



City of Concord

City Council

Meeting Minutes

Monday, September 14, 2020

7:00 PM

Zoom Meeting Link:
<https://us02web.zoom.us/j/8942591833>

3

Telephone Dial: US + 1 929 205 6099

Landline: 877 853 5257

Webinar ID#:894 2591 8333

COVID-19 - Public Meeting Procedures Notice

Due to the Covid 19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, City Council is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.

*All members of City Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following the link below, or dialing the number below and entering the ID number at the prompt. For those who want to provide public testimony in the Public Hearing portion of the meeting, and you are connected to the Zoom website, you may click on the Raise Hand icon in the Attendees Section of Zoom to make the request. When the time is appropriate, you will be recognized so you can provide your testimony. For those calling in who want to provide public testimony, dial *9 to alert the host that you wish to speak. The host will unmute you at the appropriate time/during the public hearing portion of the meeting. All participants please keep your phones and computers on mute unless speaking.*

Website address: <https://us02web.zoom.us/j/89425918333>.

Telephone Dial: US: +1 929 205 6099. If dialing from a landline, you may call in toll-free at 877 853 5257. Webinar ID#: 894 2591 8333.

Members of the public can also email questions or other public testimony to citycouncilmeeting@concordnh.gov.

Any member of the public can also call the City of Concord at 603-230-4619 or email: citycouncilmeeting@concordnh.gov if they are unable to access the meeting and assistance connecting is needed.

Non-public session in accordance with RSA 91-A:3, II (d) to discuss the acquisition, sale or lease of property to be held at 5:30 p.m.

Present: 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Gail Matson

Action: At 5:30 p.m., Councilor Grady Sexton moved to enter non-public session in accordance with RSA 91-A: 3, II (d), to discuss the acquisition, sale or lease of property. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

Action: At 6:42 p.m., Councilor Grady-Sexton moved to exit non-public session. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

1. Mayor Pro-Tem Bouchard called the meeting to order at 7:04 p.m.

Action: Mayor Pro-Tem Bouchard, in Mayor Bouleys absence, welcomed everyone to the August 14, 2020 Electronic Meeting of the City Council, indicating City Council was meeting electronically due to the COVID-19/Coronavirus pandemic, in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04. Mayor Pro-tem Bouchard noted that, in accordance with the Governor's Emergency Order, we have provided public notice of the necessary information for accessing this meeting. She noted that instructions are provided on our agenda on the City of Concord's website at:

<https://concordnh.legistar.com/Calendar.aspx>. She further noted that Council was utilizing the Zoom platform for this electronic meeting. All members of the City Council have the ability to communicate contemporaneously during this meeting, and the public has access to listen and, if necessary, participate in this meeting via the following website address: <https://us02web.zoom.us/j/89425918333>.

If any member of the public does not have website access, they may dial the telephone number 929-205-6099 or from a landline 877-853-5257 and enter the password 894-2591-8333.

Mayor Pro-Tem Bouchard noted that we would not be using the Chat function in Zoom for this meeting. She also noted that testimony is only allowed for agenda items that have been scheduled for a public hearing, and public participation is not authorized for the other items on the agenda.

Anyone having a problem accessing the meeting was advised to call 603-230-4619 or send an email to: citycouncilmeeting@concordnh.gov.

Mayor Pro-Tem Bouchard indicated that in the event the public is unable to access the meeting, the meeting would be adjourned and rescheduled at that time.

All votes to be taken during this meeting will be done by roll call vote.

Mayor Pro-Tem Bouchard asked members of City Council, when stating their presence at the meeting, to please also state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

2. Invocation.
3. The Pledge of Allegiance was done.
4. Roll Call.

Action: In accordance with the right to know law, Councilor Kretovic indicated her husband was home with her. All other members of City Council indicated they were alone. Mayor Bouley arrived late.

Present: 13 - Councilor Candace Bouchard, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

Excused: 2 - Mayor Jim Bouley, and Councilor Gail Matson

Action: Mayor Pro-Tem Bouchard recognized Councilor Kretovic who made a motion to seal the minutes from the non-public session held prior to the Council meeting. The motion was duly seconded by Councilor Grady-Sexton and passed unanimously with a roll call vote.

Yes: 13 - Councilor Bouchard, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 2 - Mayor Bouley, and Councilor Matson

5. Approval of the Meeting Minutes.

August 10, 2020 City Council Meeting Minutes.

