system in Capital Commons changed the design so the equipment that the city has does not look like the equipment of the 2011 model that is currently on the market. He indicated that they had some initial interest from New Haven, Connecticut and since then have not had a great deal of interest. He stated that they are going to move forward to put all this equipment on the government auction site as well as moving forward with the current vendor.

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

- E. Resolution appropriating and authorizing the expenditure of \$290,000 and authorizing the issuance of \$290,000 in bonds and notes for SCADA Implementation at the Wastewater Treatment Plant, CIP #104; together with report from the General Services Department. (3-18)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Coen asked whether this would keep any issues from happening at the city's wastewater treatment plant which happened in Hooksett last month. Mr. Aspell responded that it would explaining that these systems would warn in advance if there is anything going wrong at the plant.

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

- F. Resolution accepting and appropriating the sum of \$338,134.41 from the sale of the former Allied Leather Tannery Complex located at #4 Crescent Street, Penacook and rescinding the sum of \$300,000 previously authorized by resolution #8147 as amended, CIP #508; together with report from the Assistant for Special Projects. (3-19)

Action: City Manager Tom Aspell provided an overview.

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

- G. Resolution appropriating the sum of \$475,000 including the authorization for the issuance of bonds and notes in the amount of \$475,000 for replacement of the concrete floor and bedding piping at the Everett Arena, CIP # 64; together with report from the General Services Department. (3-20)

Action: City Manager Tom Aspell provided a brief overview.

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

- H. Resolution approving the acquisition of open space property northerly of Hopkinton Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (3-21) (***Revised resolution together with supplemental report from the Conservation Commission submitted***)

Action: Councilor St. Hilaire moved to put the revised resolution submitted before the Council. The motion was duly seconded and passed with no dissenting votes.

Kit Morgan, Conservation Commission Chair, requested Council's approval to purchase this property on Hopkinton Road. He added that they have been working for some time with Five Rivers Conservation Trust and the owner about the possibility of protecting this land as agricultural open space. He indicated that the open space will be subdivided off and made available to lease to the Dimond Hill Farm to expand the farm operation there. He noted that the land is in current use and as current use land it brings in about \$160 a year in tax revenue. He stated that the purpose of protecting this land is to protect open space and to protect the scenic value of the farm.

Jim Owers, Conservation Commission Vice Chair, indicated that the purchase price is \$275,000 for the land and are also asking for \$27,500 for costs related to acquisition of the land. He pointed out that they are trying to receive half the value of the easement from a grant. He explained that what they are asking for this evening is that Council approve this contingent upon receiving the money.

Councilor Nyhan noted that he believes that one of the projects that they had previously looked at has a conservation easement in which there was a maintenance fee that the forest society was going to maintain the easement. He inquired whether that sort of arrangement is implied with this piece of property. Mr. Morgan responded yes explaining that it is a monitoring fee. He noted that part of the \$27,500 would be a contribution toward their fund that pays their monitoring costs. Councilor Nyhan asked if the monitoring fee is a one time cost or if there are additional costs in the future. Mr. Morgan replied that it is a one time contribution to their easement monitoring cost.

Mayor Bouley declared the hearing open.

Public Testimony

Jane Presby, Dimond Hill Farm, spoke in support of this item indicating that it will benefit the growth of Dimond Hill Farm.

Rob Larocque, Carter Hill Orchard, spoke in support of the proposed resolution.

Kristina Peare, First Street, spoke in support of the proposed resolution.

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

- I. Ordinance amending the Code of Ordinances, Personnel Class Specification Index, Life Safety Officer, Assistant Life Safety Officer, Assistant Fire Marshall; together with report from the Fire Chief. (3-22)

Action: City Manager Tom Aspell provided a brief overview.

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

April 11, 2011 Public Hearing Action

41. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I and Schedule II of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-14)

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

42. Non-ordinance fees. (3-15)

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

43. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of 72:27-a; together with report from the Director of Real Estate Assessments. (3-16)

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

Referencing Councilor McClure's earlier question, Councilor Nyhan indicated that he doesn't think it was the intent of the Tax Exemption Policy Committee to have another meeting because they were hoping that they would use this meeting as a way of a discussion point, to ask the Council to do that. He pointed out that Councilor Blanchard, the committee chair, was not present this evening to speak to it.

Mayor Bouley stated that he hopes that this would be taken back to the committee for some thoughtful discussion noting that he prefers not to make any decisions on the fly and that he would like to know what the impact is on the existing people who are qualifying for this.

