



# City of Concord

## City Council

### Meeting Minutes

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Monday, July 13, 2020

7:00 PM

Zoom Meeting Link:  
<https://us02web.zoom.us/j/8942591833>

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Telephone Dial: US + 1 929 205 6099

Landline: 877 853 5257

Webinar ID#:894 2591 8333

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#### *COVID-19 - Public Meeting Procedures Notice*

*Due to the Covid 19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, City Council is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.*

*Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.*

*All members of City Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following the link below, or dialing the number below and entering the ID number at the prompt. For those who want to provide public testimony in the Public Hearing portion of the meeting, and you are connected to the Zoom website, you may click on the Raise Hand icon in the Attendees Section of Zoom to make the request. When the time is appropriate, you will be recognized so you can provide your testimony. For those calling in who want to provide public testimony, dial \*9 to alert the host that you wish to speak. The host will unmute you at the appropriate time/during the public hearing portion of the meeting. All participants please keep your phones and computers on mute unless speaking.*

*Website address: <https://us02web.zoom.us/j/89425918333>.*

*Telephone Dial: US: +1 929 205 6099. If dialing from a landline, you may call in toll-free at 877 853 5257. Webinar ID#: 894 2591 8333.*

*Members of the public can also email questions or other public testimony to [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov).*

*Any member of the public can also call the City of Concord at 603-230-4619 or email: [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov) if they are unable to access the meeting and assistance connecting is needed.*

*Non-public session in accordance with RSA 91-A:3, II (d) to discuss the acquisition, sale or lease of property to be held at 5:30 p.m.*

**Present:** 14 - 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 Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Councilor Keith Nyhan

**Action:** At 5:30 p.m., Councilor Bouchard moved to enter non-public session, in accordance with RSA 91-A: 3, II (d), to discuss property acquisition. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

**Action:** At 6:56 p.m., Councilor Pierce moved to exit non-public session. The motion was duly seconded by Councilor Kretovic and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

1. Mayor Bouley called the meeting to order at 7:07 p.m.

**Action:** Mayor Bouley welcomed everyone to the July 13, 2020 Electronic Meeting of the City Council, indicating City Council was meeting electronically due to the COVID-19/Coronavirus pandemic, in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04. Mayor Bouley noted that, in accordance with the Governor's Emergency Order, we have provided public notice of the necessary information for accessing this meeting. He noted that instructions are provided on our agenda on the City of Concord's website at: <https://concordnh.legistar.com/Calendar.aspx>. He further noted that Council was utilizing the Zoom platform for this electronic meeting. All members of the City Council have the ability to communicate contemporaneously during this meeting, and the public has access to listen and, if necessary, participate in this meeting via the following website address: <https://us02web.zoom.us/j/89425918333>.

If any member of the public does not have website access, they may dial the telephone number 929-205-6099 or from a landline 877-853-5257 and enter the password 894-2591-8333.

Mayor Bouley noted that we would not be using the Chat function in Zoom for this meeting. He also noted that testimony is only allowed for agenda items that have been scheduled for a public hearing, and public participation is not authorized for the other items on the agenda.

Anyone having a problem accessing the meeting were advised to call 603-230-4619 or send an email to: [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov).

The Mayor indicated that in the event the public is unable to access the meeting, the meeting would be adjourned and rescheduled at that time.

All votes to be taken during this meeting will be done by roll call vote.

Mayor Bouley asked members of City Council, when stating their presence at the meeting, to please also state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

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

**Action:** In accordance with the Right-to-Know law, all members of City Council indicated they were alone. Councilor Nyhan was absent and excused.

**Present:** 14 - 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 Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Councilor Keith Nyhan

5. Approval of the Meeting Minutes.

**Action:** Councilor Kenison moved approval of the June 8, 2020, June 15, 2020, June 22, 2020 and the June 29, 2020 City Council meeting minutes. The motion was duly seconded.

