



City of Concord

City Council

Meeting Minutes

Monday, January 13, 2020

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A:3, II (a) to discuss Compensation Adjustment followed by a non-meeting with legal counsel in accordance with RSA 91-A:2, I (b) to be held following the Council meeting.

1. Call to Order.

Mayor Bouley called the meeting to order at 7:00 p.m.

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

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

5. Ceremonial Swearing in of Mayor Bouley.
6. Ceremonial swearing in of Members of City Council.
7. Nominations for Mayor Pro Tem.
8. Election of Mayor Pro Tem.

Action: Councilor Matson nominated Councilor Bouchard as the Mayor Pro Tem. The motion was duly seconded and passed with no dissenting votes.

9. Remarks by Mayor Pro Tem.
10. Comments by Members of City Council.

Members of City Council thanked their family members and the Concord

community for their support.

11. Approval of the Meeting Minutes.

December 9, 2019 City Council Meeting Minutes.

Action: Councilor Champlin moved approval of the December 9, 2019 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

12. Agenda overview by the Mayor.

Consent Agenda Items

Approval of the Consent Agenda

Action: Councilor Kretovic moved approval of the consent agenda. Mayor Bouley removed item 41 from the consent agenda to be discussed under new business at the end of the meeting. The motion, as amended, was duly seconded and passed with no dissenting votes.

Items Tabled for February 10, 2020 Public Hearings

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

14. Resolution appropriating the sum of \$40,565.39 for the reimbursement of personnel costs related to the deployment of Fire Department personnel to areas impacted by natural disasters and accepting the sum of \$40,565.39 from the Federal Emergency Management Agency; together with report from the Interim Fire Chief.

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

15. 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, Library Position Class Specification Title Change; together with report from the Director of Human Resources and Labor Relations.

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

Items Tabled for March 9, 2020 Public Hearings

16. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 14, Morals and Conduct, Article 14-2, Miscellaneous Police Regulations, Section 14-2-7 Designated Tobacco Non-Use Areas prohibiting the use of tobacco products in City-owned parking garages; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Revised ordinance and supplemental report from the Library Director submitted)

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

17. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, by amending Schedule X, to establish a 3 hour meter time limit for certain parking spaces located on Storrs Street near Dixon Avenue; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

18. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, by amending Schedule X, concerning certain metered parking spaces on Court Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

19. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles, Section 17-4-3, One-Way Streets, Schedule VI, concerning Perkins Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

20. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

21. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX;

together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

From the City Manager

22. Positive Citizen Comments.

Action: This consent report was approved.

Consent Reports

23. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gift totaling \$625, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

24. Diminimus gifts and donations report from the Health & Licensing Officer requesting authorization to accept a program monetary award totaling \$6,500 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

25. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$11,734.00, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

26. City Council 2018-2019 Quarterly Priorities Report from the City Manager.

Action: This consent report was approved.

27. Report from City Manager regarding New Hampshire Golf Association's request for space at Beaver Meadow Golf Course.

Action: This consent report was approved.

28. Report from the Deputy City Manager Development requesting authorization for the City Manager to Apply for Eligibility to Host an ICMA Local Government Management Fellow in FY21.

Action: This consent report was approved.

29. Report from the Deputy City Manager Finance in response to a referral from City

Council and recommendation from the Golf Course Advisory Committee regarding Agronomist reports for Beaver Meadow Golf Course.

Action: This consent report was approved.

30. Report from the Director of Real Estate Assessments recommending the City Manager be authorized to enter a Payment in Lieu of Taxes Agreement between the City of Concord and Concord Regional Visiting Nurse Association, Inc.

Action: This consent report was approved.

31. Report from Assistant City Planner regarding the proposed Trails Master Plan.

Action: This consent report was approved.

Consent Resolutions

32. Resolution in recognition of the services of Lieutenant Sean K. Ford.

Action: This consent resolution was approved.

33. Resolution in recognition of the services of Detective Chris A. DeAngelis.

Action: This consent resolution was approved.

34. Resolution in recognition of the services of Councilor Mark Coen.

Action: This consent resolution was approved.

35. Resolution in recognition of the services of Councilor Allan Herschlag.

Action: This consent resolution was approved.

36. Resolution repurposing the sum of \$24,850 from the Water Plant Improvements 2018 Fence Replacement subproject (CIP #88) for use on the Pump Station Improvements 2018 Pump Station #5 Refurbishments subproject (CIP #372); together with report from the General Services Director.

Action: This consent resolution was approved.

37. Resolution directing the Tax Collector not to execute a tax deed on certain properties in accordance with RSA 80:76 II and II-a; together with report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

38. Resolution authorizing the City Manager to apply for a Federal Emergency

Management Agency grant (\$700,000), with a ten percent (\$70,000) City cash match to provide vehicle operations and safety training; together with report from the Interim Fire Chief.

Action: This consent resolution was approved.

39. Resolution authorizing the City Manager to apply for a Federal Emergency Management Agency grant (\$100,000), with a ten percent (\$10,000) City cash match to provide NFPA 1582 physicals and purchasing physical fitness equipment; together with report from the Interim Fire Chief.

