



# City of Concord

## City Council

### Meeting Minutes - Draft

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Monday, August 8, 2022

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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

At 5:33 P.M., Councilor Nyhan moved to enter a non-meeting consultation with legal Counsel in accordance with RSA 91-A:2, I (b), to be followed by a non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property. The motion was duly seconded and passed with no dissenting votes.

Staff members present for the non-meeting with legal Counsel: City Manager Tom Aspell and City Solicitor James Kennedy.

At 5:50 P.M. the non-meeting with legal Counsel adjourned and the non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property began.

Deputy City Manager Brian LeBrun, City Clerk Janice Bonenfant and Director of Redevelopment, Downtown Services and Special Projects Matt Walsh joined the meeting.

At 6:34 P.M., Councilor Champlin moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Grady Sexton moved to seal the minutes of the non-public session. The motion was duly seconded and passed unanimously.

At 6:35 p.m., there being no additional Council business, Councilor Grady Sexton moved to adjourn the non-public session.

1. Mayor Bouley called the meeting to order at 7:00 P.M.
2. Invocation.
3. The Pledge of Allegiance was done.
4. Roll Call.

**Present:** 13 - Councilor Candace Bouchard, 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, and Councilor Brent Todd

**Excused:** 2 - Councilor Paula McLaughlin, and Councilor Zandra Rice Hawkins

5. Approval of the Meeting Minutes.

July 11, 2022 City Council Draft Meeting Minutes

**Action:** Councilor Nyhan moved approval of the July 11, 2022 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

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

**Action:** Councilor Fennessy moved approval of the consent agenda. Mayor Bouley indicated that Councilor Keach was recusing himself from voting on item 7. He further stated that Councilor Brown was recusing herself from voting on items 11, 15 and 16. The motion was duly seconded and passed with no dissenting votes.

**Referral to the Solid Waste Advisory Committee**

7. Communication from the Hills Ave Condominium Association requesting the Solid Waste Advisory Committee reconsider the current system/cost of solid waste pick-up at their location.

**Action:** This item was referred to the Solid Waste Advisory Committee.

**Referral to Community Development and the Planning Board**

8. Request from TF Moran, on behalf of the NH Army National Guard, to discontinue and license portions of Pembroke Road.

**Action:** This item was referred to Community Development and the Planning Board.

### **Items Tabled for September 12, 2022 Public Hearings**

#### **From the City Manager**

9. Positive Citizen Comments.

**Action:** Positive comments received and filed.

#### **Consent Reports**

10. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,248.81, as provided under the pre-authorization granted by City Council.

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

11. Diminimus gifts and donations report from the Police Department requesting authorization to accept a donation in the amount of \$1,100 from Manchester Christian Church to be utilized by the Police Department towards the National Night Out event, as provided for under pre-authorization granted by the City Council.

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

12. City Council 2022-2023 Quarterly Priorities Report from the City Manager.

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

13. Recommendation from the Everett Arena Advisory Committee regarding the North American Hockey League Proposal for the Everett Arena.

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

14. Report from the General Services Director requesting the City Manager be authorized to apply for a grant in the amount up to \$100,000 from the New Hampshire Department of Environmental Services Cyber Security Provisions for the Water and Wastewater Plants Operations Controls.

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

#### **Consent Resolutions**

15. Resolution authorizing the City Manager to submit an application to the United States Department of Justice - Edward Byrne Memorial Justice Assistance Grant

Program for funds designated for law enforcement related programs; together with report from the Deputy Police Chief.

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

16. Resolution authorizing the City Manager, by way of the Police Department, to submit a grant application to the New Hampshire Department of Safety-Law Enforcement Substance Abuse Reduction Initiative, for funding designated to assist the Department in conducting illegal drug related investigations.

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

17. Resolution authorizing the City Manager or his designee to apply for both the 2020 and 2021 State of New Hampshire State Homeland Security Program (SHSP) grants (each \$12,500; total \$25,000), to purchase water rescue and related equipment; together with report from the Interim Fire Chief.

