



**City of Concord**  
**City Council**  
**Meeting Minutes - Draft**

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Monday, February 14, 2022

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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***Non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property and contract negotiations to be held at 6:00 p.m.***

**Present:** 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Paula McLaughlin, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, and Councilor Brent Todd

**Excused:** 1 - Councilor Amanda Grady Sexton

**Late:** 1 - Councilor Zandra Rice Hawkins

**Action:** Mayor Bouley called the meeting to order at 5:05 P.M.

Councilor Todd moved to enter non-public session in accordance with RSA 91-A:3, II (d) to discuss the acquisition, sale or lease of property. The motion was duly seconded and passed with no dissenting votes.

Staff Members Present: City Manager Tom Aspell; Deputy City Managers Carlos Baia and Brian LeBrun; City Clerk Janice Bonenfant.

At 6:40 P.M., Councilor McNamara moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Matson moved to seal the minutes of the non-public session. The motion was duly seconded and passed unanimously.

There being no additional Council business, Councilor Kretovic moved to adjourn the non-public session.

1. Mayor Bouley called the meeting to order at 7:00 P.M.
2. Invocation.
3. The Pledge of Allegiance was completed.
4. Roll Call.

**Present:** 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, 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

**Excused:** 1 - Councilor Amanda Grady Sexton

5. Approval of Meeting Minutes.

January 3, 2022 City Council Meeting Minutes.

**Action:** Councilor Pierce moved to approve the January 3, 2022 Council Meeting Minutes. This motion was duly seconded and passed with no dissenting votes.

January 10, 2022 City Council Meeting Minutes

**Action:** Councilor Pierce moved to approve the January 10, 2022 Council Meeting Minutes. This motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.
7. Presentation by Paul Lloyd, NH State Veterans Advisory Committee.

**Action:** Paul Lloyd, from the NH State Veterans Advisory Committee, requested that City Council approve to recognize the City of Concord as a Purple Heart Community. He stated that the Purple Heart was a combat decoration and was the Nation's oldest medal. He stated that the purpose of the Purple Heart Community was to recognize and honor those awarded with the Purple Heart Medal, with designated signs declaring the City's support and appreciation for their sacrifice and service.

Mr. Lloyd stated that he spoke with the City Manager about this project and noted that there would be no cost associated with it as the Veteran's organizations had already raised enough money for eight signs. He proposed having the signs installed in Concord, having a proclamation, and having a sign ceremony in May.

Councilor Champlin asked to clarify if the Purple Heart was awarded to any service

member wounded in combat, to which Mr. Lloyd confirmed.

Mayor Bouley proposed having Mr. Lloyd work with City Manager Aspell to formally draft the proposed action for Council to take action on at a future meeting, to which Mr. Lloyd agreed.

Mr. Lloyd also spoke with Council members about the upcoming Memorial Day parade, noting that it had been cancelled in recent years due to the pandemic. He acknowledged that folks were looking forward to it this year, but requested shortening the parade route to accommodate the school band, and noted a few route alterations.

Mayor Bouley proposed having Mr. Lloyd work with City Manager Aspell to prepare and coordinate the event details.

8. Presentation by Kristine Tardiff, Conservation Commission.

**Action:** Kristine Tardiff, the Chair of the Concord Conservation Commission, stated that the Conservation Commission was celebrating its 50th anniversary. She extended a special thanks to Councilor Todd for his role with the Commission and welcomed Councilor Brown as the new Council representative.

Ms. Tardiff stated that a special report had been submitted to Council in January, and as a follow up, she made a presentation, for Council members, highlighting the successes and accomplishments of the Commission since its creation. She stated that the overall purpose of the Commission was to protect, promote and develop the natural resources of Concord and to protect the watershed resources of the city. She advocated for the continued support and protection of open spaces as she felt that it protected resources for current and future residents. She noted significant land conservation efforts, made over time, to continue with the preservation of land, maintaining sustainable agricultural efforts, and ensuring resiliency for change.

Ms. Tardiff highlighted that Concord offered over 80 miles of public trails through conservation land and spoke to the various projects, groups, members, and partnerships that made everything possible. She extended her thanks and appreciation to City Council for their ongoing support and partnership and stated her excitement for all the past accomplishments and for the new ones to be made in the next 50 years.

Mayor Bouley thanked Ms. Tardiff for her presentation and extended his

appreciation and support for the Commission's ongoing works.

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

**Action:** Mayor Bouley recused himself from voting on Item 25 and stated that he had a conflict with the item as he worked in the building being discussed. Councilor Kretovic recused herself from voting on Item 21 as she was the contributor.

Councilor Champlin moved approval of the Consent Agenda Items. This motion was duly seconded and passed with no dissenting votes, excluding votes from Councilor Kretovic on Item 21 and Mayor Bouley on Item 25.