Action: This consent resolution was approved.

40. Resolution correcting scrivener's errors in Resolution #9252 concerning RSA 79-E Community Tax Revitalization Tax Relief Incentives for real estate located at 135 North State Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This consent resolution was approved.

From the Mayor

41. City Council Committee Assignments. (To be submitted under separate cover)

Action: This item moved to New Business at the end of the Council agenda for discussion.

End of Consent Agenda

Public Hearings

- 42A. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant housing funds for building improvements at property owned by Fellowship Housing at 36 Pleasant Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided an overview explaining that Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Communities are eligible to receive up to \$500,000 for economic development projects, up to \$500,000 for public facility projects, up to \$500,000 for housing projects, and up to \$500,000 for emergency activities. Additionally, up to \$25,000 is available per planning/feasibility study

grant. All projects must directly benefit a majority of low and moderate income persons. He pointed out that informational packets about the CDBG program are available at the back of the room. Mr. Walsh noted that the City Council is holding this public hearing for the purpose of receiving public input on the following items:

FELLOWSHIP HOUSING CDBG APPLICATION: A resolution authorizing the City to submit a Community Development Block Grant application for up to \$500,000 to the NH Community Development Finance Authority for heating, ventilation, and air conditioning improvements for a mixed use property featuring apartments and administrative offices located at 36 Pleasant Street, which is owned by Fellowship Housing Opportunities, Inc. The majority of Fellowship Housing clients are of low and moderate income. This project conforms with the following goals of the City's Housing and Community Development Plan:

- 1) To pursue projects that directly benefit low and moderate income persons or households and eliminate conditions, which seriously and immediately threaten public health and welfare.
- 2) To provide housing assistance to low and moderate income households (tenants and property owners) by upgrading substandard housing units and correcting housing and life safety code violations.
- 3) To provide rehabilitation assistance to social service agencies directly serving low and moderate income clients, to upgrade facilities, correct code violations, improve handicapped accessibility, as well as improve energy conservation.

CRISIS CENTER OF CENTRAL NH CDBG APPLICATION: A resolution authorizing the City to submit a Community Development Block Grant application for up to \$500,000 to the NH Community Development Finance Authority for improvements to an emergency domestic violence victim's shelter, located in Concord, as well as administrative offices, located at 79 South State Street, Concord, for Crisis Center of Central New Hampshire. The majority of the Crisis Center's clients are of low and moderate income. This project conforms with the following goals of the City's Housing and Community Development Plan:

- 1) Providing rehabilitation assistance to social service agencies directly serving low and moderate income clients, to upgrade facilities, to correct code violations, to improve handicapped accessibility and to improve energy conservation.

HOUSING AND COMMUNITY DEVELOPMENT PLAN: A resolution to readopt the City's Housing and Community Development Plan. This plan, which is mandated by the NH Community Development Finance Authority for all municipalities applying for CDBG funds, outlines long term and short term housing, economic development, and community development goals for the City and needs to be readopted every 3 years. It was last adopted in January 2017.

ANTI-DISPLACEMENT AND RELOCATION PLAN: A resolution to readopt the City's Anti-Displacement and Relocation Plan. This plan, which is also mandated by the NH Community Development Finance Authority, states in general, that if the City were to undertake a CDBG project, which involved displacement and relocation of residents or businesses, the City and its sub-grantees, would comply with applicable provisions of the Uniform Relocation Act. The Residential Anti-displacement and Relocation Assistance Plan outlines the measures they would take to find comparable, housing for persons (or businesses) displaced and/or relocated.

CDBG PROGRESS REPORT - PENACOOK LANDING: Lastly, the City is required to periodically update the public about ongoing CDBG funded projects. The City has only 1 CDBG project to report on. Specifically, in October 2018, the City received \$500,000 in CDBG funds for public improvements at City owned property known as the former Allied Leather Tannery site located at 35 Canal Street to support Phase I of a 54 affordable housing. Phase I contains 34 units. CDBG funded improvements including building demolition, on-site grading, relocation of a utility pole, as well as construction of an on-site sewer pump station, retaining wall, and drainage system. These improvements were completed in September. The site, now known as Penacook Landing, was sold by the City to a subsidiary of the Caleb Development Corporation on September 18, 2019. Phase I of the project is currently underway and will be completed in September 2020. Phase II of the project will likely commence construction in 2021.

In regards to item 42B, Mayor Bouley pointed out that he is recusing himself as well as Councilors Kretovic and Grady Sexton due to conflicts.

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

- 42B. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Public Facility Funds for building

improvements at property owned by the Crisis Center of Central New Hampshire; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: See item 42A for a staff summarization.

Mayor Pro Tem Bouchard opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

Mayor Pro Tem Bouchard asked whether there was any Council objection on voting on this item out of order. There was no Council objection to this request. Item 44 was voted on after this public hearing. See that item for the action taken.