Councilor Nyhan indicated that they could definitely bring back a report with more details.

Councilor McClure encouraged the committee to look into it and to give Council some more information.

Councilor St. Hilaire noted his appreciation for the work of the Tax Exemption Policy Committee but will be voting against this because of the economy.

Councilor Nyhan clarified that the idea is by raising the threshold, it will enable those people who are currently receiving that benefit to continue receiving the benefit.

Councilor St. Hilaire asked if the limit is being increased from \$31,000 to \$32,800 and asking if it's felt that more people are going to be qualified or less.

Councilor Nyhan indicated that more people will qualify and that, minimally, the people currently receiving that aid will continue to receive it.

Councilor St. Hilaire noted his misunderstanding and that if this is increasing the limit so that more people qualify, then well done.

The motion to approve passed with no dissenting votes.

44. Resolution appropriating the sum of \$61,900 from the Parking Fund for installation of parking kiosks in the Capital Commons Parking Garage; together with report from the Deputy City Manager – Development. (2-36) (3-17)

Action: Councilor Grady moved approval. The motion was duly seconded.

Councilor Werner asked what the timeline was for the installation. Mayor Bouley responded that it will be at the beginning of the summer. Mr. Florence indicated that it would be eight weeks.

The motion to approve passed 13 to 0 on a roll call vote with Councilors Bennett, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner voted yes. Councilor Keach was not present for the vote.

45. Resolution appropriating and authorizing the expenditure of \$290,000 and authorizing the issuance of \$290,000 in bonds and notes for SCADA Implementation at the Wastewater Treatment Plant, CIP #104; together with report from the General Services Department. (3-18)

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

46. Resolution accepting and appropriating the sum of \$338,134.41 from the sale of the former Allied Leather Tannery Complex located at #4 Crescent Street, Penacook and rescinding the sum of \$300,000 previously authorized by resolution #8147 as amended, CIP #508; together with report from the Assistant for Special Projects. (3-19)

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

47. Resolution appropriating the sum of \$475,000 including the authorization for the issuance of bonds and notes in the amount of \$475,000 for replacement of the concrete floor and bedding piping at the Everett Arena, CIP # 64; together with report from the General Services Department. (3-20)

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

48. Resolution approving the acquisition of open space property northerly of Hopkinton Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (3-21) (*Revised resolution together with supplemental report from the Conservation Commission submitted*)

Action: Councilor Stetson moved approval of the revised resolution. The motion was duly seconded and passed with no dissenting votes.

49. Ordinance amending the Code of Ordinances, Personnel Class Specification Index, Life Safety Officer, Assistant Life Safety Officer, Assistant Fire Marshall; together with report from the Fire Chief. (3-22)

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

Unfinished Business

50. Report from the Deputy City Manager - Community Development in response to a communication from Holly Carlson on behalf of Manchester Street businesses requesting City Council consider a zoning change to the existing sign ordinance. (4-10) (8-39) (9-48) (10-39) (11-38) (12-40) (1-53) (2-47) (3-48) (4-61) (5-68) (6-53) (7-54) (9-42) (10-44) (11-52) (12-47) (1-42) (2-61) (3-54)(*Report tabled at the September 14, 2009 City Council meeting; supplemental report submitted to Council April 12, 2010; no action taken*)

Action: This item remains on the table.

51. Resolution approving the acquisition of open space property northerly of Clarke Street, and authorizing the expenditure of up to \$11,000 from the Conservation Fund for this purpose, as approved by the Conservation Commission; together with report from the Conservation Commission. (5-10) (6-54) (7-55) (8-40) (9-43) (10-45) (11-53) (12-48) (1-43) (2-62) (3-55) (Tabled setting this item for a public hearing at the May 10, 2010 City Council meeting)

Action: This item remains on the table.

52. Report from Community Development in response to a report from the Heritage Commission in response to a communication from Councilor Shurtleff requesting East Street, located in the village of Penacook, be renamed Canal Street. (3-9) (5-25) (8-38) (9-44) (10-46) (11-54) (12-49) (1-44) (2-63) (3-56) (*Report approved for a future public hearing at the August 9, 2010 City Council meeting*)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Mayor Bouley thanked Parking Manager Dave Florence and Kate Kelleher, Parking Enforcement, for assisting a senior resident in locating her vehicle.

Adjournment

The time being 8:25 p.m., Councilor Nyah moved to enter into a non-public meeting in accordance with RSA 91-A: 3, II to discuss the City Manager's Annual Evaluation. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Tiffany
Deputy City Clerk*