



City of Concord

City Council

Meeting Minutes - Draft

Monday, December 13, 2021

7:00 PM

City Council Chambers
37 Green Street
Concord, New Hampshire

Non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property followed by a non-meeting, consultation with legal counsel, in accordance with RSA 91-A:2, I (b) to be held at 5:30 p.m.

Present: 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Karen McNamara, Councilor Erle Pierce, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Jennifer Kretovic

Late: 1 - Councilor Zandra Rice Hawkins

Action: Mayor Bouley called the meeting to order at 5:34 p.m.

Councilor Champlin moved to enter non-public session in accordance with RSA 91-A: 3, II (d) to discuss the acquisition, sale or lease of property. The motion was duly seconded and passed with no dissenting votes.

Staff Members Present: City Manager Tom Aspell, Deputy City Managers Carlos Baia and Brian LeBrun, City Clerk Janice Bonenfant, City Solicitor Jim Kennedy, Deputy City Solicitor Danielle Pacik and Director of Redevelopment, Downtown Services, and Special Projects, Matt Walsh.

At 6:45 p.m. Councilor Nyhan moved to exit non-public session and enter a non-meeting, consultation with legal counsel, in accordance with RSA 91-A:2, I (b). The motion was duly seconded and passed with no dissenting votes.

At 7:03 p.m. Councilor Matson moved to exit the non-meeting with legal counsel. The motion was duly seconded and passed with no dissenting votes.

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

There being no additional Council business, Councilor Champlin moved to adjourn the non-public session.

1. Call to Order.

Action: Mayor Bouley called the meeting to order at 7:11 P.M. and extended a welcome to Councilors Elect Brown and McLaughlin for their attendance at the meeting.

2. Invocation.

3. The Pledge of Allegiance was completed.

4. Roll Call.

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

Excused: 1 - Councilor Jennifer Kretovic

5. Approval of the Meeting Minutes.

November 08, 2021 City Council Draft Meeting Minutes.

Action: Councilor Grady Sexton moved to approve the November 08, 2021 Council Meeting Minutes. This motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

7. Resolution proclaiming December 2021 as Capital Region Food Program Month.

Action: Councilor Werner read the Resolution proclaiming December 2021 as Capital Region Food Program Month.

Mayor Bouley welcomed Tim Grotheer, the Chair of the Capital Region Food Program, and asked him to speak about his organization and the impacts in 2020 and 2021. Mr. Grotheer introduced himself and Elena Preston, the Vice Chair of the Capital Region Food Program, and thanked members of Council for the meeting invitation and the eloquent proclamation. He noted that the impacts of 2020 and 2021 led to a change in the model of the holiday basket project, to reduce the exposure and contagion of the COVID-19 pandemic. He noted that the primary goal was to provide food distribution to families in need.

Ms. Preston confirmed that ongoing monthly food distributions were made to local social service agencies throughout the calendar year, and noted that drop shipments would be coordinated for the holiday needs. She noted that there would be enough food shipped to restock food pantry shelves and fill food baskets for approximately 14-21 local and surrounding agencies, at no charge to them.

Mayor Bouley thanked Mr. Grotheer and Ms. Preston for their community work and extended his support and appreciation to the ongoing great works of the Capital Region Food Program, noting that their volunteer work and partnerships were commendable. Council members unanimously thanked the Capital Region Food Program for their service and gave personalized donations supporting the cause.

Consent Agenda Items

Action: Councilor Kenison moved approval of the Consent Agenda Items. This motion was duly seconded by Councilor Werner and passed with no dissenting votes.

Items Tabled for January 10, 2022 Public Hearings

8. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, concerning parking modifications on Kennedy Lane; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

9. Ordinance Amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-4, Water and Sewer Investment Fee; together with report from the

Deputy City Manager for Development.

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

10. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-9, Administration and Enforcement, Section 28-9-4, Decisions by the Planning Board, by amending Subsection (d) (3), Projects Exempt from Site Plan Review; together with report from the Deputy City Manager for Development.

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

11. 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, Administrative Specialist II; together with report from the Human Resources Director.

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

12. 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, authorizing a change in title from “Building Systems Supervisor” to “Public Properties Crew Leader”; together with report from the General Services and Human Resources Directors.

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

13. Resolution appropriating the sum of \$99,040.42 for compensation and fringe benefits for personnel costs related to the deployment of Fire Department personnel to areas impacted by disasters and accepting the sum of \$99,040.42 as reimbursement from the Federal Emergency Management Agency for this purpose; together with report from the Deputy Fire Chief.

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

14. Resolution appropriating the sum of \$11,741.37 to support programming and outreach that enhance the services of the Concord Public Library and accepting the sum of \$11,741.37 in donations from the Concord Public Library Foundation for this purpose; together with report from the Library Director.

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

From the City Manager

15. Citizen Comments

Action: The positive comments were received and filed.

