



City of Concord

City Council

Meeting Minutes - Final

Tuesday, October 10, 2023

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to begin at 6:00 PM.

- Present:** 12 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins and Councilor Brent Todd
- Excused:** 3 Councilor Jennifer Kretovic, Councilor Gail Matson and Councilor Paula McLaughlin

Staff members present: City Manager Tom Aspell, Deputy City Manager - Development Matt Walsh, Deputy City Manager - Finance Brian LeBrun, Deputy City Solicitor Danielle Pacik and City Clerk Janice Bonenfant.

Mayor Bouley called the meeting to order at 6:00 PM

Councilor Grady Sexton moved to enter a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

At 6:51 PM, Councilor Pierce moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Bouchard moved to seal the minutes of the non-public session. The motion was duly seconded and passed with no dissenting votes.

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

1. Call to Order.

Action: Mayor Bouley and called the meeting to order at 7:00 PM.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

Present: 12 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennesy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

Excused: 3 - Councilor Jennifer Kretovic, Councilor Gail Matson, and Councilor Paula McLaughlin

5. Approval of the Meeting Minutes.

September 11, 2023 City Council Draft Meeting Minutes.

Action: Councilor Bouchard moved approval of the September 11, 2023 City Council Meeting Minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

7. Introduction of Tim Thompson, Assistant Community Development Director.

Action: Deputy City Manager - Development Matt Walsh introduced and provided a brief overview of the background of Assistant Director of Community Development Tim Thompson who has been with the City of Concord for five weeks.

8. Presentation by Senator Rebecca Whitley.

Action: State Senator Rebecca Whitley of District 15 discussed the committees on which she serves as well as her background. Senator Whitley also provided a brief overview of the 12 bills she introduced in 2023. Eight of the 12 bills were signed into law. In addition, Senator Whitley discussed bipartisanship and the State's budget as well as State funded pre-school.

****Consent Agenda Items****

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

Referral to the Legal Department

9. Communication from John L. Arnold, Orr & Reno on behalf of his client William Young Properties, LLC requesting the restoration of involuntarily merged lots, 8 Gale Street, Concord, pursuant to RSA 674:39-aa.

Action: This communication was referred to the Legal Department.

Referral to the Traffic Operations Committee

10. Communication from Councilor Brown, on behalf of Stickney Hill Road residents, expressing concern about the speeds vehicles are traveling on the newly repaired road to and from the ramp for I-89.

Action: This communication was referred to the Traffic Operations Committee.

Referral to the Transportation Policy Advisory Committee

11. Communication from Carol Brooks, 11 Auburn Street, expressing concerns with traffic feed sightline issues on Auburn and Liberty Streets in Concord.

Action: This communication was referred to the Transportation Policy Advisory Committee.

Items Tabled for November 13, 2023 Public Hearings

12. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-9, Demolition Review; together with a report from the Zoning Administrator.

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

13. Resolution appropriating the sum of \$24,960.25 as a transfer to the Opioid Abatement Reserve and accepting the sum of \$24,960.25 in Opioid Litigation Settlement funds for this purpose; together with a report from the Deputy City Manager-Finance.

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

14. Resolution de-authorizing the issuance of bonds and notes in the sum of \$100,000 for the Concord Coach display project (CIP #658), appropriating the sum of \$100,000 in the General Fund as a transfer out to Capital for the Concord Coach display project (CIP #658), and authorizing the use of fund balance in the sum of \$100,000 for this purpose; together with a report from the Director of Special Projects & Strategic Initiatives.

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

From the City Manager

15. Positive Citizen Comments.

Action: The positive comments were received and filed.

Consent Reports

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$5,881.78, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Report from the Deputy City Manager - Finance and the Beaver Meadow Director of Operations recommending City Administration be authorized to enter into an agreement with SkitheBeave to store a trailer at the Beaver Meadow Golf course.

Action: This consent report was approved.

