



# City of Concord

## City Council

### Meeting Minutes

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Monday, June 14, 2021

7:00 PM

City Council Chambers  
37 Green Street  
Concord, New Hampshire

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1. Mayor Bouley called the meeting to order at 7:10 P.M.
2. Invocation.
3. The Pledge of Allegiance was completed.
4. Roll Call.

**Present:** 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

**Excused:** 1 - Councilor Robert Werner

5. Approval of the Meeting Minutes.

May 10, 2021 City Council Draft Meeting Minutes

**Action:** Councilor Bouchard moved approval of the May 10, 2021 meeting minutes. The motion was duly seconded and passed unanimously with a roll call vote.

**Yes:** 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

May 27, 2021 City Council Draft Meeting Minutes

**Action:** Councilor Matson moved approval of the May 27, 2021 meeting minutes. The motion was duly seconded and passed unanimously with a roll call vote.

**Yes:** 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

6. Agenda overview by the Mayor.

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

**Action:** Councilor Champlin moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

**Yes:** 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

**Referral to the Parking Committee**

7. Communication from David and Laurie Rauseo requesting consideration be given to installing "No Standing or Stopping" signs on Whitney Road, between Merchants Way and Interchange Drive.

**Action:** This referral was referred to the Parking Committee.

**Referral to Community Development**

8. Communication from Roy Weddleton, Shawmut Street resident, requesting the City work with Unutil for the installation of a street light at or just west of the Old Eastman School.

**Action:** This referral was referred to the Community Development Department.

**Items Tabled for July 12, 2021 Public Hearings**

9. Resolution appropriating the sum of \$5,000 for use in the Roadway Surface Improvements project (CIP #78) to perform pavement restoration on Eastside Drive and accepting the sum of \$5,000 as payment from a recalled surety bond for this purpose; together with report from the City Engineer.

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

10. Resolution appropriating the sum of \$10,825 for the purchase of a tracked trail groomer for the Beaver Meadow Golf Course (CIP #515) and accepting the sum of \$10,825 as a donation from the Capital Ski and Outing Club for this purpose; together with report from the Assistant Parks & Recreation Director.

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

11. Resolution appropriating the sum of \$12,750 for the installation of water for the dog park at Terrill Park (CIP #59) and accepting the sum of \$12,750 from the Concord Rotary Club for this purpose; together with report from the Parks & Recreation Director.

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

12. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex Plan Documents.

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

13. 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, Parking Officer and Equipment Technician; together with report from the Director of Redevelopment, Downtown Services, and Special Projects, the Police Chief and the Human Resources and Labor Relations Director.

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

### **From the City Manager**

14. Positive Citizen Comments.

**Action:** These positive comments were received and filed.

### **Consent Reports**

15. Diminimus gifts and donations report from the Fire Chief requesting authorization to accept the donation of a \$150 Walmart Gift Card, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,883.29, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

17. Diminimus gifts and donations report from the Fire Chief requesting authorization to accept monetary gifts totaling \$500.00, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

18. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$9,935.00, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

19. Diminimus gifts and donations report from the Police Department requesting authorization to accept funds in the amount of \$6,861.00, ordered through a disposition issued by the Merrimack County Superior Court as forfeited property, to be turned over to the Concord Police Department, as provided under pre-authorization granted by City Council.

**Action:** This consent report was approved.

20. Report from the Deputy City Manager for Development recommending approval of a License Agreement with Sunday's Scoops and Treats, LLC for an awning at 138 North Main Street in Concord.

**Action:** This consent report was approved.

21. April 30, 2021 Fiscal Year to Date Financial Statements from the Deputy City Manager Finance.

**Action:** This consent report was approved.

22. Report from the Fire Chief on the revision of the Hazard Mitigation Plan.

**Action:** This consent report was approved.

23. Public Safety Board Annual Report.

**Action:** This consent report was approved.

24. Report from the Treasurer/Tax Collector requesting the City Manager be authorized to proceed with retainage or divestments of tax deeded properties.

**Action:** This consent report was approved.

25. Report from the City Engineer regarding an addendum to the City of Concord's

Construction Standards and Details.

**Action:** This consent report was approved.

### **Consent Resolutions**

26. Resolution rescinding and de-authorizing the sum of \$15,000 in grant funds from the State of New Hampshire, Attorney General's Drug Task Force; together with report from the Police Department.

