



City of Concord

City Council

Meeting Minutes

Monday, April 11, 2022

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-meeting/consultation with legal counsel in accordance with RSA 91-A:2, I (b) to be followed by a 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: 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Paula McLaughlin, Councilor Karen McNamara, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

Excused: 2 - Councilor Nathan Fennessy, and Councilor Keith Nyhan

Action: Mayor Bouley called the meeting to order.

At 6:30 P.M. Councilor Kretovic moved to enter non-public session in accordance with RSA 91-A: 3, II (d) to discuss the acquisition, sale or lease of property. The motion was duly seconded and passed with no dissenting votes.

Staff Members Present: City Manager Tom Aspell; Deputy City Managers Carlos Baia and Brian LeBrun; City Clerk Janice Bonenfant; City Solicitor Jim Kennedy; and Library Director Todd Fabian.

At 6:53 P.M., Councilor Pierce moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Kretovic moved to seal the minutes of the non-public session. The motion was duly seconded and passed unanimously. There being no additional Council business, Councilor Kretovic moved to adjourn the non-public session.

1. The meeting was called to order at 7:00 P.M.

2. Invocation.

3. Pledge of Allegiance.

Action: The Pledge of Allegiance was completed.

4. Roll Call.

Present: 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Paula McLaughlin, Councilor Karen McNamara, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

Excused: 2 - Councilor Nathan Fennessy, and Councilor Keith Nyhan

5. Approval of the Meeting Minutes.

March 14, 2022 City Council Draft Meeting Minutes.

Action: Councilor Grady Sexton moved to approve the March 14, 2022 Council Meeting Minutes. This motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

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

Action: Mayor Bouley presented former Councilor Linda Kenison with a commemorative placard displaying Resolution 9433 in recognition of her services and extended his thanks and appreciation, for her service and commitment, to the City of Concord.

Former Councilor Kenison thanked members of City Council for the recognition and noted that it was her privilege to serve the City, stating her opinion that it was the best place to live. She reminisced over the changes made to Main Street, City Council and City Management, and recognized City Manager Aspell for being a great proactive leader and forward thinker. She thanked the Mayor for being a great City Ambassador and City Clerk Bonenfant for running an efficient office, especially during elections. She thanked the residents in Ward Six for their votes and support to represent them on the Council, and extended her best wishes to the newly elected City Councilors.

8. Presentation by CATCH Neighborhood Housing.

Action: Thomas Furtado, President and CEO of CATCH Neighborhood Housing, provided members of City Council with an update, on his most recent project, Rosemary's Way, located on Village Street in Penacook. He thanked City Council, City Management, and City staff for all their support and involvement throughout the project. Mr. Furtado stated that the Rosemary's Way project was named after the former CATCH President and CEO, Rosemary Heard, who passed away.

Mr. Furtado stated that the demand for affordable housing rippled throughout the State and noted that the mission of CATCH was to create communities where every person was confident of a safe and affordable home. He stated his belief that Rosemary's Way was a great example of how affordable housing developers, like CATCH, were able to work together with the City to achieve a common goal. He noted that the project was completed ahead of schedule and ahead of their budget, and commended all City staff in Community Development for their professionalism and support. He spoke about the rules and regulations associated with the types of funding sources used by CATCH for the development project, noting that the qualification process took a lot of effort. He stated that affordable housing was available to anyone meeting the minimum and maximum income thresholds through the HUD guidelines. He noted that the eligibility range was very specific and often took time to find people who met the criteria.

Councilor Kretovic thanked Mr. Furtado for his presentation and work efforts. She noted that the pay range for affordable housing impacted first year teachers and first year police officers. She noted her appreciation to CATCH for providing housing to such important community providers.

Councilor Todd thanked Mr. Furtado and CATCH for their extra efforts in community outreach, especially during the construction period, noting that he had received positive feedback within the community.

Mayor Bouley extended his appreciation to Mr. Furtado and CATCH, for their partnership with the City. He asked if Mr. Furtado could provide an approximate build cost, per unit, on the Rosemary's Way project, to which Mr. Furtado stated that it was in the \$260,000 range. Mayor Bouley reiterated his belief that development partnerships were key to the continuance, of providing affordable housing in the City and State.

9. Presentation by City Planner, update on zoning ordinance project.

Action: Mayor Bouley extended an apology to City Planner Shank for rescheduling her presentation from the March Council meeting, and thanked her for her patience and time. He noted that he saw the presentation when it was made to the community and acknowledged that it was very informative.

City Planner Shank gave an overview on the ConcordNext zoning ordinance update project. She noted that the overall goal was to create a more development friendly code to encourage redevelopment, address housing issues, and simplify the overall process. She stated that Phase I looked at the entire City and restructured the code into a different form based code format to encourage more pedestrian friendly and better streetscape aesthetics. She noted that Phase II focused on targeted districts and key areas for visioning redevelopment and new design concepts that were more responsive to present day needs. She stated that the goal was to complete the draft revision process by Fall 2022, and directed the community to view the ConcordNext web site www.ConcordNext.info. She noted that there were videos and surveys available and solicited community feedback to help with the overall process.

