



City of Concord

City Council

Meeting Minutes

Monday, May 13, 2019

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to begin at 5:30 p.m.

Present: Councilor Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Kenison, Kretovic, Matson, Nyhan, Todd and Werner were present. Councilor Rice Hawkins was late.

Mayor Bouley called the meeting to order at 5:30 p.m.

Councilor Grady Sexton moved to enter into non-public session in accordance with RSA 91-A:3, II (d) to discuss property acquisition. The motion was duly seconded and passed unanimously with no dissenting votes.

At 6:47 p.m., Councilor Keach moved to exit non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

Councilor Kretovic moved to seal the minutes. The motion was duly seconded and passed unanimously with no dissenting votes.

The time being 6:49 p.m., Councilor Kretovic moved to adjourn the non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

1. Call to Order.

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

2. Invocation by Reverend Peter Hey, Wesley Methodist Church.

Reverend Peter Hey was not present for invocation.

3. Pledge of Allegiance.

4. Roll Call.

Present: 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Brent Todd, Councilor Robert Werner, and Councilor Zandra Rice Hawkins

5. Approval of the Meeting Minutes.

April 8, 2019 City Council Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the April 8, 2019 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Proclamation in recognition of the services of Reverend Peter Hey.

Reverend Peter Hey was not present for this presentation.

7. Resolution in recognition of the services of Eugene "Gene" Blake.

Mayor Bouley presented a resolution in recognition of the services of Eugene "Gene" Blake.

8. Resolution in honor of the services of retired Firefighter Paramedic Paul DiGeronimo.

Mayor Bouley presented a resolution in recognition of retired Firefighter Paramedic Paul DiGeronimo.

9. Presentation by David Tille, New England Regional Administrator, US Department of Housing and Urban Development.

David Tille, New England Regional Administrator for the US Department of Housing and Urban Development, thanked the Council for striving to address the community's housing needs and for their commitment to ending homelessness especially among the veterans. He explained that the Mayor's Challenge to End Homelessness is an inter-agency initiative that was launched in June 2014; it calls on cities, counties, and states to commit to ending and preventing homelessness among veterans within their communities. To date, hundreds of mayors, county representatives and governors have accepted the challenge; seventy communities and three states have effectively ended veterans homelessness. He stated that, here in New Hampshire, they are also getting very close to effectively ending homelessness. He explained that many of the veterans are unaware of the vast

resources and support available to them so that is why they are working with agencies in promoting the "211" hotline.

Mandy Reagan, Harbor Homes Program Manager of Supportive Services for Veteran Families, indicated that when a veteran is identified as experiencing homelessness, "211" sends an email blast to all providers that have outreach and housing specifically for veterans. She emphasized that the system that they are putting in place at ending veteran homelessness goes beyond just housing; they want to ensure people feel supported in the wraparound services. She noted that the system that they are putting in place runs on data and runs on metrics that really shows in tangible ways that what they are doing is working. She stated that no veteran should ever be experiencing homelessness.

10. Agenda overview by the Mayor.

Consent Agenda Items

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

Approval of the Consent Agenda

Action: Councilor Nyhan moved approval of the consent agenda with items 38 and 39 removed for discussion. The motion was duly seconded and passed with no dissenting votes.

Items Tabled for June 6, 2019 Public Hearings

11. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2020 ending June 30, 2020 for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and Diminimis Accounts.
Action: This resolution was moved to set for a public hearing.
- 11.5 Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant.
Action: This resolution was moved to set for a public hearing.
12. Resolution authorizing and appropriating for Fiscal Year 2020 (July 1, 2019 through June 30, 2019) the sum of \$14,945,128 for Capital Projects and authorizing the issuance of bonds and notes in the amount of \$11,857,500 for various Capital Projects more specifically identified in the budget document.

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

13. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

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

14. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters and Schedule X; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

15. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking and Schedule XXI, by amending Article 18-1, Stopping, Standing, and Parking, Section 18-1-24, Parking - Law Enforcement Vehicles; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

Items Tabled for June 10, 2019 Public Hearings

16. Resolution approving the acquisition of open space watershed protection property (CIP #352) on District 5 Road, authorizing the expenditure of up to \$355,000 from the Conservation Fund, and accepting and appropriating the sum of \$300,000 in grant funds from the State of NH Aquatic Resource Mitigation Fund for this purpose; together with report from the Assistant City Planner on behalf of the Conservation Commission. (Revised resolution and supplemental report submitted) (Public testimony submitted)

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

17. Resolution accepting and appropriating the sum of \$104,081 for the purpose of completing a Terminal Area Study at the Airport (CIP #383), including \$98,603 in Grant Funds from the Federal Aviation Administration and \$5,478 from the State of New Hampshire; together with report from the Associate Engineer.

