



# City of Concord

## City Council

### Meeting Minutes - Final

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Monday, April 13, 2020

7:00 PM

Zoom Meeting Link:  
<https://zoom.us/j/703776553>  
Telephone Dial: US: +1 929 205 6099 -  
Webinar ID#: 703 776 553

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#### *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://zoom.us/j/703776553>.*

*Telephone Dial: US: +1 929 205 6099 - Webinar ID#: 703 776 553*

*Members of the public can also email questions or other public testimony to [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov). Staff will read the testimony or question into the record during the meeting.*

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

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

**Action:** Mayor Bouley welcomed everyone to the April 13, 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 Bouley noted that in accordance with the Governor's Emergency Order, we have provided public notice of the necessary information for accessing this meeting. He noted that instructions are provided on our agenda on the City of Concord's website at: <<https://concordnh.legistar.com/Calendar.aspx>>. He 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: [zoom.us/j/703776553](https://zoom.us/j/703776553).

If any member of the public does not have website access, they may dial the telephone number 929-205-6099 and enter the password 703-776-553.

For those who want to provide public testimony in the Public Hearing portion of the meeting, and who are connected to the Zoom website, they may click on the Raise Hand icon in the Attendees Section to make the request. When the time is appropriate, they will be recognized by the Mayor and can provide their testimony. For members of the public who are participating by phone, they may dial \*9 to alert the Mayor that they want to testify. Mayor Bouley noted that we would not be using the Chat function in Zoom for this meeting. He 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, were advised to call 603-230-4619 or send an email to: [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov).

The Mayor 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 that taken during this meeting were done by roll call vote.

Mayor Bouley 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. Pledge of Allegiance.

## 4. Roll Call.

In accordance with the Right-to-Know law, Councilor Champlin indicated that Susan and Madeline Champlin were in the room with him. Councilor Kretovic indicated that William and Jack Kretovic were in the room with her. All other members of City Council indicated they were alone.

**Present:** 15 - 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 Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

## 5. Approval of the Meeting Minutes.

March 9, 2020 Meeting Minutes.

**Action:** Councilor Nyhan moved approval of the March 9, 2020 meeting minutes. The motion was duly seconded by Councilor Hatfield and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

## 6. Agenda overview by the Mayor.

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

**Action:** Councilor Kretovic moved approval of the consent agenda. The motion was duly seconded by Councilor Grady Sexton and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Referral to the Legal Department**

7. Application from Attorney Mark Dunn, on behalf of his client, Troy Burke, for restoration of involuntarily merged lots pursuant to RSA 674:39-aa.

Action: This item was referred to the Legal Department.

### **Referral to the Fiscal Policy Advisory Committee**

8. Report from the Deputy City Manager - Finance regarding the Governor's Emergency Order #25 Pursuant to Executive Order 2020-04 temporary modification of interest penalty for late payment of property taxes.

Action: This item was referred to the Fiscal Policy Advisory Committee.

### **Items Tabled for May 11, 2020 Public Hearings**

9. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, Schedule X, to convert certain metered parking spaces from 3 hours to 10 hours near 60-62 Pleasant Street, together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

10. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III (Two Hours between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday), by removing the two hour time limit on School Street between Liberty Street and Pine Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

11. Ordinance amending the Code of Ordinances Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I (Parking Prohibited at All Times), by amending Schedule I by creating a no parking zone at the westerly end of District 5 Road; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

12. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, to re-establish law enforcement only parking near the Federal complex on Pleasant Street; together with report from the Director of Redevelopment,

Downtown Services, and Special Projects.

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

13. Resolution appropriating the sum of \$5,500 from Arena Fund Balance for the procurement of outside services to develop a detailed cost estimate of an existing conceptual design for an Arena addition; together with report from the General Services Director.

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

14. Resolution appropriating the sum of \$60,000 for the purpose of off-setting personnel costs for the Police Department to assign an officer to the Drug Task Force and accepting the sum of \$60,000 from the State of New Hampshire Attorney General's Drug Task Force for this purpose; together with report from the Police Department.

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

15. Resolution appropriating the sum of \$74,315 for equipment, professional development, and overtime, and accepting the sum of \$74,315 in United States Department of Justice FY2020 Coronavirus Emergency Supplemental Funding for this purpose; together with report from the Police Department.