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

Action: Mayor Bouley stated that Councilor Brown recused herself from voting on Items 15 and 17, and noted that Items 18 and 25 were pulled from the consent agenda, for further discussion.

Councilor Kretovic moved approval of the Consent Agenda Items, excluding Items 18 and 25. This motion was duly seconded and passed with no dissenting votes; excluding Councilor Brown's vote on Items 15 and 17.

Note: Items listed as pulled from the consent agenda were discussed at the end of the meeting.

Items Tabled for May 9, 2022 Public Hearings

10. Ordinance amending the Code of Ordinances, Title I, General Code: Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-8, Peddlers; together with report from the Ad Hoc Outdoor Dining and Food Truck Committee.

Action: Ordinance moved to set for a public hearing.

11. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11-6, Military Leave;

together with report from the Director of Human Resources and Labor Relations.

Action: Ordinance moved to set for a public hearing.

12. Resolution appropriating the sum of \$36,359 and repurposing \$9,241 to purchase a tracked cross-country trail groomer (CIP #515) and authorizing the use of \$36,359 of Equipment Reserve funds for this purpose; together with report from the Parks and Recreation Director. (Public testimony submitted.) (Additional public testimony received.)

Action: Resolution moved to set for a public hearing.

13. Resolution appropriating the sum of \$11,820 to continue the work of reducing the energy usage at the Combined Operations and Maintenance Facility (COMF) (CIP #323) and accepting the sum of \$11,820 from the Unitil NHSAVES Energy Efficiency Incentive Grant program for this purpose; together with report from the General Services Director.

Action: Resolution moved to set for a public hearing.

14. Resolution appropriating the sum of \$8,500 for the purpose of updating the Stormwater Pollution Prevention Plan (SWPPP) at the Airport, accepting the sum of \$7,650 in grant funds from the Federal Aviation Administration, accepting the sum of \$425 from the State of New Hampshire, and appropriating and authorizing the use of \$425 of Airport Fund Balance as a transfer out from the Airport Fund for this purpose; together with report from the Associate Engineer.

Action: Resolution moved to set for a public hearing.

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

Action: Resolution moved to set for a public hearing.

Consent Reports

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,300.25, 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 Police Department requesting authorization to accept a donation of \$100 from Catherine Yeager to be designated for the Concord Police Department's Project Blue Elf program, as provided for

under the pre-authorization granted by City Council.

Action: This consent report was approved.

18. Report and recommendations from Councilor Kretovic on behalf of the Ad Hoc Gully Hill Road Committee. (Pulled from consent by Councilor Nyhan and Councilor Brown at the April 11, 2022 City Council meeting.) (Item referred to the Fiscal Policy Advisory Committee at the April 11, 2022 City Council meeting.)

19. City Council 2022-2023 Quarterly Priorities Report from the City Manager.

Action: This consent report was approved.

20. Report from Deputy City Manager - Finance recommending the FY23 Budget Schedule and Guidelines as recommended by the Fiscal Policy Advisory Committee.

Action: This consent report was approved.

21. Report from the Director of Real Estate Assessments requesting the City Manager be authorized to renew the Voluntary Payment in Lieu of Taxes Agreement between Fellowship Housing Opportunities, Inc. and Affiliates and the City of Concord.

Action: This consent report was approved.

22. June 30, 2021 Trust Reports MS-9 and MS-10 from the City Treasurer/Tax Collector.

Action: This consent report was approved.

23. Quarterly Current Use Change Tax Report from Director of Real Estate Assessments.

Action: This consent report was approved.

24. Status report from the General Services Director regarding the Arena Condenser and Compressors Refurbishment.

Action: This consent report was approved.

25. Report from the Recreation and Parks Advisory Committee on the scheduled White Park Pool renovation. (Pulled from consent by Councilor Brown.)

Consent Resolutions

26. Resolution in recognition of the services of Craig Walker.

Action: This consent resolution was approved.

27. Resolution authorizing the City Manager to accept and enter into a Grant Agreement for up to \$8,500 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of updating the Storm Water Pollution Prevention Plan (SWPPP) at the airport; together with report from the Associate Engineer.

Action: This consent resolution was approved.

28. Resolution authorizing the City Manager to negotiate and enter into license agreements with the John J. Flatley Company concerning private improvements to be constructed on city property in conjunction with redevelopment of property located at 32-34 South Main Street and 33 South State Street; together with a report from the Director of Redevelopment, Downtown Services and Special Projects.

Action: This consent resolution was approved.

29. Resolution authorizing the City Manager to apply for Land and Water Conservation Fund Grants to support development of the Canal Street Riverfront Park (CIP #567); together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This consent resolution was approved.

30. Resolution repurposing the sum of \$50,000 from the CIP #65 2019 City Hall Space Planning Study subproject for use on the CIP #65 2019 City Hall Landscape Improvements subproject; together with report from the Deputy City Manager - Finance.

Action: This consent resolution was approved.