Action: Councilor Fennessy moved approval of the August 10, 2020 meeting minutes. The motion was duly seconded by Councilor Grady-Sexton and passed unanimously with a roll call vote.

Yes: 13 - Councilor Bouchard, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 2 - Mayor Bouley, and Councilor Matson

6. Agenda overview by the Mayor.

7. Library Needs Assessment and Preliminary Conceptual Program Presentation.

Action: Mayor Pro-Tem Bouchard, in Mayor Bouley's absence, introduced Todd Fabian, Library Director. Mr. Fabian introduced Matt Oudens and Chris Genter, of Oudens Ello Architecture, who provided a detailed overview of the 2007 Library Needs Assessment Report, as well as preliminary conceptual redesign ideas for the Concord Public Library. A copy of the presentation, including the cost summary, is on file in the City Clerk's Office.

Following Council discussion regarding the potential redesign, Councilor Hatfield moved to accept the report. The motion was duly seconded by Councilor Kretovic and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

*****Consent Agenda Items*****

Action: Councilor Champlin moved approval of the consent agenda. The motion was duly seconded by Councilor Kretovic. Councilor Fennessy recused himself from item #24. The motion passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

Items Tabled for October 13, 2020 Public Hearings

8. Resolution appropriating the sum of \$90,260 for the design and permitting of the Merrimack River Greenway Trail (CIP #543) as a transfer in from the Community Improvement Reserve; together with report from the Parks & Recreation Director. (Public testimony received) (Additional public testimony received)

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

9. Resolution appropriating the sum of \$117,300, to include \$80,600 to the Project Inspection Fund, \$27,200 to the Arena Fund, and \$9,500 to the General Fund for Fiscal Year 2020, retroactive to June 30, 2020, to be funded from excess revenues in the Project Inspection Fund and fund balances in the Project Inspection, Arena, and General Funds; together with report from the Deputy City Manager - Finance.

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

10. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Article 35-2, Compensation Plan, job classification changes for Golf Course positions; together with report from the Deputy City Manager - Finance.

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

Consent Reports

11. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,119.39, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

12. Diminimus gifts and donations from Human Services Director requesting to accept monetary gift totaling \$10.22 as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

13. Diminimus gifts and donations report from the Police Department requesting authorization to accept grant funding from the State of NH Liquor Commission - Division of Enforcement in the amount of \$1,470.25, as provided for under preauthorization granted by the City Council.

Action: This consent report was approved.

14. Report authorizing the City Manager to enter into Municipal Work Zone Agreements with the New Hampshire Department of Transportation for NHDOT's painting of interstate bridges at I-89 Exit 2 and I-93 Exit 17
Action: This consent report was approved.
15. Report from the Deputy City Manager - Finance regarding a change in scope of work for the CIP #235 Irrigation Project.
Action: This consent report was approved.
16. July 31, 2020 Financial Statements Year to Date report from the Deputy City Manager - Finance.
Action: This consent report was approved.
17. June 30, 2020 Trust Reports/MS-9 and MS-10 from the City Treasurer/Tax Collector.
Action: This consent report was approved.
18. Report from the Police Department requesting an adjustment to the scope of activity for CIP 368 - Police Department Communications Equipment.
Action: This consent report was approved.
19. Report from the Health & Licensing Officer seeking authorization for the City Manager to apply for a Food and Drug Administration (FDA) grant.
Action: This consent report was approved.
20. September 2020 Economic Development Report from the Economic Development Director.
Action: This consent report was approved.
21. Report from the Assistant City Planner requesting authorization to renew an Agricultural Lease for a 2-year term for conservation property located on Gully Hill Road.
Action: This consent report was approved.

Consent Resolutions

22. Resolution authorizing the City Manager to enter into a License Agreement with Concord Housing + Redevelopment concerning street lights within the Jennings

Drive rights-of-way; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This consent resolution was approved.

23. Resolution repurposing the sum of \$46,070.32 from the 2018 East Concord Pump Station Refurbishment subproject (CIP #275) for use on the 2021 Hannah Dustin Pump Station Improvements subproject (CIP #275); together with report from the General Services Director.

Action: This consent resolution was approved.

24. Resolution Designating Financial Depositories for the City of Concord, New Hampshire, for the Fiscal Year 2021; together with report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved. Councilor Fennessy recused himself from voting on this item.

