



# City of Concord

## City Council

### Meeting Minutes

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Monday, June 17, 2019

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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*Non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Managers evaluation to be held at 5:30 p.m.*

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

At 6:00 p.m. Councilor Champlin moved to enter into non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Manager's evaluation. The motion was duly seconded and passed with no dissenting votes.

At 6:50 p.m. Councilor Bouchard moved to adjourn the non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

In public session, Councilor Bouchard moved to seal the minutes. The motion was duly seconded and passed unanimously.

There being no additional business, Councilor Bouchard moved to adjourn. The motion was duly seconded and passed.

1. Call to Order.

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

2. Pledge of Allegiance.

3. Roll Call.

**Present:** 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

**Excused:** 1 - Councilor Robert Werner

4. Approval of the Meeting Minutes.

May 30, 2019 Finance Committee Draft Meeting Minutes

**Action:** Councilor Kretovic moved approval of the May 30, 2019 Finance Committee Draft Meeting Minutes. The motion was duly seconded and passed with no dissenting votes.

June 3, 2019 Finance Committee Draft Meeting Minutes

**Action:** Councilor Kretovic moved approval of the June 3, 2019 Finance Committee Draft Meeting Minutes. The motion was duly seconded and passed with no dissenting votes.

5. Agenda overview by the Mayor.

Mayor Bouley highlighted the FY 2020 budget amendments discussed by the Council.

1. Operating budget General Fund:

a. Add \$1,000 to the General Overhead Department to increase the City's Contribution to the Veterans Council for additional Flag Purchases.

i. Also add \$1,000 to the Motor Vehicle Registration line to fund this increase.

b. Add \$10,000 to the General Overhead Department as a transfer out to the grants and donations special revenue fund to help in the fight for childhood obesity. I anticipate additional donations to be added to this during the fiscal year. This program would be administered by the Recreation Department.

i. Add \$10,000 to transfer in from the recreation reserve to fund this increase.

c. Add \$6,000 to the General Services Department for Street Tree Planting program. This is in addition to the managers proposed \$13,000 already included in the proposed budget.

i. Also add \$6,000 to the transfer in from Community Improvement Reserve account. This is the remaining part of the \$19,000 that the City Council approved to be deposited into the reserve at the last City Council meeting.

2. General Fund Capital Budget:

a. Add \$12,500 to CIP 68 for the Concord Public Library Renovation/Expansion Conceptual Analysis of potential work.

i. Also add \$12,500 to City General Obligation (GO) bonds to fund this

program; and

ii. \$12, 500 as a donation from the Concord Public Library Foundation (asterisk - item to be approved when donation is received).

b. Decrease \$130,000 in CIP 107 for the Beaver Meadow Clubhouse improvement.

i. Also decrease the associated bond request.

ii. Also Direct the City Manager to hold off on spending the remaining funds that were appropriated in FY 2019 for the same purpose and return to council with information for a Facility Needs Assessment for the Golf Course Structures.

c. Add \$1,000,000 to CIP 78 Neighborhood Paving Program as proposed by the City Manager at the CIP budget meeting.

i. Also add \$1,000,000 as a transfer in from the Paving reserve to fund this increase.

d. Revise CIP 31 for McKee Square and move the (\$200,000/\$1,800,000) from FY2027/28 to FY22/23.

e. Revise CIP 515 for the X-Country Skiing Grooming Equipment from \$25,000 to \$50,000 (funded from Recreation Reserve) and explore a potential partnership with interested groups for enhanced equipment (up to \$80,000) to be brought before City Council at a later date (asterisk - fund in full when donation comes in).

3. In addition to the items that require additional \$ appropriations for the FY20 budget:

a. No revision to the CCTV payment and instead, we will revisit the contracted amount during the surplus review in the fall of 2019.

b. No addition of Funds for the New American Africans, Overcomers Support Services, Building Community in NH or the Change for Concord groups and instead the Council instructs the City Manager to work with the Recreation Department to provide limited meeting space in the Community Center at no charge.