31. Resolution authorizing the City Manager to apply for Land and Water Conservation Fund grants to support replacement of the White Park Monkey Around Playground (CIP #51); together with report from the Director of Redevelopment, Downtown Services and Special Projects.

Action: This consent resolution was approved.

Appointments

32. City Manager's Appointments to the Conservation Commission: Emily Landry, Allison McGregor, and Mark Coen.

Action: These appointments were approved.

End of Consent Agenda

Public Hearings

- 33A. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines and Penalties; together with non-ordinance fees and a report from the Deputy City Manager - Finance and Deputy City Manager - Development.

Action: City Manager Aspell stated that the City had for several years carried the Engineering Inspection Fund (Fund 21) as a means to account for Engineering Division inspection time, on private development projects. He noted that this practice had afforded the Engineering Services Division the ability to off-set staff expenses from the General Fund, by budgeting for anticipated inspection revenues through the Fund. He stated that this practice had become increasingly problematic for a variety of reasons, and stated that City Administration wanted to move forward with the elimination of Fund 21 and fold the expenses and revenues currently accounted for in Fund 21 into the General Fund.

City Manager Aspell stated that the proposed Engineering Services fee changes would provide greater transparency, reduce the need to bill after the fact, and be compatible with the EnerGov online permitting system anticipated to go live this year. He noted that the proposed fee structure incorporated a tiered inspection fee approach that would allow Engineering to mimic the City's building permit fee process, where payment was calculated based on a reasonably accepted metric and payment was collected upfront. He stated, that, the critical aspect of the process was to maintain responsible fees and charges that were adequate to support delivery of City services.

Mayor Bouley opened the public hearing.

Angie Raymond, of Raymond's Landscaping, endorsed her support of removing Fund 21 and agreed that the Engineering billing system was broken. She noted that it could take nine months or longer to receive her deposit refunds, from the City on over estimated inspection fees. She stated, that, in her opinion, some of the proposed fee changes were unclear and resulted in a lot of cost estimate gray areas. She advocated for changes that would streamline and gain efficiency within the overall process.

Councilor Pierce asked to clarify if, in addition to bonds and inspection fees, were permits also required, to which Mrs. Raymond confirmed, noting that many stacking permits were required and the charges appeared to overlap.

Councilor Pierce asked, as a follow up, if the increased costs Raymond's Landscaping incurred would be passed on to their customers, residents or home owners, to which Mrs. Raymond confirmed.

Mayor Bouley asked if Raymond's Landscaping did work in other cities and to elaborate on her experiences there. Mrs. Raymond confirmed that she did work in other communities, noting that Nashua was the most comparable to Concord. She stated that Nashua required an annual drainlayer's license, similar to a Massachusetts protocol requirement, and had a different fee structure based on the project, which made work there easier and more streamlined.

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

- 33B. Resolution repurposing the sum of \$31,998.90 from the CIP #88 2017 CO2 Tank & Control Replacement subproject for use on the CIP #347 2018 Solar Power Improvements subproject; together with report from the General Services Director.

Action: City Manager Aspell stated that the Water Treatment Plant was looking to replace existing electrical services at two tank locations with solar panels and batteries. He noted that this green project would reduce the need for electrical services, reduce expenses to the Water Plant budget, and remove long electrical service lines that the City was responsible for clearing and maintaining. He stated, that, transferring the funds from the CO2 project would allow the Water Treatment Plant to complete the energy saving work, benefiting the ratepayer and the environment.

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

- 33C. Resolution appropriating the sum of \$13,000 in the CIP #515 Golf Course Winter Recreation Improvements project for the purchase of a track cross country ski trail groomer and accepting the sum of \$13,000 as a donation for this purpose; together with report from the Parks and Recreation Director.

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

- 33D. Resolution appropriating the sum of \$10,000 for the purchase of water-related catastrophe equipment and accepting the sum of \$10,000 in grant funding from the Department of Safety, State Homeland Security Grant Program for this purpose; together with report from the Deputy Fire Chief.

Action: City Manager Aspell stated that there was no requirement for any matching City funds to be obligated for this purchase.

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

- 33E. Resolution appropriating the sum of \$66,147.38 from the Impact Fee Fund as a transfer to the General Fund to offset debt service costs and reduce General Fund Use of Fund Balance by \$66,147.38 as an offset for this purpose; together with report from the Deputy City Manager Finance.

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

Public Hearing Action

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

35. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines and Penalties; together with non-ordinance fees and a report from the Deputy City Manager - Finance and Deputy City Manager - Development.

Action: Councilor Pierce asked to have Deputy City Manager Baia and the City Engineer come forward to answer a few questions. He asked, to clarify, if any of the referenced items presented by Mrs. Raymond were new or known issues to them.

City Engineer Cedarholm stated that all discussed items were known issues and were part of the reason they were pursuing a better system. He confirmed that there were issues with the billing process, noting that inspection deposits were often over estimated and it could take a while for refunds to be issued. He stated that the intent of the proposed changes was to consolidate the number of permits required

and reduce the overall project costs for developers and contractors. He noted that the proposed changes would better accommodate the billing feasibility and ease in EnerGov.