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

18. Resolution accepting and appropriating the sum of \$19,536.84 generated from the sale of timber from City-owned, non-conservation property and transferring sum of \$19,536.84 to the Community Improvement Trust; together with report from the

Deputy City Manager for Development.

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

19. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map, 15 Frost Road; together with report from the Senior Planner.

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

20. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-4, Development Design Standards, Article 28-5, Supplemental Standards and Glossary for the purpose of regulating development of solar collection systems; together with report from the Assistant City Planner. (Revised report submitted)

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

21. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-6, Sewers and Drains concerning the Utility Appeals Board; together with report from the Deputy City Manager for Development.

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

22. 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, requesting authorization to change a job title from Wastewater Operations Crew Leader to Wastewater Crew Leader; together with report from the General Services Director and the Director of Human Resources and Labor Relations.

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

23. 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, to add the positions of Utility Billing Program Manager and Water Metering Operations Lead; together with a report from the Director of Human Resources and Labor Relations and the General Services Director.

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

From the City Manager

24. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

25. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,322.06 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

26. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$124.14 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

27. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$5,699.87 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

28. Diminimus gifts and donations report from the Police Department requesting authorization to accept funds in the amount of \$4,393.70, ordered through a disposition issued by the Merrimack County Superior Court as forfeited property, to be turned over to the Concord Police Department Drug Enforcement Unit, as provided under preauthorization granted by City Council.

Action: This consent report was approved.

29. Fiscal Year to Date Financial Statements report from the Deputy City Manager Finance.

Action: This consent report was approved.

30. Tax Bill changes report from the Deputy City Manager - Finance.

Action: This consent report was approved.

31. FY2019 Distinguished Budget Presentation Award Report from the Director of the Office of Management & Budget.

Action: This consent report was approved.

32. Overview of the Legal Department and Review of Civil Litigation and Real Property Matters as of July 1, 2018 from the City Solicitor.

Action: This consent report was approved.

33. Quarterly report from the Police and Fire Chiefs on drug overdoses and other statistics.

Action: This consent report was approved.

34. Report from the Fire Chief on Mutual Aid for Emergency Medical Services.

Action: This consent report was approved.

35. Report from the Rules Committee recommending amendments to the Rules of the City Council.

Action: This consent report was approved.

36. Report from the Director of Human Resources and Labor Relations regarding the addition of a Senior Maintenance Aide to the Parks Division, Parks and Recreation Department.

Action: This consent report was approved.

37. Report from the Parks and Recreation Director regarding the upcoming 2019 outdoor pool season.

Action: This consent report was approved.

38. Report from the Parks and Recreation Director regarding proposed improvements at Terrill Park. (Pulled from the consent agenda by Councilor Herschlag)

Action: This item removed to the end of the agenda for discussion.

39. Report from the Assistant City Planner recommending that the City Manager be authorized to amend an agricultural lease with Morrill Farm Dairy, LLC, for the property located at West Locke Road, Map 29Z, Lots 24 and 25, as recommended by the Conservation Commission. (Pulled from the consent agenda by Mayor Bouley)

Action: This item removed to the end of the agenda for discussion.

40. Social Media Outreach update report from the Public Information Officer.

Action: This consent report was approved.

Consent Resolutions

41. Resolution in recognition of the services of retired Fiscal Technician III Loretta E. Emerson.

Action: This consent resolution was approved.

42. Resolution in recognition of the services of Dan St. Hilaire.

Action: This consent resolution was approved.

43. Resolution in recognition of the services of Stephen Shurtleff.

Action: This consent resolution was approved.

44. Resolution repurposing the sum of \$18,741.35 from the 2018 Keach Pool subproject (CIP #63) for use on the 2018 Green Street Community Center Fire Suppression subproject (CIP #63); together with report from the General Services Director.

Action: This consent report was approved.

45. Resolution authorizing the City Manager, by way of the Police Department, to submit an application to the United States Department of Justice Bulletproof Vest Partnership Grant Program to receive funding for the purchase of ballistic vests; together with report from the Police Department.

