



City of Concord

City Council

Meeting Minutes - Draft

Monday, June 8, 2020

7:00 PM

Zoom Meeting Link:
<https://us02web.zoom.us/j/8942591833>

3

Telephone Dial: US + 1 929 205 6099

Webinar ID#:894 2591 8333

COVID-19 - Public Meeting Procedures Notice

Due to the Covid 19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, City Council is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.

*All members of City Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following the link below, or dialing the number below and entering the ID number at the prompt. For those who want to provide public testimony in the Public Hearing portion of the meeting, and you are connected to the Zoom website, you may click on the Raise Hand icon in the Attendees Section of Zoom to make the request. When the time is appropriate, you will be recognized so you can provide your testimony. For those calling in who want to provide public testimony, dial *9 to alert the host that you wish to speak. The host will unmute you at the appropriate time/during the public hearing portion of the meeting. All participants please keep your phones and computers on mute unless speaking.*

Website address: <https://us02web.zoom.us/j/89425918333>.

Telephone Dial: US: +1 929 205 6099 - Webinar ID#: 894 2591 8333.

Members of the public can also email questions or other public testimony to citycouncilmeeting@concordnh.gov.

Any member of the public can also call the City of Concord at 603-230-4619 or email: citycouncilmeeting@concordnh.gov if they are unable to access the meeting and assistance connecting is needed.

Non-public session in accordance with RSA 91-A:3, II (d) to discuss property acquisition to be held at 6:00 p.m.

Non-public session in accordance with RSA 91-A: 3, II (a) to discuss Manager's evaluation to follow Council meeting.

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

Excused: 1 - Councilor Linda Kenison

Action: At 6:00 p.m., Councilor Nyhan moved to enter non-public session, in accordance with RSA 91-A: 3, II (d), to discuss property acquisition. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Kenison

Action: At 6:54 p.m., Councilor Bouchard moved to exit non-public session. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Kenison

Action: In public session, Councilor Kretovic moved to seal the minutes. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Kenison

1. Mayor Bouley called the meeting to order at 7:05 p.m.

Action: Mayor Bouley welcomed everyone to the June 8, 2020 Electronic Meeting of the City Council, indicating City Council was meeting electronically due to the COVID-19/Coronavirus pandemic, in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04. Mayor Bouley noted that, in accordance with the Governor's Emergency Order, we have provided public notice of the necessary information for accessing this meeting. He noted that instructions are provided on our agenda on the City of Concord's website at: <https://concordnh.legistar.com/Calendar.aspx>. He further noted that Council was utilizing the Zoom platform for this electronic meeting. All members of the City Council have the ability to communicate contemporaneously during this meeting, and the public has access to listen and, if necessary, participate in this meeting via the following website address: <https://us02web.zoom.us/j/89425918333>.

If any member of the public does not have website access, they may dial the telephone number 929-205-6099 and enter the password 894-2591-8333.

Mayor Bouley noted that we would not be using the Chat function in Zoom for this meeting. He also noted that testimony is only allowed for agenda items that have been scheduled for a public hearing, and public participation is not authorized for the other items on the agenda.

Those having a problem accessing the meeting were advised to call 603-230-4619 or send an email to: citycouncilmeeting@concordnh.gov.

The Mayor indicated that, in the event the public is unable to access the meeting, the meeting would be adjourned and rescheduled at that time.

All votes to be taken during this meeting will be done by roll call vote.

Mayor Bouley asked members of City Council, when stating their presence at the meeting, to please also state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.

In accordance with the Right-to-Know law, Councilor Kretovic indicated that Bill

and Jack Kretovic were in the house with her. All other members of City Council indicated they were alone.

Present: 15 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

5. Approval of the Meeting Minutes.

May 11, 2020 Draft Meeting Minutes.

Action: Councilor Hatfield moved approval of the May 11, 2020 meeting minutes. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

May 28, 2020 Draft Meeting Minutes.