Councilor Pierce asked if there were any plans to streamline the bond process, to which City Engineer Cedarholm stated that blanket bonds were already in practice for larger and more complicated projects. Councilor Pierce asked, as a follow up, to clarify if blanket bonds were also accepted from smaller contractors and developers, like Raymond's Landscaping. City Engineer Cedarholm confirmed yes, but noted that most smaller entities didn't know of or have their long term projects identified up front, which resulted in a case-by-case project bond being required.

Deputy City Manager Baia emphasized that a critical distinction between bonds for larger projects like Liberty Utilities and smaller projects, was that in Liberty Utilities' case, they had a fixed program laid out with all work identified for their gas line repairs, where as smaller companies like Raymond's Landscaping, might have a dozen or more clients and jobs throughout a season. He stated that it would be difficult to determine bond requirements and needs for smaller jobs when their scope of work was a moving variable. City Engineer Cedarholm clarified that each bond was required to clearly identify what work it covered, for recall and tracking purposes.

Councilor Champlin asked to clarify what general inspection work took place onsite, to determine the duration of inspection time being charged. City Engineer Cedarholm stated that generally contractors would schedule projects in advance, noting that detailed plans and sketches were required as part of the permit process, and inspectors would watch the work start, check before it was completed, and follow up for final street restorations, as needed. Councilor Champlin asked to confirm that the inspection work was not continuous work, to which City Engineer Cedarholm confirmed.

Councilor Champlin asked to confirm if a drainlayer's license option was being considered. City Engineer Cedarholm stated that it had been discussed, noting that one of the benefits for the City were that the requirements to obtain the license were strict. He noted his support to pursue it, but stated that it would take policing, and was a separate issue of the bond requirements. He noted that the bond amounts required would still need to be large enough to cover all work being performed.

Councilor Kretovic asked if there were any considerations made, for the

construction community, relating to the proposed fee changes and their construction season. City Engineer Cedarholm stated that the reason for the timing of the proposed fee changes was to sync with the online permitting system's implementation date, set in July. He noted, that, without the proposed changes, it would be very difficult for the City to go live with their current permits. He noted that current practices required an up front deposit with a later reimbursement upon completion, which was difficult to do online. He noted that, with the proposed changes, contractors could request and pay for everything online at one time, without the need for deposits and reimbursements. He noted that there would be a transition period, for current versus new practices, if approved, which would be, in his opinion a big billing exercise. Councilor Kretovic commented that it appeared to be a big billing exercise now and didn't have the confidence that it would be corrected.

Deputy City Manager Baia elaborated that, when approved fees were changed, across the board, with an effective July 1st date to meet a fiscal year, it likely effected all communities bidding out work. He stated that, while he did not technically account for the construction season, he felt that the practice was never done before and felt that other communities operated similarly. He acknowledged that there would be a learning curve, as it was a new system, but noted his belief that the proposed changes would ultimately not cause a lot of issues.

City Manager Aspell asked to clarify the dollar amount associated with the increase in revenue, due to the proposed changes. City Engineer Cedarholm stated, that, the goal was to bring in the same amount of revenue through efficiency changes, not increase it, confirming that inspection billing rates would remain the same.

Councilor Matson asked to clarify the role of the inspector, to determine if a project was being charged for inspection time, without having anyone there. City Engineer Cedarholm stated, that, inspection staff were often responsible for multiple projects in a day, so they would go between jobs, in a day, but only charge for time onsite. He noted that, with the tiered system and the online billing, more accurate inspection time could be billed.

Mayor Bouley noted that, the Engineering system appeared to be working for larger companies, but asked to clarify how it actually worked for smaller businesses. City Engineer Cedarholm stated that the process worked the same for larger companies as it did for smaller outfits, noting that inspectors kept a log sheet tracking the actual amount of time that they spent onsite, which would then be billed to the

project. He noted, that, the current billing process took almost as long as the actual inspection work and would be streamlined with the proposed changes.

Mayor Bouley asked to clarify the number of years the proposed online system had been discussed and in progress, to which Deputy City Manager Baia confirmed it had been 15 years. Deputy City Manager Baia noted that there was a Permit Tracker system currently in production that was 20-30 years old, with only primitive functions and features. He noted that funding was provided for an online program that offered online use and functionality, but was taking longer to implement because of the time and effort to convert 20 plus years of legacy data into a new software package.

Mayor Bouley asked to clarify the dollar amount spent for the new system, to which Deputy City Manager Baia noted that he could present the amount at the next meeting or during budget review. Mayor Bouley noted that it would be discussed during budget review.

Mayor Bouley asked to clarify how often project work was inspected, in which a bond was being held for, to which City Engineer Cedarholm guaranteed that there was a spreadsheet that tracked all of the bonds and their duration along with excavation activity. He confirmed that inspections of project work occurred six months, prior to the project bond expiring to ensure any issues were resolved prior to the bond being released.