**Referral to Community Development & the Parking Committee**

9. Correspondence from WinWaste Innovations seeking reconsideration of Ordinance #3104 that presently bans parking, standing and stopping on Whitney Road

**Action:** This communication referral has been approved.

**Items Tabled for March 14, 2022 Public Hearings**

10. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-9, Demolition Review; together with report from the Heritage Commission.

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

11. 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, by adding a full-time Assistant Golf Professional; together with report from the Deputy City Manager Finance.

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

12. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-6, Code of Ethics; together with report from the Rules Committee.

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

13. Resolution appropriating the sum of \$4,567,295 for revenue replacement and accepting the sum of \$4,567,295 in American Rescue Plan Act (ARPA) funds for this purpose; together with report from the Deputy City Manager Finance.

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

14. Resolution appropriating the sum of \$3,800,000 for the Hall Street Wastewater Treatment Facility Secondary Clarifier Upgrade Subproject (CIP #104), accepting the sum of \$760,000 from the NH Department of Environmental Services American Rescue Plan Act (ARPA) program, and authorizing the issuance of bonds and notes in the sum of \$3,040,000 for this purpose; together with report from the General Services Director.

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

15. Resolution appropriating the sum of \$144,000.00 for overtime compensation and fringe benefits to support Fire Department staffing and authorizing the use of \$144,000.00 from fund balance for this purpose; together with report from the Fire Chief.

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

16. Resolution appropriating the sum of \$88,575.00 for bumpout construction and associated drainage improvements in conjunction with the Annual Highway Improvement Project (CIP #78) and authorizing the use of \$88,575.00 in Highway Reserve Funds for this purpose; together with report from the Senior Planner on behalf of the Transportation Policy Advisory Committee.

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

17. Resolution appropriating the sum of \$26,000 in the Granite United Way grant project for overtime and fringe benefit expenses incurred by the Police Department for Adverse Childhood Experience Response Team (ACERT) Program activities and accepting the sum of \$26,000 in funding from the ACERT Program administered through Granite United Way for this purpose; together with report from the Deputy Chief of Police.

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

18. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

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

### **From the City Manager**

19. Positive Citizen Comments.

**Action:** Positive comments were received and filed.

### **Consent Reports**

20. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,243.84, as provided for under the pre-authorization granted by City Council.

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

21. Diminimus gifts and donations report from the City Planner requesting authorization to accept a donation of \$213, as provided for under the pre-authorization granted by City Council.

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

22. Diminimus gifts and donations report from the Police Department requesting authorization to accept a donation of \$200 from the Achong Family to be designated for the Concord Police Department's Project Blue Elf program, as provided for under the pre-authorization granted by City Council.

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

23. Diminimus gifts and donations report from the Police Department requesting authorization to accept a gift card in the amount of \$500 from Walmart to be utilized by the Police Department towards the funding of a large screen TV/monitor in the Department's Training Room, as provided for under pre-authorization granted by the City Council.

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

24. City Council 2020-2021 Quarterly Priorities Report from the City Manager.

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

25. Report from the Deputy City Manager for Development recommending the City Manager be authorized to enter into a new license agreement with WTR Enterprise, Inc. dba as Cheers restaurant for patio improvements, including the installation of a commercial grade awning, on City property.

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

26. December 31, 2021 Fiscal Year to Date Financial Statements report from the Deputy City Manager Finance.

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

27. Report from the Fire Chief requesting authorization to apply for grant funding in the amount of fifty thousand dollars (\$50,000) through the Governor's Office for Emergency Relief & Recovery.

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

28. Report from the Fire Chief requesting authorization to apply for a Homeland Security Grant Program grant in the amount of \$10,000 to be used for the purchase of swiftwater rescue equipment.

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

29. Report from the General Services Director in response to a referral regarding biodegradable Pay-As-You-Throw Bags.

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

30. 2021 Year In Review report from the Parks and Recreation Director.

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

31. Report from the City Planner, Update on the Proposed Zoning Code - Phases 1 and 2.

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

32. Report from the Senior Planner regarding the Annual Review of the Public Capital Facilities Impact Fee Ordinance.

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

33. Report from the Transportation Engineer on behalf of the Traffic Operations Committee in response to a referral from City Council regarding a petition for the City to examine traffic speeds, visibility exiting driveways, and illegal parking on Christian Avenue.

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

34. Communication from Becky Herrmann, Chair, Concord Public Library Board of Trustees, on behalf of the CPL Board of Trustees, outlining their recommendations for the Penacook Library.

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

### **Consent Resolutions**

35. Resolution authorizing the City Manager to apply for Community Development Investment Program Tax Credits from the NH Community Development Finance Authority to support CIP#543 Merrimack River Greenway Trail; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

36. Resolution in recognition of the services of Linda Kenison.

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

37. Resolution in recognition of the services of Robert Werner.

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

### **Appointments**

38. Mayor Bouley's proposed appointment to the Planning Board: Amanda T. Savage.

**Action:** This appointment was approved.

39. Mayor Bouley's proposed appointments to an Ad-Hoc Gully Hill Road Committee: Councilors Bouchard, Brown and Kretovic.

