



City of Concord

City Council

Meeting Minutes - Draft

Monday, November 13, 2023

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non meeting to discuss collective bargaining negotiations in accordance with RSA 91-A:2, I (a) followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to begin at 6:00 PM.

Present: 14 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 Paula McLaughlin, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins and Councilor Brent Todd

Late: 1 Councilor Gail Matson

Staff members present: City Manager Tom Aspell, Deputy City Manager - Development Matt Walsh, Deputy City Manager - Finance Brian LeBrun, City Clerk Janice Bonenfant, General Services Director Chip Chesley and Deputy General Services Director Jeff Hoadley.

Mayor Bouley called the meeting to order at 6:02 PM.

Councilor Bouchard moved to enter a non-meeting to discuss collective bargaining negotiations in accordance with RSA 91-A:2, I (a), followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

Councilor Stacey Brown and City Clerk Janice Bonenfant left the meeting while the non-meeting specific to collective bargaining took place. They rejoined the meeting at 6:35 PM. General Services Director Chip Chesley and Deputy General Services Director Jeff Hoadley left the meeting following the non-meeting specific to collective bargaining.

At 6:49 PM, Councilor Kretovic moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes. In public session, Councilor Grady Sexton moved to seal the minutes of the non-public session. The motion was duly seconded and passed with no dissenting votes.

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

1. Mayor Bouley called the meeting to order at 7:00 PM.
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.

October 10, 2023 City Council Draft Meeting Minutes

Action: Councilor Grady Sexton moved approval of the October 10, 2023 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.
7. Canvass of the Votes for the Municipal Election held on November 7, 2023.

Action: City Clerk Janice Bonenfant read the November 7, 2023 Municipal Election results. Councilor Matson moved approval of the canvass of the votes. The motion was duly seconded and passed with no dissenting votes.

8. Community Power Subcommittee Presentation.

Action: Rob Werner, Chair of the Community Power Committee, which is a subcommittee of the Energy & Environment Committee; Joe Kwasnik, Advisor to the Committee; and Chuck Willing, Committee member; provided members of City Council with an overview of work done to date specific to the feasibility of creating a Community Power Program within the City of Concord.

Presenters provided a history of utilities in New Hampshire; explained that community power means the city, town or county is assuming the role of default energy service provider from the utility; and outlined how a Community Power Program could work within the community to provide affordable electricity while increasing the use of renewable energy. Presenters referred to the goal of the City Council, adopted in 2018, that 100% of electricity consumed in the City will come from renewable energy sources by 2030; 100% of thermal energy (heating and cooling) consumed in the City will come from renewable energy sources by 2050; and 100% of transportation used in the City will be clean transportation by 2050. They indicated that this goal applies to the entire community, not just municipal government operations.

Presenters provided an overview of how the program could work within Concord, providing an overview of the Community Power Coalition of New Hampshire Model, as well as the Consultant/Supplier Model. Rob Werner indicated that the Committee was working on an aggregation plan, which would need to be approved by the New Hampshire Public Utilities Commission (PUC). He further stated that after PUC approval, committee members would return to City Council, hopefully in early 2024, with a draft plan, as well as committee recommendations as to which model they feel the City should move forward with.

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

Action: Mayor Bouley noted that items 10, 25, 26, 28 and 29 have been pulled from the consent agenda. He further noted that Councilor Brown has recused from voting on item 14. Councilor Grady Sexton moved approval of the consent agenda with the changes noted. The motion to approve was duly seconded and passed with no dissenting votes.

Note: Items listed as pulled from the consent agenda will be discussed at the end of the meeting.

Referral to Community Development and the Planning Board

9. Communication from Casey DeStefano, Century 21, requesting consideration be given to amending definitions within the City's Code of Ordinances.

Action: Communication was referred to Community Development and the Planning Board.

Items Tabled for December 11, 2023 Public Hearings

10. Resolution appropriating the sum of \$10,308,000 in the Beaver Meadow Golf Course Club House & Buildings Project (CIP #107) for the construction of a new facility and related improvements, and authorizing the issuance of bonds and notes in the sum of \$10,308,000 for this purpose; together with a report from the Deputy City Manager - Finance.

Action: This item was pulled from consent.