Councilor Kretovic asked to confirm if the referenced site logs that inspectors were keeping were manual, and if the new software package allowed for or created a digital time sheet, to which City Engineer Cedarholm confirmed yes to both. Councilor Kretovic asked if the new system would allow the inspectors to use their phone to log inspection time, which would reduce the manual billing process, to which City Engineer Cedarholm confirmed that was the goal.

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

36. Resolution repurposing the sum of \$31,998.90 from the CIP #88 2017 CO2 Tank & Control Replacement subproject for use on the CIP #347 2018 Solar Power Improvements subproject; together with report from the General Services Director.

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

37. Resolution appropriating the sum of \$13,000 in the CIP #515 Golf Course Winter Recreation Improvements project for the purchase of a track cross country ski trail groomer and accepting the sum of \$13,000 as a donation for this purpose; together with report from the Parks and Recreation Director.

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

Councilor Brown asked to correct the accompanying report, stating, that, she was on the Recreation and Parks Advisory Committee (RPAC) at the time and noted that the report stated that RPAC and Beaver Meadow Committees both approved the three phase plan. She stated, that, RPAC did not receive a presentation on the three phase plan. She noted that they only received a presentation on the snow groomer, in October 2020, not 2019, for \$50,000, not for 50% of the cost. She stated that she was not opposed to receiving the referenced funds, she only asked to have the report corrected.

Mayor Bouley asked City Manager Aspell to clarify why Mr. Gill wrote and submitted a report reflecting incorrect information, to which City Manager Aspell asked to have the Parks and Recreation Supervisor, Laura Bryant, speak to that further.

Ms. Bryant stated that the presentation of the three phase plan was made through a Zoom meeting, at that time, noting that the recorded vote that RPAC supported focused on Phase I, although all three phases were discussed. Ms. Bryant confirmed that the report discrepancy was an oversight made by Mr. Gill and would be adjusted. Councilor Brown stated that she must have missed the three phase presentation through the Zoom meeting, but asked to have the report changed to reflect that the meeting was held in October 2020 and not in October 2019.

Mayor Bouley asked Ms. Bryant to give a copy of the Zoom presentation print out to City Clerk Bonenfant for public record purposes.

Councilor Pierce asked, for procedural clarification, if there would be a revised report submitted, to which Mayor Bouley confirmed that the verbal answers were sufficient to move forward with.

Councilor Champlin asked to confirm if the verbal discussions, concerns of Councilor Brown, and the response from Ms. Bryant would be captured in the

meeting minutes, to which Mayor Bouley confirmed, yes, and noted that the presentation copy would also be documented as part of the public record.

Councilor Keach recognized that \$55,000 was raised in private donations and congratulated the organization for their efforts.

38. Resolution appropriating the sum of \$10,000 for the purchase of water-related catastrophe equipment and accepting the sum of \$10,000 in grant funding from the Department of Safety, State Homeland Security Grant Program for this purpose; together with report from the Deputy Fire Chief.

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

39. Resolution appropriating the sum of \$66,147.38 from the Impact Fee Fund as a transfer to the General Fund to offset debt service costs and reduce General Fund Use of Fund Balance by \$66,147.38 as an offset for this purpose; together with report from the Deputy City Manager Finance.

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

Reports

New Business

Unfinished Business

40. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-6, Code of Ethics; together with report from the Rules Committee. (Supplemental ordinance and report submitted.) (Public testimony received.)

Action: Mayor Bouley noted that there would be an additional Rules Committee meeting and the item would be discussed by Council at a later date.

Comments, Requests by Mayor, City Councilors

Action: Councilor Bouchard took a moment to remember former City Councilor, Katherine Rogers, who passed away on Sunday, April 10th. She stated her belief that Ms. Rogers was a true public servant, noting, that, she had served as a Concord City Councilor, State Representative, County Commissioner, and County Attorney. Councilor Bouchard spoke to the character and passions of Ms. Rogers and stated that she would be missed.

Councilor Pierce noted, as a public reminder, that the Outside Dining Committee would be meeting at 3:30 P.M. on April 12th, in the 2nd Floor Conference Room at City Hall, to discuss issues and feedback received.

Mayor Bouley reminisced over his former City Council days spent serving with Ms. Rogers and commented on her passions and commitment toward the City of Concord; stating that she was a good friend that he would deeply miss.

Comments, Requests by the City Manager

Consideration of items pulled from the Consent Agenda

18. Report and recommendations from Councilor Kretovic on behalf of the Ad Hoc Gully Hill Road Committee. (Pulled from consent by Councilor Nyhan and Councilor Brown at the April 11, 2022 City Council meeting.) (Item referred to the Fiscal Policy Advisory Committee at the April 11, 2022 City Council meeting.)

Action: City Clerk Bonenfant noted that the Item was pulled from the Consent Agenda by Councilor Nyhan and Councilor Brown.