**Action:** These appointments were approved.

40. Mayor Bouley's proposed appointments to the Energy & Environment Advisory Committee: Jonathan M. Weinberg and R. Robert Werner.

**Action:** These appointments were approved.

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

**Public Hearings**

41A. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph J, Table of Principal Uses, by amending the Table of Principal Use, Use E, Medical; together with report from the Deputy City Manager for Development. (Supplemental report requesting public hearing be recessed until January 10, 2022 received.) (Additional supplemental report and map submitted.) (Public hearings recessed at the December 13, 2021 and the January 10, 2022 City Council meetings.) (Supplemental ordinance and additional supplemental report submitted.)

**Action:** Deputy City Manager - Development Baia stated that the City's current Zoning Ordinance, E3, allows offices and health care practitioners, including clinics and outpatient health care, in nine of the City's districts. He stated that the proposed Zoning Ordinance change would amend the E3 use to be solely for offices of health care practitioners. He noted that the change would also create a new use category E6, for clinics providing outpatient procedures, walk-in services, and substance abuse care and treatment.

Deputy City Manager - Development Baia stated that, even with the inclusion of the General Commercial (CG) district, clinics would still continue to be permitted in the majority of zoning districts that allow for commercial use. He also noted that health clinics inside pharmacies or other retail businesses would remain unaffected, by the proposed change, as long as the clinic was not constituted as the primary use of the establishment.

Deputy City Manager - Development Baia stated that he spoke directly with the Executive/Directors of Riverbend, the Equality Health Center, and Fellowship Housing; answered all their questions; and noted that they would all remain unaffected by the proposed changes, based on the description of the services they provide.

Councilor Fennessy asked to clarify if the services provided by the three referenced clinics would remain unimpacted by the proposed change, to which Deputy City Manager - Development Baia confirmed, as they were not described as clinics.

Mayor Bouley un-recessed the item to continue with public hearings. Mayor Bouley opened the public hearing.

Kim Bock, the Executive Director of NH Coalition of Recovery Residences, stated that substance abuse disorders locally and nationally are at all-time highs, and noted that Concord and New Hampshire are some of the most challenged. She stated that due to national studies, it was known that 75% of people with addiction could maintain long term recovery, which was good news. She stated that she remained optimistic for the potential outcomes of combating the crisis, but noted that recovery only happened in areas where services were available. She asked Council members to thoroughly review the proposed changes, noting that service limitations could cause transportation and attendance issues from people in recovery, and would then undermine the intent of combating the crisis.

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

- 41B. 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, Network Security Engineer; together with report from the Director of Human Resources and previously submitted resolution.

**Action:** City Manager Aspell stated that City Council previously approved funding for the position and this item was to amend the Ordinance to include the position moving forward.

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

- 41C. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (Public hearings to be held in February and March with action taken in April.)

**Action:** City Manager Aspell stated that City Council had voted to authorize the annual valuation of assessments since 2005, and noted that the Assessing Office had been assessing properties annually at market value since 2004. He stated that the proposed resolution would allow the Assessing Department to continue with that practice.

Mayor Bouley opened the public hearing.

Roy Schweiker, a Concord resident, declared his support for doing this type of assessment annually, but noted that he felt it was being done poorly in Concord. He stated that, typically, once a residential property sold the market rate went up,

but he felt that was an unfair practice, since he believed most houses were fixed up before they were sold, and did not think sold properties reflected full neighborhoods. He also stated his opinion that commercial property sales were handled oppositely, where value was often assessed at less than the purchase price or new values. He referenced the examples of the Capital Plaza and the Capital Hotel 6. He stated his opinion that the City should also be marking up and increasing commercial property the same as done with residential. He also felt that the City should be auditing and assessing values to utilities to commercial properties. He encouraged City Council to ask for a report from Assessing.

Mr. Schweiker also stated his belief that disputing assessed residential property values was a difficult task due to visible and non visible values. He noted that the value of sold properties included potential updates that, for example, his home might not have. He noted that it would be difficult to assess what his neighbors did and didn't have compared to his own home. He advocated for visible evaluations, with tangible value, like paved driveways, being taken into consideration. He also advocated for the City getting a handle on why commercial properties weren't paying their fair share of the property value in Concord.

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

- 41D. Resolution appropriating the sum of \$67,637 to continue the work of reducing energy usage at the Hall Street Wastewater Treatment Plant (CIP #104) and accepting the sum of \$67,637 from the Unutil NHSAVES Energy Efficiency Incentive Rebate Program for this purpose; together with report from the General Services Director.

**Action:** City Manager Aspell stated that the General Services Department requested City Council's approval to authorize the City Manager to accept \$67,637 in anticipated rebate funds from Unitil as part of the NHSAVES energy efficiency rebate program. He noted that the Unitil incentive program rebate funds were anticipated by the Department and had offset approximately 30% of the cost of the recently completed aeration blower replacement project at the Hall Street Wastewater Plant. He noted that the aeration blower replacement project was completed as part of the Wastewater Division's ongoing energy efficiency initiative originally established and funded, by the Council, as part of the FY 2019 budget process. He stated that the recommendation was to accept the \$67,637 in rebate funds.