11. Resolution appropriating the sum of \$68,000 for a Source Development Charge Study and accepting the sum of \$68,000 in Drinking Water and Groundwater Trust Fund Grant funds 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 appropriating the sum of \$24,657 for law enforcement related programs and accepting the sum of \$24,657 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.

13. Resolution appropriating the sum of \$20,200 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 \$20,200 in grant funds 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.

14. Resolution authorizing the City Manager to enter into a Purchase and Sales Agreement with the Duprey Company, or related entity, to acquire real estate located at 4 Bouton Street and 124 North State Street for the Police Headquarters Project (CIP #643), appropriating the sum of \$4,090,000 for the acquisition and purchase of real estate located at 4 Bouton Street and 124 North State Street (CIP

#643), and authorizing the issuance of bonds and notes in the sum of \$4,090,000 for this purpose; together with a report from the Deputy City Manager - Development.

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

15. Resolution establishing a Technology Infrastructure and Equipment Capital Reserve (Technology reserve), appropriating the sum of \$112,521.25 as a transfer to the Technology Reserve, and accepting the sum of \$112,521.25 from Breezeline for this purpose; together with a report from the Deputy City Manager - Finance.

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

16. 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, Senior Assistant City Prosecutor; together with a report from the City Solicitor.

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

From the City Manager

17. Positive Citizen Comments.

Action: Positive comments were received and filed.

Consent Reports

18. Diminimus gifts and donations report from the General Services Director requesting authorization to accept a donation of used speakers, horns and amplifiers, as provided under the pre-authorization granted by the City Council.

Action: This consent report was approved.

19. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,144.45, 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 \$12,803.05, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

21. Quarterly status report from the City Manager on the City Council's 2022-2023 Priorities.

Action: This consent report was approved.

22. September 30, 2023 Fiscal Year to Date Financial Statements report from the Deputy City Manager - Finance.

Action: This consent report was approved.

23. Report from the Zoning Administrator in follow-up to a request from William Young Properties, LLC, to restore Involuntarily Merged Lots Pursuant to RSA 674:39-aa.

Action: This consent report was approved.

Consent Resolutions

24. Resolution proclaiming December 2023 as Capital Region Food Program Month. (For presentation in December.)

Action: This consent resolution was approved.

25. Resolution authorizing the City Manager to enter into a License Agreement with Brady Sullivan, or related entity, for private use of City property located on Storrs Street for improvements associated with redevelopment of 11 Stickney Avenue; together with a report from the Deputy City Manager - Development.

Action: This item was pulled from the consent agenda.

26. Resolution relative to the public highway discontinuance of a portion of the original location of "Old" Stickney Avenue in Concord, over portions of State-owned property located between 11 and 29 Stickney Avenue; together with a report from the Deputy City Manager - Development. (Pulled from consent by Councilor Fennessy.)

Action: This item was pulled from the consent agenda.

27. Resolution authorizing the City Manager to apply for a Land and Water Conservation Fund Grant up to \$500,000 to support construction of the new Skate Board Park and related site improvements at Kiwanis Riverfront Park (CIP #60); together with report from the Parks and Recreation Director and the Director of Special Projects and Strategic Initiatives.

Action: This consent resolution was approved.

28. Resolution authorizing the City Manager to apply for a Land and Water Conservation Fund Grant up to \$200,000 to support construction of park improvements at the Penacook Riverfront Park (CIP #567); together with a report from the Parks and Recreation Director and the Director of Special Projects and Strategic Initiatives.

Action: This item was pulled from the consent agenda.

29. Resolution authorizing the City Manager to apply for a Land and Water Conservation Fund grant in the amount of up to \$500,000 to support replacement of the Beaver Meadow Golf Course New Facility Project (CIP #107); together with a report from the Deputy City Manager - Finance.

Action: This item was pulled from the consent agenda.

30. Resolution to direct the Tax Collector not to execute a Tax Deed on 3 Albin Street in accordance with RSA 80:76 and II-a; together with report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

Appointments

31. Mayor Bouley's proposed appointment to the Recreation and Parks Advisory Committee: Paula A. Bowers.

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 32A. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-9, Demolition Review; together with a report from the Zoning Administrator.

Action: City Manager Tom Aspell indicated that EnerGov, the City's online development permitting system, was implemented on August 22, 2022. Since that time, there have been practical procedural changes in the way some permit applications are handled.