Consent Reports

Action: Councilor Pierce asked to clarify if the consent report items, with dollar amounts, were being approved but not funded. City Manager Aspell confirmed that the referenced reports were submitted to Council for authorization to apply for grant funding. He noted that this was the first step in a multi step process, noting that if the grant funds were approved, public hearings would be set, and Council approval to receive and appropriate funds would also be needed. He stated that, traditionally, Council asked that all grant applications be brought to Council for consideration, prior to applying, so that members were aware of the potential funding sources in relation to Capital Improvement Program (CIP) spending. He noted that if grant funding was not requested or approved, Council would need to consider alternate funding sources, per project, as needed.

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,194.05, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Report from the Deputy City Manager - Finance recommending the City Manager be authorized to enter into a new two-year concessionaire agreement between the City of Concord and Beava Divas, LLC, d/b/a The 19th Hole at Beaver Meadow (Beava Divas).

Action: This consent report was approved.

18. Report from the Ad Hoc Beaver Meadow Golf Course Clubhouse Committee in support of a new clubhouse facility as well as replacement of the current parking lot. (Facility assessment reports from HL Turner submitted)

Action: This consent report was approved.

19. Report from the Energy and Environment Advisory Committee requesting retroactive approval for the submission of a proposal for the University of New Hampshire's Sustainability Fellows Program.

Action: This consent report was approved.

20. Report from the City Engineer recommending the City Manager be authorized to execute an amended easement with Brookline Opportunities, LLC, developer of a multifamily housing project on Pembroke Road as a condition of approval of the site plan.

Action: This consent report was approved.

21. Report from the Parks and Recreation Director requesting the City Manager be authorized to apply for two grants; one to build Phase 2 of the Terrill Park Master Plan and another for the boardwalk section of the Merrimack River Greenway Trail.

Action: This consent report was approved.

22. Report from the Parks and Recreation Director on winter outdoor recreation opportunities.

Action: This consent report was approved.

23. Report from the Senior Planner, together with a revised map, detailing a necessary revision to the previously approved Voting Ward Map, as identified by the State of New Hampshire.

Action: This consent report was approved.

24. City of Concord 2021 Trails Plan report from the Assistant City Planner.

Action: This consent report was approved.

25. Report from the City Solicitor recommending the City Manager be authorized to execute a Cable Television Franchise Agreement between the City of Concord and Atlantic Broadband.

Action: This consent report was approved.

26. Report from the Deputy City Manager - Finance recommending the City Manager be authorized to enter into a Group Net Metering Agreement with Briar Hydro Associates.

Action: This consent report was approved.

Consent Resolutions

27. Resolution authorizing the City Manager to enter into a Water and Wastewater Use Agreement with Wheelabrator Concord Company, LP; together with report from

the General Services Director.

Action: This consent resolution was approved with no dissenting votes.

28. Resolution authorizing the City Manager to apply for and accept up to \$45,000 from the NH Department of Environmental Services for Household Hazardous Waste Collection and Special Project grants; together with report from the General Services Director.

Action: This consent resolution was approved with no dissenting votes.

29. Resolution authorizing the City Manager to apply for and accept up to \$250,000 from the NH Department of Environmental Services for the New Hampshire Clean Diesel Grant Program; together with report from the General Services Director.

Action: This consent resolution was approved with no dissenting votes.

30. Resolution repurposing the sum of \$17,982.56, to include \$8,832.56 from the Fiscal Year 2021 Scum Processing Equipment Replacement subproject (CIP #104) and \$9,150.00 from the Fiscal Year 2021 Security Fence Repairs subproject (CIP #466), to provide additional funding for Fiscal Year 2022 SCADA System Upgrade subprojects (CIP #104 and CIP #466); together with report from the General Services Director.

Action: This consent resolution was approved with no dissenting votes.

Appointments

31. Mayor Bouley's proposed appointments to the Golf Course Advisory Committee: Ruthanne Bradley, Mark Coen, Gary Darby and Cory James Schofield.

Action: These appointments were approved.

32. Mayor Bouley's proposed appointments to the Public Safety Board: Steven L. Kidder, Jessica Eskeland, Lisa Brown, Donald W. Carter, Stephen Edwards and Carol Hargrove.

Action: These appointments were approved.

33. Mayor Bouley's proposed appointment to the Energy & Environment Advisory Committee: Jeffrey A. Evans.

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

34A. 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; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: City Manager Aspell proposed consolidating Public Hearing Items 34A, 34B, 34C, 34D, and 34E for public hearing purposes, as they related to the same topic, to which Council members agreed.

Matthew Walsh, Director of Redevelopment, Downtown Services, and Special Projects, noted that several public meetings had been held and this was the final neighborhood that the Parking Committee focused on for the Narrow Streets project. He referenced a presentation provided to Council members that detailed the changes.

Councilor Champlin spoke as a member of the Parking Committee, noting that the entire review process was extremely transparent, and felt confident that comments, suggestions and concerns from impacted members of the community were taken into account for the final changes. He noted that a lot of work went into the review process from City staff, Committee members, and from the public.

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 II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7(a), Parking Prohibited Certain Hours in Designated Places, Schedule II, Thompson Street and Thorndike Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Public testimony taken with item 34A.

34C. 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(a), Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Lincoln and Marshall Streets; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Public testimony taken with item 34A.

34D. 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, Marshall Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Public testimony taken with item 34A.

34E. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles, Section 17-4-3, One-Way Streets, Schedule VI, Chesley and Oak Streets; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Public testimony taken with item 34A.