Councilor Brown stated that, while she enjoyed working with Councilor Bouchard and Councilor Kretovic on the Committee, she felt that it was too short of a time, noting that the Committee only met twice, to discuss such an important property. She acknowledged that her vote would be in the minority, as it went against the Committee's recommendation. She noted that, as a member of the Conservation Commission, historically, when agricultural property leases expired, they went out to a request for proposal (RFP). She noted that this was not the recommendation, but felt that it was not in line with past Conservation Commission actions as confirmed by Conservation Commission Chair Kris Tardiff. She stated her opinion that the piece of property was so important, because it was the central park and green space of Concord. She noted that with ongoing revitalization efforts in that area, she felt that this was an opportunity to consider other options to better bring the community together. She noted that one possible idea could be the development of community gardens, stating that only two to four acres would be needed. She noted that the Conservation Commission wanted to keep the land in use for agricultural purposes, and she felt that community gardens complied with that goal. She recommended having it go out to RFP, with an option for the City to retain the right, to modify two to four acres of land for other agricultural use. She noted that community gardens did require a lot of management and felt that it was nothing to rush-in to, but advocated for its consideration and long lease agreements.

Councilor Kretovic stated that, at the first meeting of the Ad Hoc Gully Hill Road Committee, they had three considerations: provide current farmers with lease extensions; recommend an RFP or bid to gauge the market place for farming tenants; or recommend to let the farmers lease expire. She noted that Councilor Nyhan, although absent, had pulled the item to discuss two things, one being about an observation deck proposed in the report. She noted that they had heard from the birding community about a number of species that surrounded the area, who thought that having an observation deck in that area would draw attention to the river and create a wildlife educational opportunity. She noted that Councilor Nyhan voiced concerns over the report, implying that the City would lead the effort for that project, to which she clarified that the City would not take the lead on it and would only consider future partnerships on such a project. She noted that Councilor Nyhan had also voiced concerns over this going out to RFP and wanted Council's consideration on that effort. She noted that, of the people that attended the Ad Hoc Gully Hill Road Committee meeting, many were farmers, who acknowledged that the land was high grade agricultural land. She spoke of the changes and plight of local dairy farms, and emphasized that many farmers did not think Concord was doing a good job being a steward of the land. She noted that the farmers' public testimony emphasized keeping all 65 acres of land intact. She noted that, although some farmers supported the idea of having community gardens, many were afraid of the use of unmonitored pesticides. She acknowledged that there were other areas within the City that could be used for community gardens that did not impact the farming community and would not require the City to be in competition with other areas.

Councilor Kretovic stated, as her own personal opinion, that she felt that the most under served area in the City was in Ward Eight, by Manchester Street. She advocated for finding a two to four acre lot of land in that specific area to help better service that portion of the community. She respectfully requested that, if this went out to RFP, to have a parameter added to have it be classified as commercial, agricultural, 65 continuous acres, without division.

Councilor Bouchard stated that she supported Councilor Kretovic's parameters for an RFP, and asked to refer the item to the Fiscal Policy Advisory Committee (FPAC) to look at the numbers. She confirmed that public testimonies were received from many groups, who all stated that this land was likely some of the best agricultural land in the State. She stated her opinion that keeping the land continuously farming was smart, but was also part of Concord's economic wholeness. She noted that testimonies were also received confirming that

community gardens required a lot of management, the farmers needed all 65 acres of land, and that the farmers were concerned with potential unintended consequences of having community gardens there. She supported having community gardens and thought they were a great idea, just not in the referenced area. She stated her opinion that having this specific farm land was a great asset to the City and fully supported keeping all 65 acres as continuous farm land and renewing existing farmer leases.

Councilor Keach stated that he was in favor of accepting the report, and supported the idea of a five-year lease as an option, because he envisioned a potential mixed use for that area in the future. He advocated for preserving future options. He asked if the five year lease option was implemented, would the farming lease renewals be at the discretion of Council approval, to which City Manager Aspell confirmed that it was his jurisdiction and would extend based on Council's decision.

Councilor Champlin noted that his wife's family was a farming family in another state, and knew how difficult and close to the line businesses were run. He acknowledged that New England was losing dairy farms at an alarming rate, likely due to the increased costs of land and leases, and supported having a five year lease option, supporting commercial dairy farmers. He noted that there were many ways to support new American families and supported the consideration of finding another plot of land for community gardening. He endorsed his support of the Committee's report and recommendation.

Councilor Kretovic clarified that the reported recommendation was for a five-year term, and four, five-year renewal options.

Councilor Todd echoed his agreement of Councilor Kretovic's proposed RFP, and supported longer term leases with farmers. He agreed that helping new American families was important, but felt that other green space options were more feasible, and supported keeping this land preserved for commercial farmers.