City Manager Aspell indicated that the proposed ordinance amendments correct inconsistencies relative to the time frame for the Code Administrator to issue a permit if no public hearing is held. He further stated that the proposed ordinance seeks to remove a section relative to the Planning Division staff "sign off" on

demolition permits which specifically trigger demolition review. Specifically, the Planning Division staff is no longer involved in said “sign off” process; instead, the Code Administrator is responsible for overseeing the demolition process. In closing, City Manager Aspell stated that the ordinance before Council is really a housekeeping item.

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

- 32B. Resolution appropriating the sum of \$24,960.25 as a transfer to the Opioid Abatement Reserve and accepting the sum of \$24,960.25 in Opioid Litigation Settlement funds for this purpose; together with a report from the Deputy City Manager-Finance.

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

- 32C. Resolution de-authorizing the issuance of bonds and notes in the sum of \$100,000 for the Concord Coach display project (CIP #658), appropriating the sum of \$100,000 in the General Fund as a transfer out to Capital for the Concord Coach display project (CIP #658), and authorizing the use of fund balance in the sum of \$100,000 for this purpose; together with a report from the Director of Special Projects & Strategic Initiatives.

Action: City Manager Aspell indicated that subsequent to adoption of the FY 2024 Budget, it was determined that the City would need ownership interest in the structure in order to use general fund bonds. Potential City ownership would need to be for the entire five-year term of the bond. Municipal ownership of the display structure is not desired and problematic for variety of reasons, including operating and maintenance costs, as well as potential liability in the event the coach is damaged while occupying the structure. As such, staff recommends changing the funding source from bonds to capital transfer to avoid statutory requirements that would require the City to own the structure.

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

Public Hearing Action

33. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-9, Demolition Review; together with a report from the Zoning Administrator.

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

34. Resolution appropriating the sum of \$24,960.25 as a transfer to the Opioid Abatement Reserve and accepting the sum of \$24,960.25 in Opioid Litigation Settlement funds for this purpose; together with a report from the Deputy City Manager-Finance.

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

35. Resolution de-authorizing the issuance of bonds and notes in the sum of \$100,000 for the Concord Coach display project (CIP #658), appropriating the sum of \$100,000 in the General Fund as a transfer out to Capital for the Concord Coach display project (CIP #658), and authorizing the use of fund balance in the sum of \$100,000 for this purpose; together with a report from the Director of Special Projects & Strategic Initiatives.

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

Reports

36. Report from the Human Services Director regarding departmental expenditures in the first quarter.

Action: Human Services Director Karen Emis-Williams addressed Council, indicating that the Human Services Department has seen an increase in requests, especially in rent and motel assistance. In the first quarter, the department has expended \$92,847, which is 40% of the total general assistance budget. The increase in expenditures are attributed to several factors, such as significant increase in rental cost, lack of shelter space, and affordable housing. As a comparison, last year during the same time period, the Department had expended \$25,450.

Ms. Emis-Williams further stated that the department has issued \$84,767 in rental and shelter cost assistance to date, in comparison to \$21,178 for the same period last fiscal year.

Ms. Emis-Williams indicated the increase in expenditures may require additional funding to be allocated by the beginning of the calendar year. She further stated that the total general assistance budget of \$228,700 will not be sufficient to sustain the program until June 2024 and wanted members of City Council to know that she

will likely be coming to Council for additional FY 2024 funding prior to the end of the fiscal year.

New Business

Unfinished Business

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, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX; to remove certain school zone related parking restrictions on the west side of South Street (Conant Drive to Coolidge Avenue); together with a report from the Deputy City Manager - Development. (Report from the Transportation Engineer on behalf of the Transportation Policy Advisory Committee submitted.)

Action: Councilor Kretovic moved to remove this item from the table for discussion. The motion was duly seconded and passed with no dissenting votes.

Councilor Kretovic moved to take no action on this item, thereby leaving parking in this area of South Street, Conant Drive to Coolidge Avenue, as it is. The 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, Schedule III; to remove the three-hour time limit on Washington Street (Concord), between North Main Street and Rollins Street; together with a report from the Deputy City Manager - Development. (Report from the Transportation Engineer on behalf of the Transportation Policy Advisory Committee submitted.)