Specific to the June 15, 2020 meeting minutes, Councilor Rice Hawkins moved to amend Page 13, the paragraph that reads: Councilor Rice Hawkins addressed Council, speaking in support of City Council, as a group, making a formal statement condemning racism and police brutality. Councilor Rice Hawkins referred to an all Council email she sent last week,\* which contained a proposed statement she would like Council to either edit and approve this evening, or meet on a date to be determined, to discuss and formalize. Changing it to read: Councilor Rice Hawkins addressed Council, speaking in support of City Council, as a group, making a formal statement condemning racism and police brutality. Councilor Rice Hawkins referred to an all Council email she sent last week, which indicated she would be pursuing a statement. An email sent just prior to tonight's meeting contains the proposed statement she would like Council to either edit and approve this evening, or meet on a date to be determined, to discuss and formalize.”

Councilor Kenison amended her motion to approve with the amendment recommended by Councilor Rice Hawkins. The motion was duly seconded by Councilor Pierce and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

June 8, 2020 City Council Draft Meeting Minutes.

**Action:** Minutes approved.

June 15, 2020 City Council Draft Meeting Minutes.

**Action:** Minutes approved.

June 22, 2020 City Council Draft Meeting Minutes.

**Action:** Minutes approved.

June 29, 2020 City Council Draft Meeting Minutes.

**Action:** Minutes approved.

6. Agenda overview by the Mayor.

**Action:** Mayor Bouley recognized Councilor Kretovic who made a motion to seal the minutes from the non-public session held prior to the Council meeting this evening. The motion was duly seconded by Councilor Matson and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

7. City Council action relative to the City Manager's evaluation, in accordance with Section 21(b) of the City Charter.

**Action:** Councilor Kretovic moved that City Council, in accordance with Section 21 (b) of the City Charter, vote to give City Manager Tom Aspell a satisfactory rating for his annual City Council evaluation. The motion was duly seconded by Councilor Hatfield.

Mayor Bouley thanked City Manager Aspell for all of his hard work and leadership this past year. Councilors Fennessy, Keach, Champlin, Hatfield, Pierce and Grady Sexton, spoke in strong support of Mr. Aspell, his leadership and his municipal team.

There being no additional discussion, the motion passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

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

**Action:** Mayor Bouley indicated that item #24 had been removed from the consent agenda for discussion. Councilor Pierce moved approval of the consent agenda. The motion was duly seconded by Councilor Champlin. Referencing item #26, the Public Safety Board Annual Report, Councilor Rice Hawkins indicated that the report needed to be updated to include the 2019 Annual Police and Fire Department reports, not the 2018 reports that were included. There being no further discussion regarding the consent agenda, the motion passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

**Referral to Parking Committee**

8. Communication from Michelle McCord requesting consideration be given to

prohibiting parking on a portion of Beacon Street during the winter months, January through March.

**Action:** Communication was referred to the Parking Committee.

### **Items Tabled for August 10, 2020 Public Hearings**

9. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal Uses; and Article 28-5, Supplemental Standards, Section 28-5-17, Certain Uses in the Opportunity Corridor Performance (OCP) District; and Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-4, Requirements for Stacking Spaces for Drive-Through Facilities; together with report from the City Planner.

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

10. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule I, Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I, for a section of Long Pond Road near the Marjory Swope Park conservation area; together with report from the Director of Redevelopment, Downtown Services, & Special Projects.

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

11. 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, to remove on-street parking near 80 Centre Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

12. Resolution appropriating the sum of \$550,000 for the Merrill Park Pool Replacement subproject (CIP #63) and authorizing the issuance of general obligation bonds and notes in the sum of \$550,000 for this purpose; together with report from the General Services Director.

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

13. Resolution appropriating the sum of \$6,000 for EMS Warm Zone equipment and accepting the sum of \$6,000 in grant funding from the Department of Safety State Homeland Security grant program for this purpose; together with report from the



Interim Fire Chief.

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

**From the City Manager**

14. Positive Citizen Comments.

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

**Consent Reports**

15. Diminimus gifts and donations report from the Interim Fire Chief requesting authorization to accept monetary gifts totaling \$250.00 as provided for under the pre-authorization granted by City Council.

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

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$125.00, as provided for under the pre-authorization granted by City Council.

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

17. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$7,621.00 as provided for under the pre-authorization granted by City Council.