**Action:** This consent resolution was approved.

27. Resolution transferring the appropriation of \$100,000 in impact fees from the General Capital Project Fund Hoit/Whitney Road Intersection Improvement Project (CIP#30) to the Penacook Village TIF District Capital Improvement Project (CIP#30) and transferring up to \$100,000 in actual expenditures from the General Capital Project Fund Hoit/Whitney Road Intersection Improvement Project (CIP#30) to the Penacook Village TIF District Capital Project Fund Hoit/Whitney Road Intersection Improvement Project (CIP#30); together with report from the Deputy City Manager Finance.

**Action:** This consent resolution was approved.

### **Appointments**

28. Mayor Bouley's proposed appointment to the Airport Advisory Committee: Gail A Wolek.

**Action:** This appointment was approved.

29. Mayor Bouley's proposed appointment to the Personnel Appeals Board: Steven Winer.

**Action:** This appointment was approved.

*\*\*End of Consent Agenda\*\**

### **Public Hearings**

- 30A. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-7, Access, Circulation, Parking and Loading; together with report from the Deputy City Manager for Development.

**Action:** City Manager Aspell gave a brief overview.

- 30B. Ordinance amending the Code of Ordinances, Title III, Building and Housing

Codes; Chapter 26, Building Regulations; Article 26-1-6.1, Sign Fees; together with report from the Deputy City Manager for Development.

**Action:** City Manager Aspell gave a brief overview.

- 30C. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 1, Government Organization, Article 1-5-Fees, Fines and Penalties; Schedule I, Sign Fees; together with report from the Deputy City Manager for Development.

**Action:** City Manager Aspell stated that, under the current ordinance, the City could double the sign fee for a commercial sign installed without a permit. He noted that City staff had been doing this, but with the average sign fee of between \$50-\$125, the current financial penalty was nominal and appeared to not be dissuasive to illegal behavior.

City Manager Aspell stated that the proposed change would add a new penalty fee of \$25 per day for any sign installed prior to securing a permit from the Planning Board, in addition to the existing doubling of the original sign permit fee. He noted that City staff believed that this change would modify behavior and ensure compliance. It was noted that, at its April 21st meeting, the Planning Board unanimously supported this proposed amendment.

Councilor Fennessy asked what the City did to educate new businesses about the requirements to get sign permits. Deputy City Manager - Development Baia stated that sign companies were aware of the City requirements and the responsibility to educate their customers was on them. He indicated that most of the firms complied with this ordinance.

City Manager Aspell noted that this change was being proposed from feedback received from commercial establishments who felt that they were "playing by the rules" while their competitors were not.

Councilor Champlin commented that, during his time served on the Planning Board, this practice was an ongoing issue, as sign designs and reviews were not taking place because illegal signs were already installed. He declared his support for this change and noted that he felt it was long overdue.

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

- 30D. Resolution authorizing the City Manager to enter into Purchase and Sale

Agreements with the Boston and Maine Corporation and Northern Railroad, each of which are subsidiaries of Pan Am Systems, Inc., concerning the acquisition of portions of the Boston and Maine Northern Main Line Railroad and Concord-Claremont Railroad for the purpose of facilitating the Merrimack River Greenway Trail (CIP #543), and the Concord-Lake Sunapee Rail Trail; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Public testimony submitted)

**Action:** Council approved combining Items 30D and 30E for discussion purposes.

Matthew Walsh, Director of Redevelopment, Downtown Services, and Special Projects, stated that the first item was the Purchase and Sales Agreement between the City and the Boston and Maine Corporation (Pan Am Systems, Inc.) for the acquisition of 5.5 acres of land, which was previously part of the Concord-Claremont Line that was discontinued in the 1960s. He noted that the property was located between the Franklin Pierce Manse on Horseshoe Pond Lane and Brook Street and abutted several City conservation properties, Horseshoe Pond, as well as the Concord Fire Department Headquarters. He stated that the sale price of the property was \$71,350, but with additional due diligence items, the total would be \$100,000. He noted that, upon acquisition, the land would be used by the City to foster development of approximately 0.5+/- miles of the Concord-Lake Sunapee Rail Trail.

