



City of Concord

City Council

Meeting Minutes

Tuesday, October 11, 2022

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to be held at 5:30 P.M.

At 5:30 P.M., Councilor Nyhan moved to enter a non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies followed by a non-public session in accordance with RSA 91-A:3, II, (d). The motion was duly seconded and passed with no dissenting votes.

Staff members present for the non-public session to discuss collective bargaining strategies: City Manager Tom Aspell, Deputy City Solicitor Danielle Pacik, Assistant Finance Director Katie Graff, and Director of Human Resources and Labor Relations Jennifer Johnston.

At 6:28 P.M. the non-public session to discuss collective bargaining strategies adjourned and the non-public session in accordance with RSA 91-A:3, II (d) began.

City Solicitor Jim Kennedy and City Clerk Janice Bonenfant joined the meeting. Deputy City Solicitor Danielle Pacik, Assistant Finance Director Katie Graff, and Director of Human Resources and Labor Relations Jennifer Johnston left the meeting.

At 6:54 P.M., Councilor Grady Sexton moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

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

1. Mayor Bouley called the meeting to order.
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.

September 12, 2022 City Council Draft Meeting Minutes.

Action: Councilor Brown moved to amend the meeting minutes, specific to the discussion on item #24, by including the following:

"Councilor Brown was surprised to find that there was no difference in the rates for Concord residents and non-residents considering the millions of dollars taxpayers are paying for the golf course. Councilor Brown commented that she had called other golf courses and found their rates were much higher than what was listed on the report submitted and moved to send the report back to the Golf Course Advisory Committee asking committee members to consider establishing residency rates, providing Concord residents with a discount to Golf Course Services, and increasing the rate for non-resident users to match the rates at neighboring golf courses.

During Council discussion, Councilor Rice Hawkins inquired of members of the Golf Committee Advisory Committee what number of users were residents and pointed out that the question raised by community members during the budget process has not been addressed and recommended prolonging the decision for a month to get answers. Councilors Todd and McNamara suggested revisiting the rates at a later time. Councilor Nyhan spoke with Phil Davis and suggested he come back to Council with a report about the adolescent programming for Concord residents to show the benefits available to residents."

The motion to amend the meeting minutes was duly seconded, and, after brief

discussion, passed with no dissenting votes.

6. Agenda overview by the Mayor.

****Consent Agenda Items****

Referral to the Heritage Commission

7. Communication from the New Hampshire Division of Historical Resources requesting City Council approval to install Marker #278 in honor of former resident Elizabeth Gurley Flynn.

Action: This item was referred to the Heritage Commission.

Referral to the Fiscal Policy Advisory Committee (FPAC) and the Public Safety Board (PSB)

8. Communication from Steve Duprey requesting consideration be given to installing street lights on Constitution Avenue, with particular attention to the area under the I-393 bridge.

Action: This item was referred to the Fiscal Policy Advisory Committee and the Public Safety Board.

Referral to Community Development

9. Report from the City Solicitor regarding Old Stickney Avenue. (Pulled from consent by Mayor Bouley.)

Action: This item was removed from the consent agenda to be discussed later in the meeting.

Items Tabled for November 14, 2022 Public Hearings

10. 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, Spruce Street; together with a report from the Interim Deputy City Manager - Development.

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

11. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties, Schedule I; together with non-ordinance fees and a report from the Deputy City Manager - Finance.

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

12. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties, including Schedule II; together with a report from the Interim Deputy City Manager - Development.

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

13. Resolution relative to the public highway discontinuance of a portion of Pembroke Road in Concord; together with a report from the Planning Board. (Item withdrawn.)

Action: Item withdrawn, no action taken.

14. Resolution appropriating the sum of \$166,000 for the Hall Street Wastewater Treatment Plant Renovations (CIP #104) and to apply for and accept the sum of \$166,000 from the New Hampshire Department of Environmental Services American Rescue Plan Act program for this purpose; together with a report from the General Services Director.

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

15. Resolution appropriating the sum of \$80,217 for the purchase of two all-terrain vehicles and related transport equipment and accepting the sum of \$80,217 in American Rescue Plan Act funding through the New Hampshire Department of Justice for this purpose; together with a report from the Deputy Chief of Police.

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

16. Resolution appropriating the sum of \$45,000 for the purchase of used gas-powered golf carts to supplement the electric golf cart fleet for golf outings and authorizing the use of \$45,000 from Golf Fund balance for this purpose; together with a report from the Deputy City Manager - Finance.