Action: This consent resolution was approved.

46. Resolution authorizing the City Manager, by way of the Police Department, to submit a grant application to the New Hampshire Charitable Foundation Grant Program, for funding of up to \$5,000, funds designated to provide training for conducting canine assisted interviews of trauma victims; together with report from the Police Department.

Action: This consent resolution was approved.

47. Resolution authorizing the City Manager to accept and enter into a Grant Agreement for \$109,559 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of completing a Terminal Area Study at the airport; together with report from the Associate Engineer.

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

- 48A. Resolution relative to the complete discontinuance of a public highway known as Osgood Street in Concord, NH; together with report from the Deputy City Manager Development.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, spoke in opposition of this item.

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

- 48B. Resolution appropriating the sum of \$7,500 from the Urban Tree Trust Fund for the purposes of planting trees on City property and within public rights-of-way, as recommended by the Conservation Commission; together with report from the Assistant City Planner.

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.

- 48C. Resolution authorizing and appropriating the sum of \$5,000 from Unassigned Fund Balance for the purpose of recruiting and training one School Resource Officer; together with report from the Police Department.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Herschlag asked if he was correct in understanding that the Concord School district did not or is not going to appropriate funds for a resource officer at the middle school.

Mr. Aspell responded that to be correct.

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

- 48D. Report from the General Services Director recommending a public hearing be held

to determine whether to designate a portion of Island Road as an emergency lane in accordance with RSA 231:59-a. (Public testimony received)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Fraser Allquist, Island Road, indicated that the city has always plowed and maintained this road and doesn't see any reason why this city would give this up.

Ed Hillson, Island Road, indicated that not all of the buildings are used year round but most are. He noted that they are like any other area and need public services. He pointed out that plowing and maintenance has been provided from the city for as long as he can remember.

Margaret Allquist, Island Road, noted her concern with emergency vehicles not being able to get down the road if it is not maintained.

Barbara Couch, Island Road, pointed out that there is a public park in this area which the Fire Department uses. She indicated that its not that far to plow and feels that its a safety issue for many of the residents on this road. She added that they need maintenance in both the summer and winter.

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

- 48E. 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: There being no Council objection, public hearing items E, F and G were read together.

City Manager Tom Aspell provided a brief overview for items E, F and G.

Councilor Champlin added that the recommendations represent a significant amount of work of public input that was obtained by the Parking Committee and includes site visits by a subcommittee to visually observe the streets to assess the impact. He noted that they think this represents a balanced approach with minimal

impact on the neighborhood but also assures safety and addresses safety issues such as the passage of emergency vehicles.

Mayor Bouley opened the public hearings for items E, F and G.

Public Testimony

Jane Guilmette, Cambridge Street, agrees with limiting the parking to one side only but asked the Council to consider limiting it to parking on the south side rather than the north side. She stated that the reason she is requesting this is because there are five homes that have driveways on Cambridge Street and four of these homes park on the south side on a regular basis. She explained that when cars are parked in the driveways on the south side, if someone parks directly opposite your driveway on the north side you can't get out of your driveway.

Councilor Champlin indicated that the committee had considered limiting the parking to the south but some of the neighbors wanted to see more spaces available so this is the reason it was moved to the north side.

Meredith Hatfield, Perkins Street, thanked the Parking Committee for taking this on noting that this is a big issue within her neighborhood. She spoke in regards to Bradley Street noting that this winter the city was very responsive when neighbors called on cars left on the street in which plows couldn't get by. She wondered why, during a parking ban, the area of the ban is so limited. She feels it would be helpful to extend the ban further outside of the immediate downtown area because it would help, in the short term, for those of them that are not going to benefit from this issue right away and for the safety issue.

Paula Kelson, Chapel Street, indicated that she was in favor of no parking on the street. She noted that vehicles are illegally parking on Chapel Street right up to North State Street.

Roy Schweiker, Chapel Street, indicated that Chapel Street had a similar issue as Cambridge Street with vehicles parking across from driveways and what was done was the creation of no parking zones across from driveways so vehicles can back out. While it hasn't worked perfectly, he suggested that this may be a solution to help Cambridge Street.

There being no further public testimony, the Mayor closed the hearings for items E,

F and G.

- 48F. 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: Public hearing for this item taken with item E.

- 48G. 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; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Public hearing for this item taken with item E.