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

18. Report from the Deputy City Manager - Development recommending the extension of the City's COVID-19 Temporary Outdoor Dining Permit until November 15, 2020.

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

19. Report from the Deputy City Manager - Development recommending City Council approve a License Agreement with Phenix Livery, LLC (aka Mark Ciborowski) to allow Concord Craft Brewing to install a patio on City property adjacent to the Phenix Livery Building at 115-119 Storrs Street.

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

20. Report from the Deputy City Manager - Finance regarding a donation of a Bell, Score Board Monitor, and Tree from Page Belting for the Beaver Meadow Golf Course.

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

21. Quarterly Current Use Tax report from the Director of Real Estate Assessments.

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

22. Report from the Interim Fire Chief regarding a State of New Hampshire Department of Safety Homeland Security Grant Program. - EMS Warm Zone Equipment.

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

23. Report from the General Services Director recommending City Council approve the reclassification of the current Maintenance Aide position within the Public Properties Division to a Laborer Truck Driver position.

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

24. Report from the City Solicitor in response to a City Council referral to the Legal Department regarding the City's authority to enact a Fireworks Ordinance. (Pulled from consent by Councilor Pierce)

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

25. Report from the City Solicitor in response to a City Council referral regarding the application from Troy R. Burke for restoration of involuntarily merged lots pursuant to RSA 674:39-aa.

**Action:** This report was approved.

26. Public Safety Board Annual Report.

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

27. July 2020 Economic Development Report from the Economic Development Director.

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

28. Report from the City Engineer requesting conditional acceptance of the remainder of Sonoma Lane constructed as part of the Vintage Estates and Tuscany Village development projects.

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

### **Consent Resolutions**

29. Resolution authorizing the City Manager, by way of the Police Department, to submit an application for grant funding through the New Hampshire Division of Liquor Enforcement and Licensing Alcohol Compliance Education Grant Program, for funding to conduct liquor license compliance checks; together with report from the Police Department.

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

### **Consent Communications**

#### **Appointments**

#### **From the Mayor**

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

#### **Public Hearings**

- 30A. Resolution appropriating the sum of \$21,527 for Police Department Roadway Safety Initiatives and accepting the sum of \$21,527 in grant funds from the New Hampshire Highway Safety Agency; together with report from the Police Department.

**Action:** City Manager Tom Aspell provided a brief overview.

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

- 30B. Resolution appropriating the sum of \$456,000 for the design and engineering of a multi-lane roundabout and ancillary improvements at the intersection of Hoit Road and Whitney Road (CIP#30), and authorizing the issuance of bonds and notes in the sum of \$456,000 for this purpose; together with report from the Deputy City Manager for Development. (Revised resolution submitted.) (Public testimony received.)

Action: Deputy City Manager Carlos Baia provided a detailed overview.

Councilor Hatfield asked Mr. Baia to explain the changes in the revised resolution before City Council. Mr. Baia explained that the original resolution referenced RSA 162K, the RSA that should have been referenced is RSA 33:9.

Councilor Hatfield inquired as to whether or not Mr. Baia thought that private sector contributions would come in once the project was ready to be built. Mr.

Baia indicated that he felt that would likely be a City Council decision at some point, as the project progressed, while stating that City Administration feels that there would be a role for the private sector, stating that if, for example, Market Basket built a new grocery store anywhere in New Hampshire, they would likely anticipate paying for some off-site improvements.

Councilor Hatfield referenced the desire within the community to ensure that this proposed intersection was safe for those biking and/or walking in the area, inquiring as to whether or not Council should bring up those concerns now or later. Mr. Baia indicated that in the preliminary designs that have already been done as part of the capital project, those concerns, full pedestrian and cyclist improvements, were taken into account. Mr. Baia further stated that the pedestrian improvements in that area are a bit tough, stating he wasn't sure that NHDOT would accept the recommendations because of the outlier area and mass volume of traffic in the area.

Councilor Hatfield inquired as to how much money, worst case scenario, the City would lose if the project was not approved this evening, indicating she estimated that amount to be about \$150,000. Councilor Hatfield also inquired as to whether or not City Administration thought the work would be beneficial in the future if the project was not approved this evening. City Manager Baia indicated that it was difficult to provide an exact amount this evening. He further stated that the survey, along with the 30 percent plans, could be beneficial in the future, if City Council did not approve this project this evening.