Action: Councilor Fennessy moved to remove this item from the table for discussion. The motion was duly seconded and passed with no dissenting votes.

Councilor Fennessy moved to adopt the Transportation Policy Advisory Committee's report, thereby leaving parking as is on Washington Street in Concord, between North Main Street and Rollins Street. The motion was duly seconded and passed with no dissenting votes.

Consideration of items pulled from the Consent Agenda

10. Resolution appropriating the sum of \$10,308,000 in the Beaver Meadow Golf Course Club House & Buildings Project (CIP #107) for the construction of a new facility and related improvements, and authorizing the issuance of bonds and notes in the sum of \$10,308,000 for this purpose; together with a report from the Deputy

City Manager - Finance.

Action: Councilor Brown moved to table action on this item to a future date, referring the proposed resolution and report back to the Ad-Hoc Beaver Meadow Golf Course Building Committee. Speaking to her motion, Councilor Brown expressed her concern that not enough public input had been obtained for this item to be moving forward with a potential public hearing to be held in December 2023. Councilor Brown stated she would like to see the Committee hold additional public input sessions based on the most recent recommended building designs/specifications. The motion was duly seconded.

Following Council discussion about the proposed designs of a potential new Golf Course Club House, the anticipated cost of the potential building and the timeline to obtain public input, the motion failed 3-12 with a roll call vote. Councilors Brown, Grady-Sexton and Rice Hawkins voted in favor of the motion. Councilor Bouchard, Mayor Bouley, Councilors Champlin, Fennessy, Keach, Kretovic, Matson, McLaughlin, McNamara, Nyhan, Pierce and Todd voted in opposition to tabling the item and sending it back to committee.

Councilor Nyhan moved to set the resolution for a public hearing to be held at the December 11, 2023 City Council meeting. The motion was duly seconded and passed.

25. Resolution authorizing the City Manager to enter into a License Agreement with Brady Sullivan, or related entity, for private use of City property located on Storrs Street for improvements associated with redevelopment of 11 Stickney Avenue; together with a report from the Deputy City Manager - Development. (Pulled from consent by Councilor Fennessy.)

Action: Councilor Fennessy inquired as to what the term of the license would be. Deputy City Manager Matt Walsh indicated that the license has not yet been drafted, indicating it could be drafted for whatever term Council wished it to be for.

Councilor Fennessy asked if the license being proposed included the developer putting a fence on City property. Mr. Walsh indicated that there is a small triangular piece of property that the developer plans to use. The license improvements include a fence that will reorient the fence line that currently separates this property from City property, a walkway, a portion of the building that has been on City property and some landscaping improvements. Mr. Walsh estimated the square footage of the licensed area to be approximately 1,500 to

2,000 square feet.

Councilor Fennessy moved to table action on this item until such time as a final agreement is presented to Council for review and approval. The motion was duly seconded and passed with no dissenting votes.

26. Resolution relative to the public highway discontinuance of a portion of the original location of “Old” Stickney Avenue in Concord, over portions of State-owned property located between 11 and 29 Stickney Avenue; together with a report from the Deputy City Manager - Development. (Pulled from consent by Councilor Fennessy.)

Action: Councilor Fennessy indicated that his understanding was that when City Council previously approved the discontinuance of a portion of Stickney Avenue, that action did not include all of Old Stickney Avenue, further stating that the item currently before Council was cleaning up Council's previous action. City Manager Aspell confirmed Councilor Fennessy's understanding.

Councilor Kretovic moved to accept the resolution and report. The motion was duly seconded and passed with no dissenting votes.

28. Resolution authorization the City Manager to apply for a Land and Water Conservation Fund Grant up to \$200,000 to support construction of park improvements at the Penacook Riverfront Park (CIP #567); together with a report from the Parks and Recreation Director and the Director of Special Projects and Strategic Initiatives.

Action: Councilor Brown indicated that she pulled this item from consent to point out the mistake within the report that referenced FY 2022. Councilor Brown indicated she had discussed the error with David Gill further stating it should read FY 2023. City Manager Aspell indicated the typo would be corrected.

Councilor Kretovic moved to accept the resolution and report. The motion was duly seconded and passed with no dissenting votes.