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

- 41E. Resolution appropriating the sum of \$18,771.00 to launch an e-bike bookmobile outreach program and accepting the sum of \$18,771.00 using Federal American Rescue Plan Act (ARPA) grant funds for this purpose; together with report from the Library Director. (Supplemental report submitted.)

**Action:** City Manager Aspell stated that the Concord Public Library created a "bike bookmobile" program to perform innovative outreach services across the City, serve and promote library services to new community members, and, finally, to develop community partnerships that would enhance the quality of life for all of the City's citizens. He noted that in order to launch the program, the Library would purchase two eBikes and two trailers from a local bike shop (S & W Sports), as well as the necessary riding and maintenance equipment. He stated that the bike shop was eager to partner with the Library in the form of providing bike and trailer maintenance and event partnerships. He noted that the two "bookmobiles" were being fabricated by a company from Maine and would provide cargo capacity for materials, supplies, and equipment. The bookmobiles would be branded with the Library's colors, logo, and a new slogan to capture community interest. As part of this grant two WiFi hot spots would also be purchased to travel with the bikes so that one could log on to the computer system and access the same data that was accessible at other City facilities.

City Manager Aspell stated that there was a tremendous amount of outreach opportunities in the City, beginning with a new partnership with the City's Parks & Recreation Department and S & W Sports. He noted that Library staff had been meeting with the department to discuss events that the bike bookmobile program could enhance. He noted that beyond these partnerships, a bike bookmobile would

add the ability to circulate and give away books at these events and promote library services and resources.

Councilor Pierce asked who would be riding the referenced bicycles, to which City Manager Aspell confirmed it would be library staff.

Councilor Rice Hawkins asked if the service would be limited to the spring, summer and fall months, to which City Manager Aspell confirmed.

Councilor Rice Hawkins asked if the service would confidently be provided in Penacook and the Heights as part of the outreach, to which City Manager Aspell confirmed.

Councilor Rice Hawkins asked if the number of books was known, to which Library Director Fabian stated that the exact number was unknown. He noted that the units would be small, but would have a significant amount of storage space. He noted that the e-bikes were pedal assist, but could get up to 18 mph, and could therefore canvas Concord.

Councilor Rice Hawkins asked, as a follow up to outreach efforts, what types of books were being purchased and used to service those communities, to which Library Director Fabian stated that the book collections would be tailored and rotated to outreach events and schedules.

Councilor Rice Hawkins asked, as a follow up, to confirm if this program was more for book borrowing than giveaways, to which Library Director Fabian noted that it would be different based on the type of event and outreach design.

Councilor Rice Hawkins asked as a follow up, to confirm if for larger events the bookmobile would be used to promote the event while the Library would have a table set up for giveaways, to which Library Director Fabian confirmed, and noted that the bookmobile would also be used for complimentary event promotions.

Councilor Matson asked if people could request or provide feedback on what types of materials to bring to events and areas, to which Library Director Fabian confirmed that, yes, on lending days, that was a feasible option; and noted that with the hotspot and laptop, books could be ordered on site and delivered next time.

Councilor McNamara asked if this was envisioned as a way to get more families to

sign up for library cards, to which Library Director Fabian said yes, but it was more of a goal to be present and engaged within new parts of Concord communities that might have been under served.

Mayor Bouley asked where the bikes would be stored, to which Library Director Fabian stated that they may get stored at the Library, the Citywide Community Center, or at the COMF, depending on where the outreach efforts were being made.

Mayor Bouley asked if training would be made available for staff, to which Library Director Fabian confirmed.

Councilor Brown asked how the eBikes would be charged and how long a charge would last, to which Library Director Fabian stated that they would be plugged in and charged overnight in regular outlets and a charge would easily last a day or more. Councilor Brown asked if the bikes were heavy, to which Library Director Fabian confirmed they were much heavier than traditional bikes.

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

- 41F. Resolution appropriating the sum of \$1,880,000 as a transfer to Reserves, and authorizing the use of \$1,880,000 from Fiscal Year 2021 General Fund Assigned Fund Balance; together with report from the Deputy City Manager - Finance.

**Action:** Mayor Bouley proposed hearing items 41F and 41G together, to which Council agreed.

City Manager Aspell stated that for the Fiscal Year ending June 30, 2021, the City reported a preliminary General Fund surplus of \$1,067,700. He noted that Management planned to allocate \$2,800,400 at year-end to Assigned Fund Balance, including \$100,000 to be assigned for overlay for settlement of future abatements and \$820,400 for the amended FY 2022 budgetary Use of Fund Balance. He stated that Management also recommended appropriating \$1,880,000 from the City's FY 2021 Assigned Fund Balance as a Transfer to Trust Fund Reserves, as detailed, and appropriating \$130,000 to be transferred from Trust Fund Reserves for the purposes detailed.