- 42C. Resolution re-adopting the City of Concord's Housing and Community Development Plan; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: City Manager Tom Aspell clarified for newly elected Councilors that when they are voting on this they are voting to authorize the application for the grant award and if they are fortunate to receive the grant, to accept those dollars and then appropriate. The federal government requires them to take all three steps at the beginning of the process.

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

- 42D. Resolution readopting the City's Anti-Displacement and Relocation Policy Statement and procedures; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

- 42E. Resolution determining the proposed project has a public benefit and approving an application by WB4 L.L.C. for a nine year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 10 Pleasant Street Extension, City Assessor's Parcel Map 35, Block 2, Lot 3; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Revised resolution and supplemental report submitted)

Action: Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided an overview explaining RSA 79-E is a local option statute

enacted by the State in 2008 designed to support revitalization of downtown and village centers. The City adopted RSA 79-E in January 2008 and has approved 79-E benefits for 12 properties in the ensuing years. He explained that this application is for real estate located at 10 Pleasant Street Ext. The applicant is Bill Wilcox, d/b/a W4B L.L.C. Mr. Wilcox is a principal of Wilcox and Barton, a civil and environmental engineering firm, which will occupy the property. The property is owned by Steve Duprey, d/b/a Duprey Acquisitions IV. Mr. Duprey has owned the property since 2011. The property has been vacant for approximately 2 years. Mr. Duprey intends to renovate the property into Class A office space. Upon completion of renovations, Mr. Barton will acquire the property from Mr. Duprey from the sum of \$1.229M. Mr. Barton is investing approximately \$1.58 million in the property, including the \$1.229M acquisition cost. Mr. Barton, through his limited liability company, will lease the property to his company Wilcox and Barton. Wilcox and Barton are currently headquartered in Londonderry NH and will be relocating to Concord. Approximately 10 employees will be based at the Pleasant Street Ext. offices. The property consists of 7,300SF building on a 0.07 acre lot (3,050SF); approximately 4,900SF is useable. The property is located within the City's Downtown RSA 79-E District, and therefore eligible for the 79-E program. The property has been determined to be individually eligible for the National Register of Historic Places due to its association with the Concord Monitor and its architectural integrity. The property is a contributing structure within the Downtown Historic District, which was listed on the National Register in June 2000. Copies of two historic inventories for the property were included in the Council packet.

Mr. Walsh highlighted some salient points:

Building: has been vacant since 2017; it is currently a vacant shell without a HVAC system; if the project moves forward, renovations will begin in the coming weeks and will be completed this summer or fall.

TIF: property is within the Sears Block TIF District; the City, per State Law, has the ability to deny the application if it would undermine the financial viability of the TIF District; the Sears Block TIF will remain viable if this application is approved. **Public Benefit:** there are 5 public benefit criteria in the statute; to participate in the program, an application must satisfy at least 1 criterion; this project satisfies 4 of the 5 public benefits in the statute.

Finances: Mr. Wilcox is seeking RSA 79-E due to high cost of the project (nearly \$1.58M) and resulting above market lease rates associated therewith. Again, Mr. Wilcox plans to lease the property (via a LLC) to his company (Wilcox and

Barton) via a triple net (NNN) lease - NNN Lease Payment = Base rent + property taxes, maintenance, insurance, utilities, etc. Top of market “all in” NNN Lease Rate = \$30 / SF / Year. Using information provided by the Applicant, staff estimates the “all in” NNN Lease Rate for 10 Pleasant St Ext. = \$39.69 / SF / Year. (\$167,000). This is roughly 33% more than top of the market NNN rate of \$30 / SF. Although above top of market, the building will not have some basic amenities commonly associated with “top of market” office properties (such as an elevator). If RSA 79-E is approved, the total projected cost savings to applicant is \$127,000 over 9 years; thus decreasing the lease rate by approximately \$2.38 / Year (or 6%). From \$39 to \$37 / SF. Staff did not review the personal finances of Mr. Barton or his company Wilcox and Barton.

Duration of Tax Relief: property is eligible for up to 9 years of tax relief; 5 years of base eligibility and 4 additional years for renovating the property in accordance with US Secretary of Interior Standards; to qualify for the additional 4 years, renovations must be approved and confirmed by the NH Division of Historical Resources; again, the projected tax savings for the application are approximately \$127,000 over the 9 year period; although eligible for 9 years, City Council has the ability to: 1. deny the application (City has no statutory requirement to approve these applications, can only be overturned if City acted in bad faith); 2. award the application as requested (9 years); or, 3. award any term of tax relief between 1 and 9 years, provided any term longer than 5 years is conditioned upon renovation of the property in accordance with Secretary of the Interior Standards.

Protective Covenant: if approved, the Duprey Companies (who will remain the property owner during the renovation period) must provide the City with a protective covenant guaranteeing property will be preserved and used for purposes described for double period of time of tax relief. If 9 years of tax relief is granted by Council, then term of Covenant will be 18 years per the statute. Covenant runs with the land, binds future owners of property (i.e. Mr. Barton). He explained the schedule for City Council vote: in accordance with State Law, City Council has until February 28, 2020 to vote on this application. Therefore, Council could delay vote to February 10th if it desires additional time to consider this request.