18. Report from the Deputy City Manager - Finance, the Director of Recreation and Parks and the Beaver Meadow Director of Operations recommending releasing \$4,738.74 of excess snow groomer donations to SkitheBeave for the purchase of a ski trailer, skis, boots and poles.

Action: This consent report was approved.

19. Report from the Deputy City Manager - Development recommending the acceptance of a donation of 54 copies of "Crosscurrents of Change: Concord in the 20th Century" from the Concord Historical Society.

Action: This consent report was approved.

20. Report from the Deputy City Manager - Development recommending the City Manager be authorized to amend a 2018 License Agreement with Friends of the Concord Lake Sunapee Rail Trail.

Action: This consent report was approved.

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

Action: This consent report was approved.

22. Report from the General Services Director recommending the City Manager be authorized to apply for and accept grant funds from the New Hampshire Department of Environmental Services to establish a Source Development Fee for Water sold outside Concord city limits.

Action: This consent report was approved.

23. Report from the Heritage Commission regarding a request to evaluate references to the history of Concord in budget documents.

Action: This consent report was approved.

Consent Resolutions

24. Resolution repurposing the sum of \$92,470.73 from the Pump Station Improvements project (CIP #372) to the Water Production Plant upgrades project (CIP #88); together with a report from the General Services Director.

Action: This consent resolution was approved.

25. Resolution rescinding an appropriation of \$922.11 in the Fire Department GOFERR Grant project and de-authorizing the acceptance of \$922.11 in grant funds from the State of New Hampshire through the Governor's Office for Emergency Relief & Recovery (GOFERR) Locality Equipment Purchase Program; together with report from the Deputy Fire Chief.

Action: This consent resolution was approved.

26. Resolution authorizing the City Manager to submit an application for a U.S. Environmental Protection Agency Brownfield Clean Up Grant for the abatement of hazardous building materials associated with the former Concord Stables building located at 111.5 Warren Street; together with a report from the Director of Special Projects & Strategic Initiatives.

Action: This consent resolution was approved.

27. Resolution to direct the Tax Collector not to execute a tax deed on certain properties in accordance with RSA 80:76 II AND II-a; together with a report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

Appointments

28. City Manager's Proposed Reappointments to the Library Board of Trustees: Christopher Casco and Ali Sekou.

Action: These reappointments were approved.

29. City Manager's Proposed Appointment to the Library Board of Trustees: Fatawu Issah.

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 30A. Resolution appropriating the sum of \$820,000 in the Hall Street Wastewater Treatment Plant Renovations project (CIP #104) and authorizing the issuance of bonds and notes in the sum of \$820,000 for this purpose; together with a report from the General Services Director.

Action: City Manager Aspell provided a brief overview of this item in which the lower bearing for Screw Pump A at the Hall Street Wastewater Treatment Plant is scheduled for replacement as part of a concrete repair project included in the Fiscal Year (FY) 2025 Capital Improvement Program budget for the plant. To minimize the risk of a sewer overflow in the City, the replacement of the Screw Pump A bearing is recommended immediately. It is anticipated that a review of the FY 2025 concrete project will provide some reduction in future project costs at the plant.

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

- 30B. Resolution appropriating the sum of \$750,000 for the Sewer Pump Station Improvements project (CIP #275) and authorizing the issuance of bonds and notes in the sum of \$750,000 for this purpose; together with a report from the City Engineer.

Action: City Manager Aspell provided a brief overview of this item. The Fiscal Year (FY) 2023 Capital Improvement Program (CIP) appropriated \$160,000 in CIP #648 (Wastewater Master Plan Update) to complete a study of the sewer collection system in the Loudon Road/Manchester Street Sewershed. The study reviewed the condition and capacity of the Steeplegate Mall Pump Station as well as sewer mains serving Concord Heights.