34F. 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, Human Resources Generalist; together with report from the Human Resources Director.

Action: City Manager Aspell stated that the labor grade and subsequent pay for the Human Resources Generalist job classification had been identified as below the labor market, and noted that in order to remain competitive and pay our incumbent fairly to achieve the critical tasks of recruiting and HRIS maintenance, the labor grade should be raised from a Labor Grade 16 to a Labor Grade 18. He noted that this was an exempt position and that the change would be able to be completed within the Department's approved FY 2022 budget and would go into effect the first pay calendar period of 2022. He also noted that this change would allow the Department to manage the workforce shortage and focus on recruitment innovations while simultaneously continuing to roll out Munis modules in the Human Capital Management system.

Mayor Bouley noted that in his review of the FY 2022 budget he did not see this item as a proposed change request and asked what happened between the time the budget was adopted and now to justify this change. Jennifer Johnston, the Human Resources Director, stated that the change request had been submitted during the budget review process, but had been denied at the City Manager's level, so it had not elevated to Council for review. She noted her belief that the initial request denial was likely due to ongoing concerns with the COVID-19 pandemic, which resulted in a hold on position changes. She stated her belief that this change was important and worth looking into now as the position helped significantly through the pandemic, was a key competent in the changes in a major ERP rollout, and would

aid in improving recruitment efforts that are currently impacting municipalities.

Councilor Keach asked what the cost of the change would be, to which City Manager Aspell confirmed it would be approximately \$1,100.00 for the 2022 Fiscal Year. Human Resource Director Johnston noted that the overall change would result in a difference of approximately \$8,000.00 the following year.

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

- 34G. 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 for positions of Cemetery Administrator and Assistant Director of Parks and Recreation; together with report from the Parks & Recreation Director and the Director of Human Resources.

Action: City Manager Aspell stated that, with this proposed change, the Assistant Parks and Recreation Director position would go from a Labor Grade 21 to a Labor Grade 23, at a cost of approximately \$3,400.00. He stated that the Cemetery Administrator would go from a Labor Grade 17 to a Labor Grade 19 at a cost of \$2,629.00.

City Manager Aspell noted that the Assistant Parks and Recreation Director was currently responsible for all of the recreation programs/camps, operation and maintenance of the City-Wide Community Center and Merrimack Lodge, and was also heavily involved in developing and recommending the Department's annual operating and capital budgets. He added that the incumbent was very involved with community organizations, special event planning and with fundraising efforts to support departmental and city-wide initiatives and was the clerk of the Recreation and Parks Advisory Committee.

City Manager Aspell noted that the Cemetery Administrator oversees the Cemetery Division of the Department, overseeing all cemetery operations, and stated that the incumbent was instrumental for the successful operation of the division, was responsible for all office operations, supervised fourteen employees (Full Time and Seasonal) and worked with numerous volunteers and organizations that support the mission of the division. He noted that the Cemetery Administrator also coordinated Cemetery Capital Improvement Projects, as well as fundraising efforts to support programs like the Adopt-A-Grave Program. He stated that there had been a previous position in the Department that oversaw all Capital Improvement Projects (CIP), but it had been eliminated, which then resulted in those responsibilities

falling to the other direct positions.

Mayor Bouley asked to clarify why the referenced position changes were not included in the budget review process. City Manager Aspell noted that the positions already existed, but with Council's approval, he wanted to adjust the pay scales to accommodate the additional responsibilities and tasks taken on by the eliminated position. City Manager Aspell noted that, typically, position changes would be reviewed during the budget review process, but due to the current climate, these changes were being proposed to be proactive in the job market.

Councilor Fennessy asked if there had been a candidate in mind to fill the vacant position in Parks and Recreation, to which City Manager Aspell stated no, the recruitment process would be the next step. He noted that these changes were to proactively prepare to post the job and offer a rate of pay to attract and hire the best candidate.

Councilor Kenison complimented the City and the Cemetery staff for the well maintained citywide cemeteries and noted it was something to be proud of, to which Mayor Bouley and Councilor Grady Sexton agreed.

Councilor Grady Sexton stated that she wanted to do a deeper dive into the Parks and Recreation budget this budget cycle to determine if they had the resources needed as she felt it was a very lean Department. She noted that she would vote against these changes at this time, until things could be looked at in a more holistic view.

Mayor Bouley asked to clarify if the vacant position dollars were what would fund the raises of the two positions, to which City Manager Aspell confirmed. Mayor Bouley also asked to confirm the top of the pay scale changes for the future positions, to which Mr. Aspell confirmed the top tiered amounts.

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

- 34H. 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 add a new position to the Concord Fire Department-Advanced Emergency Medical Technician/Fire Fighter (AEMT/FF); together with report from the Fire Chief and the Human Resources Director.

Action: City Manager Aspell stated that the suppression division of the Fire Department currently has two firefighter level positions – Firefighter EMT and Firefighter Paramedic. He noted that the 42 hour per week labor grades for these positions were 15 and 17 respectively. He noted that the Fire Department was recommending the creation of an advanced Firefighter AEMT position at labor grade 16 on the 42 hour schedule.