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

16. Resolution appropriating the sum of \$187,467 in the Annual Highway Improvement Program Project (CIP #78) and accepting and authorizing the use of revenue received for departmental services completed in conjunction with the capital project; together with report from the General Services Director.

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

### **Consent Reports**

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,028.31, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

18. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$5,503.28, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

19. Report from Deputy City Manager - Finance recommending the FY2021 Finance Committee budget review Schedule and Guidelines.

**Action:** This consent report was approved.

20. Report and recommendations from the Ad Hoc Council Committee on the Business use of City Property.

**Action:** This consent report was approved.

21. April 2020 Economic Development Report from the Economic Development Director.

**Action:** This consent report was approved.

22. Quarterly Current Use Tax Report from the Director of Real Estate Assessments.

**Action:** This consent report was approved.

23. Report from the City Solicitor's Office regarding a tentative agreement between the City of Concord and the Concord Police Patrolmen's Association.

**Action:** This consent report was approved.

24. Report from the City Solicitor's Office regarding a tentative agreement between the City of Concord and Local 2322, International Union - United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW").

**Action:** This consent report was approved.

25. Report from the Assistant City Planner providing an update on the Request for Proposal for solar development on three municipal properties.

**Action:** This consent report was approved.

26. Report from the Code Administrator requesting authorization for the City Manager to apply for a Moose License Plate Conservation Grant to facilitate securing of archives in the Code Administration Office.

**Action:** This consent report was approved.

### **Consent Resolutions**

27. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex Plan documents.

**Action:** This consent resolution was approved.

28. Resolution authorizing the City Manager to submit an application to the US Department of Justice FY2020 Coronavirus Emergency Supplemental Funding Grant Program; together with report from the Police Department.

**Action:** This consent resolution was approved.

29. Resolution authorizing the City Manager to enter into an agreement with Bull Meadow RE Holdings, LLC., to allow site and utility improvements across an easement at 63 Bog Road, Tax Map 312Z, Lot 6; together with report from the Assistant City Planner.

**Action:** This consent resolution was approved.

30. Resolution repurposing the sum of \$37,872.10 from the 2019 Walking Trail subproject (CIP #52) for use on the 2020 Greenway Trail Improvements subproject (CIP #59); together with report from the Parks and Recreation Director.

**Action:** This consent resolution was approved unanimously, thereby receiving the required 2/3 votes.

31. Resolution rescinding the appropriation of \$100,000 in Land and Water Conservation Fund Grant Funds for use on the Merrimack River Greenway Trail 2016 Trail and Boardwalk Construction subproject (CIP #543) and affirming the appropriation of \$100,000 in Land and Water Conservation Fund Grant Funds for use on the Terrill Park 2020 Trail Improvements subproject (CIP #59); together with report from the Parks and Recreation Director.

**Action:** This consent resolution was approved.

### **Appointments**

32. Proposed appointment of Michelle "Ray" Conner to the Library Board of Trustees.

**Action:** This appointment was approved.

33. Proposed Appointments to the Zoning Board of Adjustment.

**Action:** This appointment was approved.

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

### **Public Hearings**



- 34A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Engineering Position Class Specification Title Change; together with report from the Director of Human Resources and Labor Relations.

**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.

- 34B. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties; together with non-ordinance fees and a report from the Deputy City Manager - Finance. (Supplemental report, revised ordinance and revised fee schedule submitted.)

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor Hatfield inquired as to whether or not departments within the City compared municipal fees to other comparable communities prior to making recommendations. City Manager Aspell indicated that departments did an annual market comparison prior to making recommended adjustments to fees.

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

- 34C. Resolution approving the acquisition of land south of District No. 5 Road for conservation purposes and authorizing the expenditure of up to \$12,000 from the Conservation Fund for this purpose, as recommended by the Conservation Commission; together with report from the Assistant City Planner on behalf of the Conservation Commission.

**Action:** City Manager Tom Aspell provided an overview.

Mayor Bouley opened the public hearing.

Jim Owers, Vice Chair of the Conservation Commission, spoke in strong support of the acquisition of this property.

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

34D. Resolution approving the acquisition of land north of Currier Road for conservation purposes and authorizing the expenditure of up to \$35,500 from the Conservation Fund for this purpose, as recommended by the Conservation Commission; together with report from the Assistant City Planner on behalf of the Conservation Commission.