Revised Resolution: Lastly, a revised resolution was submitted for this item. Revisions were shown in crossed out and bold font on the resolution. When voting on this project, staff requests that Council use the substitute resolution.

Councilor Kretovic inquired whether the HVAC system in this building is related to the steam that is no longer viable in the downtown with the closing of Concord Steam and they didn't replace the system. Mr. Walsh responded yes.

Councilor Hatfield questioned whether this building has any parking associated with it. Mr. Walsh responded that there is no on-site parking and the property does not have any parking, at least, in any of the city garages. He is not sure whether they are getting parking at other facilities that are controlled by Mr. Duprey.

Councilor Fennessy asked if staff could explain the interplay between what this specific application is for versus being in the TIF district and what that impact is on the TIF district. Mr. Walsh explained that the city has three TIF districts and the TIF district operates by capturing new tax revenue associated with the redevelopment or development of properties - not the taxes with the base value of the property but the new value that is created; the increment associated with those renovations or new development in order to finance debt service and operating costs to the TIF district. He noted that the statute allows for the community the ability to turn down the 79-E application because they need those tax revenues in order to keep the TIF district viable; what the City Administration is saying is that they don't feel that approval of this application would threaten the financial viability of the Sears Block TIF District.

Mr. Aspell asked staff to explain what happens with the existing revenues that currently come into the city. Mr. Walsh responded that the existing tax revenues on the base value of the property which is approximately \$260,000 will continue to flow through the city's general fund, the school district, the county and state.

Councilor Pierce asked if there are any city expenditures associated with this infrastructure upgrade. Mr. Walsh responded no explaining that its only staff time in reviewing the application and the city's estimated \$127,000 in taxes over 9 years.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, spoke in opposition of this proposed resolution.

Steve Duprey, building owner, provided a background on the building and spoke in support of the proposed resolution.

Councilor Rice Hawkins asked Mr. Duprey to address the ADA accessibility and

the decision around not placing an elevator in. Mr. Duprey responded that an elevator for a two story building costs \$100,000. He noted that it will be ADA accessible with the ramping in and, under the ADA code, if you provide provisions for conference rooms and accommodations on the first floor, you don't need to place them on the second floor. He explained that the intent of the second floor is to be primarily work space and not public space; if the firm has an employee who needs this type of accessibility, they can be stationed on the first floor.

Councilor Kretovic noted that Mr. Walsh had indicated that there would be approximately ten employees at this location and ADA requires employers with fifteen to make a handicap accessible space and inquired whether Mr. Wilcox plans to grow the number of employees. Mr. Duprey responded yes and pointed out that it will be ADA accessible.

Councilor Todd asked if Mr. Duprey could respond to a previous question in regards to parking. Mr. Duprey responded that there is no parking with this building but there is access in the parking garage. He noted that if somebody indicated that they desperately needed parking, he has about 500 spaces that he has leases on which are limited to the properties they can use.

Councilor Fennessy inquired as to the status of the basement questioning whether it's a usable space and a full floor. Mr. Duprey replied that its under the full footprint of the building and a half level down so in order to make it a separate usable space, they would need to build a different entrance in. The space doesn't really lend itself to a full usable space adding that the cost of renovating a basement level space is higher than they are above grade because of water, mold, moisture and humidity control.

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

- 42F. Resolution appropriating the sum of \$708,760 for the purpose of the design, right-of-way acquisition, and bidding of the Loudon Road Bridge Rehabilitation Project (CIP #588), accepting \$566,960 in New Hampshire State Bridge Aid Program funds, and authorizing the issuance of bonds and notes in the sum of up to \$141,800 for the local agency match for this project; together with report from the City Engineer.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Pierce asked how this is related to the proposed I-93 widening. Mr. Aspell responded that this project really needs to be done in advance of the I-93 work because once the Department of Transportation starts doing the I-93 work, this is going to become used. He noted that this is already red listed so they need to make sure this bridge is repaired first before the other bridges start getting done.

Councilor Hatfield inquired whether the design of replacing this bridge take into account the fact that this project is coming. Mr. Aspell responded that staff is already anticipating the connection between both sides of the river and trying to increase non-vehicular connection. They want to tie into the Merrimack River Greenway eventually; its going to be designed with this in mind.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, shares the concerns of others on this item and noted as far as the pedestrian connection, he feels that it would be great if they could build that pedestrian bridge.

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

- 42G. Resolution appropriating the sum of \$300,000 for improvements to the School Street Parking Garage (CIP #433) and authorizing the issuance of bonds and notes in the amount of up to \$300,000 for the School Street Parking Garage (CIP #433); together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Fennessy asked if staff expects any further funds will be needed to get to the completion on the renovations at this point. Mr. Aspell responded no.

Councilor Hatfield questioned as to the expected completion date. Mr. Walsh responded that the anticipated completion date is scheduled for this summer around August 1st.