Councilor Fennessy, asked for clarification that the City would be making a contribution toward the initial design, with the understanding that the design would still need to be approved by the State of New Hampshire. Mr. Baia indicated that to be correct.

Councilor Kretovic expressed her appreciation to staff for including bicycle and pedestrian access.

Mayor Bouley opened the public hearing.

### **Public Testimony**

Lori and David Rauseo indicated they had submitted a communication to City Council earlier today inquiring as to whether or not Council had any

questions regarding that testimony and/or the project.

There being no questions for the Rauseo's and/or no further public testimony, Mayor Bouley closed the public hearing.

### **Public Hearing Action**

31. Resolution appropriating the sum of \$21,527 for Police Department Roadway Safety Initiatives and accepting the sum of \$21,527 in grant funds from the New Hampshire Highway Safety Agency; together with report from the Police Department.

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

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

32. Resolution appropriating the sum of \$456,000 for the design and engineering of a multi-lane roundabout and ancillary improvements at the intersection of Hoit Road and Whitney Road (CIP#30), and authorizing the issuance of bonds and notes in the sum of \$456,000 for this purpose; together with report from the Deputy City Manager for Development. (Revised resolution submitted.) (Public testimony received.)

**Action:** Councilor Todd moved approval of the revised resolution before Council. The motion was duly seconded by Councilor Grady Sexton.

Councilor Fennessy spoke in support of the project, stating he feels it important to participate in the design phase and make sure the City can coordinate with all the stakeholders. Councilor Fennessy spoke in support of all of the stakeholders involved contributing financially.

Councilor Champlin spoke in support of the project and Councilor Fennessy's comments indicating he felt improvements in the area were critical in expanding the tax base.

Councilor Todd spoke in strong support of the resolution, thanking all City staff members that worked so hard on the project.

Councilor Hatfield indicated her support for Councilor Fennessy's comments. Councilor Hatfield also thanked Councilor Todd for all of the time he put into this project. Councilor Hatfield indicated it was her hope that improvements in this area would also create safe accessible options for those walking and or biking.

Councilor Werner spoke in support of the project and the potential for this development to be a showcase in the area.

Councilor Pierce thanked Councilor Todd for all of his work on this project, as well as his overall support for the project.

There being no further Council discussion, the motion passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

### **Appointments by the Mayor**

### **Reports**

33. Report from the General Services Director recommending the procurement of

leaf-loader attachments for fall leaf collection.

**Action:** City Manager Tom Aspell provided a detailed overview of the recommendation before Council.

Councilor Champlin asked for confirmation of his understanding that leaves would be able to be mulched and picked up, even in snow, with this equipment. City Manager Aspell indicated that to be his understanding.

Councilor Pierce inquired as to whether or not this equipment had a proven track record. City Manager Aspell indicated the equipment has a proven track record.

Councilor Kretovic commended City Administration and staff for bringing this to Council for consideration.

Mayor Bouley inquired as to whether City Administration was recommending the discontinuance of bagging leaves in the fall. City Manager Aspell indicated he was not recommending that bagging leaves in the fall be suspended at this time, further stating he wanted to see how these attachments work prior to recommending a change to the bagging program.

There being no additional Council discussion, Councilor Kretovic moved approval of the procurement of leaf-loader attachments for fall leaf collection. The motion was duly seconded by Councilor Matson and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

34. Report from the Assistant City Planner on behalf of the Solar RFP Selection Committee regarding a solar installation at the Hall Street Wastewater Treatment Facility. (Communication from Councilor Werner submitted.)

**Action:** City Manager Aspell provided a detailed overview of this report, indicating that City Administration is recommending the 25 years without perimeter fencing option and awarding the contract to ReVision Energy.

After brief Council discussion regarding this project, Councilor Werner moved approval of the recommendation by City Administration. The motion was duly seconded by Council Matson and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

### **New Business**

**Action:** In follow-up to the City Council vote of satisfactory, specific to the City Manager's performance, Mayor Bouley outlined City Council's proposed changes to the City Manager's contract for the term July 1, 2020 through June 30, 2021.