- 48H. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3, The Zoning Map, Village Street rezoning; together with report from the Deputy City Manager Development. (Report from the Planning Board submitted) (Public testimony received)

Action: Councilor Herschlag stated that he has a conflict with this item due to his wife being a member of the board for the Penacook Community Center.

Councilor Kretovic stated that she has a professional conflict of issue on this matter.

Councilor Champlin stated that he has a conflict because, as of April 23rd, he is a member of the board of CATCH.

Carlos Baia, Deputy City Manager - Development, provided a brief overview.

Carol Breault, Penacook resident, doesn't feel that the city should be changing the zoning from RM to CG until all the plans are out there and the citizens have the opportunity to speak. She read from her testimony that was submitted prior to the meeting. She doesn't want the zoning changed at this point; she wants to know more about it - all the details such as how many units, how many two bedrooms, how many three bedrooms, how many seniors, how many market valued, and should there be that many in that space.

John Rhodebeck, Penacook resident, indicated his concern that this project will raise his taxes considerably. He stated that this will increase their population and is not going to add much tax revenue to Penacook. He doesn't feel that they can absorb this as a tax base with the additional students.

Mayor Bouley pointed out that the city portion of the tax rate is the same for both Concord and Penacook.

Mr. Rhodebeck understands that the higher portion is the Merrimack Valley School District and these units are going into Penacook which means they will go into the MV School District to which they don't have any control over.

Mayor Bouley indicated that it's important that everyone recognize that it doesn't matter where you live in the city, the municipal tax rate is the same. He noticed that when the Merrimack Valley School District had their school meeting, of the registered voters in the MV School District from Penacook /Concord, less than three percent participated. He asked how they would get more people to participate in the school district deliberations.

Bruce Davis, Penacook resident, wants to know what this project will look like since it will be located in his back yard. He noted that if Council approves this zoning change now, they have no way to fight this. His concern is that it will make the value of his property go down.

Roy Schweiker, resident, feels that they need to hold off on any zoning that becomes denser until they decide how many people is their share of the growth.

Sam Wasp, Penacook resident, stated that the school district doesn't have any say as to how many people move into the city and how many are going to attend the schools. He noted that the city does have a say as to what is going to happen to their population. He noted his concern with additional curb cuts noting that it may be difficult for school busses.

George Stinson, Penacook resident, supports the work of CATCH and feels that Concord does need more affordable housing but is disappointed that CATCH thinks that 42 units on this site is a good idea. He disagrees with the proposed zoning change. He feels that what is missing from the City Planner's analysis is the quality of life for residents noting that the lack of open space on the site plan is not what he considers quality housing. He suggested that Council consider proposing

a change to the RM district instead of the CG district which would limit the maximum units to 30 instead of 42.

Roseanne Beaurivage, Penacook resident, indicated her concern is the quality of life. She is concerned with the amount of traffic this will bring to River Road with the additional cars pointing out safety issues.

David Belser, Penacook resident, pointed out that there are 42 proposed units for this project, 50+ units for the tannery site, and possibly more at the Rivco site. He noted that this would add in excess of another 300 vehicles driving in and out of Penacook every day. His issue is that the Zoning Board decisions affect the quality of life in Penacook. He is not against affordable housing and doesn't have a problem with CATCH but the more they add high density housing in Penacook, the worse the quality of life in Penacook gets. He appreciates what was said about the participation in the school meeting but the Council's decision determines whether or not this housing goes in and indirectly affects the taxes they are going to pay.

Councilor Keach indicated that there is a need for affordable housing and a need for people to work in jobs which may be outside of Penacook. Concord versus Penacook, he noted that Concord has done a lot with a affordable housing and feels that everyone needs to help with that burden.

Mr. Belser feels that the burden has been unfairly or excessively put on Penacook. He believes that Penacook is becoming a community that has no character.

Councilor Coen read a listing of the number of assisted housing units by ward:
Ward 1(Penacook) - 51, Ward 2 - 25, Ward 3 - 0, Ward 4 - 191, Ward 5 - 50,
Ward 6 -268, Ward 7 - 0, Ward 8 - 172, Ward 9 - 321, and Ward 10 - 0.

Mayor Bouley indicated that the NH Housing and Finance Authority website gives statistics for every community.

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

Public Hearing Action

49. Resolution relative to the complete discontinuance of a public highway known as Osgood Street in Concord, NH; together with report from the Deputy City Manager Development.