The Master Plan recommended upgrades to the pump station and segments of the sewer collection system throughout the Heights. Subject to final design, improvements are presently estimated to cost approximately \$26.6 million and have been incorporated into the City's CIP for fiscal years 2024, 2025, and 2026.

Issues identified in the Heights Sewer Master Plan, coupled with increased demand for sewer service associated with forthcoming development projects, underscores the need for the City to proceed expeditiously and efficiently with necessary sewer improvements to avoid potential public health concerns as well as support continued tax base growth and community vitality.

To move forward, City staff recommends that City Council proceed as follows: rescind and de-authorize \$1.9 million of sewer fund supported bonds previously appropriated in FY2024; appropriate \$1,150,000 of sewer support bonds and notes for design and permitting of sewer main and piping improvements; and appropriate the sum of \$750,000 of sewer support bonds and notes for design and permitting of improvements of the pump station.

City Manager Aspell noted that this course of action has no new fiscal impacts for the community or the Sewer Fund. If approved, the \$750,000 currently carried in CIP #275 in FY2025 of the CIP will be removed as part of the upcoming FY2025 budget process.

Mayor Bouley opened the public hearing.

Roy Schweiker discussed potential development and declared his opinion that an expansion should be funded by future additional users.

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

- 30C. Resolution appropriating the sum of \$235,000, to include \$140,000 to the Golf Fund, \$70,000 to the Arena Fund, and \$25,000 to the Water Fund for fiscal Year 2023, retroactive to June 30, 2023, to be funded from excess revenues in each of these funds; together with a report from the Deputy City Manager - Finance.

Action: City Manager Aspell provided a brief overview of this item in which preliminary results for the Golf Fund are a gain of \$170,500 compared to a budgeted gain of \$1,600. The supplemental request amount is \$140,000 to align the actual expenditures with the budget. This is supported by excess revenues in numerous accounts. Preliminary results for the Arena Fund are a loss of \$13,000 compared to the budgeted loss of \$22,600. Preliminary results for the Water Fund are a loss of \$307,900 compared to the budgeted loss of \$479,500.

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

- 30D. Resolution appropriating the sum of \$42,716.12 for Police Department roadway safety and outreach initiatives and accepting the sum of \$42,716.12 in grant funds from the New Hampshire Highway Safety Agency for this purpose; together with a report from the Deputy Chief of Police.

Action: City Manager Aspell provided a brief overview of this topic in which Concord Police recommends the acceptance and appropriation of the grant funding from the New Hampshire Highway Safety Agency designated for the police department to conduct roadway safety and outreach initiatives.

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

- 30E. Resolution rescinding the appropriation of \$1,900,000 and de-authorizing the issuance of bonds and notes in the sum of \$1,900,000 for the Sewer Main Rehabilitation and Construction project (CIP #91); and appropriating the sum of \$1,150,000 for the Sewer Main Rehabilitation and Construction project (CIP #91) and authorizing the issuance of bonds and notes in the sum of \$1,150,000 for this purpose; together with a report from the City Engineer.

Action: City Manager Aspell provided a brief overview of this agenda item in conjunction with agenda item number 30A.

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

- 30F. Resolution appropriating the sum of \$38,390 for conducting illegal drug related investigations and accepting the sum of \$38,390 in grant funding from the New Hampshire Department of Safety - Law Enforcement Opioid Abuse Reduction Initiative grant for this purpose; together with a report from the Police Department.

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

- 30G. Resolution appropriating the sum of \$505,000 for Police Department retention payments and overtime and increasing the amount to raise in taxes in the amount of \$505,000 in the General fund; together with a report from the Police Department.

Action: City Manager Aspell provided a brief overview of this item in which the Concord Police Department seeks to establish a temporary police officer retention program as a stop gap measure for staffing loss. This retention program aims to reward current sworn employees who have taken on a drastically increased workload and patrol work hours. This retention program is designed to slow the turnover rate which will allow the Department time to recover from its current staffing crisis. The compensation recommendations found in the proposed resolution will not be applicable to the Chief of Police or Deputy Chiefs of Police.