Councilor Rice Hawkins asked to know how the three referenced options came to be presented to the Ad Hoc Gully Hill Road Committee. She stated that she agreed that having farm land in the City was important, and noted that residents might not recognize the space as farmland, as it was not clearly defined. She noted that she did not believe that community gardens would bring in pesticides, and did not want to dismiss the idea because of it, as she felt that the City could implement user

guidelines for use. She noted that she was confused about how having community gardens would create more foot traffic on the land, but that having an observation deck would not, as she felt that they would equally create traffic. She noted that it was reported that the farmers needed 65 acres and wondered if that was actually true, and if they only had 62 acres of land to work with, would the land still be desirable. She stated her opinion that having three acres for community gardens didn't seem like it made that much of a difference. She noted her opinion that discussions of having five to 25 year leases seemed long, especially when the property could be revisioned. She stated that she wanted to see this item go to the Transportation Policy Advisory Committee (TPAC) for review, as other community garden spots could be looked into that connected better with public transportation.

Councilor Kretovic stated that all the answers to all of Councilor Rice Hawkins' questions were in the Committee minutes, and noted that she wished that Councilor Rice Hawkins had read them. She noted that the observation deck would be on the outside of the farm land, and, therefore would not cause foot traffic on the farm land. She noted that transportation was already set aside on the property for the Merrimack Valley Greenway Trail, and confirmed that TPAC had already weighed in on the issue. She noted that the lease options were determined because they mirrored other agricultural RFP's in the community and were an attempt to bring uniformity to all City owned and leased agricultural properties.

Councilor Bouchard stated that she did not support sending the report to TPAC, for review, as she felt that the Committee had met and heard from all interested parties. She reiterated her support for community gardens and noted that she would support TPAC looking into other viable options in the City. She stated that, based on all the testimonies received, the consensus was to keep the 65 acres as continuous farm land. She reminded Council that this land was used by a local Concord farmer, for corn, that supported the dairy industry, which then created local jobs and products. She endorsed the support of the local farmers' markets.

Councilor Pierce motioned to move the question, to which Mayor Bouley stated it would not be accepted yet.

Councilor Rice Hawkins thanked Councilor Kretovic for making her points, but felt that she also confirmed that this property was a prime location for public transportation accessibility. Councilor Rice Hawkins reiterated her belief that this area should be looked at further and declared her love and support for local

farmers' markets, but noted that they were not affordable for everyone. She noted her belief that growing one's own food was a more sustainable practice for some and should be considered.

Councilor McNamara asked if anyone had reached out to the Forestry regarding their dealings with the Clinton Street gardens, to which Councilor Kretovic confirmed that they had. Councilor McNamara noted that the Forestry was ceasing their management of the gardens because it was too difficult to manage and monitor individual gardeners. She expressed her concerns over the potential of having community garden contracts and the policing of them.

Councilor Brown clarified that, during the meeting, the farmers had confirmed that even if the 65 acres was reduced by two to four acres, that they would still be interested. She noted that the space was rather large and, although the conversation was about farmers, it was also about residents being able to grow their own food within an accessible area, which she supported.

Councilor Bouchard reiterated that the farmers had confirmed that they could give up land if they had to, but advocated for keeping it whole.

Councilor Kretovic echoed what Councilor Bouchard stated, and clarified that the farmers very specifically noted that they would sacrifice one to two acres of land, on the outside, upper portion of the farm.

Mayor Bouley noted his surprise over the robust discussion on this agenda item and that it had risen to State government. He stated that he had been approached by the Commissioner of Agriculture, who asked for Concord to keep the land whole, for the commercial farming community. He reiterated his belief that agriculture was supported and valued in the Concord community. He noted that Councilor Nyhan had requested to refer the item to the Fiscal Policy Advisory Committee, which he supported. He noted that the Committee recommended that Council consider offering the current tenants a renewed lease, to which he stated that he was 100% opposed to, as he was against sole sourced contracts. He stated his belief that it should be handled as an RFP, like all other RFP contracts, and reiterated that he did not support any other path, other than putting it through the competitive bid process. He stated that he supported a long term lease and the Committee's recommendation about implementing a new lease with a five-year term and four five-year renewal options. He noted his confusion about what the Conservation Commission was now recommending, as he recalled that they

previously spoke at a meeting in support of long term leases, the importance of commercial agriculture, and keeping the 65 acres whole. He noted that the Conservation Commission had held an illegal meeting on Thursday, April 7th, as it was not properly noticed, but confirmed that they were properly meeting again on Wednesday, April 13th, and could clarify any confusion then. He stated that he spoke with the Chair of the Conservation Commission and emphasized the importance of properly noticing all meetings, in compliance with the Right-to-Know law, to avoid the appearance of secret meetings. He noted that Council was invited to tour a local community garden, and supported the visit so more information could be gathered, prior to the Fiscal Policy Advisory Committee meeting on April 18th. He stated that he did not support the referral to TPAC, as he felt that other reviews would address Councilor Rice Hawkins' concerns.

Councilor Kretovic stated that she would be absent from the May Council meeting and requested to have further discussions held at the June Council meeting, so she could be present. Mayor Bouley asked City Manager Aspell to confirm if a one month approval delay would impact the RFP process, to which City Manager Aspell noted that it shouldn't.