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

50. Resolution appropriating the sum of \$7,500 from the Urban Tree Trust Fund for the purposes of planting trees on City property and within public rights-of-way, as recommended by the Conservation Commission; together with report from the Assistant City Planner.

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

51. Resolution authorizing and appropriating the sum of \$5,000 from Unassigned Fund Balance for the purpose of recruiting and training one School Resource Officer; together with report from the Police Department.

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

52. Report from the General Services Director recommending a public hearing be held to determine whether to designate a portion of Island Road as an emergency lane in accordance with RSA 231:59-a. (Public testimony received)

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

Councilor Todd thanked General Services Director Chip Chesley, General Services staff, City Surveyor Paul Gendron, and several others who have worked on this matter to try to come to a resolution. He complimented the residents on Island Road noting that everyone was unanimous that its important for the city to continue to provide services.

The motion to approve the report passed with no dissenting votes.

53. 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: Councilor Kenison moved approval. The motion was duly seconded.

Councilor Champlin noted that he plans on speaking to General Services in regards to signage for spaces opposite driveways on the north side of Cambridge Street.

Councilor Herschlag stated that he was impressed with the testimony they received

and the neighbors willingness to accept these changes. His only hope is that, as the Parking Committee continues to work on these issues, they will continue to work with the UNH Law Center to see what contributions they can make to help continue to resolve these parking issues.

When going through this process, Councilor Coen noted that one of the things he thinks is fluid in a sense that, after a period of time, they can revisit and make modifications to some of the ordinances if they need to.

The motion to approve passed with no dissenting votes.

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

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

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

56. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3, The Zoning Map, Village Street rezoning; together with report from the Deputy City Manager Development. (Report from the Planning Board submitted) (Public testimony received)

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

Councilor Werner indicated that he will be voting to support this proposed zoning change stating that he feels that this kind of housing is sorely needed. He thinks that the statistical evidence and statement really supports the work of the Planning Department. He thanked Councilor Coen for providing statistics by wards during the public hearing.

Councilor Todd indicated that from what he has heard from this evening is that Penacook is going through some growing pains. He reminded people that whatever the vote is here this evening before the Council, this matter will continue forward with the Planning Board on June 12th in terms of the design and architecture so people will have the opportunity for additional input on the specifics of the project. What Council is looking at this evening is the zoning change; the project will either have to stand on its own merits or not. He's heard a lot of folks against the zoning change and against the project but what he has not heard is suggestions to help mitigate the housing problem they have in Concord. He feels that there is a misguided fear that adding children to the school district automatically adds to the tax burden. This is not a reasonable, workable solution or position nor does he believe its a way to build community. He noted that if people email him, he would be glad to provide more information or statistics. Councilor Todd pointed out that Concord has just over 40,000 residents and approximately 20,000 housing units of which 1,100 are affordable housing - 5.5 percent of the total housing stock in Concord is categorized as affordable. He indicated that Concord's overall vacancy rate is 1.4 percent; the rents have increased, over the last five years, 17 percent. Highlighting a recent estimate from the National Low Income Housing Coalition, he pointed out that it projects that New Hampshire is still short by almost 27,000 affordable housing units to meet the current demand. He stated that this is a crisis that's facing Concord, the State of New Hampshire and the entire nation.

Councilor Todd feels that city staff did an excellent job in terms of highlighting the potential income for the CATCH project in terms of helping the tax base and/or housing stock, mitigating the housing shortage and helping Penacook with the additional economic benefits of increased population. He pointed out that the additional economic benefits includes more foot traffic, patronage of shops, and leads to more demand and incentive for commercial development. He stated that business follows population and not the other way around - population needs housing. He indicated that CATCH has a lot of specific rules reading one: "no tenant or member of the tenant's family or household, guests or any other persons visiting a tenant shall engage in criminal activity on or near the apartment complex. This includes: drug related activity or drug and alcohol abuse that threatens the health and safety of tenants and staff or hinders the peaceful enjoyment of the housing premises." As to the cost of this project adding costs to the Merrimack Valley School District, he feels that this is assuming too much and shouldn't be a factor in preventing development of housing. He can't say no to helping the housing crisis, providing additional economic development and increasing the tax

base out of a fear of the unknown. He will be supporting this proposed zoning change this evening.

Councilor Keach noted his support of this item because he feels that this is the right thing to do. He stated that he is sympathetic to the issue of taxes in Penacook; the single most effective thing to do to mitigate tax rate is to expand commercial growth. Referencing the tax rate, he feels that the municipal part is under control and urged people to attend their school board meetings if they want to make an impact on their tax rate.