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

### **Appointments**

18. Mayor Bouley's proposed reappointments to the Golf Course Advisory Committee: Richard Holden, Frances Hunt, Roger Jobin, Linda Matlage and Robert Whatmough.

**Action:** This item was approved.

19. Mayor Bouley's proposed reappointment to the Public Safety Board: Ana T. McKenna.

**Action:** This item was approved.

20. Mayor Bouley's proposed appointment to the Recreation & Parks Advisory Committee: Zoey Murphy.

**Action:** This item was approved.

21. Mayor Bouley's proposed reappointment to the Solid Waste Advisory Committee: Eric Steinhauser.

**Action:** This item was approved.

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

**Public Hearings**

22A. 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, Eastern Avenue; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** City Manager Aspell provided a brief overview of this item indicating that Concord resident Paula Cantara contacted the City concerning on-street parking located at Eastern Avenue.

Specifically, Ms. Cantara was concerned about vehicles parking on both sides of the street, thus restricting traffic, particularly emergency vehicles. She was also concerned about vehicles parking on the north side of the road, directly behind her parent's driveway, thus making it challenging for them to exit their property. As such, she requested that parking be restricted to the south side of the road.

The Parking Committee's recommendation, as outlined on the ordinance, is for restricting parking on the north side of the road.

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

22B. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7, Parking Prohibited During Certain Hours in Designated Places, Schedule II and Section 18-1-16, Handicap Parking, Schedule XVIII, South Fruit Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** City Manager Aspell provided a brief overview stating that Brian Bardo, resident of 18 South Fruit Street, contacted the City and requested the establishment of an on-street handicap parking space along the frontage of his property. After reviewing his request, the Parking Committee recommends the installation of a handicapped parking spot as outlined on the ordinance.

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

22C. 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.

**Action:** City Manager Aspell provided a brief overview of the fee changes, as outlined within the Ordinance, as recommended by the Ad-Hoc Committee to review Fee Schedules.

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

- 22D. 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 to modify/add the positions specified in the attached ordinance for FY2023; together with report from the Director of Human Resources and Labor Relations.

**Action:** City Manager Aspell indicated that the positions outlined within the ordinance before Council are per the Budget Transmittal Letter and the approved and adopted FY 2023 Municipal Budget.

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

- 22E. Resolution appropriating the sum of \$34,600 to demolish, remove, and dispose of the hazardous building at 107-109 South Main Street, Concord, New Hampshire; and authorizing the use of \$34,600 from General Fund unassigned fund balance for this purpose; together with report from the Deputy City Manager - Development.

**Action:** City Manager Aspell indicated that, despite efforts by City staff to have the property owner rectify the situation, the site continued to be a hazardous building into 2021. On July 12, 2021, City Council adopted a resolution, pursuant to the authority granted under the City's Code of Ordinances 26-8 and NHRSA Chapter 155-B, ordering the property owner to, within 30 days, commence demolition of the building and removal of all materials and existing debris from the property.

The property owner failed to comply with the Council's 2021 order. Staff made multiple attempts to contact the owner and seek his compliance without success. At its June 13, 2022 meeting, the City Council voted to appropriate \$32,100 to demolish, remove and dispose of the hazardous building. Unfortunately, the Merrimack County District Court subsequently advised the City that it would not be able to hear the City's Motion for Summary Enforcement before the end of FY 2022 (June 30th). This was a necessary step prior to demolition. This new

appropriating resolution replaces the original and relies on FY2023 dollars.

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

- 22F. Resolution appropriating the sum of \$24,826.39 as a transfer to the Opioid Abatement Reserve for FY 2023 and accepting the sum of \$24,826.39 in Opioid Litigation Settlement funds for this purpose; together with report from Deputy City Manager - Finance.

**Action:** City Manager Aspell indicated that on June 10, 2022, the City received a letter from the New Hampshire Attorney General's Office regarding the Opioid Litigation Settlement Fund Distribution pursuant to RSA 126-A:83, II. As part of this settlement, the City is scheduled to receive its second payment, in the amount of \$24,826.39. Three additional payments in yet to be determined amounts are expected to follow.