Mr. Walsh stated that the second item was the Purchase and Sales Agreement between the City and the Boston and Maine Corporation (Pan Am Systems, Inc.) for the acquisition of 72.53+/- acres of land, which was formerly part of the Northern Main Line. He stated that the sale price was \$431,500 per a 2018 real estate appraisal. He noted that the portion of the Northern Main Line was formally discontinued by the Surface Transportation Board on March 22, 2017, but remained part of the Boston to Montreal High Speed Rail Corridor. He noted that, upon acquisition, the land would be used by the City to facilitate development of 5.68+/- miles of the Merrimack River Greenway Trail. He noted that the property abutted various conservation properties, the State of New Hampshire's Sewalls Falls Recreational Area, and the City's Beaver Meadow Golf Course.

Mr. Walsh stated that City Administration recommended that \$600,000 of the acquisition budget be funded by General Fund supported bonds, and that the bond be credited against the remaining \$2,565,626 available for Capital Improvement Project (CIP) 352, Acquisition of Conservation Lands and Open Space, as previously appropriated by Resolutions #7661 and #8510. He noted that the remaining \$100,000 would come from the Conservation Fund Reserve.

Mr. Walsh stated that the City and Pan Am remained engaged in ongoing negotiations concerning the City's acquisition of another segment of the Northern Main Line, located between Loudon Road and Horseshoe Pond Lane. He added that the City desired to acquire the property to facilitate the Storrs Street North Extension (CIP # 18) project. He stated that City Administration anticipated presenting a Purchase and Sales Agreement to the City Council in future months for a separate public hearing.

Mr. Walsh stated that implementation of these initiatives supported the goals and objectives set forth in several City master plans, including the 2001 Concord 20/20 Vision Plan, the 2030 City Master Plan, the Bicycle Master Plan, as well as the Conservation Commission's Endowment for the 21st Century Conservation and Open Space Initiative. He noted that, when completed, both trails would create significant benefits for Concord residents, including improved livability, quality of life, inter modal connectivity of neighborhoods, as well as preservation and access to open space. He also noted that the trails would expand recreational and economic development opportunities for all City residents. He noted that the acquisition schedule, if approved, stated that October 15, 2021 would end the City's due diligence period, and would be the last day for Pan Am to salvage rails and restore the property. The City's due diligence efforts would be limited to a Phase I Environmental Site Assessment, without soil or ground water sampling, title review, ALTA Boundary Survey, and the review of Pan Am license and agreements. The potential closing date would be November 5, 2021. Mr. Walsh confirmed that the company, CSX, was in the process of acquiring Pan Am Systems, but had approved the proposed sale of the Northern Main Line and Concord-Clairemont Lines.

Mr. Walsh stated that, in accordance with NH RSA 228:60-b, the NH Department of Transportation (NHDOT) had a right of first refusal to acquire these former railroad properties. Per the statute, the NHDOT had 90 days to determine whether they would invoke its right of first refusal after being formally notified of the sale. Should the NHDOT elect to proceed with its right of first refusal for either rail corridor, the City's affected Purchase and Sales Agreement would be terminated. He also noted that, in November 2000, the Federal Railroad Administration designated portions of the Northern Main Line to be part of the Northern New England Corridor, a high speed rail corridor intended to stretch from Boston to Montreal. Although the Northern Main Line had been discontinued north of Horseshoe Pond Lane, the line remained subject to this designation and could be



re-activated in the future for high speed rail service.

Councilor Bouchard asked if Pan Am was taking the steel rails, and who would dispose of the rail ties. Mr. Walsh stated that the City would inherit the disposal of the rail ties, but noted that the removal cost would be minimal compared to the overall project scope.

Mayor Bouley opened the public hearing.

Michael Breau, a Concord homeowner near Horseshoe Pond, stated that he was not in favor of having a trail go right through his back yard that would allow and encourage homeless and less fortunate people to wander through his property. Councilor Keach asked if the railroad currently had an easement through his property. Mr. Breau stated that a 1912 deed did give the railroad a right of way through his property.

Colin Capelle, a Concord homeowner near Horseshoe Pond, stated that his family had owned his property for 75 years and had been dealing with transient vandalism, drug and alcohol crime, trespassing and littering for years. He voiced his concerns about the City spending money on this acquisition, nor did he appreciate the City not contacting him about their intent. He stated that he did support bicycle riding, but not through his back yard.