The motion to approve passed on a voice vote. Councilors Champlin, Herschlag and Kretovic did not vote on this item taking Rule Six.

Reports

New Business

Unfinished Business

57. Everett Arena Beer and Wine Service Initiative report from the General Services Director. (Report referred to the Public Safety Advisory Board at the February 2019 Council meeting) (Report from the Public Safety Board submitted)

Action: This item remains tabled.

58. 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, by amending Schedule I to add / modify parking prohibitions on Nivelles Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Public testimony received) (Action table at the March 11, 2019 City Council meeting)

Action: This item remains tabled.

59. Report authorizing the City Manager to enter into a license to allow temporary access through City property (MBL 614/Z 51), located at the intersection of Denis Drive and Guay Street, for a private landowner's purpose of harvesting trees from their adjacent private parcel. (Action on this item tabled at the April 8, 2019 Council meeting)

Action: Councilor Matson moved to take this item off the table. The motion was duly seconded and passed with no dissenting votes.

Councilor Matson indicated that the landowner has resolved the issue and the

temporary access request is no longer needed.

Councilor Matson moved to take no action on this item. The motion was duly seconded and passed with no dissenting votes.

Comments, Requests by Mayor, City Councilors

Referencing item 31 on the consent agenda, Councilor Nyhan acknowledged that this is the fourth consecutive year that the city has received the Government Finance Officers Association award for distinguished budget presentation. He thanked the Finance Department for all their work.

Councilor Bouchard announced that Keach Park has a new addition of a stone walking trail which is a half mile loop. She further announced that the library at the Heights Community Center is open on Tuesday, Thursday and Saturday.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion.

** Items 38 and 39 have been pulled from the consent agenda for discussion.*

38. Report from the Parks and Recreation Director regarding proposed improvements at Terrill Park. (Pulled from the consent agenda by Councilor Herschlag)

Action: Councilor Herschlag noted that, initially when this came to Council, fifty percent of the cost was going to be paid for by the Friends of the Merrimack River Greenway Trail and the other from a land and water conservation grant; the total would be \$200,000. He indicated that over time the price has increased and the cost now is estimated at \$310,000 in which the city has added an eight percent contingency which would bring the total price to \$347,760. His first concern is that the Friends of the Merrimack River Greenway Trail have only raised 69 percent of the money that they had told them they would, \$69,000 as opposed to \$100,00. They are asking the city for \$141,000 not counting the contingency - with the contingency it would be \$178,760. He noted that when he looked at the breakdown, as opposed to fifty percent coming from the Friends of the Merrimack Greenway Trail and fifty percent coming from a grant, its now twenty percent from the Friends of the Merrimack Greenway Trail, twenty eight percent coming from the grant, and the city would be responsible for fifty one percent. He indicated that, from what he understands, they are being asked to revise the grant application to indicate the change in funding mechanisms. He added that, if he also understands going quickly through their 2020 budget, there may be some cost savings or removal of some components in the future. He is requesting that this

report not be approved until they have an opportunity to look at some savings and maybe some changes to this project such as a stone dust path rather than a paved path. He would like to see some type of compromise or revision by the Friends of the Merrimack Greenway Trail to work with the city.

Recreation Director David Gill indicated that the Friends of the Merrimack Greenway Trail has already donated in excess of \$100,000 of in kind services. He noted that the \$69,000 that they are currently proposing is cash in addition to the \$100,000 in services they have provided. He provided some history and stated that the Recreation and Parks Advisory Committee fully supports a paved trail; it is part of a larger north/south paved multi-use trail system.

Councilor Kretovic moved approval. The motion was duly seconded.

Councilor Nyhan shares some of Councilor Herschlag's financial concerns pointing out that the last sentence within the report states "in the event the updated grant application is approved, City Administration will come back with a report and resolution requesting funding for the project." He stated that they are not approving funding for the project this evening however, this does actually set the funding process in motion. He feels that this is a worthwhile project but he struggles with funding this project when there are other projects within the city that are equally worthy of the funds. He is supportive of the Council moving forward knowing that they will have a chance to look at the funding in the future.