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

- 22G. Resolution appropriating the sum of \$11,357.41 to support the Parks & Recreation Department Youth Camp Scholarship Program and accepting the sum of \$11,357.41 as a donation from the New Hampshire Charitable Foundation for this purpose; together with report from the Parks & Recreation Director.

**Action:** City Manager Aspell indicated that the New Hampshire Charitable Foundation has supported the Parks & Recreation Departments youth camp scholarship program for many years stating that this year the amount is \$11,357.41. With this generous donation, the Department will continue to offer scholarships for children in need to attend our numerous camps. Mr. Aspell thanked the New Hampshire Charitable Foundation for their generous support.

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

- 22H. Resolution authorizing the City Manager to accept an executory interest in a conservation easement for property owned by the Potter Family Farm Trust, located at 171 Oak Hill Road, appropriating the sum of \$224,500 to purchase a Conservation Easement, Open Space Conservation (CIP #352), and authorizing the use of \$224,500 in Conservation Trust funds for this purpose; together with report

from the Assistant City Planner on behalf of the Conservation Commission.

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

Beth Fenstermacher, Assistant City Planner and Jim Owers, Vice Chair of the Conservation Commission spoke in support of the resolution which, if approved, would authorize the City Manager to accept an executory interest in a conservation Easement for property owned by the Potter Farm Family Trust, and appropriate \$224,500 from the Conservation Fund for this purpose.

Mayor Bouley opened the public hearing.

Jeffrey Evans, of the First Rivers Conservation Trust, addressed City Council members speaking in support of the resolution.

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

- 22I. Discretionary Preservation Easement Request for property located at 184 Lake View Drive, owned by the Floyd Atwater 2019 Trust, per RSA 79-D.

**Action:** City Manager Aspell introduced Kathy Temchack, Director of Real Estate Assessment for the City of Concord. Ms. Temchack provided an overview of the discretionary preservation easement request.

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

- 22J. Discretionary Preservation Easement Request for property located at 35 Mountain Road owned by Keith Michael and Jillian Kristine Curley per RSA 79-D.

**Action:** Kathy Temchack, Director of Real Estate Assessment for the City of Concord provided an overview of the discretionary preservation easement request.

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

### **Public Hearing Action**

23. 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, Eastern Avenue; together



with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

24. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7, Parking Prohibited During Certain Hours in Designated Places, Schedule II and Section 18-1-16, Handicap Parking, Schedule XVIII, South Fruit Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

25. 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.

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

26. 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 to modify/add the positions specified in the attached ordinance for FY2023; together with report from the Director of Human Resources and Labor Relations.

**Action:** Councilor Kretovic moved approval. The motion was duly seconded and passed with no dissenting votes. Councilor Brown recused herself from voting on this item.

27. Resolution appropriating the sum of \$34,600 to demolish, remove, and dispose of the hazardous building at 107-109 South Main Street, Concord, New Hampshire; and authorizing the use of \$34,600 from General Fund unassigned fund balance for this purpose; together with report from the Deputy City Manager - Development.

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

28. Resolution appropriating the sum of \$24,826.39 as a transfer to the Opioid Abatement Reserve for FY 2023 and accepting the sum of \$24,826.39 in Opioid

Litigation Settlement funds for this purpose; together with report from Deputy City Manager - Finance.

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

29. Resolution appropriating the sum of \$11,357.41 to support the Parks & Recreation Department Youth Camp Scholarship Program and accepting the sum of \$11,357.41 as a donation from the New Hampshire Charitable Foundation for this purpose; together with report from the Parks & Recreation Director.

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

30. Resolution authorizing the City Manager to accept an executory interest in a conservation easement for property owned by the Potter Family Farm Trust, located at 171 Oak Hill Road, appropriating the sum of \$224,500 to purchase a Conservation Easement, Open Space Conservation (CIP #352), and authorizing the use of \$224,500 in Conservation Trust funds for this purpose; together with report from the Assistant City Planner on behalf of the Conservation Commission.