Mayor Bouley indicated that another item is parking noting that the meters don't work as they should. He stated that the dollar amount to replace every meter in the city is over \$1 million. He didn't recommend this because if they made this investment, due to technology changing so fast, they would not get their money's worth in that investment. He realizes that they will need to make some sort of investment along the way. He recommends sending this to the Parking Committee for options as to what can be done; they would come back to Council with

solutions on how to address the immediate and long term problem.

In regards to the additional paving, Councilor Bouchard inquired whether these projects would be the list that was handed out during one of their work sessions, the four extra miles. City Manager Tom Aspell responded yes.

Councilor Bouchard feels that it's wise and that it will be a real asset to the city to be able to have the citywide community center available to the different groups to use at no charge. She would like the Council to consider funding, for one more year, the New American Africans to help individuals from African countries being resettled in the city and for the work they do with the children. She stated that Concord has always been a community that reaches out, gives aid and helps people become part of their society. She asked the Council to consider adding the \$5,000 back into the budget for this year.

Mayor Bouley indicated that there are so many great programs and is uncomfortable picking winners and losers; he wants them all to succeed.

Councilor Bouchard agrees that they shouldn't be picking winners and losers but feels that what the New American Africans are doing is very different. She feels that their entire budget is picking winners and losers - what street gets paved, what community center gets funded and for how much, etc. She feels it's a priority for this year and that they make it very clear of this.

Councilor Rice Hawkins supports continuing their partnership with the New American Africans with a slightly different take in that she doesn't want to make a decision about whether it should be for one year or a continued partnership. She would like to see the Council put together some kind of assessment of all the community groups that are non-profits that are working with this population so they have a better road map going forward.

Councilor Coen is curious as to the actual dollar amount equivalent to opening the space up in the community center during a twelve month period. Mayor Bouley responded that it depends upon usage, time, etc. Councilor Coen noted that his reason for asking this is that there is still a cost to the city.

Councilor Kenison feels that they need to figure out what each group is doing because they may not be communicating that to each other. She wonders if this is something that their Human Services Department can take a look at to see what

each group is doing and if they overlap. She stated that she would consider the one year funding but with the provisor that they need to find out where the overlap is.

Councilor Champlin feels that they are all important organizations for the community and that they may be particularly challenged based on conversations he has had with people active with them. He is hoping that they are receiving support from the NH Center for Non-Profits relative to advising the group as how to become more fiscally sound, expand their boards, and making themselves more robust in terms of survivability. He would be happy to work with Councilor Bouchard to make sure they are receiving the support they need from the Center for Non-Profits.

Councilor Bouchard indicated that she would be glad to work with Councilor Champlin on this and feels that this is a wise comment.

Councilor Kretovic pointed out that the New American Africans provided their expenses in which they have approximately \$16,780 for event space; there was a line item of events for \$5,000 in which would be conducive to do in the community center if Council had more knowledge of what those were. She noted that what the Mayor is proposing, the \$5,000 could be covered if it was under the city's roof. In regards to the grooming equipment, she feels that it's a good idea to look for donations to assist in this; she doesn't feel that the city should fund it fully as there are other groups that use this.

Referencing the grooming equipment, Councilor Herschlag noted that they are looking at a \$130,000 machine to groom approximately three miles of trail. He feels that there are other alternatives unless they are grooming other areas in addition to the golf course that will more than meet the needs of the golf course and provide an exceptional surface for skiing. The concern he has is that they're going to be overspending and not creating any better service for the people who ski here.

Mayor Bouley asked Councilor Herschlag if he just wants to cut the \$50,000 back to \$25,000.

Councilor Herschlag responded yes. He pointed out that they can buy a rototiller attachment that runs with an electric motor that can be attached to a snowmobile or 4x4 vehicle with tracks. In regards to the lack of funding for the New American

Africans, he agrees that they should look at an over-arching program that encompasses all the individuals within the community that have become before the Council to provide them with assistance to adjusting within the community. He feels that there will be a gap between the time that they are able to provide them with in-kind services. He feels that they can do all three things: provide them with \$5,000, look at an umbrella organization, and find ways to provide reduced or no-cost opportunities for them to use the community center. Referencing parking, Councilor Herschlag can't imagine going another year without some repairs or improvements to some of the current kiosks and meters. He shares the Mayor's concerns with technology changing. He is not sure what the answer is but knows doing nothing isn't the answer.