Action: Councilor Hatfield moved approval of the May 28, 2020 meeting minutes. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

6. Agenda overview by the Mayor.

Action: Prior to entertaining a motion on the consent agenda, Mayor Bouley recognized Councilor Kretovic who made a motion to seal the minutes from the non-public session held prior to the Council meeting this evening. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

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

Action: Councilor Nyhan moved approval of the consent agenda. The motion was duly seconded by Councilor Matson and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Items Tabled for July 13, 2020 Public Hearings

7. Resolution appropriating the sum of \$21,527 for Police Department Roadway Safety Initiatives and accepting the sum of \$21,527 in grant funds from the New Hampshire Highway Safety Agency; together with report from the Police Department.

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

8. Resolution appropriating the sum of \$456,000 for the design and engineering of a multi-lane roundabout and ancillary improvements at the intersection of Hoit Road and Whitney Road (CIP#30), and authorizing the issuance of bonds and notes in the sum of \$456,000 for this purpose; together with report from the Deputy City Manager for Development.

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

Consent Reports

9. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$4,831.75, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

10. Diminimus gifts and donations report from the Deputy City Manager - Finance requesting authorization to accept a monetary gift from Briar Hydro Associates,

totaling \$5,000, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

11. Report from the City Manager asking City Council to consider urging Governor Sununu and our legislative delegation to pass legislation to expand the net metering project cap size in the State of New Hampshire.

Action: This consent report was approved.

12. April 30, 2020 Fiscal Year to Date Financial Statement Report from the Deputy City Manager - Finance.

Action: This consent report was approved.

13. Report from the Interim Fire Chief recommending City Council approve the expansion of scope for the Fire Department Communications Equipment, Fiscal Year 2020, CIP 305.

Action: This consent report was approved.

14. June 2020 Economic Development Report from the Economic Development Director.

Action: This consent report was approved.

15. Fiscal Year 2020 Distinguished Budget Presentation Award Report from the Director of the Office of Management and Budget.

Action: This consent report was approved.

Consent Resolutions

16. Resolution de-authorizing and rescinding the sum of \$60,581.15 in Department of Justice FY2020 Coronavirus Emergency Supplemental funding for Fire Department equipment and overtime; together with report from the Interim Fire Chief.

Action: This consent resolution was approved.

17. Resolution authorizing the City Manager to submit an application to the New Hampshire Highway Safety Agency, as outlined in its current Grant Program, for grant funding of roadway safety initiatives and equipment; together with report from the Police Department.

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

Public Hearing Action

Reports

New Business

Unfinished Business

18. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards; Section 28-5-50, Keeping of Chickens as Pets Accessory to a Residential Use; together with a report from the City Planner. (Ordinance referred to the Public Safety Advisory Board at the October 15, 2019 City Council meeting.)

Action: This item remains on the table.

19. Report from the Associate Engineer approving the design of the “Welcome to East Concord” gateway sign and directing staff to return with an appropriating resolution accepting a \$1,500 donation from the East Concord Garden Club (ECGC) and allocating additional sign installation funds. (Action on this item tabled at the February 10, 2020 Council meeting.)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Champlin commended Concord High School students on organizing the Black Lives Matter march, held on Saturday, June 6th. He also commended the Concord Police Department for providing support, as well as assisting with the organization of the event.

Councilor Werner echoed Councilor Champlin's remarks.

Councilor Hatfield expressed her thanks to those that organized the event, indicating she participated and found it very moving. Councilor Hatfield also inquired as to whether or not Mayor Bouley had thought about whether City Council would benefit from taking advantage of the various programs and trainings that are available around unconscious bias, diversity, equity and inclusion.

Councilor Hatfield indicated she would be happy to work with Mayor Bouley to explore opportunities for Council if he felt it would be beneficial. Mayor Bouley

expressed his appreciation to Councilor Hatfield for bringing the topic up, indicating he planned to discuss the topic this evening.

Councilor Rice Hawkins expressed her gratitude to all involved in organizing the event. She further indicated that, nationwide, it is important that all residents continue to call out racism and police brutality. Councilor Rice Hawkins asked if the Police Chief could review some of the policies that are being recommended around the country right now and issue some type of report on how Concord is faring on some of those policies, addressing anything that the City of Concord can do to improve practices.

Councilor Todd noted his agreement with comments from his fellow Councilors.