Dick Lemieux, the President of the Friends of the Merrimack River Greenway Trail, thanked City Manager Aspell and Mr. Walsh for all their efforts, hard work and negotiations to make this deal possible. Mr. Lemieux stated that his organization's sole purpose was to create a citywide trail along the Merrimack River. He noted that they had collected approximately \$300,000 in donations, and helped the City acquire \$100,000 in grant funding for trail efforts and improvements. He stated that over 1,053 Penacook, Concord and neighboring community residents endorsed their support of this trail. He encouraged the land conservation and development that would link Penacook with Downtown Concord, while securing 45 percent of the 12 mile trail through Concord. He pledged the support of the Friends of the Merrimack River Greenway Trail in any way needed.

Councilor Kretovic thanked Mr. Lemieux for his support with the Friends of the Merrimack River Greenway Trail thus far. She asked what protections and considerations would be made for the agricultural community to ensure their livelihood, i.e. Morrill and Crete Farm, that had been dealing with vandalism and

crime on their properties without a formal trail in place. Mr. Lemieux noted that, in his research and experience, trails were self policing and increased foot traffic acted as a crime deterrent. He noted that fence installations would be helpful to the land owners, but aside from that, the City would need to be involved in trail policing.

Councilor Bouchard asked if the Friends of the Merrimack River Greenway Trail had spoken to land owners about the proposed trail or the changes that would be made. Mr. Lemieux stated no, but that numerous walk through's had taken place on the trail, and that in depth conversations were had with Mr. Morrill regarding his concerns. He noted that he was not in a position to mitigate any of Mr. Morrill's concerns. Councilor Bouchard also asked if the railroad easements would transfer to the City if the purchase was approved. Mr. Lemieux stated that he did not know and deferred the question to the City's legal department.

Robert and Sherri Morrill, owners of Morrill Dairy Farm on Horseshoe Pond, voiced their concerns about the proposed trails going through their property. Mr. Morrill noted that they had been dealing with homelessness, crime, littering, and vandalism; and he was concerned about an increase in issues if his land was opened to the public. He noted that he was frustrated and felt overlooked by the City not contacting him or discussing this deal, when his livelihood and land were to be significantly impacted. Mrs. Morrill also stated that she had issues with people touching, feeding, or passing on disease to their livestock. She noted that hand, foot, and mouth disease could wipe out their cows, similar to what happened in Great Britain, and could devastate the New Hampshire dairy industry. She also noted that people consistently trespass on their properties for yoga classes, parking, and or access to the trails, and was concerned with how much worse it could get. She recognized that this acquisition was likely to be approved and requested that fences be installed to keep people on the trail and off of her property. She asked the City to be transparent with the terms of this deal, work with them on addressing their concerns, and to be rail trail leaders on how to successfully coexist with landowners. Councilor Rice Hawkins asked how much of their land would abut the trail and what other concessions did they want. Mr. Morrill stated that approximately two miles of his land would abut the trails. The Morrill's both agreed that fences would be helpful, but noted that the public access point to the trail was unknown and they were concerned about an increase in trespassing on their property.

Councilor Champlin asked Mr. Lemieux if the Friends of the Merrimack River

Greenway Trail had any plans or feasibility to include agricultural/ farmer representation to be on their board or planning committees. Mr. Lemieux stated that yes, they were always looking for participants and board members, but noted that fundraising was a significant part of their membership activity. He stated that the planning, design and development of the trail would be the responsibility of the City, as his organization was only a secondary partner.

Kris Tardiff, the Concord Conservation Commission Chair, endorsed the land acquisition and reiterated the Commission's full and enthusiastic support of the trail development and land conservation. She noted that, in her professional experience, developed trails with proper fencing and public education were self policing and reported concerns of trespassing and crime were negated. She noted that the Commission also fully endorsed the agricultural community and land conservation and encouraged the City to strike that compromise. She also requested that Council reallocate a small portion of the proposed funding to reduce the amount from the Conservation Fund Reserve, as having some in reserve allowed the Commission the flexibility to act quickly on future projects and opportunities.