25. Resolution relative to Short Term Investment of Excess Funds; together with report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

26. Resolution for the Annual Approval of Investment and Cash Management Policy; together with report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

Action: Councilor Pierce moved to hold the public hearing on item 27G prior to other public hearings scheduled. The motion was duly seconded by Councilor Nyhan and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

- 27G. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 14,

Morals and Conduct, by adding a new Article 14-6, entitled Use of Class C/Consumer/Permissible Fireworks; together with a report from the City Solicitor. (Additional public testimony received)

Action: Mayor Bouley indicated he was taking Rule 6 on this item and not participating, as his office represents a fireworks company.

Mayor Pro-Tem Bouchard opened the public hearing. There being no public testimony, Mayor Pro-Tem Bouchard closed the public hearing.

Public Hearing Action

Action: Mayor Pro-Tem Bouchard recognized Councilor Nyhan who moved to take action on item 27G/34. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

34. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 14, Morals and Conduct, by adding a new Article 14-6, entitled Use of Class C/Consumer/Permissible Fireworks; together with a report from the City Solicitor. (Additional public testimony received)

Action: Councilor Hatfield moved approval of the ordinance. The motion was duly seconded by Councilor Pierce.

Councilor Pierce spoke in strong support of the ordinance. He thanked the many residents that submitted testimony both in support and in opposition to the proposal before Council.

Councilor Kretovic expressed her concerns specific to the enforcement of this ordinance, wondering if the Police Department would be able to immediately respond to a given complaint. Police Chief Osgood indicated that the Police Department, regardless of the time, would respond to the complaint as they currently respond to what they consider a non-priority call, responding when resources are available.

Councilor Keach indicated he was not in support and/or comfortable with Council approving this item indicating that, in his opinion, City Council shouldn't be involved in what he considers neighborhood disputes.

Councilor Fennessy indicated that although he was skeptical of this ordinance, he would support the passage this evening. Councilor Fennessy further noted that he felt like City Council should review the municipal noise ordinance.

Councilor Grady-Sexton inquired as to how the current noise ordinance was deficient, also inquiring as to whether or not passing this ordinance would result in any different outcome than it would under the noise ordinance. Chief Osgood indicated he didn't see that anything would change from the enforcement side of things and indicated that if the ordinance before Council is approved, the Police Department would respond as they currently do when they receive noise ordinance complaints.

Councilor Grady-Sexton indicated she feels like, if approved, this would be a feel good ordinance.

Councilor Hatfield indicated she received additional communications in support of the passage for this ordinance late in the day today from residents in Ward 4, 5 and 6. Councilor Hatfield indicated that, in her opinion, if approved, this ordinance will not solve all firework related problems, clarifying she does, however, feel strongly that passage of the ordinance will be helpful. Councilor Hatfield encouraged her fellow Councilors to approve the ordinance.

Councilor Champlin inquired as to whether or not firework complaint calls would be low on the response list. Chief Osgood indicated that, in all reality, fireworks complaint calls were hard to respond to. Chief Osgood further stated that calls are typically received when all officers working are busy on calls, further stating that by the time they are able to respond whomever was setting off fireworks was gone.

Councilor Grady-Sexton inquired as to whether or not City Administration would consider reviewing the noise ordinance. Solicitor Kennedy indicated that the Legal Department was in the process of reviewing the current noise ordinance.

Councilor Keach spoke in opposition to the ordinance before Council, indicating he did not support putting additional work on the Police Department knowing full well the City can't enforce it.

Councilor Rice Hawkins spoke in support of the ordinance, indicating, in her opinion, it could be considered a quality of life issue for residents within some neighborhoods within the City.

Councilor Nyhan spoke in opposition to the ordinance, indicating he was uncomfortable approving an ordinance that was unenforceable.

Councilor Kretovic stated she was in agreement with Councilor Nyhan, indicating she would not vote to support the passage of any ordinance which she feels is unenforceable.

Councilor Hatfield thanked Chief Osgood and the Police Department for their responsiveness to complaints within the City specific to fireworks.

Mayor Pro-Tem Bouchard spoke in support of the ordinance.

There being no further Council discussion, the motion to approve the ordinance passed, 10-3, with a roll call vote. Mayor Bouley took Rule 6 and Councilor Matson was absent.