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

31. Discretionary Preservation Easement Request for property located at 184 Lake View Drive, owned by the Floyd Atwater 2019 Trust, per RSA 79-D.

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

32. Discretionary Preservation Easement Request for property located at 35 Mountain Road owned by Keith Michael and Jillian Kristine Curley per RSA 79-D.

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

### **Reports**

33. A request from Trout Unlimited requesting the City look at options to restore Merrill Park Pond and report from the Parks & Recreation Director

**Action:** David Gill, Parks & Recreation Director introduced Richard Kingston of Trout Unlimited. Mr. Kingston indicated Trout Unlimited's mission was watershed conservation and education. He provided an overview of the Annual Youth Fishing Day that the Basil Woods, Jr. Chapter of Trout Unlimited has held at Merrill Park Pond since 1988. He noted that the event was not held for two years because of COVID. Mr. Kingston indicated Trout Unlimited would like to work with the City, to get the pond back to the condition it was prior to the 2006 flood, within the City of Concord. He further stated he felt that they could assist with fundraising/donations, grants and volunteer hours.

Mayor Bouley thanked Mr. Kingston for attending the meeting.

### **New Business**

### **Unfinished Business**

34. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-6, Code of Ethics; together with report from the Rules Committee. (Supplemental ordinance and report submitted.) (Public testimony received.)

**Action:** This item remains tabled.

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

**Action:** Councilor McNamara thanked the Police Department for organizing National Night Out, indicating the event was a huge success.

Councilor McNamara reminded those in attendance that October was Domestic Violence Month, inviting all members of City Council to participate in the annual Walk a Mile event to be held on Wednesday, October 5, 2022.

Councilor Pierce thanked the City Clerk for sending out polling location change notices to residents within the City in preparation for upcoming elections.

Councilor Todd invited members of City Council to a meeting about the future of the Concord Monitor property, to be held on Wednesday, August 10th at 6:30 p.m. Councilor Todd indicated the meeting would be held at the Penacook Elementary School Cafeteria, 60 Village Street, Penacook.

Councilor Kretovic indicated information about the Beaver Meadow Golf Course Legacy Tree Program was available online. Councilor Kretovic indicated it was a great opportunity for residents to purchase trees in honor of loved ones. Ms.

Kretovic noted that trees purchased through this program will be thoughtfully placed within the golf course.

Councilor Brown thanked two high school students that regularly attend Energy & Environment Committee meetings, Grace Qiu and Jennifer Aquino-Patzan. Councilor Brown indicated that they recently planned and organized a pollinator garden at Concord High School, thanking them for the work that they do within the community.

Councilor Brown indicated that the Merrimack River Greenway Trail is hosting their Merrimack River Trail Triathlon on September 11th.

Councilor Fennessy congratulated the Concord Little League, 12 and under, All Star team on their recent State Championship win. Councilor Fennessy indicated that they are currently competing in the Eastern Regionals in Bristol Connecticut playing in the semifinals, a game that will be viewable on ESPN at 1:00 p.m. on Wednesday, August 10th.

Mayor Bouley indicated that the Transportation Policy Advisory Committee was holding a special meeting tomorrow (Tuesday August 9th) at 6:30 p.m. in City Council Chambers, to present updates to the I-93 expansion project. He further stated that representatives from the NH Department of Transportation would be present.

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

#### **Adjournment**

**Action:** At 7:50 p.m., there being no further Council business, Councilor Bouchard moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

#### **Information**

Inf1 May 25, 2022 Community Development Advisory Committee Minutes.

**Action:** This Information item was received and filed.

Inf2 June 22, 2022 Community Development Advisory Committee Draft Minutes.

**Action:** This Information item was received and filed.

Inf3 June 27, 2022 Ad-Hoc Committee to Review Fees Draft Meeting Minutes.

**Action:** This Information item was received and filed.

Inf4 July 14, 2022 Golf Course Advisory Committee Draft Meeting Minutes.

Inf5 NH Electric Rate Update from Eversource.

*A true copy; I attest:*

*Janice Bonenfant*

*City Clerk*