Councilor Todd understands both Councilors concerns stating that, as they move forward, they should have those discussions. He feels that it would be beneficial if they could focus on the anticipated economic opportunities that this particular trail will provide to the city. He pointed out that these kinds of trails across the country are very popular, promote off-shoot businesses along the way, and brings people into the area. He stated that Concord has 70 to 80 miles of trails and questioned as to how many are paved.

Mayor Bouley responded that the answer is zero paved trails.

Councilor Todd stated that what they have here with this project is an opportunity for a different kind of trail.

Councilor Kretovic stated that one of the big reasons she is supporting this is because when they were looking to build an artificial turf field, they changed their

plans; changing the path they were originally looking at in order to make that connection from Manchester Street to Loudon Road and, in doing so, they lengthened what they needed to do. She looks at it as the connections that are needed in order to get them across the wetlands so that they can fulfill their goal which is making that connection from Manchester Street to Loudon Road.

Councilor Herschlag calculated that this is approximately sixty percent over their original budget; in addition to being over budget, he doesn't feel that having a stonedust path precludes many of the usages that they are being told can't occur or won't occur if it is stonedust and not pavement. He feels that starting with stonedust, there is nothing that precludes it when money becomes available or there is additional fundraising or grants. He stated that, in the past, when they green light a project such as this they are saying to Administration that they are ready to move forward with this project as presented. He has concerns and would like to see some adjustments made to it, compromises and ways to scale back on some of the costs. He will be voting against this, not because he thinks its not a great idea, but feels that there are costs that can be reduced.

Councilor Nyhan asked that when this does come back that staff, relative to funding, addresses some of the economic development benefits of the project as well as the priority of this project relative to other recreation projects.

The report passed with one dissenting vote from Councilor Herschlag.

39. Report from the Assistant City Planner recommending that the City Manager be authorized to amend an agricultural lease with Morrill Farm Dairy, LLC, for the property located at West Locke Road, Map 29Z, Lots 24 and 25, as recommended by the Conservation Commission. (Pulled from the consent agenda by Mayor Bouley)

Action: Mayor Bouley doesn't have a problem with reducing the rent by fifty percent through 2022 but pointed out that this is for a thirty year lease; he doesn't recall the city ever doing a thirty year lease. If they are going to reduce the annual rent per acre, he feels that after 2022 that they should not exercise the additional four five year terms and go back out to bid.

Councilor Todd noted that his understanding is that farmers who work this land put in a significant amount of their own money into the land - in order to get it ready to raise the crops, they need fertilizer, liming, etc. He believes the reason for the longer term lease is because they have invested all this into the land and if it

were a shorter term, they might not be interested in moving forward with this.

Mayor Bouley asked if a ten year lease is a short lease.

Councilor Todd doesn't know if thirty years is too much and doesn't know what would be considered a good amount of time in terms of the farmers.

Mayor Bouley's personal belief is that a thirty year contract is a long time to bind the city to a particular individual. He feels that they are responsible to the taxpayers to get the highest best use.

Councilor Herschlag questioned whether there was a provision within the lease for either party to walk away prior to renewal.

City Manager Tom Aspell responded that staff didn't have the lease with them this evening.

Councilor Kretovic noted her agreement with the Mayor.

Mr. Aspell suggested authorizing approval if it turns out it takes both parties to agree to the option or if the Morrills agree to change the document to allow the city to end the lease if it so chooses in 2022. If it turns out this isn't the case or they won't agree to that, then staff will bring this back at a future meeting.

Councilor Nyhan agrees that a thirty year lease is very long; a ten year lease with five year renewals thereafter is the opportunity for either party to terminate that lease. He asked what the catalyst was for the family coming to them and asking for the renegotiation of this in mid-term.

Mr. Aspell responded that its the milk market.

Councilor Champlin likes the City Manager's suggestion stating that farming is a very tenuous and difficult business and is hard to make the numbers work. He would like to have more information and a deeper understanding why the thirty year lease was requested.

Beth Fenstermacher, Assistant City Planner, explained that all the agricultural leases currently within the city are thirty year leases with the exception of Gully Hill. She believes its the standard that the city had for agricultural. She indicated that its a

huge investment for farmers to put those resources in to bring the soils to the conditions that help them to produce the best product; for them to not have that commitment, it makes it difficult for them. She stated that the longer leases motivates and incentivizes to keep that land in productive use and if they have to lower the amount of time, they may not put those resources into it.

Mayor Bouley indicated that he has been approached by a farmer who wanted to use some of the agricultural land that the city has but feels blocked out of the opportunity to farm the land because of the long term leases.