Yes: 10 - Councilor Bouchard, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Kenison, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

No: 3 - Councilor Keach, Councilor Kretovic, and Councilor Nyhan

Excused: 2 - Mayor Bouley, and Councilor Matson

Public Hearings

27A. Resolution authorizing the issuance of up to \$5,000,000 in refunding bonds; together with report from the Deputy City Manager - Finance.

Action: City Manager Tom Aspell provided a brief overview.

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

27B. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Covid 19 Pandemic (CDBG-CV) Funds; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Supplemental handout submitted)

Action: Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, addressed Council, reading the following information into the record, as required for CDBG Grants:

"Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility projects, up to \$500,000 for housing projects, and up to \$500,000 for emergency activities. Up to \$25,000 is available per planning study grant. All projects must directly benefit a majority of low and moderate income persons."

"Community Development Block Grant-COVID (CDBG-CV) funds were authorized under the CARES ACT. Up to \$500,000 in CDBG-CV funding is available to municipalities. Funding is available to municipalities for new services; or a quantifiable increase in the level of a service above that which has been provided during the 12 months prior to application, both which must be attributed to the COVID-19 Pandemic. CDBG-CV funding is also available to nonprofit public service organizations, as sub applicants to the municipality, for activities associated with preparing for, responding to, or recovering from the COVID-19 Pandemic. Activities must serve primarily low and moderate income persons."

"The application before Council tonight is an application for CDBG-CV Public Service. Eligible expenses for the municipality include, but are not limited to, increased welfare costs, increased homeless housing costs, and new services provided by the municipality attributed to the COVID-19 Pandemic. Eligible nonprofit public service expenses include costs preparing for, responding to, or recovering from the COVID-19 Pandemic including, but not limited to, childcare services, food banks, senior services, services for persons with disabilities, legal services, resident services, youth services, transportation services, health, mental health and substance abuse services, financial literacy, foreclosure and home buyer counseling, homeless services, education outside of school building, tutoring, furniture, equipment, and additional services providers. Sub applicants for this CDBG-CV grant are the Concord Coalition to End Homelessness, the Friends Program, Family Promise of Greater Concord, and the Friendly Kitchen. CDBG-CV funds secured by the City, and the associated sub-applicants, shall be allocated and deployed as set forth below:

The City of Concord is seeking \$53,486 to support the Human Services Department for increased Emergency Assistance (Emergency One Time Rental

Payments, Utility Assistance, Medical/ Prescriptions, Food Assistance, Etc.)

The Concord Coalition to End Homelessness is seeking \$50,385 for hotel rooms for Homeless, Staffing for Hotel Space.

The Concord Coalition to End Homelessness is seeking an additional \$128,520 to support additional shelter space and additional staffing.

Family Promise of Greater Concord is seeking \$43,200 for hotel rooms for Homeless.

The Friendly Kitchen is seeking \$115,810 for the soup kitchen to expand hours, additional expenses, cleaning, staff, and an air purification unit.

The Friends Program is seeking \$37,035 for a youth literacy program to assist youth due to Covid-19 Pandemic impacts on educational systems.

The Friends Program is also seeking \$16,464 for funds to support senior shopping. The expansion of shopping for Seniors Program due to Covid-19 Pandemic.

The Friends Program is seeking \$30,100 for hotel rooms for Homeless.

The City of Concord is seeking an additional \$25,000 for CDBG Administration.

Total requested funds: \$500,000.

Mayor Bouley opened the public hearing.

Connor Sporn, Development Director for the Friends Program, spoke in support of the ordinance.

Ellen Groh, Director at the Concord Coalition to End Homelessness, spoke in support of the ordinance.

Liane Malossi Kerbyson, caller, connection lost unable to comment.

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

- 27C. Resolution appropriating the sum of \$250,000 for the purpose of purchasing a dump truck and attachments for use at the Municipal Airport (CIP #77) and accepting the sum of \$250,000 in grant funds from the Federal Aviation Administration administrated through the State of New Hampshire Department of Transportation; together with report from the Associate Engineer.

Action: City Manager Tom Aspell provided a brief overview.

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

- 27D. Resolution appropriating the sum of \$64,188 for the annual Roadway Surface Improvements Project (CIP #78) and accepting the sum of \$64,188 in resident granite curb cost sharing program contributions for this purpose; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

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

- 27E. Resolution appropriating the sum of \$21,685 for law enforcement related programs and accepting the sum of \$21,685 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program for this purpose; together with report from the Police Department.