Tim Bladgen, the Board President of the Friends of the Concord - Lake Sunapee Rail Trail, thanked Council for their consideration and encouraged their support to continue the citywide trail. He noted that the Fisherville Road trail was a great example of the trail being designed after taking public opinion, agricultural feedback, and safety into consideration. He noted that, in his experience, trails were self policing and are typically maintained by the users that respected and appreciated them. He noted that the trails were in great condition and are great for connecting people and places, especially when there are ice cream shops and cafes along the way. He noted that, as trails were developed, the areas were thoroughly cleaned out, the pathways were clearly marked for users, and fences had been successful in keeping people on the trails. He noted that the homeless and deviant populations tended to avoid the trails because they have a lot of foot traffic and activity. Councilor Kretovic expressed her appreciation for the Fisherville Road trail and noted that the trail is well maintained. She asked who was responsible for keeping it clean and maintained. Mr. Bladgen noted that he was the primary person responding to the trail maintenance calls, but that they were mostly for downed trees or washouts. He noted that the public took care of the trails and trash removal themselves, so he only had to do minor maintenance in the parking lot. He stated that his goal was to hire high school or college kids for summer maintenance in the future.

Boyd Smith, a Concord resident, endorsed the investment for the City, and noted that he felt that the City would work together with the landowners to solve any of the identified concerns stated. He noted that he and his wife had traveled on bike paths and trails country wide, and had met people from all over the United States. He noted the bike paths were great linear commerce options for cafes, ice cream shops, and bike shops, as seen in other areas. He noted that bike paths and trails were great ways to engage and connect with people of all ages. He stated that, in his experience, all trails were self policed, as people seemed to respect and treasure the trails. He noted his excitement to see the Concord trail potentially extend and emphasized the benefits of unity it would bring to Concord, in addition to the tourism they would promote.

Derek Lick, bored member of the Friends of the Concord - Lake Sunapee Rail Trail, stated that he practiced law in a Concord office, and all his coworkers were excited to see this trail go in. He said they worked with other communities to ensure the trails were thoughtfully designed to meet the needs of the public and land owners. He emphasized the benefits of having a continuous stretch of trail in Concord and, ultimately, New Hampshire, and added that the problems presented from the land owners could be improved as the project developed.

Karen Crosby, a Concord land owner, asked what happened to the landscape when trails were developed. She stated her concerns about clear cutting the land to develop the proposed trails and stated her concerns over the potentially displaced wildlife, removed trees, and impacts on nature.

Gary LeBlanc, the owner of Scenic Rail Riders, asked what the City's response to his business would be, once the space was purchased. He advocated that he was one of the largest tourist attractions in Concord, and expected to bring in 20,000 people this year, of which most would be from out of state. He noted that he submitted a petition to Council to keep the railway and trail paths along side each other, and spoke to the benefits having both would bring. He asked that the City follow up with him once a decision was made. Councilor Fennessy asked how Mr. LeBlanc was able to currently access the property. Mr. LeBlanc stated that he had a lease with Pan Am and had all permits with Concord and Boscawen.

- 30E. Resolution appropriating the sum of \$700,000 for the acquisition of property and related costs from Boston and Maine Corporation and the Northern Railroad, each of which is a subsidiary of Pan Am Systems, Inc., to support the Merrimack River Greenway Trail Project (CIP #543) and the Concord-Lake Sunapee Rail Trail, authorizing the issuance of bonds and notes in the amount of \$600,000, and

authorizing the transfer of \$100,000 from the Conservation Property Reserve; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** Public Testimonies were recorded in Item 30D.

### **Public Hearing Action**

31. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-7, Access, Circulation, Parking and Loading; together with report from the Deputy City Manager for Development.

**Action:** Councilor Nyhan moved approval. The motion was duly seconded and passed unanimously with a roll call vote. Councilor Kenison was not present for the vote.

**Yes:** 12 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

**Abstain:** 1 - Councilor Kenison

32. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations; Article 26-1-6.1, Sign Fees; together with report from the Deputy City Manager for Development.

**Action:** Councilor Matson moved approval. The motion was duly seconded and passed unanimously with a roll call vote. Councilor Kenison was not present for the vote.

**Yes:** 12 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

**Abstain:** 1 - Councilor Kenison

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

**Action:** Councilor Kretovic moved approval. The motion was duly seconded and passed unanimously with a roll call vote. Councilor Kenison was not present for the vote.