Councilor Grady Sexton, following up on Councilor Rice Hawkins' comments, indicated that the Public Safety Board was meeting at the end of the month. She further indicated that she has worked with Councilor Bouchard and asked that the Legal Department and the Police Chief work to review some of the policies with the public in terms of the use of force.

Councilor Pierce indicated that he had spoken to both the Police Chief and the Fire Chief earlier today, on another subject, indicating his gratitude for the team effort which resulted in a peaceful demonstration within the City.

Councilor Kenison echoed what her fellow Councilors said, indicating she walked in the march and stating it was very emotional and meaningful.

Councilor Matson echoed everyone's sentiments, indicating she greatly appreciated the efforts which resulted in a peaceful demonstration within the City.

Councilor Kretovic indicated her agreement with comments from her fellow Councilors thanking the Police Department for their assistance and professionalism.

Councilor Nyhan indicated his thanks to all staff, including General Services, in ensuring such a safe event.

Mayor Bouley indicated his appreciation to Concord High Students, members of the Police and General Services Departments, multiple County Offices, the Sheriff's Department, State Offices, as well as the many community members who

worked together to ensure the safety and protection of all that participated in the march. Mayor Bouley spoke in support of the importance of discussing and addressing community issues, stating he initially considered establishing a new committee to review policies to see what we could do better as a community. After much thought, he indicated that, in his opinion, there was no need for a new committee when so many organizations currently exist that are working to address community issues. He spoke, instead, of bringing these groups together to work with Council and the School District to address issues like housing, financial security and workforce related issues. Mayor Bouley stated that he would do his best, with technologies available, to bring these groups together to begin these discussions.

Councilor Fennessy spoke to the importance of transparency, specific to current municipal policies, so that members of the public were aware and understood how to engage. Councilor Fennessy also indicated he had the luxury of attending new Council orientation this year and felt it might be appropriate to include some sort of implicit bias training within future Councilor orientation training.

Councilor Kenison indicated she felt it was difficult for Council to look in the mirror and recognize white privilege, stating she felt Council needed to do a lot of work to realize what was happening in the community and noting that she didn't feel members of City Council could clearly understand what the black population may be experiencing.

Councilor Champlin stated his agreement with Councilor Fennessy's comments on transparency.

City Manager Aspell addressed Council, indicating he felt the event was very well done. He further stated that the State Police did a great job working with the Department of Transportation and County Offices. Mr. Aspell indicated that he, and the entire staff, looked forward to working with Council and other community leaders on efforts that impact the community.

Councilor Rice Hawkins thanked City staff, as well as members of the Police Department, on their efforts to ensure the success of the march. Councilor Rice Hawkins asked the City Manager to share with those listening the use of the State Department of Transportation vehicles during the march. City Manager Aspell indicated that the Department of Transportation donated the trucks and ten drivers for the event, and working with the organizers, used the vehicles to block driver

access to areas where walkers were marching to ensure and enhance the safety of those participating in the event.

Comments, Requests by the City Manager

Consideration of Suspense Items

Action: Councilor Champlin moved to consider suspense items 1 and 2. The motion was duly seconded by Councilor Kretovic and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Sus1 Resident communications requesting City Council consider adopting an ordinance that would restrict the use of fireworks within the City of Concord.

Mayor Bouley indicated he was going to recuse himself on this item, and not participate in the discussion, stating his office had a fireworks client. Mayor Pro Tem Bouchard chaired the meeting for this discussion.

Councilor Pierce provided an overview of the resident communication requesting that City Council consider adopting an ordinance that would restrict the use of fireworks within the City. Councilor Pierce indicated it was his hope that an ordinance be drafted to make fireworks permissible in Concord, but with restrictions through the form of a permit, to be presented for public hearing to be held at the July 13, 2020 City Council Meeting.

Councilor Pierce indicated he researched what other cities and towns in the State did specific to fireworks indicating that the communities of Charlestown, Dover, Durham, Portsmouth, Goffstown, Deerfield and Lebanon are some of the communities that currently require permits. He further stated that Manchester, Nashua, Berlin, Exeter and Henniker are some of the communities that prohibit the use of fireworks within their communities here in New Hampshire. Councilor Pierce indicated that Enfield, New Hampshire allows fireworks within their community on certain days of the year. Councilor Pierce spoke in support of revisiting the topic, giving the newest members of City Council an opportunity to weigh in on the subject. In closing, Councilor Pierce indicated he felt, for noise and safety reasons, it was reasonable to pursue permitting requirements for the discharge of fireworks within the City of Concord.