Mayor Bouley indicated that the proposed new contract is identical to last year's contract, with no salary adjustment, with the following exceptions: the Manager has agreed to move to a high deductible health plan like other city employees have, the retirement contribution within his contract would change from 9.5% to 10%, and the unused annual accrued leave would be increased from 60 to 70 days.

Mayor Bouley noted that if the proposed new contract was approved this evening, the signed contract, which is a public document, would be available for review at the City Clerk's Office.

Councilor Champlin moved approval of the proposed changes to the City Manager's contract, as outlined by Mayor Bouley. The motion was duly seconded and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan



**Action:** Mayor Bouley indicated that when City Council recently adopted the FY 2021 budget, it was with the understanding that City Council would be doing periodic checkups with City Administration specific to the budget. Mayor Bouley requested a quick update as to how the July 1, 2020 tax payments looked to date. Deputy City Manager Brian LeBrun indicated that, to date, 90.35% of the July tax bills were paid, compared to 91.71% at this time last year. He further noted some of the FY 2020 revenue, as follows: motor vehicle registrations were up about \$25,000, State money coming from Highway Block Grants and Rooms and Meals taxes came in as expected, and ambulance revenue was up. Mr. LeBrun noted that Parks & Recreation revenue was down noting that it was offset by reduced expenses within Parks & Recreation.

Mayor Bouley inquired as to whether the majority of unpaid taxes were commercial accounts. Mr. LeBrun indicated that he thought that unpaid taxes leaned a bit to commercial noting that they were not all commercial.

Mayor Bouley, in terms of the CARES act money, inquired how the City was doing as far as reimbursements. Mr. LeBrun indicated staff was working on the second round of the CARES act money. He further noted that approximately \$200,000 overall has been applied for. He also indicated that the City would be getting money back from the First Respondents, FEMA, as well as some Medicare reimbursements.

Councilor Keach inquired as to how many municipal positions were left vacant to date. Mr. LeBrun indicated that approximately 12 to 14 were still vacant, indicating some of the vacancies that were on hold were in the process of being filled, while others remain vacant.

### **Unfinished Business**

35. 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.

36. Report from the Associate Engineer approving the design of the “Welcome to East Concord” gateway sign and directing staff to return with an appropriating

resolution accepting a \$1,500 donation from the East Concord Garden Club (ECGC) and allocating additional sign installation funds. (Action on this item tabled at the February 10, 2020 Council meeting.)

**Action:** This item remains on the table.

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

**Action:** Councilor Fennessy, specific to concerns from parents about the uncertainty of their kids going back to school, inquired as to whether or not the Parks & Recreation Department had done any contingency planning with Concord and Merrimack Valley School Districts if students don't go back to school full-time in the fall. City Manager Aspell indicated the City had reached out to the Schools who were waiting until they received direction from the State specific to school in the fall.

Councilor Hatfield inquired as to the status of potential training specific to anti-racism and diversity. Mayor Bouley indicated he was still working on finalizing training, indicating that, in the end, it would likely be just City Council members and via the electronic Zoom meeting format.

Councilor Hatfield commended Councilor Grady Sexton on her work as Chair of the Public Safety Committee. Councilor Grady Sexton thanked Councilor Hatfield indicating the committee would continue to meet on a monthly basis and noting that the next meeting was July 27, 2020 at 3:00 p.m.

Councilor Werner indicated he had spoken to the City Clerk specific to Elections, extended his thanks to the Clerk's Office, and stated that the City Clerk would be creating a resource sheet with answers to frequently asked questions specific to Elections for members of City Council to refer to when receiving questions from their constituents.

Councilor Champlin thanked Councilor Werner for bringing up Elections and indicated for the public that the State of New Hampshire has determined that fear of the COVID 19 pandemic is a valid reason for requesting absentee ballots for the upcoming elections.

Mayor Bouley, specific to Elections, thanked the City Clerk and the City Solicitor for all of their Election teamwork.