**Action:** City Manager Tom Aspell provided an overview.

Mayor Bouley opened the public hearing.

Jim Owers, Vice Chair of the Conservation Commission spoke in strong support of the acquisition of this property.

Councilor Fennessy inquired as to whether or not the Conservation Commission kept statistics on the usage of trails. Mr. Owers indicated that the Conservation Commission does not keep statistics on usage.

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

34E. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

**Action:** City Manager Tom Aspell provided an overview of this item, as recommended by the Tax Exemption Policy Committee.

Councilor Kretovic inquired about the anonymous public testimony that members of City Council received on this item, asking specifically how a member of City Council could state whether or not they had any conflict of interest not knowing who submitted the communication. City Manager Aspell explained that, typically, public testimony without confirmation as to who submitted it was not provided to members of City Council. City Manager Aspell further stated that, in this case, the communication was originally submitted with much more information, much of a personal nature. It was decided that to protect the family, much of the information originally submitted would be omitted from final submission to City Council. He further indicated that the communication was received from a Concord resident.

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

**Public Hearing Action**

35. 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 February and March with action taken in April.)

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

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

36. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Engineering Position Class Specification Title Change; together with report from the Director of Human Resources and Labor Relations.

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

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

37. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties; together with non-ordinance fees and a report from the Deputy City Manager - Finance. (Supplemental report, revised ordinance and revised fee schedule submitted.)

**Action:** Councilor Nyhan moved approval. The motion was duly seconded by Councilors Matson and Champlin and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

38. Resolution approving the acquisition of land south of District No. 5 Road for

conservation purposes and authorizing the expenditure of up to \$12,000 from the Conservation Fund for this purpose, as recommended by the Conservation Commission; together with report from the Assistant City Planner on behalf of the Conservation Commission.

**Action:** Councilor Todd spoke in support of the motion and thanked the Leadbeater family for entering into this agreement with the City of Concord and the Conservation Commission.

Councilor Matson moved approval. The motion was duly seconded by Councilor Hatfield and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

39. Resolution approving the acquisition of land north of Currier Road for conservation purposes and authorizing the expenditure of up to \$35,500 from the Conservation Fund for this purpose, as recommended by the Conservation Commission; together with report from the Assistant City Planner on behalf of the Conservation Commission.

**Action:** Councilor Todd spoke in support of the motion and thanked the Crosby family for their generosity as well as for entering into this agreement with the City of Concord and the Conservation Commission.

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

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

40. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

**Action:** Councilor Kenison moved approval. The motion was duly seconded by Councilor Werner and passed, 14-1, with a roll call vote.

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

**No:** 1 - Councilor Hatfield

### **Reports**

41. Borough Road Sidewalk Project report from the General Services Director and the City Engineer.

City Manager Tom Aspell addressed Council, indicating that the General Services Director and the City Engineer were participating in the meeting and were available to answer any questions.

Mr. Aspell indicated staff was looking for guidance regarding placing the final overlay on Borough Road, presently scheduled to occur this construction season, as it relates to potentially funding and constructing a new sidewalk and related improvements.

Administration seeks guidance from the City Council on the direction to proceed. If there is support from the City Council for staff to initiate the investigative phase of this project, Engineering will utilize staff time, without summer interns, as stated in the report, to develop the conceptual layout and cost estimates. A status report would then be submitted to the Mayor and City Council for an upcoming meeting (December or later) and General Services would defer placing the pavement overlay scheduled for the 2020 construction season.

Mr. Aspell outlined the following options for Council consideration: 1) do not initiate the investigative phase, proceed with the pavement overlay this construction season, and have the Transportation Policy Advisory Committee recommend next steps; or 2) have staff proceed with the investigative phase and coordinate recommendations with the Transportation Policy Advisory Committee following the public information meeting and defer the pavement overlay scheduled for the 2020 construction season.

Councilor Kretovic indicated this stretch of road and the adjacent sidewalk has been a discussion for multiple years under the safe routes to school for the Penacook Elementary School and that everyone in that area is bused to school.

She further stated that there has been conversation as to which side of the road a potential sidewalk would go on, stating she thinks that, at this point in time, Council should continue with the overlay so that the road and the paving done to date is preserved. and refer consideration of the sidewalk back to TPAC with the goal of gaining consensus as to which side of the road the sidewalk should be on.

