



City of Concord

City Council

Meeting Minutes - Final

Monday, September 11, 2023

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non meeting to discuss collective bargaining negotiations in accordance with RSA 91-A:2, I (a) followed by a non-meeting in accordance with RSA 91-A:2, I (b), consultation with legal counsel followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to begin at 5:30 PM.

Present: 13 - Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Brent Todd and Councilor Zandra Rice Hawkins

Excused: 2 Councilor Candace Bouchard and Councilor Paula McLaughlin

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

Mayor Bouley called the meeting to order at 5:30 PM

Councilor Kretovic moved to enter a non-meeting to discuss collective bargaining negotiations in accordance with RSA 91-A:2, I (a) followed by 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. City Clerk Janice Bonenfant and Councilor Stacey Brown left the non-meeting. They were not present during collective bargaining discussions.

The non-meeting to discuss collective bargaining negotiations ended at 6:32 PM. City Clerk Janice Bonenfant and Councilor Stacey Brown rejoined the meeting.

At 6:52 PM, Councilor Grady Sexton moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Fennessy 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 Kretovic moved to adjourn. The motion was duly seconded and passed with no dissenting votes.

1. Call to Order.

Action: Mayor Pro Tem Grady Sexton chaired the meeting in the absence of Mayor Bouley and called the meeting to order at 7:00 PM.

2. Invocation by Dr. Peter Chamberland, Granite State Baptist Church.

3. Pledge of Allegiance.

4. Roll Call.

Present: 13 - Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

Excused: 2 - Councilor Candace Bouchard, and Councilor Paula McLaughlin

5. Approval of Meeting Minutes.

August 14, 2023 City Council Draft Minutes

Action: Councilor Kretovic moved approval of the August 14, 2023 City Council Meeting Minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

Action: Councilor Kretovic moved approval of the consent agenda. The motion was duly seconded and passed with no dissenting votes. Agenda item number seven was set for a public hearing. Agenda item number 17 was pulled from the consent agenda by Councilor Matson for discussion.

Consent Agenda Items

Note: Items listed as pulled from the consent agenda will be discussed at the end of the meeting.

Items Tabled for September 11, 2023 Public Hearings

7. Resolution appropriating the sum of \$680,000 in the Wastewater Fund for the installation and rental of emergency bypass pumping equipment at the Hall Street Wastewater Treatment Plant and authorizing the use of \$680,000 from Wastewater Fund Balance for this purpose; together with a report from the General Services Director.

Items Tabled for October 10, 2023 Public Hearings

8. 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: This resolution was moved to set for a public hearing.
9. 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: This resolution was moved to set for a public hearing.
10. 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: This resolution was moved to set for a public hearing.

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

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

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

From the City Manager

14. Positive Citizen Comments.

Action: The positive comments were received and filed.

Consent Reports

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,547.11, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

16. Report from the Police Department recommending, through the City Manager, the Police Department be authorized to apply for grant funding through Granite United Way for 2023 and 2024.

Action: This consent report was approved.

17. Report from the Transportation Engineer on behalf of the Traffic Operations Committee in response to a referral from City Council regarding traffic concerns on Greenwich Street and Manchester Street from the Crestwood Residential Community. (Pulled from consent by Councilor Matson.)

Action: This consent report was approved.

18. June 30, 2023 Trusts Reports / MS-9 and MS-10 from the City Treasurer/Tax Collector.

Action: This consent report was approved.

19. Report from the Deputy City Solicitor regarding 77 Village Street - Collection of Nuisance Abatement Costs.

Action: This report was approved.

Consent Resolutions

20. Resolution authorizing the City Manager to submit a Universal Design Waiver and Supplemental Funding Application to the New Hampshire Department of Business and Economic Affairs InvestNH Municipal Per Unit Grant Program in an amount of up to \$1 million; together with a report from the Deputy City Manager - Development.

Action: This consent resolution was approved.