Action: City Manager Tom Aspell provided a brief overview, indicating the funds would be shared with the County of Merrimack.

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

- 27F. Resolution appropriating the sum of \$5,500 for the procurement of outside services to develop a detailed cost estimate of an existing conceptual design for an Arena addition and authorizing the use of Arena fund balance for this purpose; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview indicating this was a housekeeping item.

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

- 27H. Resolution appropriating the sum of \$20,000 to fund an assessment of redevelopment scenarios for the former gas holder house, authorizing the use of \$15,500 from the Economic Development Reserve as a transfer-in, and accepting the sum of \$4,500 as a donation from the New Hampshire Preservation Alliance; together with report from the Deputy City Manager for Development.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Jennifer Goodman, Executive Director of the NH Preservation Alliance, spoke in support of this item.

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

Public Hearing Action

28. Resolution authorizing the issuance of up to \$5,000,000 in refunding bonds; together with report from the Deputy City Manager - Finance.

Action: Councilor Kretovic moved approval. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

29. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Covid 19 Pandemic (CDBG-CV) Funds; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Supplemental handout submitted)

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Pierce and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

30. Resolution appropriating the sum of \$250,000 for the purpose of purchasing a

dump truck and attachments for use at the Municipal Airport (CIP #77) and accepting the sum of \$250,000 in grant funds from the Federal Aviation Administration administrated through the State of New Hampshire Department of Transportation; together with report from the Associate Engineer.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Grady-Sexton and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

31. Resolution appropriating the sum of \$64,188 for the annual Roadway Surface Improvements Project (CIP #78) and accepting the sum of \$64,188 in resident granite curb cost sharing program contributions for this purpose; together with report from the General Services Director.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Todd and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

32. Resolution appropriating the sum of \$21,685 for law enforcement related programs and accepting the sum of \$21,685 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program for this purpose; together with report from the Police Department.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Todd and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

33. Resolution appropriating the sum of \$5,500 for the procurement of outside services to develop a detailed cost estimate of an existing conceptual design for an Arena addition and authorizing the use of Arena fund balance for this purpose; together with report from the General Services Director.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Pierce and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

35. Resolution appropriating the sum of \$20,000 to fund an assessment of redevelopment scenarios for the former gas holder house, authorizing the use of \$15,500 from the Economic Development Reserve as a transfer-in, and accepting the sum of \$4,500 as a donation from the New Hampshire Preservation Alliance; together with report from the Deputy City Manager for Development.

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

Councilor Fennessy inquired as to what type of professional would be preparing the report. Councilor Champlin, Committee Chair, indicated the committee was looking for a consultant with experience with historic structures with the capability to assemble a group of experts that could make viable recommendations to Council.

Councilor Kretovic indicated that a time crunch exists with this project stating Liberty Utilities wants a response from Council relative to this project by December 31st. Taking that into consideration, Councilor Kretovic, indicated the committee was hoping to modify the proposal before Council to not only accept the \$20,000 and the grant that goes along with those funds from the NH Preservations Alliance but also authorize the City Manager to review the proposals received so that the project could come back to Council in full allowing for an expedited process.

After brief discussion, Councilor Fennessy indicated that he felt the City Solicitor should also review proposals for any potential legal and/or liability considerations specific to this project.

Councilor Hatfield thanked the committee for their efforts on this project.

Mayor Bouley urged Council members to support this project.

There being no additional Council discussion, the motion passed, 13-1, with a roll call vote.

Yes: 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

No: 1 - Councilor Fennessy

Excused: 1 - Councilor Matson

Appointments by the Mayor

Reports

36. Discussion of Hoit Road/Whitney Road proposed improvements and possible funding mechanisms.

Action: Deputy City Manager Carlos Baia indicated, as promised, staff was back before Council with a 30% completion update.

City Engineer David Cedarholm provided a detailed overview of the Hoit Road/Whitney Road proposed improvements. Deputy City Manager Baia provided an overview of estimated improvement costs specific to this project, totaling approximately four million dollars. Deputy City Manager Baia asked for Council direction as to whether or not staff should continue to work on design.

Councilor Kretovic inquired as to the scale of the proposed roundabouts. Mr. Cedarholm indicated that, as proposed, the larger roundabout would be similar in size to the Lee, New Hampshire, traffic circle, with the smaller one, as proposed, to be similar in size to the Exit 16/Mountain Road roundabout.