29. Resolution authorizing the City Manager to apply for a Land and Water Conservation Fund grant in the amount of up to \$500,000 to support replacement of the Beaver Meadow Golf Course New Facility Project (CIP #107); together with a report from the Deputy City Manager - Finance.

Action: Councilor Brown referred to a conversation with Deputy City Manager Brian LeBrun who recommends not applying for this grant after further review of the grant application.

After brief discussion, Councilor Fennessy moved to not accept/approve the resolution and report. The motion was duly seconded and passed.

Comments, Requests by Mayor, City Councilors

Action: Councilor Todd indicated the Penacook Village Association will be hosting the 18th Annual Penacook Tree Lighting ceremony on Wednesday, November 29th, at 6:00 PM, at Boudreau Square on Village Street. Attendees can assemble around 5:30 PM to hear carols and singing featuring the Penacook Elementary School Chorus and Blanchard Family Singers, and watch Santa arrive courtesy of the Concord Fire Department.

Councilor Todd indicated that the Penacook Historical Society's Holiday Open House will be held on Saturday, December 2nd, 1-4 PM at 11 Penacook Street. Snow date Sunday, December 3rd, 1-4 PM

Councilor Todd indicated that the Penacook Village Association's Annual Meeting will be held on Tuesday, December 5th, at 6:30 PM, at the Merrimack Valley High School cafeteria, with guest speaker Mayor-elect Byron Champlin, who will discuss issues related to Penacook and the City, and take your questions.

Councilor Todd provided an update on the City's leaf pick up services for the Penacook area.

Councilor Pierce congratulated Councilor Elect Michele Horne on her election as the new incoming Ward Two City Councilor. Councilor Pierce recognized the recent Veteran's Day holiday and spoke in appreciation of all veterans that served.

Councilor Kretovic indicated that the Concord Coalition to End Homelessness recently held their Blues, Brews and BBQ, which was not heavily attended due to inclement weather. Councilor Kretovic thanked the Coalition for their donation of 442 pounds of unused protein from that event to the Friendly Kitchen.

Councilor Brown encouraged residents to check out the mural, by Saal Hindal, that depicts his vision of Concord that is on display at the Bank of New Hampshire stage.

Councilor Brown thanked the Capital Center for their neighborhood concert series.

Councilor Brown referenced a conference, that she is helping support and promote, called Moving Forward Together Immigrants in New Hampshire's Workforce, taking place on Wednesday, November 15th, at the Grappone Conference Center.

Councilor Fennessy noted the recent passing of Rusty Cofrin who was a long-time teacher and coach at Concord High School.

Councilor Champlin reminded residents that the Capital Region Food Program is in the process of raising funds for their annual holiday food distribution.

Councilor Matson congratulated Ali Sekou on his recent election as the new Ward Eight City Councilor.

Councilor Bouchard reminded residents of the Concord Holiday Parade to be held on Saturday, November 18th. Councilor Bouchard noted the parade would begin at 9:30 AM and follow its typical route up Loudon Road.

Councilor Bouchard congratulated Kris Schultz on her recent election as the new Ward Nine City Councilor.

Comments, Requests by the City Manager

Consideration of Suspense Items

Sus1 Resolution appropriating the sum of \$385,000 for General Services Department retention payments and authorizing the use of \$385,000 in unassigned fund balance for this purpose; together with a report from the General Services Director.

Action: Councilor Kretovic moved to suspend the rules to take action on Suspense 1. The motion was duly seconded and passed with no dissenting votes.

Councilor Bouchard moved to set the resolution for a public hearing to be held on December 11, 2023. The motion was duly seconded and passed with no dissenting votes.

Adjournment

Action: There being no additional Council business, Councilor Bouchard moved to adjourn the meeting at 8:41 PM.

Information

Inf1 October 2, 2023 Concord Public Library Board of Trustee Meeting Minutes.

Action: Information item received and filed.

Inf2 October 11, 2023 Ad-Hoc Beaver Meadow Building Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf3 October 12, 2023 Golf Course Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf4 Letter to the NH Public Utilities Commission in support of the 2024-2026 Triennial Energy Efficiency Plan (PUC Docket #DE 23-068).

Action: Information item received and filed.

A true copy: I attest:

Janice Bonenfant
City Clerk