21. Resolution adopting a Cash Management Policy; together with a report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

22. Resolution designating depositories for the City of Concord, New Hampshire for the Fiscal Year 2024; together with a report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

23. Resolution authorizing prepayment of taxes in accordance with RSA 80:52-a; together with a report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

24. Resolution relative to Short Term Investment of Excess Funds.

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

- 25A. 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 is Limited in Designated Places, Schedule III and Section 18-1-16, Handicap Parking, Schedule XVIII; together with a report from the Deputy City Manager - Development.

Action: City Manager Aspell provided an overview of this item in which a resident of Pembroke contacted the City and requested the establishment of an on-street handicap parking space near the YMCA on Warren Street. The Parking Committee discussed the request at its September 2022 meeting and voted unanimously to recommend that the City Council approve the ordinance establishing one on-street handicap accessible space along the YMCA's Warren Street frontage.

Mayor Pro Tem Grady Sexton opened the public hearing. There being no public testimony, Mayor Pro Tem Grady Sexton declared the hearing closed.

- 25B. 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.

Action: City Manager Aspell provided an overview of this item in which a Concord resident contacted the City's Parking Division and requested that school zone related parking restrictions located along the frontage of the resident's property on the west side of South Street (Conant Drive to Coolidge Avenue) be removed. Said parking restriction was enacted in June 2013 by Ordinance 2906 following construction of the Abbot-Downing Elementary School to manage stopping, standing, and parking activities during student drop-off and pick-up times at the beginning and end of the school day.

Upon removal of said restrictions, on-street parking at this location would become an unregulated parking zone and subject to the City's 48-hour parking limit and parking ban ordinances.

Mayor Pro Tem Grady Sexton opened the public hearing. There being no public testimony, Mayor Pro Tem Grady Sexton declared the hearing closed.

- 25C. 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.

Action: City Manager Aspell provided an overview of this item. The property located at 5 Rollins Street is a 9-unit rooming house lacking on-site parking, and parking is prohibited on Rollins Street due to its narrow width. On-street parking is located on nearby streets governed by time limits of generally a few hours. In December 2021, 5 Rollins Street LLC applied for residential parking permits which were denied as 5 Rollins Street is not located within the City's resident parking permit zone. During its June 2023 meeting, the Parking Committee voted unanimously to recommend repealing the time limit on Washington Street, Concord (south side between North Main Street and Rollins Street) which would affect two of the seven on-street parking spaces. Upon removal of the time zone, the two affected parking spaces would become an unregulated parking zone subject to the City's 48-hour parking limit and parking ban.

Mayor Pro Tem Grady Sexton opened the public hearing. There being no public testimony, Mayor Pro Tem Grady Sexton declared the hearing closed.

- 25D. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Compensation Plan, to establish the following positions: Cemetery Crew Leader and Cemetery Maintenance Specialist; together with a report from the Parks and Recreation Director and the Human Resources and Labor Relations Director.

Action: City Manager Aspell provided an overview of this item in which two long term cemetery maintenance employees retired and one additional long term employee plans to retire this fiscal year. In reviewing the division's operations, it is recommended to add two Cemetery Maintenance Specialists as well as a Cemetery Crew Leader position for the long term success of the Cemetery Division.

Mayor Pro Tem Grady Sexton opened the public hearing. There being no public testimony, Mayor Pro Tem Grady Sexton declared the hearing closed.

- 25E. Resolution appropriating the sum of \$705,000 for the Merrimack River Greenway Trail project (CIP #543), authorizing the issuance of bonds and notes in the sum of \$130,000, accepting the sum of \$275,000 in Land and Water Conservation Fund grant funds, and accepting the sum of \$300,000 as a donation from Friends of Merrimack River Greenway Trail for this purpose; together with a report from the Parks & Recreation Director. (Public testimony submitted.)