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

42H. Resolution appropriating the sum of \$230,000 for the purpose of supplementing the design, permitting, right-of-way, and construction of the North Pembroke Road Bridge Replacement Project (CIP #478), and accepting \$184,000 in New Hampshire State Bridge Aid Program funds and \$46,000 in donations from the Town of Pembroke, NH, as the local agency match for this project; together with report from the City Engineer.

Action: City Manager Tom Aspell provided a brief overview.

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

42I. Resolution appropriating the sum of \$50,000 designated for conducting illegal drug related investigations and accepting \$50,000 in grant funding from the New Hampshire Department of Safety Law Enforcement Opioid Abuse Reduction Initiative; together with report from the Police Department.

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

Public Hearing Action

43. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant housing funds for building improvements at property owned by Fellowship Housing at 36 Pleasant Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed receiving the required two-thirds vote.

44. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Public Facility Funds for building improvements at property owned by the Crisis Center of Central New Hampshire; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Councilor Keach moved approval. The motion was duly seconded and passed receiving the required two-thirds vote. Mayor Bouley and Councilors Kretovic and Grady Sexton took Rule Six.

45. Resolution re-adopting the City of Concord's Housing and Community Development Plan; together with report from the Director of Redevelopment,

Downtown Services & Special Projects.

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

46. Resolution readopting the City's Anti-Displacement and Relocation Policy Statement and procedures; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

47. Resolution determining the proposed project has a public benefit and approving an application by WB4 L.L.C. for a nine year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 10 Pleasant Street Extension, City Assessor's Parcel Map 35, Block 2, Lot 3; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Revised resolution and supplemental report submitted)

Action: Councilor Nyhan moved to substitute the revised resolution with the one previously submitted. The motion was duly seconded and passed with no dissenting votes.

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

48. Resolution appropriating the sum of \$708,760 for the purpose of the design, right-of-way acquisition, and bidding of the Loudon Road Bridge Rehabilitation Project (CIP #588), accepting \$566,960 in New Hampshire State Bridge Aid Program funds, and authorizing the issuance of bonds and notes in the sum of up to \$141,800 for the local agency match for this project; together with report from the City Engineer.

Action: Councilor Bouchard moved approval. The motion was duly seconded.

Councilor Hatfield asked, that as this project moves forward, that the safe passage for pedestrians will be taken into special consideration.

The motion to approve passed 15 to 0 on a roll call vote with Councilor Bouchard, Mayor Bouley, Councilors Champlin, Fennessy, Grady Sexton, Hatfield, Keach, Kenison, Kretovic, Matson, Nyhan, Pierce, Rice Hawkins, Todd, and Werner voting yes.

49. Resolution appropriating the sum of \$300,000 for improvements to the School Street Parking Garage (CIP #433) and authorizing the issuance of bonds and notes in the amount of up to \$300,000 for the School Street Parking Garage (CIP #433); together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Grady Sexton moved approval. The motion was duly seconded and passed receiving the required two-thirds vote.

50. Resolution appropriating the sum of \$230,000 for the purpose of supplementing the design, permitting, right-of-way, and construction of the North Pembroke Road Bridge Replacement Project (CIP #478), and accepting \$184,000 in New Hampshire State Bridge Aid Program funds and \$46,000 in donations from the Town of Pembroke, NH, as the local agency match for this project; together with report from the City Engineer.

Action: Councilor Nyhan moved approval. The motion was duly seconded.

Councilor Nyhan thanked staff and the City Manager for their hard work and for negotiating a very city friendly project plan.

The motion to approve passed receiving the required two-thirds vote.

51. Resolution appropriating the sum of \$50,000 designated for conducting illegal drug related investigations and accepting \$50,000 in grant funding from the New Hampshire Department of Safety Law Enforcement Opioid Abuse Reduction Initiative; together with report from the Police Department.

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed receiving the required two-thirds vote.

Appointments by the Mayor

Reports

52. UNH Sustainability Fellowship discussion. (Communication from Councilor Werner submitted)

Action: City Manager Tom Aspell provided a brief overview explaining that this would be to bring on someone to help them do the type of work that the city wouldn't be able to do on their own noting that this follows in line with the energy plan that Council approved a few years back.

Councilor Werner explained that ordinarily, under the process, the Council would be considering a grant, voting on a grant, and applying for a grant. He noted that, in this case, an Energy and Environment Committee member identified this opportunity very quickly and the timing to take advantage of it was very tight so they decided to do so. He stated that they had hoped that UNH would be able to support this position with no match from the city which is not necessarily the way they operate, however, they did get a reduced amount match. He feels that the value of this would be able to accomplish a variety of tasks that they wouldn't otherwise be able to do and in a very tight timeframe this summer. It would really inform finding a baseline for their energy use and how that would enable them to squeeze more energy efficiencies out of both their municipal operations and also looking at the larger picture. He asked for Council's consideration of support for this program and the required \$4,000 match. He noted that the idea is that this person would work closely with City Administration under the guidance of himself and Sam Durfee from Planning.

Councilor Kretovic noted that this person would be paid as an intern through some portion of the city and from a personnel perspective, it should fall under the City Manager.