City Manager Aspell noted that the AEMT certification was an advanced life support certification level between EMT and Paramedic. He stated that the addition of Firefighter AEMT as a recognized position within the Concord Fire Department, with its own Labor Grade, would improve the level of care provided to the community. He also noted that AEMTs provided a higher level of support and assistance to Paramedics on Concord Fire Department ambulances and that having AEMTs as recognized positions would increase the frequency of having ALS level providers arrive on scene.

It was noted that the City currently has eight AEMT on staff, four currently in school to achieve AEMT status, with one vacancy. City Manager Aspell noted that this change would result in the re-classification of EMTs to AEMTs and the potential FY 2022 cost would be \$27,044.00, which he fully endorsed to increase the level of service to the community.

Councilor McNamara asked to clarify if the AEMT position offered different services in route than a traditional EMT, to which City Manager Aspell confirmed that the AEMT position has a higher and more advanced skill set. It was also noted that AEMT positions are highly sought after in the job market, which would make Concord more competitive in the job market.

Councilor Keach asked to clarify if the AEMT position would also act as a firefighter, to which City Manager Aspell confirmed.

Councilor Champlin asked to clarify if all Concord fire fighter staff were trained as EMTs or paramedics, to which City Manager Aspell confirmed.

Mayor Bouley asked if adding a new position alleviated or aided the need for Ambulance One to meet the calls for service, currently experienced. City Manager Aspell stated that this new position would be step one in a multi step process to acquire and fund Ambulance One, but felt that improving and increasing staffing was the most fiscally responsible.

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

- 34I. Resolution appropriating the sum of \$33,000 for an Information Technology Network Security Engineer and authorizing the use of \$33,000 from fund balance for this purpose, together with report from the City Manager.

Action: City Manager Aspell stated that in the FY 2022 City budget, a Network Security Engineer was proposed by the IT Department, but was not included as part of the City Manager's proposed budget to the City Council. He stated that this request was to respond to the increase in business security requirements. He noted that the position was needed to address the increased complexities across City infrastructure, including: expansion of mobile clients, encryption requirements, and online threats that are not currently being fully addressed.

City Manager Aspell noted that this position would move the City forward to a more secure data environment, would improve network security upgrades and penetration testing, and help to meet current industry standards. It was noted that the anticipated full year cost of this position, including wages and benefits, was \$120,950.00, as outlined in the FY 2022 Program Change Request. He stated that the request for the remainder of FY 2022 was \$33,000.00 and the position will start on or about March 1, 2022. He noted that it could take up to a year to get someone trained enough to help in this position, so this position request was to proactively start that process now.

Councilor Champlin asked if this position would focus specifically on system security or if training on cyber crime prevention would also be included, to which City Manager Aspell confirmed that training would be heavily involved.

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

- 34J. Resolution appropriating the sum of \$25,000 to support projects that enhance the services of the Concord Public Library and accepting the sum of \$25,000 as a donation from Walter Dueger, MD. for this purpose; together with report from the Library Director.

Action: City Manager Aspell stated that a donation was received in the amount of \$25,000.00, to support library services for the Concord Public Library. He noted that the donor had expressed that these library services are flexible and could be utilized as the library sees fit from collection development, programming, technology and online resources.

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

- 34K. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph J, Table of Principal Uses, by amending the Table of Principal Use, Use E, Medical; together with report from the Deputy City Manager for Development. (Supplemental report requesting public hearing be recessed until January 10, 2022 received). (Additional supplemental report and map submitted).

Action: Mayor Bouley asked to confirm if this item would be opened for public hearing, but then would be recessed until the next Council Meeting, to which City Manager Aspell confirmed and noted that Council would also receive a recommendation from the Planning Board, by the January Council meeting.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley closed the public hearing and recessed this item until January 2022.

Public Hearing Action

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

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

Councilor Champlin extended his appreciation to Councilor Kenison for moving approval on this item as it pertained to her Ward, and noted that the Parking Committee worked very hard to wrap everything up, prior to the end of her elected term.

Councilor Fennessy extended his thanks to everyone who attended the parking forums and noted that there was great community participation and feedback. He also thanked Mr. Walsh and Councilor Kenison for participating in the Sub Committee's work and activity.

36. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7(a), Parking Prohibited Certain Hours in Designated Places, Schedule II, Thompson Street and Thorndike Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

37. 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(a), Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Lincoln and Marshall Streets; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

38. 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, Marshall Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

39. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles, Section 17-4-3,

One-Way Streets, Schedule VI, Chesley and Oak Streets; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

40. 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, Human Resources Generalist; together with report from the Human Resources Director.

Action: Councilor Werner moved approval. This motion was duly seconded, but failed with seven dissenting votes.

Mayor Bouley stated that he was voting no on this item, not because it wasn't necessarily deserved, but because he felt that it should be included in the budget review process, to be consistent. He noted that if this change was critically important it would be presented to Council again in June.

Councilor Nyhan noted his agreement with Mayor Bouley's statements relating to the budget review process, but recognized that a mid year review and pay increase for some positions was justified.

Councilor Nyhan motioned to reject the report. This motion was duly seconded and passed with no dissenting votes.