Action: City Manager Aspell provided an overview of this item in which the construction of phase two of the Merrimack River Greenway Trail was approved but was not previously funded. Now that funding is allocated; including a combination of grants, donations, and City funding; phase two may commence. Phase two includes a new section to be built on City land which travels approximately 3,900 feet south toward Terrill Park along the bank of the Merrimack River and west of the sunflower fields. Grants and donations total \$575,000 and the City's bond contribution totals \$130,000.

Mayor Pro Tem Grady Sexton opened the public hearing.

Nick Holmes, a Concord resident and trustee of the Merrimack River Greenway, discussed the trail and thanked the City for its support.

There being no further public testimony, Mayor Pro Tem Grady Sexton declared the hearing closed.

7. Resolution appropriating the sum of \$680,000 in the Wastewater Fund for the installation and rental of emergency bypass pumping equipment at the Hall Street Wastewater Treatment Plant and authorizing the use of \$680,000 from Wastewater Fund Balance for this purpose; together with a report from the General Services Director.

Action: General Services Director Chip Chesley provided an overview of this item in which screw pumps are used to move wastewater from the Hall Street Wastewater Treatment Plant's wet well to the treatment process. On one of the three screw pumps, a seal is broken and a bearing is comprised which results in a lack of hydraulic capacity to lift the fluid into the treatment plant for treatment. Without emergency bypass pumping equipment, the current screw pump has the potential to result in a back-up into the system and discharge.

General discussion followed regarding the rental pump, timeline, and condition of all current screw pumps.

Mayor Pro Tem Grady Sexton opened the public hearing.

Roy Schweiker, a Concord resident, discussed the cost of owning versus renting a screw pump.

There being no further public testimony, Mayor Pro Tem Grady Sexton declared the public hearing closed.

Public Hearing Action

26. 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 is Limited in Designated Places, Schedule III and Section 18-1-16, Handicap Parking, Schedule XVIII; together with a report from the Deputy City Manager - Development.

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

Mayor Bouley entered the meeting and Mayor Pro Tem Grady Sexton relinquished her chair to the Mayor.

Discussion followed regarding annual revenue produced by the parking space at hand, abutting parking garage handicap parking, and the selection of the particular parking space.

Councilor Nyhan moved to accept the report without allotting the designated handicap parking space. The motion was duly seconded and passed.

Discussion followed regarding handicapped placards and parking time limits.

27. 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.

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

Discussion followed regarding the sight lines of vehicles exiting Conant Drive.

Councilor Rice Hawkins moved to table the ordinance and refer the request to the Transportation Policy Advisory Committee for reconsideration by the Council in November. The motion was duly seconded and passed.

28. 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.

Action: Councilor Fennessy moved to table the ordinance and refer the request to the Transportation Policy Advisory Committee for reconsideration by the Council in November. The motion was duly seconded and passed.

29. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Compensation Plan, to establish the following positions: Cemetery Crew Leader and Cemetery Maintenance Specialist; together with a report from the Parks and Recreation Director and the Human Resources and Labor Relations Director.

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

30. Resolution appropriating the sum of \$705,000 for the Merrimack River Greenway Trail project (CIP #543), authorizing the issuance of bonds and notes in the sum of \$130,000, accepting the sum of \$275,000 in Land and Water Conservation Fund grant funds, and accepting the sum of \$300,000 as a donation from Friends of Merrimack River Greenway Trail for this purpose; together with a report from the Parks & Recreation Director. (Public testimony submitted.)

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

Discussion followed regarding the connection by the Merrimack River Greenway Trail of Manchester Street to Loudon Road and the significance of this connection.

31. Resolution appropriating the sum of \$680,000 in the Wastewater Fund for the installation and rental of emergency bypass pumping equipment at the Hall Street Wastewater Treatment Plant and authorizing the use of \$680,000 from Wastewater Fund Balance for this purpose; together with a report from the General Services Director.

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

Reports

New Business

Unfinished Business

Consideration of items pulled from the Consent Agenda

17. Report from the Transportation Engineer on behalf of the Traffic Operations Committee in response to a referral from City Council regarding traffic concerns on Greenwich Street and Manchester Street from the Crestwood Residential Community. (Pulled from consent by Councilor Matson.)