Councilor Werner indicated that the municipality provides the necessary match to the university and the selected fellow is actually an employee for that selected amount of time of UNH.

Councilor Kretovic pointed out that the city has had representatives before from UNH Cooperative Extension who've typically worked with several departments and department heads that they are overseen by but the department heads reports to the City Manager so there is no loss in continuity in what they, as a body, sees as the structure of their staffing here in the city. She is curious as to how this one differs from other interns or placements that they have had through UNH.

Councilor Werner feels that there is some flexibility by which the person can be managed because of the subject matter.

Councilor Hatfield noted that she supports this in part because of the importance of this work and the need for the city to have a good understanding of the opportunities in which they can reduce energy use. In her view there is a gap

because, unlike a lot of cities, they don't have a dedicated energy manager so, for her, this person would be helping to supplement the good work that their Planning staff is doing; hopefully over time they can invest more in this area because many other cities have shown that each dollar you put into staffing in this area you get more than a dollar back in energy savings. She feels that there is a real need for this work in the city.

Mayor Bouley noted that he is really troubled by this process. He stated that this has already been applied for and awarded and questioned where did an advisory committee get the authority to apply for any grant in which grants to be applied for has to come before this body; they are the only body in the city that determines whether to apply or not apply for a grant. He asked that if this was important to the committee, why wouldn't they have brought this to the Council. He noted his concern with committees acting rogue with processes. He further noted his concern with an intern being supervised by an advisory committee because they have to be supervised by a city employee.

Councilor Hatfield asked why this item was placed on the Council agenda if these types of issues exist with this item. She feels that this type of discussion should be happening before this gets before the Council.

Mayor Bouley stated that nobody approached him to talk about this and he didn't know about it.

In her view, Councilor Hatfield feels that this is an advisory group that is motivated purely by good intentions. She feels that this discussion is sending a negative message to volunteers that are trying to do the right thing. She thinks that in the future they shouldn't take up the Council's time with this type of discussion. She feels that these things can easily be worked out and if the timing isn't right because they missed the opportunity, she feels that they can go back to UNH. She doesn't feel that this is a productive conversation.

Mayor Bouley feels that this is the appropriate body to be discussing this because it is their role and responsibility to talk about these types of things.

Councilor Keach agrees with the Mayor noting he feels that this was mishandled. He added that this is not to reflect on the importance or the value of what that

position may bring to the city but is about precedence and procedure.

Councilor Werner noted that their hope was that UNH would fully fund one hundred percent of this position. He apologized for not following the proper procedure in this matter.

Mayor Bouley has no problem with the policy but wished that this committee acted like every other committee and every other department in the city.

Councilor Kretovic still has a lingering concern about this position reporting Sam Durfee in Planning. She feels that if it's going to be through the Planning Department it should be through the City Planner and then under the Community Development Office and then the City Manager.

Councilor Pierce questioned the policy as to tabling this item.

Mayor Bouley stated that a motion is always in order for tabling noting that he would be voting against such a motion on this item. He indicated that he will be voting for this but wanted to drive home the point that they all need to apply to the same rules and same standards no matter what committee they serve on or what department they are a member of that this is a deliberative body and this is the group that decides whether they go forth or not to apply for these items.

Councilor Kretovic asked if this could be used as an opportunity to remind them that the City Manager does have some leeway with the Council when grant opportunities come up when they are on a short deadline and what those parameters are.

Mayor Bouley stated that typically, if they are in one of those situations where timing is of essence, it has been the policy, as he understands it, that the City Manager always informs them by email prior to taking any action and they all have the opportunity to speak up if they object.

City Manager Tom Aspell clarified that no city staff including himself was involved with this in any way to apply for this grant. He indicated that the reason it was on the agenda was because Councilor Werner wanted this item on the agenda.

Councilor Hatfield asked that, in the future, if she brings something forward she would hope that she would be told in advance that she had not followed the proper procedure.

Councilor Pierce inquired whether the City Manager feels that controls are in place that they would receive the benefit of this if approved. Mr. Aspell responded that you wouldn't want to have a non-managerial person all of a sudden with managerial responsibilities; you would want to ensure that the dollars are being spent properly and that the city was getting their value. He clarified that the advisory committee wouldn't be managing a person.

Councilor Fennessy asked whether they are concerned that this individual will have sufficient time to deliver whatever work product it is that they are looking for. In looking at the expectations with respect to the time commitment, he has some concerns as to whether this person would actually be able to deliver what the city is hoping that they can deliver in the timeframe specified.

Councilor Werner responded that the person would be doing this work for approximately 400 hours over a period at the end of May through mid-August. It is felt that, in addition to be doing the survey, they would be able to dig into some other aspects of energy efficiency and other duties that might inform the work of the city and the Administration. He feels that this time is well within the scope.

Councilor Bouchard inquired whether the application is still correct and whether they should take time to correct the language since it lists Sam Durfee and Councilor Werner as the mentors.