Mayor Bouley indicated that there is money in the budget to do some improvements now.

Councilor Champlin likes the Mayor's suggestion about the parking and thinks that the Parking Committee stands ready to roll up their sleeves, review this issue and come up with a recommendation to the Council.

In regards to 2e above, Mayor Bouley noted that he was trying to be helpful after listening to good testimony in terms of the ski grooming but if it's felt that it is not necessary, it can be taken out. He pointed out that he chose to take it from the recreation fund so that it wouldn't affect the tax rate.

Councilor Herschlag indicated that he would like people from the golf course, the cross-country skiing community and the skiing outing club to look at this and come back with a recommendation - maybe going through the Recreation and Parks Advisory Committee.

Mayor Bouley stated that this was what he was doing pointing that the last line includes "asterick - fund in full when donation comes in"; they'd be authorizing but wouldn't be appropriating.

Councilor Herschlag indicated that he would like to leave room for flexibility that this doesn't lock them in to any one particular type of equipment. He is comfortable leaving this in if there is flexibility stating that he believes that there are less expensive ways to efficiently groom.

Mayor Bouley added that he didn't specifically indicate what piece of equipment;

what he said was enhanced equipment.

Councilor Nyhan encouraged that any equipment they do purchase can be leveraged at Memorial Field and any other place they would be grooming trails noting that it should be easily mobile.

Councilor Herschlag pointed out that, with a smaller machine, it can be trailered from one place to another; with a larger machine, it would be more difficult to trailer it and would be locked into one particular area.

Councilor Nyhan's thought is that, no matter how large it is, they should be able to find a way to move it since they move a lot of large equipment around anyways.

Councilor Matson supports the additional funds to the New American Africans. She also feels that the space at the community center will be helpful to several other groups.

Councilor Rice Hawkins inquired whether Concord TV's budget is the fiscal year or the calendar year. Mayor Bouley responded that it's the fiscal year.

Councilor Herschlag asked what specific items would be removed from being repaired at the club house. Mayor Bouley responded that it's his understanding that its item 107 - the windows and bathrooms. Councilor Herschlag asked what the issue is with the bathrooms. Mayor Bouley replied that they function but every spring, someone has to come to fix the pipes because they all back up.

Councilor Kretovic stated that the club house came through the winter not very pleasantly. She added that, when a company that was walking around in order to put in bids on this project, they saw a lot of other things that needs to be taken care of including the roof and buckling of the pavement. She pointed out that what the Mayor is suggesting is that, before they spend a lot of money to do this, they pause to look at what they have.

Councilor Herschlag's concern is if they are going to have facilities that meet the needs of the people who are currently playing golf there - what are they going to do to ensure that it's a safe and clean facility for those people while they are making that determination.

Councilor Kretovic indicated that the bathrooms are an issue in the spring when the

snow melts.

Councilor Todd thanked the Mayor for his careful consideration of all of their discussion points throughout the budget sessions. He inquired that if they were to adopt all the changes being suggested, what would this mean in the overall percentage increase in budget.

Mayor Bouley responded that it would be exactly the way the City Manager presented it. If the Council chose to add the \$5,000 that would need to be included.

### **Public Hearings - recessed from June 6, 2019**

- 6A. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2020 ending June 30, 2020 for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and Diminimis Accounts.

**Action:** There being no Council objection, the City Clerk read the titles for public hearing items A through F together.

Councilor Herschlag pointed out that within item C it should be from July 1, 2019 through June 30, 2020.

Mayor Bouley opened the public hearings for items A through F.