City Manager Aspell stated that in the Fiscal Year ending June 30, 2021 fiscal results were positive and resulted in this surplus. He noted that this was good news considering the effects of the COVID-19 pandemic, and the use of \$1,500,000

from the City's Unassigned Fund Balance to balance the FY 2021 General Fund Operating Budget. He noted that one significant item that contributed to the surplus was the year end property tax collection adjustment that was made as of August 31 each year, also known as the "60 day" rule adjustment. He noted that in most years the adjustment to property taxes was an increase or decrease to the Property Tax Revenue line of \$100,000+. He noted that for FY 2021, the adjustment was an increase to property tax revenue in the amount of \$1,476,900. He stated that this significant change was the result of higher property tax collection rates than the past fiscal year due to earlier property liens. He noted that the FY 2021 General Fund actual revenues received exceeded the amended budget by \$642,400. He noted that the City received full reimbursements from the State of New Hampshire for Fire and Police Department efforts at the Steeplegate Mall vaccination site and that actual expenses were under budget by \$425,300. He stated that the basis for the resolution was to support needed initiatives that were either not funded in the FY 2022 operating budget, to respond to issues that arose after the FY 2022 budget was presented/adopted, or, looking ahead, to resolve future issues.

City Manager Aspell stated that the items requested in the resolution(s) were: Highway Reserve (Paving) Reserve \$1,000,000; Equipment Reserve \$530,000; Recreation Reserve \$250,000; Economic Development \$100,000; and Allocation for Overlay (Abatements) \$100,000; Allocation for FY 2022 Budgetary Use of Fund Balance \$820,400; for a total FY 2021 Assigned Fund Balance of \$2,800,400.

City Manager Aspell stated that the resolution also recommended a supplemental appropriation to support the following items:

From Equipment Reserve \$120,000:

- \$40,000 additional funding for the City Hall Door access project.
- \$10,000 to support necessary replacement/purchase of furniture and equipment
- \$42,000 for counter replacement in the Collections Office (in conjunction with the proposed FY 2023 Collections Office upgrade, need to purchase counters early and have on site due to supply and delivery issues)
- \$7,000 for a large format scanner in the Codes Office (PCR #27) (for scanning old plans into system);
- \$9,000 Police Department Key Management System (PCR #75); and
- \$12,000 for a scissor lift for Downtown Services team (PCR #60).

From Education Reserve \$10,000:

- \$10,000 for education and training opportunities.

City Manager Aspell stated that the overall revenues in the Wastewater Fund were significantly higher than expected, \$811,300 or 10% better than budget. He noted that this was due to higher Sewer Usage Charges totaling \$390,300, higher Sewer Usage Charges - Towns totaling \$152,700, additional Leachate Processing totaling \$287,800, and increased Septage Processing totaling \$156,300. He noted that Expenses were under budget by \$509,000, stating that the net result was the fund finishing the year \$1,320,300 better than expected.

Councilor Fennessy asked why the expenses were less, to which City Manager Aspell stated that staff shortages saved \$52,600 in compensation, \$15,200 for retiree health costs, reduced repairs and maintenance saved \$22,600, cuts in outside professional services saved \$199,400, reduced chemical expenses of \$20,500, less electricity was consumed resulting in \$60,600, and Gain/Loss on Bond Refunding in the amount of \$131,300.

Councilor Fennessy asked to clarify if there were any lessons or take away items regarding the “60 day” rule adjustments that could be applied to the year end process, to which Deputy City Manager - Finance LeBrun stated that this excess was an anomaly due to the increase in property sale transactions, which resulted in the collection of back taxes owed on those properties and was not something that could be planned for. He stated that Finance does the best they can at trying to collect taxes due to the City and will continue their best efforts moving forward, while noting this excess was not expected and could slow down as collection efforts slow.

City Manager Aspell stated as a follow up, to keep in mind that those back taxes would only be collected once and were not re-occurring charges, unless they became delinquent again. Deputy City Manager - Finance LeBrun also noted that the reported collection of revenues were date specific, and to be mindful that the swing could also go the other way next year.

Councilor Fennessy asked to confirm if the excess was only due to the collection of back taxes, to which Deputy City Manager - Finance LeBrun confirmed.

Councilor Keach asked for clarification on how the City would prepare itself against inflation or a possible recession, to which Deputy City Manager - Finance LeBrun stated that, as of now, employment was strong and dollars were flowing

through the economy, so taxes remained stable in relation to collection rates. He noted that, as the economy softens, inflation would get a little higher, which could impact residents ability to pay taxes. He stated that collection efforts and communication were important and ongoing before people got too far out. He noted that as the tax rate increases, the interest would increase, resulting in more interest income.

Councilor Rice Hawkins asked if the number of people who paid up on their back taxes in preparation for home sales was known versus the number of people who were just catching up. She noted that she was curious to see if stimulus funds and child tax credits helped residents with those expenses. Deputy City Manager - Finance LeBrun stated that he would try to find that information but noted that type of information wasn't something readily available to the City. He noted that there was an increased number of transactions and with that they saw the back taxes being paid, but often saw that most people who paid were paying when they had a cash flow.