**Yes:** 12 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

**Abstain:** 1 - Councilor Kenison

34. Resolution authorizing the City Manager to enter into Purchase and Sale Agreements with the Boston and Maine Corporation and Northern Railroad, each of which are subsidiaries of Pan Am Systems, Inc., concerning the acquisition of portions of the Boston and Maine Northern Main Line Railroad and Concord-Claremont Railroad for the purpose of facilitating the Merrimack River Greenway Trail (CIP #543), and the Concord-Lake Sunapee Rail Trail; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Public testimony submitted)

**Action:** Councilor Champlin moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Councilor Champlin stated his support for the project and asked that, if the acquisition was approved the rail trail business and the City include the abutting land owners and farming community in planning discussions for a truly collaborative and successful rail trail system.

Councilor Todd echoed Councilor Champlin's comments and noted that the trails would add value to Concord. He stated that there was merit in the concerns raised by the farmers and land owners, and felt confident that the City would come to an agreement that would improve the identified situations. He endorsed his support for the project and noted that he had been a part of the Concord 20/20 group and was happy to see some of their ground work coming to fruition.

Councilor Kretovic extended her appreciation to the Morrill family and thanked them for their passion. She stated that she would support the project in the hopes that Council would help the property abutters find relief with the problems reported and prevent a public trail from significantly impacting their livelihood. She noted that she heard the concerns presented, but felt confident in the work of the Conservation Commission, as they also oversee the agricultural open space land in Concord. She stated that the Fisherville Road trail was a great example of what could be done and noted that the Lake Sunapee Rail Trail committee did a great job working with the farmers and abutters to set a working model. She said Council should hold themselves and the City Administration accountable to that model, but felt confident that it would be successful as other projects have been.

Councilor Kenison stated her support for the project, and excitement to meet in person and witness live public testimonies again. She noted that the farming community worked hard and were passionate about their work, and thanked everyone who testified for opening her eyes to concerns she hadn't considered. She noted her confidence that the City would do everything to help ease their concerns and meet the needs of everyone.

Councilor Grady Sexton stated that she felt the same as Councilor Kretovic relating to this project and thanked the abutters for their moving testimonies. She asked City Manager Aspell if the abutters of this project were notified of this public hearing and how many were in attendance. City Manager Aspell stated that the abutters were not notified and typically were not notified about a project like this.

He noted that there could be approximately 100-200 abutters.

Councilor Grady Sexton noted her concerns about there being up to 100 or more abutters that had not been notified of the project. She asked if Council supported, could they ensure a balance was met between the interests of the project and the abutters. City Manager Aspell stated, yes, and noted that this project could take a while to fund and design. He stated that public input would be wanted in the design stages. He noted that, at this time, there was no money in the design phase, construction phase, or for permitting or public outreach, and that this stage was only for the acquisition of the property. He projected that the project could cost up to \$13 million for only a small portion of the trail and that more would come. He stated that Concord was in the bottom 10 percent of communities going out and buying land, and was catching up to continue with the trail connection between the ocean and Vermont.

Councilor Bouchard echoed Councilor Grady Sexton's concerns about the abutters and felt that their concerns and needs had to be met to protect their property. She noted that she had been on one of the trail walks and spoke with Mr. Morrill regarding his concerns, and right after he stated his concerns about his cow being touched, two participants went and touched them. She confirmed that his concerns were real on the farm and that it was really close when walking through that area. She noted her concern that other property owners hadn't been contacted about the project or the easements. She stated that the Horseshoe Pond entrance needed to be addressed to protect those neighborhoods. She asked again if the property easements would go to the City when the land was acquired. City Manager Aspell stated that there was no access point to the southern end of the Merrimack River Greenway Trail piece yet, because other land pieces needed to be acquired in order to make the connection and millions of dollars more to spend.

Councilor Bouchard asked for clarification on the access point for the Sunapee section that affected the home owners who had testified. City Manager Aspell stated that a huge portion of that land had been washed out and needed to be designed. He also noted that the City would likely take on and own those land easements that gave access through the abutting properties, to which City Solicitor Kennedy stated was likely true and would be confirmed once title research was completed.

Councilor Fennessy stated his support of the project.