Ms. Fenstermacher responded that there are opportunities that come up but feels that its the argument of whether a farmer is going to put in a bid, would they want a five year lease or a thirty year lease.

Referencing the fifty percent reduction, Mayor Bouley inquired whether it is only through 2022.

Ms. Fenstermacher responded yes adding that they would renegotiate at that time based on what the market is.

Councilor Coen asked if there are any limitations as to what can be done to the property when a farmer leases a property. He questioned whether its specific to growing crops or whether they can do anything else with it.

Ms. Fenstermacher responded that its specific to growing crops explaining that this specific property is under a conservation easement with the forest society; based on the conservation easement that is held by another land trust, they are required to keep it agricultural.

Councilor Coen feels that thirty years seems unreasonable.

Councilor Kenison doesn't feel a thirty year contract is unreasonable and feels that they should be doing everything they can to promote agricultural use of the land. She sees this as one way of doing this to assure the farmer that they have that long term commitment to offset what they are paying to make the land productive.

Councilor Nyhan's recollection is that the Morrill family has been tilling this soil for a long time and this is not their first thirty year lease.

Ms. Fenstermacher responded that this is their first time on this property.

Councilor Nyhan asked who tilled this property prior to this current lease.

Ms. Fenstermacher responded that it was the Gold Star Sod Farms which just created sod; it was a private entity.

Councilor Rice Hawkins noticed that it indicates that, even with the fifty percent reduction, the Morrills will still be paying two to three times higher than what other farms pay. She inquired whether this was because of the quality of the land or the type of farming they are doing.

Ms. Fenstermacher replied that those were the numbers the city received when the RFP went out.

Councilor Coen moved to approve this item and amend the lease. The motion was duly seconded.

Councilor Herschlag inquired as to what the lease is being amended to say.

Mayor Bouley pointed out the first line of the report "request to amend an agricultural lease Morrill Farm Dairy LLC for the property located at West Locke Road, map 29Z Lots 24 and 25 as recommended by the Conservation Commission."

The motion passed with no dissenting votes.

Consideration of Suspense Items

Adjournment

Mayor Bouley indicated that on May 20th the Council will be meeting as a Finance Committee following this they will meet as the Council to enter into a non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Manager's Evaluation.

Councilor Champlin moved to meet as the Council on May 20th following the Finance Committee meeting to enter into a non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Manager's Evaluation. The motion was duly seconded and passed with no dissenting votes.

City Manager Tom Aspell indicated that they are looking at holding a skate house ribbon cutting on June 14th. He will keep the Council informed.

The time being 9:18 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

Information

- Inf1 February 28, 2019 Transportation Policy Advisory Committee Meeting Minutes.
Action: Information item received and filed.
- Inf2 March 2019 Executive Council Meeting Report from Executive Councilor Andru Volinsky.
Action: Information item received and filed.
- Inf3 March 14, 2019 Golf Course Advisory Committee Draft Meeting Minutes.
Action: Information item received and filed.
- Inf4 March 19, 2019 Traffic Operations Committee Meeting Minutes.
Action: Information item received and filed.
- Inf5 March 25, 2019 Public Safety Board Draft Meeting Minutes.
Action: Information item received and filed.
- Inf6 March 28, 2019 Transportation Policy Advisory Committee Meeting Minutes.
Action: Information item received and filed.
- Inf7 April 1, 2019 Concord Public Library Board of Trustees Meeting Minutes.
Action: Information item received and filed.
- Inf8 April 9, 2019 Rules Committee Draft Meeting Minutes.
Action: Information item received and filed.
- Inf9 April 16, 2019 Traffic Operations Committee Meeting Minutes
Action: Information item received and filed.
- Inf10 Invitation from the Concord Veteran's Council to participate in their annual Memorial Day Parade/Ceremony to be held on Monday, May 27, 2019.
Action: Information item received and filed.
- Inf11 Communication from the Arbor Day Foundation congratulating the City of Concord on earning recognition as a 2018 Tree City USA.

Action: Information item received and filed.

Inf12 Communication from Comcast notifying subscribers of a monthly rate increase for Acorn TV.

Action: Information item received and filed.

Inf13 News release from Eversource Energy notifying the public that they are seeking approval for System Reliability and Clean Energy Investments.

Action: Information item received and filed.

Inf14 Summer/Fall Brochure from the Parks and Recreation Department.

Action: Information item received and filed.