Mayor Bouley opened the public hearing on both items. There being no public testimony on either item, Mayor Bouley closed the public hearings.

- 41G. Resolution appropriating the sum of \$130,000 for the City Hall door project, furniture and equipment, and key management system and education opportunities and authorizing the use of \$130,000 in reserve funds for these purposes; together with report from the Deputy City Manager - Finance.

**Action:** Public testimony was recorded in Item 41F discussions.

### **Public Hearing Action**

42. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph J, Table of Principal Uses, by amending the Table of Principal Use, Use E, Medical; together with report from the Deputy City Manager for Development. (Supplemental report requesting public hearing be recessed until January 10, 2022 received.) (Additional supplemental report and map submitted.) (Public hearings recessed at the December 13, 2021 and the January 10, 2022 City Council meetings.) (Supplemental ordinance and additional supplemental report submitted.)

**Action:** Councilor Nyhan moved approval of the supplemental ordinance two. This motion was duly seconded and passed with no dissenting votes, per a roll call vote, as requested by Councilor Keach.

Councilor Rice Hawkins asked to clarify if the Planning Board had voted on the amendment change, to which Deputy City Manager - Development Baia stated that at the Planning Board's December 15, 2021 review of the original ordinance amendment relative to clinics, Councilor Champlin, the Council representative on the Planning Board, suggested an amendment to the ordinance to add the General Commercial (CG) district as another zoning district in which new category E6 would not be permitted. He noted that, in his interpretation, the Board did not get into those discussions and left it to the Council to consider as part of their process.

Councilor Rice Hawkins asked if there was a report with an overlay of public transportation, to see how any changes would impact community members, to which Deputy City Manager - Development Baia stated that current clinics did not exist in all districts and existing clinics in the Gateway and Opportunity Corridor had models for their facilities that were accessible by public bus transportation and could accommodate parking.

Councilor Brown asked if E6 was allowed in several zones similar to E3, which would allow quite a few zoned areas accessible to bus transportation, to which Deputy City Manager - Development Baia confirmed and noted that the majority of zoned districts would still allow for clinics.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Brown, Councilor Champlin, Councilor Fennessy, Councilor Keach, Councilor Kretovic, Councilor Matson, Councilor McLaughlin, Councilor McNamara, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

**Excused:** 1 - Councilor Grady Sexton

43. 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, Network Security Engineer; together with report from the Director of Human Resources and previously submitted resolution.

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

44. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per

RSA 75:8-b; together with report from the Director of Real Estate Assessments. (Public hearings to be held in February and March with action taken in April.)

**Action:** Mayor Bouley recessed this item.

45. Resolution appropriating the sum of \$67,637 to continue the work of reducing energy usage at the Hall Street Wastewater Treatment Plant (CIP #104) and accepting the sum of \$67,637 from the Unutil NHSAVES Energy Efficiency Incentive Rebate Program for this purpose; together with report from the General Services Director.

**Action:** Councilor Bouchard moved approval. This motion was duly seconded and passed with no dissenting votes.

46. Resolution appropriating the sum of \$18,771.00 to launch an e-bike bookmobile outreach program and accepting the sum of \$18,771.00 using Federal American Rescue Plan Act (ARPA) grant funds for this purpose; together with report from the Library Director. (Supplemental report submitted.)

**Action:** Councilor Matson moved approval. This motion was duly seconded and passed with no dissenting votes.

Councilor Fennessy stated that this sounded like a great concept, but noted several concerns over eBike use.

47. Resolution appropriating the sum of \$1,880,000 as a transfer to Reserves, and authorizing the use of \$1,880,000 from Fiscal Year 2021 General Fund Assigned Fund Balance; together with report from the Deputy City Manager - Finance.

**Action:** Councilor Bouchard moved approval. This motion was duly seconded and passed with no dissenting votes.

48. Resolution appropriating the sum of \$130,000 for the City Hall door project, furniture and equipment, and key management system and education opportunities and authorizing the use of \$130,000 in reserve funds for these purposes; together with report from the Deputy City Manager - Finance.

**Action:** Councilor Bouchard moved approval. This motion was duly seconded and passed with no dissenting votes.

## **Reports**

49. Presentation by the Fire Department of the Fire Station Location Study.

**Action:** Fire Chief Brown introduced Stuart McCutcheon and Mary-ellen Harper of Emergency Services Consulting International, who were contracted to complete a fire station relocation study for the Concord Fire Department. He stated that the project was approved and funded by Council in FY 2021, but was delayed due to COVID-19 travel and accessibility issues, and noted his excitement for it being completed.