Councilor Pierce inquired as to what the affects would be on Borough Road if the overlay were delayed. Chip Chesley, General Services Director, indicated there would be no significant affect to the roadway as long as the City stayed on schedule. Councilor Pierce asked for clarification as to what staying on schedule meant, and asked if the road overlay was delayed what the effect on the road would be. Mr. Chesley indicated there wouldn't be a significant effect on the road provided the overlay was placed in FY2022, as outlined in the report before Council.

Councilor Pierce asked if the overlay was delayed while the potential sidewalk was investigated, if the sidewalk and road be done together in FY2022. Councilor Pierce also asked if the road was paved this year, when considering the City's road moratorium, would Council be looking at waiting 4 to 5 years before any sidewalk could be placed. Mr. Chesley indicated that if Council strictly followed past practices that would be the case. Mr. Chesley pointed out that, in his opinion, a more significant issue would be the City would overlay the road to the existing width. He further stated that in designing the addition of curbing and sidewalks at this location the road would likely be slightly wider in final design. In closing, Mr. Chesley suggested Council either proceed with the overlay now or delay the overlay until FY2022 so that Engineering has sufficient time to engage the public, prepare the plans, develop an estimate and bring them back to Council for further consideration.

Councilor Keach indicated he was not comfortable addressing this project ad-hoc, indicating he felt it was a mistake to prioritize this project at this time.

Councilor Hatfield inquired if Council went with option one and referred this to TPAC what the soonest date would be for sidewalk installation. Chip Chesley indicated that would be dependent on how long it would take the design to be completed and public consensus could be developed. Mr. Chesley further stated that, in his opinion, it would make most sense to install a sidewalk concurrently with the final overlay.

Mayor Bouley expressed his concern with how much this would cost, indicating that although Council may have a desire to add this sidewalk, in all reality there may not be funds to do so, further stating this should be discussed as part of the CIP budget review.

City Manager Tom Aspell indicated that this road was scheduled to be paved last year but the City held off because Liberty Utilities was working in the area.

Councilor Champlin spoke in support of the referral back to TPAC in an attempt to reach consensus regarding placement of a sidewalk.

Councilor Todd indicated he understood the recommendation to do the overlay and sidewalk together was because of potential cost savings when doing them at the same time. Councilor Todd then inquired as to what the cost to do this project would be. City Manager Aspell indicated he did not have any projections since the sidewalk hasn't been designed yet. He further stated that doing them together would save money.

Councilor Todd indicated TPAC does have a sidewalk priorities list, which this sidewalk is on, although he was unsure where on the list this sidewalk falls.

Councilor Nyhan indicated he felt that this should be discussed as part of the CIP budget discussions to be held in May or June.

Councilor Kretovic, speaking in support of referring the issue to TPAC, indicated the City did have a sidewalk accessibility plan, which looks at the downtown Penacook area, the downtown area and extends outward for those highest use, highest connectivity sidewalks within the City.

Councilor Kenison asked what happens to the road, in terms of deterioration, if the overlay is delayed and the item is referred to TPAC. Chip Chesley indicated that the structural work has been completed and delaying the final overlay until by FY2022 would be ok. Mr. Chesley indicated that, beyond that date, he would have concerns.

Councilor Fennessy inquired as to whether or not a hard deadline would help the neighborhood reach a decision as to what side of the road a potential sidewalk should be placed on, so that Council could take action and ensure overlay by FY2022. City Manager Aspell indicated that this topic has been discussed on at

least two occasions over the last several years with no ability to come to an agreement as to what side of the road the sidewalk should be on.

Councilor Pierce spoke in favor of option two and delaying for up to two years the Borough Road overlay, which would allow staff to continue working with the neighborhood on sidewalk placement. City Manager Aspell indicated that if Council went with option two, staff would be back to Council in the spring of 2021 with the design and cost. Council could then put the project in the FY2022 budget if they so choose, when considering all other sidewalks that may also be priorities in the City of Concord.

Councilor Hatfield asked Councilor Todd, as a senior member of TPAC, what option he felt would be better at this point. Councilor Todd indicated TPAC makes advisory opinions based on needs assessments while taking cost factors into consideration. Councilor Todd then indicated that, in his opinion, option two makes sense.

Councilor Matson asked what would happen if TPAC couldn't gain neighborhood consensus, would the overlay still be done at some point.