Councilor Rice Hawkins asked for the next steps after the acquisition and what



opportunities existed for the abutters to be involved in the process going forward. Mr. Walsh stated that, after the land acquisition, the City would move forward with the design and construction of the trails. He noted that abutters and public input would be brought in much like other Capital Improvement Projects. He noted that the City had applied for a \$1 million TAP grant from the State of New Hampshire that, if received, would first be used to construct the Sewall's Falls Contoocook area because of the existing public access and facilities. He noted that once Pan Am shared the lease agreements the City would review them and begin having conversations with them. He noted that the corridor was approximately 82 feet wide and that there was a lot of opportunity to accommodate abutter concerns and build in buffers. He stated that this was a multi year project that would take several years to come to fruition and that this was the initial step to get control of large portions of the land needed.

**Yes:** 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

35. Resolution appropriating the sum of \$700,000 for the acquisition of property and related costs from Boston and Maine Corporation and the Northern Railroad, each of which is a subsidiary of Pan Am Systems, Inc., to support the Merrimack River Greenway Trail Project (CIP #543) and the Concord-Lake Sunapee Rail Trail, authorizing the issuance of bonds and notes in the amount of \$600,000, and authorizing the transfer of \$100,000 from the Conservation Property Reserve; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** Councilor Kenison moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Councilor Kretovic stated that it was a very tight knit community in the Fosterville area that was mostly overlooked because most didn't know it was there. She stated that the residents had taken care of the rail line on their own for 45 years, because Pan Am had abandoned it, and noted that the last thing they wanted to hear was that the City abandoned it too. She stated that the City would have to speak with and address abutter concerns about current issues. She noted that there was a transient population that hid in this area and the residents had been handling issues with drug paraphernalia and trespassing on their own. She noted that the City needed to commit to improving these conditions and make a betterment in their neighborhood. She endorsed her support and asked Council to support the protection of this community.

**Yes:** 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

## **Reports**

### **New Business**

#### **Comments, Requests by Mayor, City Councilors**

Councilor Rice Hawkins noted that a constituent had asked about setting up a City Agricultural Advisory board to discuss and address agricultural concerns within the City. Mayor Bouley noted that statutorily it was allowed, and noted that he had met with the Farm Bureau and suggested reaching out to them as a resource. He advised Councilor Rice Hawkins to submit a letter to Council to kick off the process of starting that Committee. Councilor Kretovic asked Councilor Rice Hawkins to make reference to the City's Code of Ordinances in her letter, in regard to the Farmer's Market language. She noted opportunities for this Board to review and make improvements to best meet the needs of the agricultural community.

Councilor Rice Hawkins asked for an update on the racial justice conversation. City Manager Aspell stated that he had been in contact with the National League of Cities regarding contract negotiations and would likely have an agreement signed later in the week. He noted that the price and content were approved, but some existing language needed to be modified. He noted that the National League of

Cities had also been dealing with some staff changes, but noted that after budget adoptions the trainings could be scheduled anytime.

Councilor Rice Hawkins asked how the American Rescue Plan Act dollars would be spent in the City and what process would be put in place. City Manager Aspell stated that the final dollar amount had not yet been received, and Council would be responsible for deciding how the money got allocated. Councilor Rice Hawkins noted that other communities held public hearings and surveyed residents to determine how best to allocate the investment within their community and felt the City should do something similar. City Manager Aspell noted that prior Council members felt that public input was not needed, as they were elected to represent their constituents. Councilor Rice Hawkins noted that she still felt that a public input process was needed to be best used in Concord.

Mayor Bouley encouraged discussions with anyone looking to partner with Concord or on items identified that could be of interest. He noted that Concord did not get a large allocation compared to other communities, but endorsed partnering with the County to prioritize projects within the community that could be funded. Councilor Rice Hawkins noted that the County had compiled their top proposed infrastructure project list and asked if the City Manager could share it with Council so everyone could see what was on the County's agenda.

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

#### **Adjournment**

**Action:** Councilor Keach moved approval to adjourn. The motion was duly seconded and passed unanimously with a roll call vote.

**Yes:** 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Werner

#### **Information**

Inf1 December 17, 2020 and January 28, 2021 Transportation Policy Advisory Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf2 February 23, 2021 Traffic Operations Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf3 May 10, 2021 Concord Public Library Board of Trustee Meeting Minutes.

**Action:** Information item received and filed.

Inf4 Parks and Recreation Summer/Fall Brochure.

**Action:** Information item received and filed.