41. 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 for positions of Cemetery Administrator and Assistant Director of Parks and Recreation; together with report from the Parks & Recreation Director and the Director of Human Resources.

Action: Councilor Nyhan moved to reject the report. This motion was duly seconded, but failed with several dissenting votes.

Mayor Bouley asked to clarify if position changes were reviewed within each Department only, or if they were reviewed comparably with other Departments, to which City Manager Aspell confirmed yes. City Manager Aspell noted that the comparable position review was what drove making the position equitable in the market place, but also within other similar jobs within the organization. He noted that in order to avoid a situation of all or nothing, looking within each department is the first step to maintain equity.

Councilor Pierce noted his appreciation to City Manager Aspell for looking into and balancing these situations to keep wages and recruitment competitive, but reaffirmed that there was a budget practice in place that he advocated sticking to, despite warranted raises.

Councilor Fennessy stated that he was not going to support rejecting this report as he felt that the Parks and Recreation Department was operating minimally due to staffing constraints and felt that re-staffing was needed for them to be able to provide the services expected. He endorsed having the appropriate people in place and supported the City Manager's decision to promote this change off budget cycle.

Mayor Bouley stated that he would support rejecting this report and felt strongly that the position changes should be brought back during the budget review process with stronger rationale, to ensure equity within the entire Department as a whole.

Councilor Nyhan motioned to accept the report. The motion was duly seconded, and passed with a voice vote.

42. 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 add a new position to the Concord Fire Department-Advanced Emergency Medical Technician/Fire Fighter (AEMT/FF); together with report from the Fire Chief and the Human Resources Director.

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

Councilor Keach asked Fire Chief Brown to clarify how often Concord provided and received mutual aid to and from surrounding towns, to determine if it was equitable for the Concord community, as he felt that Concord often subsidized surrounding town's that weren't properly funding their Departments. Fire Chief Brown stated that, according to a current report, to date, mutual aid had been received from other towns 126 times, and mutual aid had been provided to other towns a total of 208 times. Fire Chief Brown confirmed that there were discrepancies between the mutual aid given and received between surrounding communities.

43. Resolution appropriating the sum of \$33,000 for an Information Technology Network Security Engineer and authorizing the use of \$33,000 from fund balance for this purpose, together with report from the City Manager.

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

Councilor Nyhan recognized the IT Director and staff for their phenomenal work keeping risks down and sustaining operations. He noted his belief that this was money well spent and confirmed that auditing agencies were starting to look into this area as well.

Councilor Champlin echoed Councilor Nyhan's comments and fully endorsed increasing cyber security in the City.

Mayor Bouley extended his appreciation to IT Director Drouse, apologizing for not funding the position in the regular budget, but confirmed that it was one of his highest priorities to ensure cyber security for the City. He also encouraged, if approved, to hire someone as quickly as possible.

44. Resolution appropriating the sum of \$25,000 to support projects that enhance the services of the Concord Public Library and accepting the sum of \$25,000 as a donation from Walter Dueger, MD. for this purpose; together with report from the Library Director.

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

Councilor Kenison stated her belief that the generosity of Concord citizens was what made it a great city and community to be a part of. She extended her appreciation to Dr. Duegar for his support of the Library.

45. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph J, Table of Principal Uses, by amending the Table of Principal Use, Use E, Medical; together with report from the Deputy City Manager for Development. (Supplemental report requesting public hearing be recessed until January 10, 2022 received). (Additional supplemental report and map submitted).

Action: Councilor Rice Hawkins motioned to recess the public hearing until the January City Council meeting. The motion was duly seconded and passed with no dissenting votes.

40. 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, Human Resources Generalist; together with report from the Human Resources Director.

Action: Mayor Bouley motioned to reconsider Item 40. The motion was seconded by Councilor Rice Hawkins and passed with no dissenting votes.

Councilor Rice Hawkins asked Council to reconsider the decision made on Item 40 as the report indicated that the HR Generalist position was underpaid based on market rates and because it was an exempt position there was no compensation for the additional hours worked. She stated her belief that the amount requested was nominal compared to other spending approved.

Councilor Nyhan reiterated that City Manager Aspell brought this item forward for consideration in good conscience and he respected the decision to do so.

Councilor Rice Hawkins motioned to accept the report for Item 40. Councilor Fennessy seconded the motion which was passed with no dissenting votes.

Reports

46. Presentation regarding property assessments by the Director of Real Estate

Assessments.

Action: Kathy Temchack, Director of Real Estate Assessments, gave a brief presentation regarding Concord's property assessments and market trends in 2021. She noted that RSA 75:1 stated that the Selectmen shall appraise all taxable property at its market value with a few statutory exceptions. She noted that, since 2004, the market had changed and in response to the ongoing changes, the City of Concord reviews, analyzes, and updates its property assessments annually, to reflect those market values. She stated that Concord reviewed properties that were sold over the past 15 months in order to analyze and determine assessments for all properties in the city as of April 1st. The review included deed research; MLS and other online listing service documents; property record card information; and/or conversations with property owners, real estate agents/brokers, and property visits. She stated that valuations were determined based on inspections of sold properties, research, and changes from analysis results, and were then applied to non-sold properties so that all properties were valued in a like way. She noted that potential value changes could be based on physical changes or corrections to the building or land, changes in zoning or land use, subdivisions, and or changes in the market or neighborhoods. She stated that the commercial and industrial market in the Concord sub market (Bow, Concord, Hooksett, and Pembroke) had been relatively stable over the past 18 months despite the impacts of COVID-19. She noted that the vacancy rates among commercial and industrial properties including warehouses, distribution facilities, research and development facilities, flexible commercial buildings with hybrids of office and industrial space, and manufacturing facilities had remained low.