Action: Agenda item number 17 was pulled from the consent agenda for discussion by Councilor Matson who discussed her support to accept the report and the safety concerns of Crestwood Estates residents.

Councilor Matson moved approval. The motion was duly seconded and passed with no dissenting votes.

Comments, Requests by Mayor, City Councilors

Councilor Champlin discussed the September 11, 2001 anniversary. He announced a Project S.T.O.R.Y event on September 16 at the Citywide Community Center from 11:00 AM - 2:00 PM as well as the Multicultural Festival on September 24 at Keach Park from 11:00 AM - 5:00 PM.

Councilor Nyhan discussed the concerns of South End residents regarding homeless camps. Councilor Nyhan noted that camps on City property have been vacated and that state authorities have been notified about camps on state properties. Councilor Nyhan requested that City staff prepare a report for next month's Council meeting about what the City is currently doing to address homelessness.

Councilor Grady Sexton requested that City staff also include information in the report about what residents and businesses should do if they discover a camp in their area.

Councilor Champlin noted that an e-mail address has been setup by the Capitol Region Street Outreach Collaborative which is casoc@capbm.org.

Councilor Fennessy announced a community meeting regarding a master plan for Memorial Field hosted by the City's Parks and Recreation Department and Concord School District on September 19 from 5:30 PM - 7:30 PM.

Councilor Brown announced Welcoming Week from September 8 - 17 which is to encourage neighbors of all backgrounds to build strong connections. Councilor Brown also announced that she and Councilor Rice Hawkins will have a table at the Multicultural Festival with Concord School District.

Councilor Kretovic discussed a Concord Monitor article about a family facing eviction and the potential of any employer who provides electronic direct deposit to make electronic deposits for rental payments. Councilor Kretovic also announced a job fair for Concord residents for Osram Sylvania's Hillsboro location on September 27.

Councilor Pierce encouraged the public to read the City Council agenda's attached board and committee meeting minutes that highlight the work being done by City committees. Councilor Pierce discussed the Diversity, Equity, Inclusion, Justice, and Belonging (DEIJB) August 2023 minutes and asked for clarity on their mention of stipends for committee participation.

Councilor Rice Hawkins, in response to Councilor Pierce's question, discussed how stipends for DEIJB committee participants are common practice and described how such participants may be people impacted by DEIJB topics and therefore may not have readily available transportation or child care. Councilor Rice Hawkins further explained that offering a stipend would lower any barriers and allow those most directly affected to participate.

Councilor Todd announced the rescheduled date of Old Fashioned Family Fun Day to September 16. The event is hosted by the Penacook Historical Society and the Abbot-Downing Historical Society.

Councilor Champlin discussed homeless camps and asked that if any Councilor would like to visit a homeless camp that the Councilor not do so without an outreach coordinator from the Concord Coalition to End Homelessness.

Comments, Requests by the City Manager

Consideration of Suspense Items

Sus1 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 Nyhan moved to suspend the rules and set the item for a public hearing to be held at the October 2023 City Council meeting. The motion was duly seconded and passed with no dissenting votes. This resolution was set for a public hearing in October.

Councilor Brown recused herself and stated that the reason for her recusal is because her husband is a police officer and that she could financially benefit.

Adjournment

Action: At 8:16 PM, there being no additional Council business, Councilor Kretovic moved approval to adjourn. The motion was duly seconded and passed with no dissenting votes.

Information

Inf1 August 10, 2023 Golf Course Advisory Committee Draft Meeting Minutes.

Action: This information item was received and filed.

Inf2 August 11, 2023 Diversity Equity Inclusion Justice and Belonging (DEIJB) Committee Draft Meeting Minutes.

Action: This information item was received and filed.

Inf3 August 21, 2023 Fiscal Policy Advisory Committee Draft Meeting Minutes.

Action: This information item was received and filed.

A true copy, I attest:

Elisabeth Harrington

Deputy City Clerk