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

**Consideration of Items Pulled from Consent Agenda**

24. Report from the City Solicitor in response to a City Council referral to the Legal Department regarding the City's authority to enact a Fireworks Ordinance. (Pulled from consent by Councilor Pierce)

**Action:** Mayor Bouley indicated he was going to recuse himself on this item, and not participate in the discussion, stating his office had a fireworks client. Mayor Pro Tem Bouchard chaired the meeting for this discussion.

City Manager Aspell provided a brief overview of the report.

Councilor Pierce moved to request the City Solicitor's Office prepare an ordinance for public hearing that will restrict the display and possession of consumer fireworks from the hours of 10PM until 10AM, and to hold a public hearing on the proposed ordinance at the next scheduled City Council meeting, currently scheduled for August 10, 2020. Councilor Hatfield seconded the motion.

Councilor Fennessy asked the City Solicitor if he was correct in thinking that fireworks could currently be enforced under the City of Concord's noise ordinance, 13-6-1. Solicitor Kennedy indicated he thought there was certainly evidence that make 13-6-1 more of a challenge for regulating fireworks. City Solicitor Kennedy indicated that, as outlined in his report to Council, there was also a State of NH RSA specific to disorderly that could be used for enforcement.

Councilor Keach indicated it was his understanding that State law indicates it was up to specific municipalities to do as they wish specific to fireworks.

Councilor Kretovic noted her appreciation to Councilor Pierce for his work on this matter. She further noted she liked his recommendation as a starting point, stating she did, however, have concerns as to how the Police Department would enforce an ordinance specific to fireworks within the City.

Councilor Kenison suggested that perhaps a potential fine should be included within a draft ordinance for public hearing. Councilor Pierce indicated he felt it was too early to discuss potential fines.

Councilor Hatfield indicated fireworks was a major issue in her ward, stating she didn't feel this potential ordinance would go far enough and stating her concern that there were no limits on residents lighting off fireworks on public property.

Councilor Matson stated that, in her opinion, no matter what ordinance was potentially passed by City Council, enforcement would be nearly impossible.

Councilor Todd inquired as to what the Police Chief thought would work for

enforcement of a potential ordinance specific to fireworks. Chief Brad Osgood indicated that holding the property owner responsible, where the fireworks were being set off, would likely work.

Councilor Fennessy indicated, from his perspective, that it was more of an enforcement issue, stating, for that reason, he wouldn't support this motion.

City Solicitor Kennedy indicated that, for the record, the City Council public hearing process was typically a two month process.

Councilor Rice Hawkins thanked Councilor Pierce for his work on this potential ordinance.

There being no additional Council discussion, Councilor Pierce amended his motion to request the City Solicitor's Office prepare an ordinance for public hearing that will restrict the display and possession of consumer fireworks from the hours of 10PM until 10AM and to hold a public hearing on the proposed ordinance at the September 14, 2020 City Council meeting. Councilor Hatfield amended her second to support the revised motion. The motion passed 11-2 with a roll call vote. Mayor Bouley recused himself, taking rule 6A.

**Yes:** 11 - Councilor Bouchard, Councilor Champlin, Councilor Grady Sexton, Councilor Hatfield, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**No:** 2 - Councilor Fennessy, and Councilor Keach

**Excused:** 1 - Councilor Nyhan

**Recused:** 1 - Mayor Bouley

### **Adjournment**

**Action:** There being no additional Council business, Councilor Kretovic moved to adjourn the meeting at 9:00 p.m. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

**Yes:** 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**Excused:** 1 - Councilor Nyhan

*A true copy: I attest:*

*Janice Bonenfant  
City Clerk*

**Information**

Inf1 September 30, 2019 Public Safety Board Meeting Minutes.

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

Inf2 April 22, 2020 Community Development Advisory Committee (CDAC) Draft Meeting Minutes.

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

Inf3 June 4, 2020 Energy and Environment Advisory Committee Meeting Minutes.

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

Inf4 June 8, 2020 Concord Public Library Board of Trustee Meeting Minutes.

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

Inf6 Communication from US Department of Transportation re: Bow-Concord I-93 Improvements Project.

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

Inf5 Communications from Comcast notifying City Council about changes to Xfinity TV services.

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

Inf7 2019 Capital Area Mutual Aid Fire Compact Annual Report.

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