



City of Concord

City Council

Meeting Minutes

Monday, January 9, 2023

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 to be held at 6:00 P.M.

Present: 15 - 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 Paula McLaughlin, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins and Councilor Brent Todd.

Mayor Bouley called the meeting to order at 6:03 P.M.

Councilor Nyhan moved to enter non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies. The motion was duly seconded and passed with no dissenting votes.

Councilor Brown left the meeting.

Staff Members Present: City Manager Tom Aspell and Deputy City Manager Brian LeBrun.

At 6:23 P.M., Councilor Nyhan moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes.

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

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

1. Call to Order.

Action: Mayor Bouley called the meeting to order.

2. Invocation.
3. Pledge of Allegiance.

4. Roll Call.

Present: 15 - 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 Paula McLaughlin, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

5. Approval of the Meeting Minutes.

December 12, 2022 City Council Draft Meeting Minutes.

Action: Mayor Bouley read aloud to Council a section of NH RSA Chapter 91 A:2 II regarding minutes of meetings open to the public as a reminder of what is required to meet the statute. Mayor Bouley asked the Council to consider the statute and whether the draft minutes have met the requirements. Requirements of the statute include listing the names of members, persons appearing before the public bodies, a brief description of the subject matter discussed, and final decisions.

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

6. Agenda overview by the Mayor.

Consent Agenda Items

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

Items Tabled for February 13, 2023 Public Hearings

7. Ordinance amending the Code of Ordinances; Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-10, Attendance; Holidays by adding the observance of Juneteenth; together with a report from the Director of Human Resources and Labor Relations.

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

8. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave; together with a report from the Human Resources & Labor Relations Director.

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

9. 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; Assistant Information Technology Director; together with a report from the Director of Human Resources and Labor Relations.

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

10. Resolution appropriating the sum of \$250,000 in the Hall Street Wastewater Treatment Plant Renovations project (CIP #104) for the installation of a photovoltaic solar array at the Hall Street Wastewater Treatment Plant and applying for and accepting the sum of \$250,000 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.

11. Resolution appropriating the sum of \$100,000 in the Hall Street Wastewater Treatment Plant Renovations project (CIP #104) to conduct a process evaluation at the Hall Street Wastewater Treatment Plant and applying for and accepting \$100,000 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.

12. Resolution re-adopting the Optional Veterans' Tax Credit for the City of Concord pursuant to the provisions of RSA 72:28; together with a report from the Director of Real Estate Assessments.

Action: This resolution was moved to set for a public hearing. Councilors Brown and Nyhan recused.

13. Resolution re-adopting the All Veterans' Tax Credit for the City of Concord pursuant to the provisions of RSA 72:28-b; together with a report from the Director of Real Estate Assessments.

Action: This resolution was moved to set for a public hearing. Councilors Brown and Nyhan recused.

14. Resolution appropriating the sum of \$13,941.00 in the Grants and Donations Fund CPL Foundation project to assist the Library's mission in providing a variety of equitable services to patrons at the Concord Public Library and accepting the sum of \$13,941.00 in donations from the Concord Public Library Foundation for this purpose; together with a report from the Library Director.

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

15. Resolution appropriating the sum of \$75,000 to implement a lead service line inventory and accepting the sum of \$75,000 from the New Hampshire Department of Environmental Services Lead Service Line Inventory Grant Program for this purpose; together with a report from the General Services Director.

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

16. Resolution establishing a Bridge Reserve Fund for the purposes of capital repairs, replacements and/or supplemental funding toward the New Hampshire Department of Transportation Municipal Bridge Aid Program to City bridges as programmed in the annual Capital Improvements Plan (CIP), appropriating the sum of \$1,959,113.76 as a transfer to said Bridge Reserve fund, and accepting the sum of \$1,959,113.76 for this purpose; together with a report from the Interim City Engineer.

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

17. Resolution appropriating the sum of \$39,250.00 for Paid Family Medical Leave and \$11,500.00 for referral bonuses as new benefits for City employees and authorizing the use of \$50,750.00 from General Fund Unassigned Fund Balance for this purpose; together with a report from the Human Resources and Labor Relations Director. (Revised resolution and report submitted.)

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

From the City Manager

18. Positive Citizen Comments.

Action: The positive comments were received and filed.

Consent Reports

19. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,296.17, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

20. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$3,362.00 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

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

Action: This consent report was approved.

22. 2022 Year In Review report from the Parks and Recreation Director.

Action: This consent report was approved.