Councilor Fennessy indicated he was concerned that adopting option two would create an expectation, in the neighborhood, that the sidewalk would actually happen. He indicated his support for option one.

Councilor Bouchard spoke in support of option one.

Councilor Kenison spoke in support of option two and gaining more information from TPAC.

Councilor Nyhan spoke in support of option one, further stating he felt there were other sidewalks in the City of Concord that needed to be addressed prior to this one.

Councilor Todd spoke in support of option two.

Councilor Rice-Hawkins spoke in support of option two.

Councilor Champlin asked whether or not it would be appropriate to refer this to TPAC, asking them to report back to Council in May to let Council know if this



was a high priority sidewalk. Chip Chesley indicated that waiting until the May meeting would require a quick decision.

Councilor Bouchard spoke in support of option one. She indicated she was not convinced option two was the way to go, further stating that without knowing what the other sidewalk priorities were, making a decision to move forward with this was not something she would support.

Councilor Kretovic spoke in support of Councilor Bouchard's comments and option one.

Councilor Pierce inquired as to whether or not the sidewalk study could still take place if option two was not approved tonight.

Councilor Rice Hawkins reminded members of City Council that this sidewalk was listed as a high priority sidewalk in 2017.

Mayor Bouley inquired as to what funds would be used to pay for this sidewalk if it was approved. Mayor Bouley expressed his extreme concerns with what the future economic impact was going to look like across the state indicating residents are struggling and stressed about how they are going to pay their bills and, their taxes. He further stated that Council will soon begin reviewing the FY2022 budget, at which time there may be a need for Council to potentially make reductions and/or put other capital projects on hold. In closing, all things considered, Mayor Bouley voiced his support for option one.

Councilors Keach and Kenison spoke in support of option one.

**Action:** There being no further Council discussion, Councilor Fennessy moved adoption of option one. The motion was duly seconded by Councilor Bouchard, and passed, 11-4, with a roll call vote.

**Yes:** 11 - Councilor Bouchard, Mayor Bouley, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Rice Hawkins, and Councilor Werner

**No:** 4 - Councilor Champlin, Councilor Hatfield, Councilor Pierce, and Councilor Todd

## **New Business**

Mayor Bouley indicated he had received many concerns from residents within the City of Concord that are having a difficult time obtaining the purple (PAYT) bags, either because the expense of purchasing the bags was hard for many during this difficult time or residents were fearful of going to a store to purchase them. Taking those very real concerns to heart, Mayor Bouley moved to temporarily suspend the purple bag (PAYT) program within the City for the term of the Governor's executive order. He proposed an effective date of Monday, April 20th, and an end date one week following the expiration date of the Governor's stay at home order. Mayor Bouley encouraged all to promote recycling during this suspension, if approved by Council this evening. He further stated there would be revenue lost as a direct result of lost sales and increased tonnage. He stated the estimate for potential lost revenue was between \$100,000 and \$166,000 through the end of the fiscal year.

Councilor Werner spoke in support of the motion.

Councilor Todd expressed his support for the motion, as well as his appreciation to Mayor Bouley for bringing the recommendation forward to City Council.

Councilor Matson indicated her appreciation for the proposed change in the PAYT program indicating she would support the proposal.

Councilor Hatfield indicated she was not in favor of this proposal, stating she felt the bags served many purposes, one of which is to not shift the cost of waste onto everyone else. She further stated that one of the other purposes they serve, which she feels is very important, is that it makes it very clear that if something doesn't fit in the bag you need another bag or you need to take it to the transfer station.

Councilor Hatfield asked Mayor Bouley if he had thought about whether or not residents would be apt to try to put things like couches out under this proposed change. Councilor Hatfield wondered if there was a way to manage that potential event. Mayor Bouley indicated that his recommendation was that nothing else change, if a resident had a bulk item they would still need to take it to the transfer station in that example.

Councilor Kenison spoke in support of the proposed change in the PAYT program.

Councilor Champlin applauded Mayor Bouley for addressing concerns expressed by residents during this difficult time, speaking in support of the change.

Councilor Nyhan indicated his support for the suggestion.

Councilor Fennessy indicated his support for the proposal.

Councilor Werner spoke in support of the proposal.

Councilor Bouchard spoke in strong support of the temporary suspension of the City's purple bag (PAYT) program.

Councilor Keach indicated his support for the proposal.