### **Public Testimony**

Laurie Rauseo, Interchange Development and residents, spoke to the budget regarding CIP 30 and 502. She indicated that they were asked to provide an update during their testimony in early June. She stated that they have been working with TFIN to review and refine the conclusions made by HDR in their study of the Whitney Road extension. She mentioned that TFIN was recently working with the Town of Hooksett and DOT on a design of a roundabout at Route 3 and Hackett Hill Road; as a result they are very familiar with the process of what DOT will be going through to look at the intersection of Route 4 and Whitney Road. She noted that the general consensus is that DOT would prefer a roundabout at this intersection over a traffic signal proposed by HDR. She stated that, as a result of TFIN's more detailed analysis, they have determined that a two lane roundabout at the intersection will work to provide the necessary capacity to accommodate the development of the Whitney Road corridor from Route 4 to Sewalls Falls Road.



Mayor Bouley asked if Ms. Rauseo is supportive of the capital budget. She responded that to be correct.

Councilor Herschlag questioned whether the CIP allows them to move forward at a timeline that makes sense. Ms. Rauseo responded yes.

There being no further public testimony, the Mayor closed the hearings for items A through F.

- 6B. Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant.

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

- 6C. Resolution authorizing and appropriating for Fiscal Year 2020 (July 1, 2019 through June 30, 2019) the sum of \$14,945,128 for Capital Projects and authorizing the issuance of bonds and notes in the amount of \$11,857,500 for various Capital Projects more specifically identified in the budget document.

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

- 6D. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

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

- 6E. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters and Schedule X; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

- 6F. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking and Schedule XXI, by amending Article 18-1, Stopping, Standing, and Parking, Section 18-1-24, Parking - Law Enforcement Vehicles; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

### **Public Hearing Action**

7. Resolution fixing and determining the amount of money to be appropriated by the

City of Concord for the Fiscal Year 2020 ending June 30, 2020 for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and Diminimis Accounts.

**Action:** Referencing an article in the newspaper, Mayor Bouley asked the Police Chief to provide an update.

Police Chief Brad Osgood stated that they do have a non-disclosure and confidentiality agreement with this particular technology. He explained that its a technology that is used by several thousand police departments throughout the country and has been in existence for quite awhile. They just started using this technology on December 2017 explaining that it allows them to investigate crimes to the highest level.

Councilor Hatfield indicated that she has been contacted by people concerned that this particular technology could raise constitutional issues. She asked if the Chief could speak to the use of this and his level of comfort that those issues would not be triggered by the use of the equipment.

Chief Osgood stated that it does not infringe upon anybody's constitutional rights.

Councilor Hatfield asked if he is comfortable that employing this particular tool can be done in a way that comports with the requirements that police have in dealing with evidence and investigating crimes.

Chief Osgood stated that he has one hundred percent confidence.

Councilor Nyhan moved approval of the resolution. The motion was duly seconded.

Councilor Nyhan moved to amend the motion to include the items as discussed during the deliberation session. The motion was duly seconded.

Councilor Bouchard moved to amend the motion to include a \$5,000 appropriation for the New American Africans. The motion was duly seconded and passed on a voice vote.

Mayor Bouley clarified that Councilor Nyhan's amendment is to incorporate item 1 discussed earlier to include the additional \$1,000 to the Veteran's Council for additional flags; additional \$10,000, as long as it is matched, that comes out of

Recreation; and the addition of \$6,000 to General Services for treeplanting.

Referencing 1b, Councilor Herschlag asked what expertise the Recreation Department has to deal with childhood obesity.

Mayor Bouley pointed out that the city has a wellness coalition made up of all kinds of community members; there is a various array of techniques and avenues that can be employed. In terms of of the connection to the city being Recreation, he felt that all the recreational activities would work in conjunction with food, diet, etc.

Councilor Herschlag inquired whether they would be partnering with the school district. Mayor Bouley indicated that the school district would be part of it.

The amendment passed with no dissenting votes.