Ms. Temchack stated that the impacts of the COVID-19 pandemic have been more pronounced in the office market in the Concord sub market (Bow, Concord, Hooksett, and Pembroke) and New Hampshire but the vacancy rates remain low. The rents remained stable over the past 18 months. However, rents have begun to decline over the past two quarters specifically in class A & B office spaces. Vacancy rates had increased in class types between 2020 and 2021. She noted that with stable vacancy rates for industrial and commercial buildings, and indications of increasing vacancy rates and decreases in rental rates for office buildings, the market values for these properties would mostly remain stagnant or decrease slightly. Regarding residential and rental residential properties, Ms. Temchack stated that the trend continued to be in high demand for residential property in the City along with fewer properties available for sale. Supply and demand coupled with low interest rates have impacted the current housing market in the City and throughout New Hampshire.

She noted that per Realtor.com's "April 2021 Hottest Housing Markets" list; Concord had the second, hottest housing market in the country based on a number of unique viewers per property and the number of days the listing was active.

It was noted that there is no "windfall" or extra monies collected when an individual's property tax bill increases. Ms. Temchack explained that budgets get adopted by Merrimack County, the school districts, and the City prior to setting the tax rate. She stated that the tax rate was calculated by determining the amount needed to fund the adopted budgets after other sources of revenue were deducted. She noted that the sum of those total dollars needed to fund the four portions of the budget subtracting monies from other revenue sources, such as motor vehicle registrations and permit fees, results in the amount to be raised by property taxes. She stated that the tax rate was calculated by dividing the total taxable assessments into the amount to be raised by property taxes, therefore no additional monies could be collected over the amount needed to fund the previously adopted budgets. She stated that the tax burden was redistributed amongst properties based upon their value, noting that changes in the tax burden were dependent on market value and the amount or percentage of change when compared to other properties.

Ms. Temchack noted that there were individual property tax relief programs, general property tax relief programs, tax credits and an appeal process that her office could provide more information on. She stated that property owners/taxpayers could appeal their 2021 assessment after the final bill was mailed; the deadline to appeal is set for March 1, 2022. She emphasized that a higher tax bill is not grounds for an appeal. She referred residents to contact the Assessing office during business hours, in person, by telephone at 603-225-8550, or by email.

Councilor Rice Hawkins thanked Ms. Temchack for her overview and presentation. She asked if the New Hampshire inventory of homes was less and short term because people were staying put because of COVID-19 or if "Urban Flight" played a role with people relocating into the City. Ms. Temchack stated that it was likely a combination of both, as Concord was a desirable city to live in, but recognized that there was a housing shortage which impacted the supply and demand.

Councilor Champlin thanked Ms. Temchack for her thorough report. He asked to clarify if Concord's main issues were caused by the increased residential values and the declining values in industrial and commercial properties, due to COVID-19 and the shift for remote work, to which Ms. Temchack stated that there isn't enough

long term data to fully know the impacts of COVID-19 in the commercial and industrial markets. Councilor Champlin also asked to clarify the grounds for appeal, as it was presented that an increase of a person's property tax was not a reason for appeal. Ms. Temchack stated that an appeal could be pursued if someone believed the market value was incorrectly assessed, if incorrect assessment data was used, or if the Assessor made an error.

Councilor Keach asked how many commercial property assessment properties provide an income expense report, to which Ms. Temchack noted that they are being provided less over time, but estimated that approximately 20 percent were obtained. Councilor Keach asked to confirm the number of successful appeals in favor of the home owner, to which Ms. Temchack stated the number varied year to year, noting that warranted appeals were often successful.

Mayor Bouley confirmed that the appeals success rate was a variable number based on the climate and business activity, but found the Assessment office to be more successful than not. He asked to confirm if, when reviewing comps, were they being looked at in similar neighborhoods, to which Ms. Temchack confirmed that properties in East Concord were not being compared to properties in the South end, and recommended residents look at other homes in their own neighborhood first.

Councilor Pierce asked for clarification on how land was valued opposed to values of residential homes, to which Ms. Temchack stated that location was everything and noted that land values have significantly increased across the board.

Councilor Nyhan thanked Ms. Temchack for presenting such a complicated topic in a digestible format. He asked to confirm the preferred process for residents with valuation questions, to which Ms. Temchack noted that an in person office visit might be the most helpful to residents, stating that local sales books were in their office and at the Library for review anytime.