City Manager Aspell inquired as to whether or not Council wished to put a limit on the number of bags residents could put out during this proposed suspension in the PAYT bag program. After brief Council discussion, it was decided no limit would be created. Residents that were able to obtain the purple (PAYT) bags were encouraged to continue using them. Residents were also encouraged to continue recycling and composting.

**Action:** After additional Council discussion, Councilor Bouchard moved to temporarily suspend the purple bag, PAYT, program beginning Monday, April 20, 2020, until one week after the expiration of the Governor's executive order. The motion was duly seconded by Council Matson and passed, 14-1, with a roll call vote.

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

**No:** 1 - Councilor Hatfield

Mayor Bouley thanked the City Manager and his team for sending out and providing Council with a significant amount of information as to what is going on at City Hall during this difficult time. Mayor Bouley indicated he had recently had a conversation with the City Manager specific to what else the City of Concord should do to prepare for the possibility of the pandemic getting worse here in the City. Manager Aspell provided an overview of the City's desire to put in execution a COVID19 pandemic response ambulance that would operate 24 hours a day. This reserve vehicle has been prepared for high risk procedures and, would contain additional personal protective equipment (PPE) and a battery powered decontamination fogger. City Manager Aspell provided an overview as to when this vehicle would be used, if needed. He indicated that to fund this ambulance for the rest of the current fiscal year it would cost approximately \$70,000, which would be funded via federal dollars, if the grant was awarded, as explained under suspense item 2 on City Council's agenda this evening. He further stated that if the grant was not awarded, he would find funds in the current budget to cover the cost.

Mayor Bouley thanked Manager Aspell for the forward thinking on bringing this to Council.

### **Unfinished Business**

42. 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.)

Action: This item remains on the table.

43. Report from the Deputy City Manager - Development recommending that the City include fees for outdoor seating and sandwich board sign use of the public sidewalk in the upcoming revision to the City's ordinance based fee schedule. (Action on this item tabled at the February 10, 2020 Council meeting.)

**Action:** Councilor Nyhan moved to take item 43 off the table. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Councilor Nyhan moved to not accept the report. The motion was duly seconded by Councilor Kretovic and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

44. 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.)

This item remains on the table.

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

Councilor Pierce indicated it was his fourth meeting as a City Councilor, stating he continued to be impressed with the thoughtful discussions Council has, and he thanked members of Council and encouraged all to keep up the good work.

Councilor Bouchard thanked all of the citizens of Concord, noting when she has been out at a grocery store getting essentials she is continually impressed to see how patient, kind and respectful residents are being. She also informed all that the Boys and Girls Club is providing hot meals, via curbside pick-up from 4:00 to 5:30 p.m., Monday through Friday, at the Boys & Girls Club on Bradley Street, as well as at the Immaculate Heart of Mary Church on Loudon Road.

Councilor Keach acknowledged the efficiency and ease of this meeting format.

Councilor Champlin thanked members of Concord Hospital who have been coordinating the overflow facility at NHTI and gave a shout out to all of the medical personnel and first responders in the city who are doing an exemplary job

under these very difficult times. Councilor Champlin encouraged all to support the local newspaper that is currently struggling as a result of the lack of advertisers using their services, pointing out to all residents that there is an opportunity for residents to make contributions to the newspaper during this time.

Councilor Kenison commended the City for its response to the homeless population. Councilor Kenison also noted that the Friendly Kitchen also offers meals via curbside pickup.

Councilor Fennessy thanked the City Manager and members of city staff for all of their hard work. He further thanked health care, grocery store, convenience store and gas station employees for all they are doing during this difficult time.

Councilor Hatfield added her thanks to the City Manager and all city staff. She also thanked the community for all they are doing to help their neighbors in amazing ways during this difficult time. Councilor Hatfield then thanked the Conservation Commission who have created and maintained the city trails.

Councilor Rice Hawkins reminded everyone to respond to the census. She also noted that there is an online NH food map, put together by UNH, that provides information about meal availability and pantries for anyone that might need that information. Lastly, Councilor Rice Hawkins thanked the Kent Street Coalition for the production and delivery of hundreds of masks across the region. Councilor Rice Hawkins inquired as to whether or not temporary loading zones could be created outside of downtown essential businesses during this difficult time.

Councilor Kretovic encouraged residents to take advantage of the online dog registration option that residents can use to license their dogs, reminding all that, in accordance with state law, dog licenses should be renewed in the month of April. Residents were encouraged to contact the City Clerk's Office if they needed assistance.