The motion to approve the resolution, as amended, passed 14 to 0 with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Hatfield, Herschlag, Keach, Kenison, Kretovic, Matson, Nyhan, Rice Hawkins, Todd and Bouchard voted yes. Councilors Kretovic, Grady Sexton and Mayor Bouley took Rule 6-a when voting on the Crisis Center of NH; Councilors Herschlag and Kretovic took Rule 6-a when voting on the Penacook Community Center; Councilor Champlin took Rule 6-a when voting on the Chamber of Commerce.

8. Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant.

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

9. Resolution authorizing and appropriating for Fiscal Year 2020 (July 1, 2019 through June 30, 2019) the sum of \$14,945,128 for Capital Projects and authorizing the issuance of bonds and notes in the amount of \$11,857,500 for various Capital Projects more specifically identified in the budget document.

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

Councilor Herschlag feels that this is a responsible budget and thanked city staff and the City Manager for putting this budget together. He does have concerns moving forward: when looking at this year's CIP, they are spending a little under \$15 million, \$4.3 million is going to be bonded. Next year, they are looking at \$45

million in capital improvements, a little over \$15 million is going to be bonded. While they put together a budget that maintained a very limited tax increase, he is very concerned where the revenue is going to come from in future years. He will be supporting the CIP for this year.

Councilor Nyhan clarified that his motion included the items as discussed during their deliberation session.

Councilor Coen moved to amend the motion to include item a through e within item 2. The motion was duly seconded and passed with no dissenting votes.

The motion to approve the resolution, as amended, passed 14 to 0 with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Hatfield, Herschlag, Keach, Kenison, Kretovic, Matson, Nyhan, Rice Hawkins, Todd and Bouchard voted yes. Councilor Kretovic took Rule 6-a on Whitney Road. Councilor Todd took Rule 6-a on the Horseshoe Pond drainage, CIP 571.

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

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

11. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters and Schedule X; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

Councilor Herschlag inquired whether this is going to lock them into making these improvements and expanding the current parking meters or is this something they want to table while they are looking at the overall picture.

Mayor Bouley is comfortable with moving forward with this. He hopes that they all agree that something needs to be done short term and long term; this solves some of the fund issues but, in terms of the customer service, they have to do a much better job in a very short order.

Councilor Herschlag hopes staff is confident enough that the meters that they are going to be adding are devices that will provide service for a reasonable period of

time in the future that won't become obsolete in six months.

The motion to approve passed with no dissenting votes.

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

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

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

Councilor Todd indicated that there has been some additional identification signage at some of the city's historic cemetery properties. He thanked Cemetery Administrator Jill McDaniel and others who helped in adding the signage.

Councilor Herschlag asked staff to take a look at the lot in which a building was taken down last year on Centre Street pointing out that the cellar hole has not been completely filled in.

Councilor Hatfield wanted to inform people that there is a party in the park at White Park this Wednesday evening to celebrate the 25th birthday of the playground.

Mayor Bouley thanked the City Manager Tom Aspell, Deputy City Manager-Finance Brian LeBrun, the Finance Department, and the City Manager's Office who have worked on this budget. He feels that this is a very responsible budget which continues to meet the needs of the citizens of Concord as well as continues to recognize that they need to be good stewards of tax dollars. The increase of 1.925 on the municipal side of the budget; when looking at it as the overall tax rate, it is a .6 percent increase.

He recognized everyone involved on the White Park skate house noting that he feels that this is a gem within the community.

He thanked the Council for the time put into the budget meetings.

Councilor Kretovic announced that the tent at the Beaver Meadow Golf Course is up.

Mayor Bouley indicated that Council will be meeting on June 24th at 7:00 p.m. Prior to this meeting, they will be meeting to discuss the City Manager's compensation.

Councilor Hatfield indicated that there is a joint state/city meeting regarding I-93 on June 26th at 6:00 p.m. at the Department of Transportation.

Councilor Champlin reminded people that there will be a meeting on the proposed code changes tomorrow night at 7:00 p.m. in Council Chambers.

Councilor Kretovic announced that Market Days begins this week.

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

#### **Adjournment**

The time being 8:23 p.m., Councilor Grady Sexton moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*