Councilor Matson moved to refer the report to the Fiscal Policy Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

Councilor Bouchard noted that there were two large apartment complexes; Alton Woods and Salisbury Green, and the Florence V. Hodges retirement home, that provided their residents with land for community gardens. She noted as an idea, that potentially new apartment builds in the City could consider having land space made available for resident gardening within high density areas. City Manager Aspell confirmed that it could be considered as an amenity for those projects.

25. Report from the Recreation and Parks Advisory Committee on the scheduled White Park Pool renovation. (Pulled from consent by Councilor Brown.)

Action: City Clerk Bonenfant noted that the Item was pulled from the Consent Agenda by Councilor Brown.

Councilor Brown stated that she, personally, liked the idea and everything behind it, but noted that she had recently spoke with Parks & Recreation Director David Gill, who had confirmed that there had been no community outreach. She noted that the item had only been discussed by the Recreation and Parks Advisory Committee (RPAC), and requested that time be taken to reach out to the community, for their input.

Mayor Bouley asked to clarify if Councilor Brown wanted RPAC to withdraw their recommendation and reach out to the community for public input, to which Councilor Brown confirmed. Mayor Bouley noted that this project would be considered as a Capital Budget item, and would be open to public input at a designated public meeting for all Capital Budget projects. He noted that since this project impacted more than just the surrounding neighborhood, city wide input might be beneficial. He noted that after a tentative budget adoption, another public meeting would be held, for public input. He let Councilor Brown know that he appreciated her concerns for public input, but felt that the process was designed to already have two public meetings on the item. He noted that if RPAC wanted to perform additional community outreach, then they could, noting that he strongly encouraged them to do so but felt that there was sufficient opportunity for public input built into the budget review process.

Councilor Brown stated that she would vote to not accept the report so that she could reach out to the community first.

Mayor Bouley asked Councilor Brown what her experience was, when RPAC took up the item at their meeting, to which Councilor Brown stated that they only voted to accept additional funds, leftover from the Merrill Park pool renovation, to look at a conceptual idea for a splash pad. Mayor Bouley asked to clarify if the RPAC report's mention of, "The Recreation and Parks Advisory Committee at their January 20, 2022 gave their full support to convert the White Park "Kiddie Pool" to a Splash Pad," was inaccurate, to which Councilor Brown stated that she was not a member of RPAC in January 2022.

Councilor Keach moved to approve the report. This motion was duly seconded and passed with one dissenting vote.

Mayor Bouley strongly encouraged anyone wishing to speak further on the item, to come forward.

Consideration of Suspense Items

Sus1 Report from the Senior Planner recommending the City Manager be authorized to execute four easement deeds with Abbott Road, LLC for the installation and maintenance of a new sewer line, a new sidewalk, drainage, and an existing sewer line and new public trail.

Action: Councilor Champlin motioned to suspend the rules, in order to consider Suspense Item 1. The motion was duly seconded and passed with no dissenting votes.

City Manager Aspell stated that this was a "house keeping" initiative, to accept the easements that would go to the City as part of the project as approved by the Planning Board.

Councilor Kretovic motioned to accept the report. The motion was duly seconded and passed with no dissenting votes.

Sus2 To be set for a May 9, 2022 Public Hearing

Resolution authorizing the City Manager to execute a Memorandum of Agreement ("MOA") with the NH Department of Transportation concerning acquisition of discontinued portions of the Northern Main Railroad located between Horseshoe Pond Lane and the Contoocook River for the purposes of developing the Merrimack River Greenway Trail (CIP #543); together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Public testimony submitted.)

Action: Councilor Champlin motioned to suspend the rules, in order to consider Suspense Item 2. The motion was duly seconded and passed with no dissenting votes.

Councilor Champlin motioned to set Suspense Item 2 for a public hearing on May 9th. The motion was duly seconded and passed with no dissenting votes.

Adjournment

Action: Councilor Todd motioned to adjourn the meeting at 9:12 P.M. The motion was duly seconded with no dissenting votes.

Information

Inf1 November 4, 2021 and December 16, 2021 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

Inf2 November 16, 2021, December 21, 2021, and January 18, 2022 Traffic Operations Committee Meeting Minutes.

Action: Information item received and filed.

Inf3 February 17th, February 24th, March 10th and March 23rd Ad hoc Outdoor Dining and Food Truck Committee Meeting Minutes.

Action: Information item received and filed.

Inf4 March 7, 2022 Concord Public Library Board of Trustee Meeting Minutes.

Action: Information item received and filed.

Inf5 March 10, 2022 Beaver Meadow Golf Course Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf6 March 10, 2022 Ad-Hoc Committee to Review Fees Meeting Minutes.

Action: Information item received and filed.

Inf7 March 21, 2022 Fiscal Policy Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf8 March 21, 2022 Ad-Hoc Committee to Review Fees Draft Meeting Minutes.

Action: Information item received and filed.

Inf9 Parks and Recreation Departments 2022 Summer Camp Brochure.

Action: Information item received and filed.

Inf10 Parks and Recreation Departments 2022 Spring and Summer Adult Brochure.

Action: Information item received and filed.

A true copy; I attest:

Ashley Hamilton

Deputy City Clerk