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

Public Hearing Action

31. Resolution appropriating the sum of \$820,000 in the Hall Street Wastewater Treatment Plant Renovations project (CIP #104) and authorizing the issuance of bonds and notes in the sum of \$820,000 for this purpose; together with a report from the General Services Director.

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

32. Resolution appropriating the sum of \$750,000 for the Sewer Pump Station Improvements project (CIP #275) and authorizing the issuance of bonds and notes in the sum of \$750,000 for this purpose; together with a report from the City Engineer.

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

33. Resolution appropriating the sum of \$235,000, to include \$140,000 to the Golf Fund, \$70,000 to the Arena Fund, and \$25,000 to the Water Fund for fiscal Year 2023, retroactive to June 30, 2023, to be funded from excess revenues in each of these funds; together with a report from the Deputy City Manager - Finance.

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

34. Resolution appropriating the sum of \$42,716.12 for Police Department roadway safety and outreach initiatives and accepting the sum of \$42,716.12 in grant funds from the New Hampshire Highway Safety Agency for this purpose; together with a report from the Deputy Chief of Police.

Action: Councilor Bouchard moved approval. The motion was duly seconded and passed with no dissenting votes. Councilor Brown recused and stated that her reason for recusal is because her husband is a police officer.

35. Resolution rescinding the appropriation of \$1,900,000 and de-authorizing the issuance of bonds and notes in the sum of \$1,900,000 for the Sewer Main Rehabilitation and Construction project (CIP #91); and appropriating the sum of \$1,150,000 for the Sewer Main Rehabilitation and Construction project (CIP #91) and authorizing the issuance of bonds and notes in the sum of \$1,150,000 for this purpose; together with a report from the City Engineer.

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

36. Resolution appropriating the sum of \$38,390 for conducting illegal drug related investigations and accepting the sum of \$38,390 in grant funding from the New Hampshire Department of Safety - Law Enforcement Opioid Abuse Reduction Initiative grant for this purpose; together with a report from the Police Department.

Action: Councilor Grady Sexton moved approval. The motion was duly seconded and passed with no dissenting votes. Councilor Brown recused and stated that her reason for recusal is because her husband is a police officer.

37. Resolution appropriating the sum of \$505,000 for Police Department retention payments and overtime and increasing the amount to raise in taxes in the amount of \$505,000 in the General fund; together with a report from the Police Department.

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

Councilor Rice Hawkins moved to amend the proposed resolution to include that in six months the Concord Police Department present a report to Council including types of service calls as well as recommendations and considerations should staffing not be maintained and increased. The motion was duly seconded and failed.

Councilor Grady Sexton's motion passed with no dissenting votes.

Councilor Brown recused and stated that her reason for recusal is because her husband is a police officer.

Reports

38. Presentation by the Police Department specific to community wide efforts regarding homeless activities within the City of Concord.

Karen Jantzen, Executive Director of Concord Coalition to End Homelessness, provided a presentation that included information about street outreach which includes wellness checks, distribution of supplies, referrals to services, data collection, case management, and crisis response. Ms. Jantzen also discussed collaboration with other agencies such as Concord Hospital, Concord Police Department, The Friendly Kitchen, and more. Additionally, Ms. Jantzen provided numbers from Merrimack County which include 448 individuals experiencing homelessness with 294 having been homeless for over a year of which the majority are in the Greater Concord area.

Ms. Jantzen also discussed homeless encampments and asked that encampments be reported to Capital Area Street Outreach Collaborative at CASOC@capbm.org. Outreach workers visit the encampments for outreach and not to break up the encampments. Ms. Jantzen then discussed what occurs when an encampment is broken up or moved including how the agency conducting the clearing contacts the Bureau of Homeless Services. When an encampment is going to be cleared, street outreach teams visit the encampment first if possible.