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

17. Resolution appropriating the sum of \$39,989 for Police Department Roadway Safety and Outreach Initiatives and accepting the sum of \$39,989 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.

18. Resolution appropriating the sum of \$24,436 for law enforcement related programs and accepting the sum of \$24,436 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program for this purpose; together with a report from the Deputy Chief of Police.

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

19. Resolution appropriating the sum of \$21,630 to support projects that enhance the special character and vitality of Concord and accepting the sum of \$21,630 from the New Hampshire Charitable Foundation for this purpose; together with a report from the Deputy City Manager - Finance.

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

From the City Manager

20. Positive Citizen Comments.

Action: Positive comments were received and filed.

Consent Reports

21. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$10,576.75, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

22. Report from the Ad-Hoc Committee to Review Fee Schedules summarizing ordinance and non-ordinance fee changes.

Action: This consent report was approved.

23. Quarterly Current Use Tax Report from the Interim Director of Real Estate Assessment.

Action: This consent report was approved.

24. Report from the Library Director recommending changes to Non-Ordinance Based Fees, Fines & Penalties for Library of Things.

Action: This consent report was approved.

25. Report from the General Services Director regarding the Hall Street Wastewater Treatment Plant HVAC Project.

Action: This consent report was approved.

26. Report from the City Planner recommending approval of a license agreement with Granite State Credit Union for a portion of the Old Sheep Davis Road right of way.

Action: This consent report was approved.

Consent Resolutions

27. Resolution authorizing the City Manager to submit an application to the Federal Aviation Airport Terminals Grant Program; together with a report from the Community Development Specialist.

Action: This consent resolution was approved.

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

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

- 29A. 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, Ice Maintenance Technician; together with a report from the General Services Director.

Action: City Manager Aspell provided a brief overview of this item whereby the position of Ice Maintenance Technician would be reclassified with the goal of attracting a candidate to the position with further technical skills. The position is open due to a retirement.

General use of the ice arena was discussed.

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

- 29B. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule III and Article 18-3, Parking Meters, Schedule X; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Matthew Walsh, Interim Deputy City Manager Development, provided a report including the history of the Strategic Parking Plan and subsequent resolutions, as well as the request to harvest smart meters and replace remaining mechanical meters elsewhere.

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

- 29C. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule I, Schedule VII, and Schedule VIIa; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Matthew Walsh, Interim Deputy City Manager Development, provided a report including the obligation of the City to update parking pavement markings to lawfully comply with applicable provisions of New Hampshire State Law and City Ordinances. To aid the General Services Department, the Engineering Services Division of the Community Development Department developed updated layout plans to ensure that new pavement markings conform with the State Law and City Ordinances. The proposed ordinance identifies three parking ordinance issues that staff recommends be updated by City Council.

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

- 29D. Resolution rescinding the sum of \$98,576.43 in unexpended capital project fund appropriation in CIP #578, appropriating the sum of \$117,773.51 as a transfer out to the Economic Development Reserve, and accepting the sum of \$278,000 from the sale of the former New Hampshire Employment Security property, located at 32 South Main Street, to reimburse the Sears Block Tax Increment Finance District Fund; together with a report from the Director of Redevelopment, Downtown Services and Special Projects.

Action: City Manager Aspell provided an overview of the resolution regarding 32 South Main Street. The property is located within the Sears Block Tax Increment Finance District.

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

- 29E. Resolution appropriating the sum of \$68,723 in the Hoit/Whitney Road

Roundabout project (CIP #30) and accepting the sum of \$68,723 from the firm of Vanasse Hangen Brustlin, Inc. (VHB); together with a report from the Deputy City Manager - Development.

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

- 29F. Resolution appropriating the sum of \$8,000 in the Hoit/Whitney Road Roundabout project (CIP #30) and accepting the sum of \$8,000 from Drake Petroleum; together with a report from the Deputy City Manager - Development.

Action: City Manager Aspell provided an overview of this resolution, indicating that this funding is in lieu of building a sidewalk and will offset the City's expenditure.

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

- 29G. Resolution appropriating the sum of \$122,500, to include \$17,300 to the Project Inspection Fund, \$101,300 to the General Fund, and \$3,900 to the Golf Fund for Fiscal Year 2022, retroactive to June 30, 2022, to be funded from excess revenues in the Golf Fund, fund balance in the General Fund, and a transfer-in from the General Fund to the Inspection Fund; together with a report from the Director of Redevelopment, Downtown Services and Special Projects. (Revised resolution and report submitted.)