Mr. McCutcheon stated that the study was performed to assess current conditions to identify and recommend further growth and demand needs for the next 40-50 years. He stated that approximately 70% of the Concord Fire Department's demand was for Emergency Medical Services (EMS), noting that this was a typical trend for transport calls. He noted that the average response times throughout Concord was approximately between nine and a half to eleven minutes, of which seven and a half minutes were just for travel time. He noted that the issues were either there not being enough station coverage, which increased travel times across the City, or there were not enough available units to respond as they may have been on other calls. He stated that the projections and future trends showed an increase in population, which would increase service calls, which would then increase service demands. He noted that in order to meet current demands and increase future demand responses, the best course of action was to renovate the current fire stations, add a staffed suppression unit at Central Station 1, add a staffed ambulance to Central Station 1, increase administrative staff to resolve communication issues, and either add a fifth fire station or relocate fire stations 1 or 7 to optimize response times.

Councilor Nyhan asked to clarify the type of extensive renovations needed at the current fire stations, to which Mr. McCutcheon stated that Fire Chief Brown could elaborate more, but he identified foundation issues that should be addressed. Fire Chief Brown stated that a facilities condition assessment was performed and recommended renovations for the Fire Department included foundation crack repairs, floor repairs, upgrades to the HVAC, plumbing, and electrical systems, oil and water separators, etc. He noted that significant deferred maintenance over the years is starting to show.

Councilor Brown asked if the proposed fire station locations were based on physical site locations or projected areas, to which Mr. McCutcheon confirmed it was based on computer grid projections of areas that would average out or improve various response times. He noted that population densities, call volumes, and response times were all calculated in the various site projections.

Councilor Keach asked how Concord's working populations versus residential populations should be factored in, to which Mr. McCucheon stated that the City should establish performance thresholds to test out various solutions to balance employee shifts. As a follow up, Councilor Keach asked if it would be better to add a staffed ambulance during the day shift versus the evening, to which Mr. McCucheon noted his opinion of that being a good place to start, but suggested first staffing a few overtime positions to see the impact on response trends.

Councilor Pierce asked for clarification on the delayed times mentioned with the 911 systems between when calls were made versus received, to which Mr. McCucheon stated that the 911 system was problematic as it was set up, but that the State relied on it to dispatch calls throughout the state. He proposed working with the State agency, as allowed, to make any improvements available.

Councilor Champlin asked if staffing patterns were looked at in regards to adding a new fire station, to which Mr. McCucheon stated that staffing levels were standard and suggested adding people or vehicles as the budget would allow and support it.

Councilor Matson asked if either adding an ambulance and staff or moving around staff and an ambulance would significantly improve current times, to which Mr. McCucheon stated that his response would be different depending on a four station model versus a five station model. He noted that with the four station model, moving all the locations around would be the best option. He noted that Council could build toward a fifth station using CIP's to optimize that initiative over time.

City Manager Aspell asked if different measurements were used, in regards to response times and distances in larger cities, across the country, to which Mr. McCucheon stated that Council needed to determine if fundamentally everyone paid the same should they receive the same level of service or with limited funds, was it best to help the largest amount of people. He noted that this study was not focused on that level of detail, but additional research and reporting can be investigated further.

Councilor Keach noted that Fire Departments in this region were localized and he had concerns over Mutual Aid and the amount Concord was providing. He asked if that should be added into the equation, to which Mr. McCucheon stated that yes it should be taken into consideration, as Concord was larger and might need to provide more assistance to surrounding smaller towns and communities. He

suggested perhaps establishing inter-town responses at cost. He noted that having a baseline is the best way to move forward.

Mayor Bouley asked if the Mutual Aid data was tracked and available, to which Fire Chief Brown confirmed it was.

Councilor Fennessy thanked Mr. McCucheon for the presented information and noted that the time periods in which neighboring communities needed mutual aid were also Concord's higher demand times, and asked if there were ways to address that. Mr. McCucheon stated that the fundamental ways to address response times were focusing on location and available staffed units to service demands. He suggested potentially adding a staffed ambulance in the Downtown area, with overtime hours, for a month or two, so enough data could be collected and assessed to see if that was a viable solution. Fire Chief Brown noted that he had been working with other agencies to help reduce EMS call volumes and demands as well.

Councilor Fennessy noted that since EMS demands made up 70% of all calls he asked if the apparatus needs should be focused more on ambulances and less on fire equipment, to which Mr. McCucheon stated that Fire and EMS became blended to increase job security, but risk tolerance decisions would need to be made.

Councilor Kretovic thanked Mr. McCucheon for the detailed report. She noted that, from a residential point of view, a response of four minutes was great, but with the 911 dispatch delay it was closer to seven minutes, and emphasized that some parts of Concord were waiting up to eleven minutes, which in cases of heart attacks, could be fatal. She stated her opinion that delayed responses to heart attack calls was a significant problem that needed to be addressed.

Councilor Matson asked if the amount of time it took an ambulance to make a hospital drop off to getting out again was being tracked and if that time was increasing, to which Fire Chief Brown confirmed that those times were being tracked, and as previously mentioned to Council, current COVID-19 situations and hospital staff shortages have increased the demands of ambulances and those drop off times.