End of Consent Agenda

Public Hearings

- 23A. Resolution appropriating the sum of \$50,000 in the Water Production Plant Upgrades project and \$50,000 in the Hall Street Wastewater Treatment Plant Renovations project for cyber security improvement projects and accepting the sum of \$100,000 from the New Hampshire Department of Environmental Services American Rescue Plan Act program for this purpose; together with report from the General Services Director.

Action: City Manager Aspell provided a brief overview of recommended measures to enhance cyber security for the Water Treatment Plant and the two Wastewater Treatment plants via grant funding.

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

- 23B. Resolution appropriating the sum of \$950,000 as a transfer to Trust and authorizing the use of \$950,000 from Fiscal Year 2022 General Fund Assigned Fund Balance; together with a report from the Deputy City Manager - Finance.

Action: Deputy City Manager - Finance Brian LeBrun provided an overview on this agenda item as well as the following agenda item 23C. The City is reporting a preliminary General Fund surplus of \$28,200. The City Council used approximately \$2.9 million of Fund balance throughout the fiscal year. This surplus is accounted for after that use of Fund balance. Deputy City Manager LeBrun provided further details of the FY 2022 General Fund as outlined in the corresponding report.

The proposed resolution recommends appropriating \$950,000 from the City's FY 2022 Assigned Fund Balance as a Transfer to Trust Fund Reserves and appropriating \$94,000 to be transferred from Trust Fund Reserves for furniture and fixtures also outlined in the report.

Mayor Bouley opened the public hearing for agenda items 23B - 23C. There being no public testimony, Mayor Bouley declared the hearing closed.

- 23C. Resolution appropriating the sum of \$94,000 for furniture, equipment and training and authorizing the use of \$94,000 in reserve funds for these purposes.

Action: This proposed resolution was discussed above in conjunction with agenda item 23B.

- 23D. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 of Community Development Block Grant funds to support acquisition and redevelopment of real estate located at 6 South State Street to create 8 units of housing to support persons exiting homelessness; together with a report from the Interim Deputy City Manager - Development. (Public testimony received.) (Additional public testimony received.)

Action: Interim Deputy City Manager - Development Matt Walsh provided an overview of the proposed resolution and read the following aloud:

"Community Development Block Grant (CDBG) funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for Economic Development Projects, up to \$500,000 for Housing Projects, up to \$500,000 for Public Facility Projects, up to \$350,000 in Emergency Funds, up to \$25,000 per Planning Study grant. All projects must directly benefit a majority of low- and moderate-income persons.

An information packet about CDBG, and the proposed applications before the City Council tonight, are available on the table in the rear of the City Council meeting.

This is a proposed application to the Community Development Finance Authority for up to \$500,000 in CDBG Housing Grant Funds. Of the grant funds, up to \$25,000 will be retained by the City for administrative/labor compliance costs associated with the project, up to \$475,000 of the funds will be sub-granted to Concord Coalition to End Homelessness (CCEH), or a related entity to be determined, to support the acquisition and/or rehabilitation of 6 South State Street, Concord into 8 units of housing for low- and moderate-income persons.

This project conforms with Concord's Housing and Community Development Plan's goals of: The highest priority for the investment of local, state, and federal public resources in neighborhood improvement strategies, housing rehabilitation or replacement, and the rehabilitation or redevelopment of existing buildings for housing purposes where doing so would not create an undue burden upon Concord taxpayers. Also, the City also recognizes that new construction may be necessary to meet the requirements of the elderly and those with special needs and that limited amounts of new construction of small affordable housing projects built within or adjacent to existing neighborhoods within the Urban Growth Boundary may be necessary to help alleviate the serious problems of affordable work force housing affecting the community."

Mayor Bouley opened the public hearing.

Roy Schweiker, a Concord resident, discussed transitional housing consisting of smaller units, emergency housing with a fee determined by a sliding-scale, and the opening of a campground.

Two representatives from the Concord Coalition to End Homelessness provided public testimony including Karen Jantzen, Executive Director, and Greg Lessard, Director of Housing Initiatives. Mr. Lessard explained that the proposed housing is permanent, supportive housing for eight individuals experiencing homelessness. He also discussed the importance of a patient seller in the current real estate market who is willing to wait while funding is secured. Ms. Jantzen further described permanent, supportive housing practices.

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

- 23E. Resolution re-adopting the City's Anti-Displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant Application to the New Hampshire Community Development Finance Authority to support acquisition of real estate and development of residential dwelling units at 6 South State Street by the Concord Coalition to End Homelessness; together with a report from the Interim Deputy City Manager - Development.