Action: City Manager Aspell provided an overview of the revised resolution, including the funding of additional revenues from the golf course pro shop and special police duties.

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

- 29H. Resolution appropriating the sum of \$25,983.20 to address violent crime in the community and accepting the sum of \$25,983.20 in grant funding from the New Hampshire Project Safe Neighborhoods Initiative grant program for this purpose.

Action: City Manager Aspell provided an overview of the resolution including the grant's funding of associated overtime wages used to address violent crime using data in order to divert resources effectively.

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

- 29I. Report from the Director of Real Estate Assessment recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for its hydroelectric facilities at the Rolfe Canal Falls, Penacook Upper Falls, and Penacook Lower Falls.

Action: City Manager Aspell requested that City Council, under the action section of the agenda, reject this report. Mr. Aspell further indicated that staff would bring the item back to Council in the future.

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

Public Hearing Action

30. 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, Ice Maintenance Technician; together with a report from the General Services Director.

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

31. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule III and Article 18-3, Parking Meters, Schedule X; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

32. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule I, Schedule VII, and Schedule VIIa; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

33. Resolution rescinding the sum of \$98,576.43 in unexpended capital project fund appropriation in CIP #578, appropriating the sum of \$117,773.51 as a transfer out to the Economic Development Reserve, and accepting the sum of \$278,000 from the sale of the former New Hampshire Employment Security property, located at 32 South Main Street, to reimburse the Sears Block Tax Increment Finance District Fund; together with a report from the Director of Redevelopment, Downtown Services and Special Projects.

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

34. Resolution appropriating the sum of \$68,723 in the Hoit/Whitney Road Roundabout project (CIP #30) and accepting the sum of \$68,723 from the firm of Vanasse Hangen Brustlin, Inc. (VHB); together with a report from the Deputy City Manager - Development.

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

35. Resolution appropriating the sum of \$8,000 in the Hoit/Whitney Road Roundabout project (CIP #30) and accepting the sum of \$8,000 from Drake Petroleum; together with a report from the Deputy City Manager - Development.

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

36. Resolution appropriating the sum of \$122,500, to include \$17,300 to the Project Inspection Fund, \$101,300 to the General Fund, and \$3,900 to the Golf Fund for Fiscal Year 2022, retroactive to June 30, 2022, to be funded from excess revenues in the Golf Fund, fund balance in the General Fund, and a transfer-in from the General Fund to the Inspection Fund; together with a report from the Director of Redevelopment, Downtown Services and Special Projects. (Revised resolution and report submitted.)

Action: Councilor Grady-Sexton moved approval. The motion was duly seconded and passed with no dissenting votes. Councilor Brown recused herself from voting on this resolution.

37. Resolution appropriating the sum of \$25,983.20 to address violent crime in the community and accepting the sum of \$25,983.20 in grant funding from the New

Hampshire Project Safe Neighborhoods Initiative grant program for this purpose.

Action: Councilor Grady-Sexton moved approval. The motion was duly seconded and passed with no dissenting votes. Councilor Brown recused herself from this resolution.

38. Report from the Director of Real Estate Assessment recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for its hydroelectric facilities at the Rolfe Canal Falls, Penacook Upper Falls, and Penacook Lower Falls.

Action: Councilor Nyhan moved to reject the report (not approve). The motion was duly seconded and passed with no dissenting votes.

Reports

39. New Hampshire Department of Transportation (NHDOT) Presentation on I-93 Bow/Concord Improvements.

Action: Jason Ayotte, of the NHDOT, and Gene McCarthy, of McFarland Johnson, provided a presentation on proposed I-93 Bow/Concord improvements, encompassing a four-mile segment. Funding for the project is split between state and federal funds. NHDOT's presentation outlined the addition of one travel/through lane on both the north and southbound sides, as well as the additions of shorter duration auxiliary lanes, each commencing at an on-ramp and terminating at the next off-ramp. Affected exits, including I-89/Exit 1 in Bow and I-93 Exits 12-15, were discussed. The goal of NHDOT is to have a public hearing in fall 2023.

Discussion followed regarding impacted areas directly affected by the proposed widening, traffic volumes, and concerns regarding the divergence of I-93 traffic volume to secondary, residential Concord roads.

City Council set this item for a public hearing to be held at the November City Council meeting.

39. Report from the Transportation Policy Advisory Committee regarding NHDOT's I-93 Bow-Concord Interstate Widening Project.