Councilor Pierce, specific to the potential \$750,000 in I-93 ramp improvements, inquired as to whether or not the State of New Hampshire would be willing to contribute. Mr. Baia indicated that the State of New Hampshire does not have improvements to this exit on any of their plans and, therefore, was not planning to contribute.

Councilor Pierce inquired as to whether or not there were options to reduce the proposed roundabout costs. Mr. Baia indicated any minor changes in final designs would not result in any significant reduction in estimated costs.

Councilor Hatfield asked Mr. Baia to comment on the pedestrian/bicycle features included within the design. Deputy City Manager Baia provided an overview of the proposed pedestrian/bicycle access improvements included within this proposal. Councilor Hatfield inquired as to whether or not it was staff's view that the City should continue with the design of this project, with the understanding that if this specific project didn't move forward for some reason, that the work done to date would still be useful in the future. Mr. Baia indicated that should the project before Council not be approved, the work to date, in his opinion, would be useful.

Councilor Kenison spoke in support of the project while stating, in her opinion, she'd like to see some cost sharing.

Councilor Kretovic spoke in support of continuing to go forward with the design improvements to this intersection.

Councilor Champlin spoke in support of moving forward, indicating he agreed with Councilor Kenison that cost sharing between the City, the Rauseo's, Market Basket and the Town of Canterbury makes sense.

Councilor Fennessy spoke in support of moving forward with design improvements.

Councilor Todd spoke in agreement with moving forward with design improvements. Councilor Todd further stated that residents of Penacook continue to support this project, the addition of a supermarket in the area, as well as the hope for tax relief.

Councilor Hatfield inquired as to when this design phase would be complete. Mr. Cedarholm indicated that this design phase would be complete in December or January.

There being no additional discussion, Councilor Grady-Sexton moved to move forward with the continuation of the design of this project. The motion was duly seconded by Councilor Todd and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

New Business

Unfinished Business

37. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards; Section 28-5-50, Keeping of Chickens as Pets Accessory to a Residential Use; together with a report from the City Planner. (Ordinance referred to the Public Safety Advisory Board at the October 15, 2019 City Council meeting.) (Petition supporting reducing current property line buffers to 15' or less, allowing more residents to keep chickens as pets; together with communications in support of the petition submitted.)

Action: This item remains on the table.

38. Report from the Associate Engineer approving the design of the "Welcome to East

Concord” gateway sign and directing staff to return with an appropriating resolution accepting a \$1,500 donation from the East Concord Garden Club (ECGC) and allocating additional sign installation funds. (Action on this item tabled at the February 10, 2020 Council meeting.)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Champlin asked City Manager Aspell if the City was going to take a stance, during this pandemic time, specific to Halloween. City Manager Aspell indicated that, historically, City Council has made a determination that the City of Concord doesn't set a specific date or time for Halloween.

Councilor Fennessy thanked the City Clerk, her staff, ward officials, as well as anyone else involved with the recent September State Primary Election.

Councilor Nyhan reminded City Council of the upcoming weekend of September 26th Capital Arts Festival to be held in downtown Concord.

Mayor Bouley thanked Councilor Nyhan for reminding all of the upcoming Capital Arts Festival. Mayor Bouley praised the City Clerk, her staff, ward officials, as well as all others involved with the recent September State Primary election within the City of Concord. He further stated he hoped that all would support the Clerk's Office during the upcoming November Election.

Comments, Requests by the City Manager

Consideration of Suspense Items

Action: Councilor Grady-Sexton moved to suspend the rules and take action on the suspense item before Council. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

Sus1 Resolution authorizing the City Clerk to certify the City of Concord's qualified expenses for carrying out the September 8, 2020 State Primary and upcoming

November 3, 2020 General Election to apply for reimbursement of those expenses in accordance with the CARES Act Funding available for elections.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Kretovic and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

Adjournment

Action: There being no additional Council business, Councilor Werner moved to adjourn the meeting at 9:42 p.m. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Matson

A true copy: I attest:

*Janice Bonenfant
City Clerk*

Information

Inf1 August 3, 2020 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

Inf2 August 6, 2020 Energy and Environment Advisory Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf3 August 17, 2020 Fiscal Policy Advisory Committee Draft Minutes

Action: This Information item was received and filed.

Inf4 August 17, 2020 Mask Review Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf5 Parks and Recreation Departments Adult Fall Brochure.

Action: This Information item received and filed.