Mayor Bouley noted that he will be supporting this item with two caveats: this money comes out of the existing budget with no taxes being raised to fund this; that the normal process is followed in the future.

Councilor Nyhan asked that a condition be added that the application be reviewed by the City Manager to make sure that it lines up with reporting responsibilities and how it will be managed.

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

53. Presentation by the Police Chief on a proposed departmental reorganization.

Action: Police Chief Brad Osgood provided a detailed overview of a proposed reorganization within the Police Department via a PowerPoint presentation. (Presentation on file at the City Clerk's Office)

Councilor Todd asked, when doing comparisons with other similar sized communities, does the Chief find that the trends are fairly common and struggling with the same type of problems. Chief Osgood responded that its not uncommon to see an organization of their size, across the country, in the same boat. He knows of other communities that have vacancy rates well over double digits currently in NH. They are all feeling the same pinch as far as recruitment and getting qualified people to apply.

Referencing the fifteen officers that have left, Councilor Pierce inquired whether exit interviews are conducted. Chief Osgood replied that most of the exit interviews are conducted by Human Resources as a formal basis but on an informal basis he talks to them at times. He feels that a lot of it due to the quality of life and family.

Councilor Fennessy noted that during the slide presentation it mentioned 53 percent of the patrol is five years or less and questioned as to how this compared to ten or fifteen years ago. Chief Osgood doesn't have the exact number but noted it was hard to get into the Police Department in the 1990's so they had a very mature workforce.

Councilor Hatfield asked whether the reorganization might help the Chief prepare for and address the upcoming amount of eligible retirements. Chief Osgood feels that the structure itself is designed to really put that executive leadership and oversight into those areas of what they desperately need right now: consistency of operations and coming up with strategic initiatives that benefit the whole organization.

Councilor Keach feels that there is a need for more police officers on the streets and advocates additional positions. He questioned as to where internal affairs fit into the organizational chart and who do they report to. Chief Osgood responded that internal affairs has always been imbedded with the Deputy Chief of Administration who oversees it but the Internal Affairs Director is the commander

of the criminal division. He noted that under this proposal, most of the oversight of internal affairs will slowly reside with the deputy chief level and the commander of the criminal division will still be the person responsible for overseeing or conducting internal affairs.

Councilor Keach asked if the Chief would advocate more so called “boots on the ground” in terms of front line people and not specialty positions. Chief Osgood responded yes within the next budget process.

Councilor Champlin wonders whether the cost of living in NH is a factor with officers leaving to more southern states. He further questioned whether the department was going back to the three deputy chiefs’ model because it allows more fine grained management. Chief Osgood responded that they are in a whole different environment than the last five years but feels that executive leadership in a police department really needs to be imbedded in the community at that executive level.

Councilor Champlin asked if the Chief is talking about delegating some of his involvement with some of the community organizations to the deputy chiefs. Chief Osgood responded that he has to.

Under the proposed reorganization, Councilor Grady Sexton inquired as to who would be handling communications to the community, press releases and media inquiries. Chief Osgood responded that they currently use the commander of the criminal division but also use the deputy chief who would oversee that division as well as a secondary person that can help or facilitate to be a stand in for that as well.

Councilor Grady Sexton noted that she keeps seeing other communities bringing in and swearing in new officers. She questioned what they are doing differently in terms of recruitment and are they more attractive communities than Concord. Chief Osgood responded that they have been doing everything they can possibly do to be as creative in attracting people. He noted that, in late December, they had fifty people apply and were able to confirm via telephone forty individuals who verbally committed and on test day only seventeen showed up. Of the seventeen that showed up, only eleven passed the exam in which usually three or four will make it through the next step process. He stated that they have looked at a few

different things moving forward.

Councilor Grady Sexton asked the Chief to highlight some of the different ideas they are looking at. Chief Osgood indicated that on the seacoast they use Great Bay Testing Center and they may try to invest in this to explore this list as well. He feels that they need to do a better job at getting into the colleges and go from there as well. He stated that it's a recruit market adding that the Police Academy only has three classes per year so all of them are recruiting the same people and its where they want to go.

Councilor Pierce inquired as to where most of the officers live. Chief Osgood responded that most live in towns contiguous to Concord.

City Manager Tom Aspell added that he would normally bring a proposal such as this as part of the budget process but because they have a number of vacancies, they didn't want to wait until May or June because there are several promotions they would like to make. Under the Charter, he has the authority to do this but in a collaborative fashion he likes to come to Council. Unless there is strong consternation against this by the Council, he plans to authorize the Chief to move forward with this.

Mayor Bouley asked for confirmation that there is no fiscal impact to the current budget. Chief Osgood responded no.

Assuming that this moves forward, Councilor Fennessy asked when the reorganization would be implemented. Chief Osgood responded that the vacant position plus the other one is considered a promotional opportunity and would require advertisement and an application process. He would start this process this week or early next week and have it assembled probably by February 1st.