Action: Interim Deputy City Manager - Development Matt Walsh provided an overview of the proposed resolution and read the following aloud:

"This plan establishes procedures that the City – or its subgrantees – must adhere to when expending CDBG funds to support projects that may involve temporary or permanent displacement of residents or businesses. Said procedures conform with the Uniform Relocation Act. This document must be readopted by the City Council for each individual CDBG application. Some displacement may occur for this project."

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

23F. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 of Community Development Block Grant funds to support acquisition and renovation of real estate located at 27 Warren Street by the Crisis Center of Central New Hampshire to create programmatic office space to provide support services to victims of domestic violence; together with report from the Interim Deputy City Manager - Development.

Action: Interim Deputy City Manager - Development Matt Walsh provided an overview of the proposed resolution and read the following aloud:

"This is a proposed application to the Community Development Finance Authority for up to \$500,000 in CDBG Public Facility Grant Funds. Of the funds, up to \$25,000 will be retained by the City for administrative/labor compliance costs associated with the project, up to \$475,000 of the funds will be sub-granted to the Crisis Center of Central New Hampshire (CCCNH) to support the acquisition and/or rehabilitation of 27 Warren Street, Concord into client serving offices for CCCNH. The majority of CCCNH clients are of low and moderate income.

This project conforms with Concord's Housing and Community Development Plan's goal of: It is the intent of the City to support local (social service) agencies in their efforts to acquire or rehabilitate their facilities."

Mayor Bouley opened the public hearing.

Claire Gruenfelder, CCCNH Board Chair, spoke on behalf of CCCNH Executive Director Jessica Vaughn-Martin. CCCNH serves over 400 victims of domestic violence across Merrimack County. Ms. Gruenfelder described the needs of CCCNH office space and how the location of 27 Warren Street would accommodate those needs.

Roy Schweiker, a Concord resident, declared his opinion that grant funding could be spent on public facilities such as a community center. Mr. Schweiker also shared two accounts of stories shared with him regarding the use of the 211 NH referral service.

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

23G. Resolution re-adopting the City's Anti-Displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant application to the New Hampshire Community Development Finance Authority to support acquisition and redevelopment of real estate located at 27 Warren Street to provide programmatic office space for the Crisis Center of Central New Hampshire for the purposes of providing supportive services to victims of domestic violence; together with a report from the Interim Deputy City Manager - Development.

Action: Interim Deputy City Manager - Development Matt Walsh provided an overview of the proposed resolution and read the following aloud:

"This plan establishes procedures that the City – or its subgrantees – must adhere to when expending CDBG funds to support projects that may involve temporary or permanent displacement of residents or businesses. Said procedures conform with the Uniform Relocation Act. This document must be readopted by the City Council for each individual CDBG application. No displacement is anticipated for this project."

Interim Deputy City Manager Walsh provided a brief history and overview of Community Development Block Grant Funds.

Mayor Bouley opened the public hearing.

Roy Schweiker, a Concord resident, discussed waiting times for shelters.

Claire Gruenfelder, CCCNH Board Chair, provided further information regarding shelters, partnerships with hotels, and the use of housing advocates to assist individuals exiting transitional housing.

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

- 23H. Resolution re-adopting the City of Concord's Housing and Community Development Plan; together with reports from the Interim Deputy City Manager - Development.

Action: Interim Deputy City Manager - Development Matt Walsh provided an overview of the proposed resolution and read the following aloud:

"The purpose of this plan, which is separate from the City's Master Plan, is to affirm that the City's goals relative to housing, economic development, and community development align with various NHCDFA and USHUD requirements associated with the CDBG program. This plan must be readopted every three years. The plan was last adopted on January 13, 2020 via Resolution #9264. Therefore, the plan must be readopted for the City to be eligible for CDBG funds in the upcoming application round."

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

Public Hearing Action

24. Resolution appropriating the sum of \$50,000 in the Water Production Plant Upgrades project and \$50,000 in the Hall Street Wastewater Treatment Plant Renovations project for cyber security improvement projects and accepting the sum of \$100,000 from the New Hampshire Department of Environmental Services American Rescue Plan Act program for this purpose; together with report from the General Services Director.

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

25. Resolution appropriating the sum of \$950,000 as a transfer to Trust and authorizing the use of \$950,000 from Fiscal Year 2022 General Fund Assigned Fund Balance; together with a report from the Deputy City Manager - Finance.

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

General discussion was held regarding the work of City staff and the management of revenue and expenses in order to generate the previously discussed surplus.