Councilor Pierce moved that an ordinance be drafted to make fireworks permissible in Concord, but with restrictions through the form of a permit, to be presented for a public hearing to be held at the July 13, 2020 City Council Meeting. The motion was duly seconded by Councilor Hatfield.

Councilor Nyhan spoke against the motion, noting that this subject has been discussed several times by past City Councils, suggesting instead that the communication be referred to the Legal Department to review what is currently in place, while helping map out what may be possible for Council to consider in the future as a tool to address noise and safety concerns regarding the discharge of fireworks within City limits.

Councilor Keach spoke in support of referring this communication to the Public Safety Board for review.

Councilor Rice Hawkins agreed with Councilor Keach to refer this to the Public Safety Board.

Councilor Grady Sexton addressed Council, explaining that the Public Safety Board thoroughly vetted this subject and encouraged current members of City Council to review the work and recommendations of the Public Safety Board specific to the many discussions they had on this subject. Councilor Grady Sexton spoke in support of referring this to the Legal Department to come back to the whole Council for potential action.

Councilor Todd spoke in strong support of referring this item to the Legal Department.

Councilor Fennessy requested that the City Manager and/or the Legal Department send past Public Safety Board meeting minutes relative to this subject to all members of Council so that current members of Council could familiarize themselves on the history of this topic. He further inquired as to whether or not the City Solicitor felt it appropriate to refer this communication to the Legal Department, inquiring as to whether or not the Solicitor had the resources to address this potential referral.

City Manager Aspell indicated that past Public Safety Board meeting minutes would be sent out to Council. City Solicitor Jim Kennedy indicated that it would

be an appropriate referral, providing history on past legal recommendations on this subject.

Councilor Kretovic spoke against holding a public hearing in July on a potential ordinance that would require a permit for fireworks and/or prohibit them within the City limits, speaking in support of referring the item to the Legal Department.

Councilor Rice Hawkins, as a fairly new member of City Council, spoke in support of revisiting the subject and this request.

Councilor Pierce inquired as to what was brought forth in 2015 for Council consideration. Solicitor Kennedy indicated that it was a proposed ordinance prohibiting fireworks from 11 pm to 10 am within the City of Concord.

Councilor Hatfield indicated she had also received complaints from constituents in her ward. Councilor Hatfield indicated she was unable to find the Public Safety Board meeting minutes on the City's website. Councilor Hatfield asked Councilor Pierce if he would be amenable to changing his motion to instead refer this to the Legal Department for further consideration.

Councilor Pierce withdrew his motion to have an ordinance drafted to make fireworks permissible in Concord, but with restrictions through the form of a permit, to be presented for public hearing at the July 13, 2020 Council meeting. Councilor Hatfield withdrew her second.

Action: Councilor Nyhan moved to refer this item to the Legal Department. The motion was duly seconded by Council Matson and passed on roll call vote. Mayor Bouley took rule 6 and did not vote on this item.

Yes: 14 - Councilor Bouchard, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Recused: 1 - Mayor Bouley

Sus2 Mayor Bouley's proposed appointments to the Energy & Environment Advisory Committee. Nicholas Babladelis and Jessica Forrest

Action: Councilor Werner moved approval. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Adjournment

Action: At 8:05 p.m., Councilor Grady Sexton moved to enter non-public session, in accordance with RSA 91-A: 3, II (a), to discuss the City Manager's Annual Evaluation. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

Action: Councilor Todd moved to exit the non-public session at 9:34 p.m. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Action: Councilor Matson moved to seal the minutes. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Action: The time being 9:37 p.m., Councilor Bouchard moved to adjourn the meeting. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

*A true copy; I attest:
Janice Bonenfant
City Clerk*

Information

Inf1. April 9, 2020 Energy and Environment Advisory Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf2. May 4, 2020 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

Inf3. May 7, 2020 Energy and Environment Advisory Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf4. Communication from Comcast notifying City Council about changes to Xfinity packages.

Action: This Information item was received and filed.