Mayor Bouley thanked Ms. Temchack and Ms. Golden, the Deputy Assessor, for treating every resident with respect, responding to their inquiries thoughtfully, and extended his appreciation to the Assessing office staff. He also reiterated that City Council was prudent with their responsibilities to maintain fiscal responsibility with the City's budget and, although taxes increased, it's not because the budget or spending increased, but because of the active shift in the percentage that the commercial market covered is decreasing as the residential portion increases. Ms. Golden also noted that the School Districts impact the tax rate as well.

New Business

47. Communication from Councilor Rice Hawkins requesting consideration be made to reinstating a mask mandate within the City of Concord. (Citizen comments received)

Action: Mayor Bouley stated that in discussions with City Manager Aspell in response to an increase in challenges facing the Concord Fire Department and hospitals due to COVID-19 and the recent public response to reinstate a citywide mask mandate, he felt that it was time for Council to evaluate.

Councilor Rice Hawkins stated that her concerns for the Concord community has increased significantly due to the rising spread of COVID-19 cases and response efforts, and felt that a universal mask policy is an effective method proven to help.

Councilor Champlin stated that if the City reinstated a citywide mask mandate it was his preference not to tie a decision to a specific date, but rather to State and CDC COVID-19 guidelines.

Councilor Werner asked which other communities, if any, mandated masks. Councilor Rice Hawkins stated that she did not have a list, but noted that other communities were having this same conversation.

Councilor Pierce asked if the anticipated mandate ordinance would be expanded to blanket all public establishments, to which Councilor Rice Hawkins confirmed that yes, it was the best and most consistent practice. Councilor Pierce asked if an ordinance had been drafted yet, to which Councilor Rice Hawkins noted that her thought was to simply revise the original ordinance enacted.

Councilor Keach noted his appreciation for this topic, but stated his belief that enforcing a mask mandate was impossible. He stated that as a business owner, he felt that the decision should be made by each business, and it was important to allow patrons a right of choice.

Councilor Kenison declared her strong support for passing a citywide mask mandate as she felt that people had a false sense of security due to vaccinations, noting that one could still get COVID-19, and stated that even her vaccinated brother-in-law recently died from it.

Councilor McNamara declared her strong support for passing a citywide mask

mandate, but didn't want the reason of enforcement to not have it, because even the smallest amount of compliance still helped.

Councilor Werner stated his agreement with Councilor McNamara and noted that despite enforcement issues, felt that it was the job of City leaders to set the example.

Councilor Grady Sexton noted that the last ordinance was not enforced and felt that now putting the enforcement burden on businesses and their staff was not a fair practice and should be seriously considered.

Councilor Todd noted that his constituents overwhelmingly supported a citywide mask mandate.

Councilor Rice Hawkins noted, as a follow up to the concerns of Councilor Keach for businesses, that the property rights of individuals and business owners should not trump anti discrimination laws. She stated her belief that public health and science should govern health and safety decisions made for the public to prevent transmission. She noted that a mandate would be a pro-business action, as it would take the burden off of establishments and encourage safer in person transactions. She stated her belief that it was the job of the community to come together and take a patriotic stance on this.

Councilor Pierce asked for clarification on the process to propose or enact a mask mandate ordinance. Mayor Bouley confirmed that something would be needed in writing, a public hearing would be held, and a Council vote would take place.

Councilor Fennessy noted that he wanted to see the potential language used in an ordinance, commenting that he has noticed a change in behaviors due to the vaccinations, and felt that business owner feedback was important to obtain before making a decision.

Councilor Keach stated that he didn't normally wear a mask but did so when asked or required out of respect. He reiterated his belief that businesses shouldn't be told what to do.

Councilor Champlin reiterated that vaccinations did not make people immune to COVID-19 and referenced several scenarios where vaccinated people contracted COVID-19 and were struggling to recover. He stated that, even with vaccinations,

it was important to continue to take precautions for one's self and the community.

Councilor Bouchard stated that she always wears a mask and avoids businesses that don't require or enforce masks. To be consistent and not send mixed messages, she felt that an increase in public outreach could help, but felt that mandating masks wouldn't get the intended results as those who want to wear masks are.

Councilor Nyhan echoed his agreement with Councilor Keach and Councilor Bouchard's comments and suggested taking a look into how Concord could better or more effectively promote vaccinations. He suggested vans, hosting clinics, etc.

Councilor Rice Hawkins noted that the seven day average of new reported cases was 22 when the first ordinance was enacted. She stated that the new daily average was 1,269.

Councilor Fennessy noted his agreement with Councilor Bouchard. He noted that approximately 20 percent of the New Hampshire population received a booster shot and felt that getting more people vaccinated or a booster shot was important. He stated that in schools, despite some vaccinated children and their mask requirements, COVID-19 is spreading like wildfire. He expressed his concerns that mandating masks could deter people from getting vaccinated, which he emphasized should be the most important priority.

Councilor Kenison stated that in addition to mandating masks, the City should also continue to promote vaccinations. Councilor Rice Hawkins agreed with doing both.

Councilor Grady Sexton wanted to have a serious discussion about enforcement and reiterated that if an ordinance was enacted but not enforced it should not fall on the business owners. Councilor Pierce echoed Councilor Grady Sexton's enforcement concerns.