New Business

41. City Council Committee Assignments. (To be submitted under separate cover)

Action: Mayor Bouley distributed his Council committee appointments. He highlighted committees that no longer exist including the Ad-Hoc Municipal Property Energy Initiatives Committee and Northern Pass Committee. He highlighted additional committees including the Opportunity Corridor Policy Committee, Manager's Review Committee and Regional Utility Utilization

Committee.

City Manager Tom Aspell indicated that the Opportunity Corridor Policy Committee is a committee comprised of eight members: four represent the city, four represent the Capital Region Development Council. Staff members include Matt Walsh and Carlos Baia along with Councilors Pierce and Keach. This involves the Opportunity Corridor funds for the monies that come through the repayment of the work that was originally put together for the Horseshoe Pond Redevelopment of Concord Lumber.

Mayor Bouley highlighted the Manager's Review Committee to look at whether they have the best model, are there better ways they could be doing this, and are there items they can be doing that are much more beneficial. This is an opportunity to improve the process if needed.

In regards to the Regional Utility Utilization Committee, Mayor Bouley indicated that they have several conversations around the issues of wastewater, water, and how they are going to be moving forward in terms of when they will need to build a new water facility, how are they thinking about paying for this, and are their relationships with other communities. It is his hope that the model that this committee uses is how they start thinking about other service as well. This committee will develop a model and how they can approach the issues.

Mayor Bouley indicated that he is working on a couple of other ad-hoc committees with one specifically related to I-93. He feels that since this project will have an important long term impact to the community, it's bigger than any one existing committee. He noted that he has been contacted by the U.S. Census and may be considering a committee for this since other communities have established these.

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

Unfinished Business

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

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Bouchard noted that in speaking with a constituent it was brought to her attention that there is a lack of housing available for working middle class people. She feels that they need to keep this on their radar because they don't want to be a city in which everybody that is working here lives north of here and that they get a reputation of not being affordable to live in Concord. She was asked to keep this in mind when looking at housing and that there are people in higher income brackets that are having a hard time affording housing and having discretionary income left.

Referencing item 16 in regards to smoking around the parking garages and libraries, Councilor Bouchard noted that she would like to have the Recreation and Parks Advisory Committee look at this ordinance to see if they would like to include the citywide community center and other community centers. There was no Council objection.

City Manager Aspell responded that staff could create an ordinance for all the community centers as a supplemental in February for a March public hearing.

Councilor Hatfield announced a Concord trails plan meeting to be held on Tuesday, January 28th at 6:30 p.m. in Council Chambers. She further announced an Assessing presentation on Thursday, January 30th at 7:00 p.m.

Councilor Hatfield highlighted the Black Ice Pond Hockey Tournament happening on Thursday, January 23rd through Sunday, January 26th. She announced that the Intown Concord Winterfest is being held on January 24th. She further announced that on Saturday, February 1st is the White Park Winter Carnival.

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

At 9:36 p.m., Councilor Grady Sexton moved to enter non-public session in accordance with RSA 91-A:3, II (a) to discuss compensation adjustment followed by a non-meeting with legal counsel in accordance with RSA 91-A:2, I (b). The motion was duly seconded and passed unanimously.

Councilor Keach moved to come out of non-public session at 10:21 p.m. The motion was duly seconded and passed unanimously.

Councilor Pierce moved to seal the minutes. The motion was duly seconded and passed unanimously.

The time being 10:22 p.m., Councilor Pierce moved to adjourn the meeting. The motion was duly seconded and passed unanimously.

A true copy; I attest:

Michelle Mulholland

Deputy City Clerk

Information

Inf1 March 11, 2019 Transportation Policy Advisory Committee Bicycle & Pedestrian Meeting Minutes.

Action: Information item received and filed.

Inf2 May 6, 2019 Transportation Policy Advisory Committee Bicycle & Pedestrian Meeting Minutes.

Action: Information item received and filed.

Inf3 June 3, 2019 Transportation Policy Advisory Committee Bicycle & Pedestrian Meeting Minutes.

Action: Information item received and filed.

Inf4 July 1, 2019 Transportation Policy Advisory Committee Bicycle & Pedestrian Meeting Minutes.

Action: Information item received and filed.

Inf5 July 23, 2019 Traffic Operations Committee Meeting Minutes.

Action: Information item received and filed.

Inf6 August 22, 2019 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

Inf7 August 27, 2019 Traffic Operations Committee Meeting Minutes.

Action: Information item received and filed.

Inf8 September 2, 2019 Transportation Policy Advisory Committee Bicycle & Pedestrian Meeting Minutes.

Action: Information item received and filed.

Inf9 September 24, 2019 Traffic Operations Committee Meeting Minutes.

Action: Information item received and filed.

Inf10 October 7, 2019 Transportation Policy Advisory Committee Bicycle & Pedestrian Meeting Minutes.

Action: Information item received and filed.

Inf11 October 22, 2019 Traffic Operations Committee Meeting Minutes.

Action: Information item received and filed.

Inf12 October 24, 2019 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

inf13 December 2, 2019 Concord Public Library Trustee Meeting Minutes.

Action: Information item received and filed.

Inf14 December 5, 2019 Golf Course Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf15 December 17, 2019 Airport Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.