26. Resolution appropriating the sum of \$94,000 for furniture, equipment and training and authorizing the use of \$94,000 in reserve funds for these purposes.

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

27. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 of Community Development Block Grant funds to support acquisition and redevelopment of real estate located at 6 South State Street to create 8 units of housing to support persons exiting homelessness; together with a report from the Interim Deputy City Manager - Development. (Public testimony received.) (Additional public testimony received.)

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

General discussion was held regarding the work of the Concord Coalition to End Homelessness.

28. Resolution re-adopting the City's Anti-Displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant Application to the New Hampshire Community Development Finance Authority to support acquisition of real estate and development of residential dwelling units at 6 South State Street by the Concord Coalition to End Homelessness; together with a report from the Interim Deputy City Manager - Development.

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

29. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 of Community Development Block Grant funds to support acquisition and renovation of real estate located at 27 Warren Street by the Crisis Center of Central New Hampshire to create programmatic office space to provide support services to victims of domestic violence; together with report from the Interim Deputy City Manager - Development.

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

30. Resolution re-adopting the City's Anti-Displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant application to the New Hampshire Community Development Finance Authority to support acquisition and redevelopment of real estate located at 27 Warren Street to provide programmatic office space for the Crisis Center of Central New Hampshire for the purposes of providing supportive services to victims of domestic violence; together with a report from the Interim Deputy City Manager - Development.

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

31. Resolution re-adopting the City of Concord's Housing and Community Development Plan; together with reports from the Interim Deputy City Manager - Development.

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

Reports

32. Report from the Director of Human Resources recommending modification of a permanent part time position to a full-time Permit Technician in the Code Division of the Community Development Department.

Action: Director of Human Resources and Labor Relations Jennifer Johnston provided a brief history of the Permit Technician position within the Code Enforcement Division of the Community Development Department. The Code Enforcement Division is seeking to combine a vacant permanent part time position with a filled permanent part time position and turn it into a full time position.

Councilor Kretovic moved approval of the report. The motion was duly seconded and passed with no dissenting votes.

New Business**Unfinished Business**

33. 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.) (Supplemental ordinance and report from the Rules Committee submitted.) (Additional supplemental ordinance and report from the City Solicitor submitted.) (Supplemental ordinance and report from the City Solicitor submitted, Feb 2023.)

Action: No action was taken on this item. Item remains tabled.

Comments, Requests by Mayor, City Councilors

Councilor Kretovic provided a remembrance to the late Councilor Allen Bennett and sympathies to his family.

Councilor Brown provided a remembrance to the late Concord Library Trustee Elizabeth "Becky" Herrmann and invited residents to an event held in honor of Mrs. Herrmann at Concord Public Library on Thursday, January 12 from 12:00 PM - 1:00 PM followed by a walk from Memorial Arch to Gibson's Cafe and Bookstore.

Councilor Brown discussed fundraising efforts by the Friends of the Merrimack River Greenway Trail. Donations can be made at mrgt.org.

Councilor Brown announced a Merrimack River Recreation and Open Space Corridor charrette being held Thursday, January 19 at 6:00 PM at the Citywide Community Center.

Mayor Bouley spoke about the impact to the community by both Becky Herrmann and Councilor Bennett.

Consideration of Suspense Items

Sus1 Report from the City Solicitor's Office regarding a tentative agreement with Local 2322, International Union - United Automobile, Aerospace and Agricultural Implement Workers of America.

Action: Mayor Bouley read the City Solicitor's report to Council regarding a two year Collective Bargaining Agreement between the City of Concord and the Local 2322, International Union - United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) covering the period from January 1, 2023 through December 31, 2024. The report discusses a Cost of Living Adjustment (COLA) and the addition of a holiday.

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

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

Action: At 8:09 PM, there being no additional Council business, Councilor Champlin moved to adjourn. The motion was duly seconded and passed with no dissenting votes.

Information

- Inf1 April 28, 2022, September 15, 2022, September 29, 2022 Transportation Policy Advisory Committee Meeting Minutes.
- Inf2 December 5, 2022 Concord Public Library Board of Trustee Meeting Minutes with attachment.
- Inf3 December 8, 2022 Golf Course Advisory Committee Draft Meeting Minutes.
- Inf4 December 19, 2022 Fiscal Policy Advisory Committee Draft Meeting Minutes.
- Inf5 Public Meeting Invitation - Community Visioning Charrette for the Merrimack River Recreation and Open Space Corridor and Kiwanis Riverfront Park.

A true copy, I attest:

*Elisabeth Harrington
Deputy City Clerk*