Action: No action was taken on this report.

40. University of New Hampshire (UNH) Sustainability Institute Report.

Action: Nick Babladelis and Jessica Forest, Energy and Environment Advisory Committee members, presented a report by Clara Feigelson, University of New Hampshire Sustainability Fellow 2022. The presentation included the City's emission reduction goals and recommendations to reach these goals, such as opportunities to develop cost-effective, renewable generation on City-owned assets; the replacement of existing gas and diesel powered vehicles with alternatives; and the promotion of weatherization and transition to heat pump or other net zero sources of heat.

Discussion followed regarding the City's current purchase of 100% renewable energy, goals regarding the percentage of forested area within the City, function, and funding of charging stations.

Unfinished Business

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

Action: No action was taken on this item.

Comments, Requests by Mayor, City Councilors

Action: Councilor Kretovic highlighted the work of Nan Hagan, former Executive Director of Main Street Concord, and offered condolences to Nan's family and friends on behalf of the City Council and the City of Concord.

Councilor McNamara thanked the community for helping raise \$90,000 for this year's Walk A Mile in Their Shoes event.

Councilor Brown announced the free Biketoberfest event at Red River Theater on October 20. Councilor Brown also provided a reminder that Concord Area Transit and Mid-State Transit are providing transportation to the polls on November 8th. Councilor Brown indicated that more information on rides to the polls on Election Day is available by calling Concord Area Transit at 603-225-1989.

Councilor Bouchard provided a reminder that the Halloween Howl is October 28 from 5:30-7:30 PM.

Councilor Todd reminded residents that the Merrimack Valley School Board is having a committee meeting October 13 at 7:00 PM in the Penacook Elementary

School Library to hear feedback from Penacook families about the school and Merrimack Valley School District. Councilor Todd also announced that the Penacook Village Association and League of Women Voters of NH are hosting a NH State Election Candidates Information Session on Wednesday, October 19.

Councilor Pierce thanked the Council for welcoming the ambulance back to Manor Station, and also thanked the community for attending a neighborhood meeting with Councilors Todd, Pierce, and Kretovic regarding the intersection of Lilac Street at Borough Road. He also thanked Traffic Engineer Karen Hill for attending the meeting.

Councilor Champlin announced that Denise and Paul Pouliot will be providing a presentation to the Concord Historical Society on October 13 on the history of the Abenaki people in the Concord area.

Comments, Requests by the City Manager

Consideration of Items pulled from the Consent Agenda

Referral to Community Development

9. Report from the City Solicitor regarding Old Stickney Avenue. (Pulled from consent by Mayor Bouley.)

Action: City Solicitor James Kennedy discussed the request for the discontinuance of Old Stickney Avenue by Brady Sullivan Properties. Solicitor Kennedy distributed a resolution relative to the public highway discontinuance of a portion of the original location of (Old) Stickney Avenue in Concord. Solicitor Kennedy provided an overview of the resolution, should members of City Council wish to take action on the resolution.

Councilor Brown noted she would like to refer this to Community Development. Council discussion followed regarding right of usage, access to the greenway, and the I-93 expansion.

Councilor Nyhan moved to suspend City Council rules and take action on this item this evening. The motion was duly seconded and passed with one dissenting vote.

Councilor Grady-Sexton moved to approve the resolution, contingent on the receipt of a waiver from the State of New Hampshire waiving the requirement for the City of Concord to provide abutter notice to the State, by verified mail at least 14 days before the vote by the Concord City Council, to discontinue a portion of

[Old] Stickney Avenue, as required by RSA 231:43. The motion was duly seconded and passed with two dissenting votes.

Adjournment

Action: At 10:12 PM, with no other Council business to discuss, Councilor Grady-Sexton moved to adjourn the meeting.

Information

Inf1 August 29, 2022 Ad-Hoc Committee to Review Fees Meeting Minutes.

Action: This Information item was received and filed.

Inf2 September 6, 2022 Ad-Hoc Fee to Review Fees Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf3 September 12, 2022 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

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

Action: This Information item was received and filed.

Inf5 Communication from Eversource re: Additional Work along the P145 Transmission Line.

Action: This Information item was received and filed.

Inf6 Invitation to Mayor Bouley, Members of City Council and City Manager Aspell to participate in the November 19, 2022 Christmas Parade, as well as to attend the Tree Lighting Ceremony to be held on November 25, 2022.

Action: This Information item was received and filed.

A true copy: I attest:

*Elisabeth Harrington
Deputy City Clerk*