Councilor Todd thanked the City Manager for his excellent leadership during this difficult time. He also thanked the Immaculate Conception Church and the United

Church of Penacook for all they are doing to assist residents in the community.

During this difficult time, with the rates of domestic abuse rising, Councilor Grady Sexton wanted residents to know that the Crisis Center of Central New Hampshire is still available if needed. They can be reached at their free and confidential line, 1-866-841-6229.

Mayor Bouley thanked Councilors for recognizing how well the Concord community has come together during this COVID19 pandemic. He also thanked Councilors for all of their great constituent work.

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

#### **Consideration of Suspense Items**

**Action:** Councilor Grady Sexton moved to consider all suspense items. The motion was duly seconded by Councilor Keach and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Sus1 Diminimus gifts and donations report from the Fire Department requesting authorization to accept grant funding from the Department of Safety Emergency Management Performance Grant Program in the amount of \$6,000 as provided for under the pre-authorization granted by City Council.

**Action:** Councilor Nyhan moved approval of Sus1. The motion was duly seconded by Councilor Matson and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Sus2 Resolution appropriating the sum of \$117,000 for equipment and overtime, and accepting the sum of \$117,000 in Department of Justice FY2020 Coronavirus

Emergency Supplemental Funding for this purpose; together with report from the Interim Fire Chief.

**Action:** Councilor Matson moved to set Sus2 for a public hearing to be held in May. The motion was duly seconded by Councilor Nyhan and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

### **Adjournment**

**Action:** At 9:36 p.m., Councilor Kretovic to adjourn. The motion was duly seconded by Councilor Keach and passed unanimously with a roll call vote.

**Yes:** 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

### **Information**

Inf1 November 21, 2019 Transportation Policy Advisory Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf2 December 17, 2019 Traffic Operations Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf3 December 17, 2019 Transportation Policy Advisory Committee, Public Transportation Subcommittee Meeting Minutes.

**Action:** Item was received and filed.

Inf4 January 7, 2020 Architectural Design Review Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf5 January 8, 2020 Conservation Commission Meeting Minutes.

**Action:** Item was received and filed.



Inf6 January 15, 2020 Planning Board Meeting Minutes.

**Action:** Item was received and filed.

Inf7 January 23, 2020 Transportation Policy Advisory Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf8 January 28, 2020 Traffic Operations Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf9 February 4, 2020 Architectural Design Review Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf10 February 12, 2020 Conservation Commission Meeting Minutes.

**Action:** Item was received and filed.

Inf11 February 13, 2020 Golf Course Advisory Committee Draft Meeting Minutes.

**Action:** Item was received and filed.

Inf12 March 2, 2020 Ad Hoc Committee on Business Encumbrances of Public Property Draft Meeting Minutes.

**Action:** Item was received and filed.

Inf13 March 2, 2020 Concord Public Library Board of Trustee Meeting Minutes.

**Action:** Item was received and filed.

Inf14 March 12, 2020 Golf Course Advisory Committee Draft Meeting Minutes.

**Action:** Item was received and filed.

Inf15 March 16, 2020 Fiscal Policy Advisory Committee Draft Meeting Minutes.

**Action:** Item was received and filed.

Inf16 May 28, 2019 Transportation Policy Advisory Committee, Public Transportation Subcommittee Meeting Minutes.

**Action:** Item was received and filed.

Inf17 Notice of Prescribed Burns from the NH Army National Guard.

**Action:** Item was received and filed.

Inf18 Communication from the New Hampshire Law Enforcement Officers Memorial Association notifying City Council that due to the nationwide COVID-19 pandemic, the 2020 New Hampshire Fallen Law Enforcement Officers Memorial Ceremony has been cancelled.

**Action:** Item was received and filed.

Inf19 Communication from Comcast notifying City Council of upcoming changes in service.

**Action:** Item was received and filed.

Inf20 Communication from the New Hampshire Department of Environmental Services regarding the Concord Wastewater Treatment Facility.

**Action:** Item was received and filed.

Inf21 March 4, 2020 Energy & Environment Advisory Committee Meeting Minutes.

**Action:** Item was received and filed.

Inf22 March 20, 2020 Weatherize Concord 2020 Planning Meeting Minutes.

**Action:** Item was received and filed.