Councilor Nyhan asked if outsourcing emergency services was taken into consideration for this study, to which Mr. McCucheon stated no. He confirmed the study was only looking at the fire station conditions and relocation options. He

noted that having a third party ambulance service was not necessarily the best route to go, as customer service and overall decision making would be impacted, and suggested Council speak with Connecticut and ask about their experience with those services.

Councilor Champlin noted that outsourcing to third party, for-profit groups based their services on profit margins, which the City did not. Mr. McCucheon confirmed and noted that the control over essential emergency service and customer service would be limited if outsourced too.

Councilor Nyhan noted that, historically, Concord always staffed EMS services and asked if there was a private and public model that showed positive supplemented and contracted services, to which Mr. McCucheon stated that this study did not look into those options. He noted that the first thing to identify would be if a service existed in the Concord area and if they had enough resources to allocate to Concord's demand, and the overall price. He noted that contracted services would be looking to make a profit, so that was something to consider. He suggested looking into it, but offered his opinion that it would likely not be a feasible or financially beneficial option. Ms. Harper recommended conducting a separate study to determine the feasibility and value of such an option.

Councilor Keach noted that a similar model existed in Manchester and did not appear to be working. Ms. Harper reiterated that a separate study should be done to determine if it's something that could work in Concord.

Mayor Bouley asked to have the study published to the City web site so the public could view it. He noted that using consultants was a fairly new practice and extended kudos to Mr. McCucheon and Ms. Harper for a job well done for a very thorough and inclusive study. Ms. Harper thanked the Concord Fire Department staff for being so accommodating and helpful during the review process.

### **New Business**

### **Unfinished Business**

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

**Action:** Councilor Kretovic noted that the Park's & Recreation report in the consent agenda, was one of the best and it was colorful, informative, and a good read. She noted that the consent agenda also included a report about the Merrimack River Greenway Trail, for the businesses in the Concord area. She noted that they were partnering with the City to apply for a grant for tax credits through CVFA. She noted that they were asking businesses for letters of support, through February 28th. She recommended getting more information from their website [www.merrimackrivergreenwaytrail.org](http://www.merrimackrivergreenwaytrail.org) by searching Friends of Merrimack River Greenway Trail.

Councilor McNamara noted that Concord was hosting its first food truck and corn hole competition fundraiser to raise money for the Monkey-Around Playground at White Park. She noted that it would be held Sunday, May 15th, at 11 A.M. She noted that teams could be registered for \$50 and any business could provide their logos to be purchased or used in their corn hole games.

Councilor Brown echoed Councilor Kretovic's comments on the Recreation Department's report, noting that they trained over 492 children with swim lessons and serviced over 10,000 people who attended the pools. She stated her opinion that those services were great community features for everyone. She thanked Councilor Kretovic for commenting on the Merrimack River Greenway Trail because she felt that shared spaces were so important for the community to come together on.

Mayor Bouley stated that this was a great example of an effective partnership in the City where Recreation provided the swim lessons, but the Concord Housing Authority funded and supported it. He noted that the Concord Housing Authority had stepped up and partnered with the City for three or four years in a row.

Councilor Fennessy wished his mother a Happy Birthday and a Happy Valentine's Day to his wife. Mayor Bouley also wished Councilor Keach a Happy Birthday.

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

#### **Consideration of Suspense Items**

Sus1 To Be Set for a March 14, 2022 Public Hearing

Resolution appropriating the sum of \$200,000 for improvements to the State Street Parking Garage (CIP #432) and authorizing the issuance of bonds and notes in the amount of up to \$200,000; together with report from the Director of

Redevelopment, Downtown Services & Special Projects.

**Action:** Councilor Champlin motioned to consider Suspense Item 1. The motion was duly seconded and passed with no dissenting votes.

Councilor Kretovic motioned to set Suspense Item 1 for a public hearing on March 14th. The motion was duly seconded and passed with no dissenting votes.

### **Adjournment**

**Action:** Councilor Kretovic motioned to adjourn the meeting at 9:15 P.M. The motion was duly seconded with no dissenting votes.

**Information**

Inf1 Communication from John Plummer, Society for the Protection of New Hampshire Forests to the Concord Conservation Commission regarding Conservation Easement Monitoring Visits.

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

Inf2 Parks and Recreation Departments 2022 Spring Brochure.

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

Inf3 January 26, 2021 Tax Exemption Policy Committee Approved Meeting Minutes.

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

Inf4 January 18, 2022 Tax Exemption Policy Committee Draft Meeting Minutes.

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

Inf5 2021 Annual Report for the Capital Area Mutual Aid Fire Compact.

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

Inf6 Communications from Comcast notifying the City of Concord of upcoming program changes.

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

Inf7 January 24, 2022 and January 31, 2022 Rules Committee Draft Meeting Minutes.

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

***A true copy; I attest:***

***Ashley Hamilton***

***Deputy City Clerk***