Mayor Bouley stated that the CDC guidance promotes wearing masks, getting vaccinated, and practicing clean hygiene practices. He noted that wearing a mask could help but advocated for promoting and sending a clear message that the number one response to the COVID-19 pandemic was vaccination. He stated his ideal goal would be to get the mobile vaccination van to come to Concord and host vaccination events, and asked Council members and City Administration to help in

any way they can. He stated that the next step was to get an ordinance drafted and then have a public hearing, which is as important to receive proper public input.

Councilor Kenison advocated for a mask mandate, even without enforcement, but did not support having a committee decide.

Councilor Nyhan asked if there was an opportunity to have Concord EMT/AEMT staff members host vaccination clinics in Concord as they already had experience doing it, to which City Manager Aspell stated that he would make some calls and see if it was a viable option.

Councilor Rice Hawkins moved to have the City Solicitor revise the original mask ordinance, to be enforced until Merrimack County met the seven day transmission rate as recommended by the CDC. The motion was duly seconded but the motion failed.

Action: . The motion failed by the following vote:

Yes: 6 - Councilor Champlin, Councilor Kenison, Councilor Nyhan, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

No: 8 - Councilor Bouchard, Mayor Bouley, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Matson, Councilor McNamara, and Councilor Pierce

Excused: 1 - Councilor Kretovic

Action: Councilor Fennessy moved to have the City Manager appoint a subcommittee, staffed by the City Solicitor, to propose a mask ordinance based on the original one previously enacted. The motion was duly seconded.

Councilor Rice Hawkins offered her support to serve on the committee, share legal data from other communities, and for the motion.

Mayor Bouley recalled that the four At-Large Councilors previously served on the committee, and asked anyone interested in serving, to contact the City Clerk.

Unfinished Business

48. Report from the Parks and Recreation Director and the Director of Human Resources recommending the reinstatement of the Recreation Supervisor position within the Parks and Recreation Department.

Action: Councilor Fennessy moved to un-table Item 48 for discussion. The motion was duly seconded and passed unanimously.

Councilor Fennessy moved to approve the reinstatement of the Recreation Supervisor position. The motion was duly seconded and approved.

Comments, Requests by Mayor, City Councilors

Action: Councilor Werner recognized City staff for their hard work and continued pursuit of renewable energy, as noted in the consent reports. He thanked City Solicitor Kennedy and Deputy City Manager - Finance LeBrun personally for their support and continued work efforts. He noted his excitement of one day soon seeing Concord achieve 100 percent home grown, renewable energy. He noted his approval and excitement to see Concord work with UNH's Sustainability Fellowship Program to find what decisions Concord could make and the value of those decisions. He extended his appreciation to Senior Planner Durfee for his assistance with that process. He also noted that of the 2,100 street lights, over 60 percent of the LED upgrades had been completed. He noted that over a ten year period, the City would save approximately \$600,000.00 with the changes.

Councilor Kenison extended her appreciation for working efficiently and effectively with members of City Council. She thanked the outstanding City Manager, City Mayor, and City Clerk for their leadership. She advocated for Concord to remain non-partisan and expressed the privilege she had for the opportunity to serve the Concord community. She personally thanked all and extended her appreciation to all City staff and "behind the scene" employees who help the City operate smoothly.

Councilor Keach thanked Parks and Recreation staff for removing the lotus plants from the pond.

Councilor Werner said a farewell and noted that he would continue to help and serve the Concord community where possible. He noted his agreement that Concord had the best staff, based on all the awards received, and thanked everyone for the privilege and experience of serving in a non-partisan way.

Mayor Bouley stated that he would miss serving with Councilor Werner and Councilor Kenison and thanked them for the experience and time. He extended his appreciation for the level and quality of service they both provided to the City and for their work bettering the community. He thanked them for their support, friendship, and highlighted their committee contributions.

Comments, Requests by the City Manager**Consideration of Suspense Items****Adjournment**

Action: Councilor Werner motioned to adjourn the meeting at 10:33 P.M. The motion was duly seconded with no dissenting votes.

Information

Inf1 August 26, 2021 Airport Advisory Committee Minutes.

Action: Information item received and filed.

Inf2 November 1, 2021 Concord Public Library Board of Trustee Meeting Minutes.

Action: Information item received and filed.

Inf3 November 15, 2021 Fiscal Policy Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf4 November 18, 2021 Golf Course Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf5 December 2, 2021 Ad Hoc Beaver Meadow Golf Course Clubhouse Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf6 Communication from Comcast notifying the City of Concord of upcoming prices changes.

Action: Information item received and filed.

Inf7 Communication from Comcast notifying the City of upcoming changes to Xfinity TV services.

Action: Information item received and filed.

Inf8 Communication from John G. Cronin, Cronin, Bisson & Zalinsky, P.C.

Action: Information item received and filed.

Inf9 Communication from Diane and Robert Thoms, 6 Cricket Lane, requesting consideration be made to raise the Elderly Exemption within the City of Concord.

Action: Information item received and filed.

Inf10 Merrimack County Proposed 2022 Budget.

Action: Information item received and filed.

Inf11 Parks and Recreation Adult Winter 2022 Brochure.

Action: Information item received and filed.

A true copy; I attest:

Ashley Hamilton

Deputy City Clerk