Ms. Jantzen noted that on average per month, three to four people exit homelessness while another three to four people enter homelessness. Ms. Jantzen discussed the need for more housing and noted that there are currently individuals living in encampments who have full time jobs.

Councilor Champlin, Chair of the Committee for Concord's Plan to End Homelessness, discussed the collaboration of multiple participating agencies.

Councilor Champlin noted that over 100 children in Concord School District are experiencing homelessness.

Deputy Police Chief Barrett Moulton added that there are multiple encampments and they typically become more visible as foliage drops.

General discussion followed regarding the frequency of Concord's Plan to End Homelessness Committee meetings and informing the public as well as the timeline of vacating encampments.

The issue of housing and homelessness as a county-wide or regional issue was discussed.

New Business

Unfinished Business

39. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX; to remove certain school zone related parking restrictions on the west side of South Street (Conant Drive to Coolidge Avenue); together with a report from the Deputy City Manager - Development. (Report from the Transportation Engineer on behalf of the Transportation Policy Advisory Committee submitted.)
40. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule III; to remove the three-hour time limit on Washington Street (Concord) between North Main Street and Rollins Street); together with a report from the Deputy City Manager - Development. (Report from the Transportation Engineer on behalf of the Transportation Policy Advisory Committee submitted.)

Comments, Requests by Mayor, City Councilors

Councilor Brown shared her condolences about Chris Kane who served on the Conservation Commission and Merrimack River Greenway Trail. She also acknowledged Jessica Livingston's work on the Concord Multicultural Festival. Lastly, Councilor Brown suggested that an agenda item be included on the November Council agenda regarding a retreat for Council members.

Councilor McNamara asked for an update on the replacement of Monkey Around Playground which City Manager Aspell provided.

Councilor Rice Hawkins discussed Councilor Brown's idea for a retreat.

Councilor Todd announced that the Ward One polling location has changed from the Immaculate Conception Parish on Bonney Street to the Merrimack Valley High School Gymnasium with parking available in the student parking lot.

Councilor Champlin announced that the Ward Three polling location has moved from Beaver Meadow Golf Course to Beaver Meadow School.

Councilor McNamara provided a reminder that the Ward Four polling location is the Green Street Community Center.

Councilor Brown provided a reminder that the Ward Five polling location is the Christa McCaullife School with the entrance to the gymnasium being accessible from Rumford Street.

Councilor Bouchard provided a reminder that the Ward Nine polling location at the Citywide Community Center has parking and that attached to the October Council agenda is the new Parks and Recreation brochure.

Mayor Bouley provided a reminder that the updated listing of polling locations is located on the City's website and was sent in the October utility bills.

Councilor Nyhan asked if there will be signage to direct residents from the former Ward One and Ward Three polling locations to the new polling locations, and the City Clerk Janice Bonenfant confirmed there will be signage.

Councilor Pierce positively acknowledged the number of Council candidates in the audience watching the meeting. He also noted that Ward Two polling location is the Barn at Bull Meadow.

Mayor Bouley noted that it is always positive for Council to gather but that the assembly of eight or more Council members constitutes a quorum. The Deputy City Solicitor Danielle Pacik noted she would have to check as to whether a social gathering would require posting a meeting notice and whether members of the public and/or press could be excluded.

Councilor Nyhan spoke about his experience at a gathering for the Concord

School District School Board.

Councilor Champlin noted that a retreat should be discussed next year.

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

Action: At 9:21 PM, there being no additional Council business, Councilor Champlin moved approval to adjourn. The motion was duly seconded and passed with no dissenting votes.

Information

Inf1 September 11, 2023 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

Inf2 September 21, 2023 Golf Course Advisory Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf3 Communication from Comcast regarding changes to Xfinity TV Services.

Action: This Information item was received and filed.

Inf4 Parks and Recreation Departments Winter Brochure.

Action: This Information item was received and filed.

A true copy, I attest:

*Elisabeth Harrington
Deputy City Clerk*