



# City of Concord

## City Council

### Meeting Minutes

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Monday, September 12, 2022

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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***Non-public session in accordance with RSA 91-A:3, II, (L) followed by a non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies to begin at 5:30 p.m.***

At 5:30 P.M., Councilor Nyhan moved to enter a non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies followed by a non-public session in accordance with RSA 91-A:3, II, (L). The motion was duly seconded and passed with no dissenting votes.

Staff members present for the non-public session to discuss collective bargaining strategies: City Manager Tom Aspell, City Solicitor James Kennedy, Deputy City Solicitor Danielle Pacik, Assistant Finance Director Katie Graff, Deputy City Manager - Development Carlos Baia and Director of Human Resources and Labor Relations Jennifer Johnston.

At 5:45 P.M. the non-public session to discuss collective bargaining strategies adjourned and the non-public session in accordance with RSA 91-A:3, II (L) began.

Councilor Rice Hawkins joined the meeting.

At 7:10 P.M., Councilor Kretovic moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Champlin moved to seal the minutes of the non-public session. The motion was duly seconded and passed with no dissenting votes.

1. Mayor Pro Tem Bouchard called the meeting to order at 7:15 p.m.
2. Invocation.
3. The Pledge of Allegiance was done.
4. Roll Call.

**Present:** 10 - Councilor Candace Bouchard, Councilor Stacey Brown, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Jennifer Kretovic, Councilor Karen McNamara, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

**Excused:** 5 - Mayor Jim Bouley, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Gail Matson, and Councilor Paula McLaughlin

5. Approval of the Meeting Minutes.

August 8, 2022 City Council Draft Meeting Minutes.

**Action:** Councilor Nyhan moved approval. The motion was duly seconded with no dissenting votes. Councilor Rice Hawkins abstained.

6. Agenda overview by the Mayor Pro Tem.
7. Resolution in recognition of the services of Kathryn H. Temchack.

**Action:** Councilor Nyhan presented Kathryn Temchack with a resolution in recognition of her services to the City of Concord.

8. Presentation by Denise and Paul Pouliot, Cowasuck Band of the Pennacook-Abenaki People.

**Action:** Denise and Paul Pouliot, Cowasuck Band of the Pennacook-Abenaki People presented City Council with their tribal flag to pay homage and thank the City for adopting Indigenous People's Day.

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

**Action:** Councilor Kretovic moved approval of the consent agenda. Mayor Pro Tem Bouchard indicated that Councilor Brown was recusing herself from voting on items 22, 28 and 34. Mayor Pro Tem Bouchard further stated that Councilor Brown pulled item 24 and Councilor Rice Hawkins pulled item 28. The motion was duly seconded and passed with no dissenting votes.

**Referrals to the Regional Utility Utilization Committee**

9. Communication from the Town of Pembroke Sewer Commission requesting continued discussions regarding a Pembroke-Concord sewer interconnection; together with a Sewer Interconnection Capacity Analysis from Underwood Engineers.

**Action:** This communication was referred to the Regional Utility Utilization Committee.

**Items Tabled for October 11, 2022 Public Hearings (Tuesday)**

10. Resolution appropriating the sum of \$741,002.11 as a transfer to capital from the General Fund, appropriating \$741,002.11 in the Highway Improvement Program project (CIP #78) for additional street paving, and accepting \$741,002.11 as additional Highway Block Grant aid apportionment from the State of New Hampshire for this purpose; together with a report from the General Services Director.

**Action:** This item was pulled from consent and discussed at the end of the agenda.

11. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Ice Maintenance Technician; together with a report from the General Services Director.

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

12. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule III and Article 18-3, Parking Meters, Schedule X; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

13. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule I, Schedule VII, and Schedule VIIa; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

14. Resolution rescinding the sum of \$98,576.43 in unexpended capital project fund appropriation in CIP #578, appropriating the sum of \$117,773.51 as a transfer out

to the Economic Development Reserve, and accepting the sum of \$278,000 from the sale of the former New Hampshire Employment Security property, located at 32 South Main Street, to reimburse the Sears Block Tax Increment Finance District Fund; together with a report from the Director of Redevelopment, Downtown Services and Special Projects.

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

15. Resolution appropriating the sum of \$68,723 in the Hoit/Whitney Road Roundabout project (CIP #30) and accepting the sum of \$68,723 from the firm of Vanasse Hangen Brustlin, Inc. (VHB); together with a report from the Deputy City Manager - Development.

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

16. Resolution appropriating the sum of \$8,000 in the Hoit/Whitney Road Roundabout project (CIP #30) and accepting the sum of \$8,000 from Drake Petroleum; together with a report from the Deputy City Manager - Development.

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

17. Resolution appropriating the sum of \$122,500, to include \$17,300 to the Project Inspection Fund, \$101,300 to the General Fund, and \$3,900 to the Golf Fund for Fiscal Year 2022, retroactive to June 30, 2022, to be funded from excess revenues in the Golf Fund, fund balance in the General Fund, and a transfer-in from the General Fund to the Inspection Fund; together with a report from the Director of Redevelopment, Downtown Services and Special Projects. (Revised resolution and report submitted.)

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

18. Report from the Director of Real Estate Assessment recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for its hydroelectric facilities at the Rolfe Canal Falls, Penacook Upper Falls, and Penacook Lower Falls.

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

19. Resolution appropriating the sum of \$25,983.20 to address violent crime in the community and accepting the sum of \$25,983.20 in grant funding from the New Hampshire Project Safe Neighborhoods Initiative grant program for this purpose.

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

**From the City Manager**

20. Positive Citizen Comments.

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

**Consent Reports**

21. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$11,247.09, as provided under the pre-authorization granted by City Council.

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

22. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$4,584.10, as provided under the pre-authorization granted by City Council.

**Action:** This consent report was approved. Councilor Brown recused herself from voting on this item.

23. Report from the Deputy City Manager - Finance requesting City Council approval to transfer funds between departments for Fiscal Year 2023.

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

24. Report from the Deputy City Manager - Finance recommending approval of the proposed 2023 Membership and Daily Rates for Beaver Meadow Golf Course as recommended by the Golf Course Advisory Committee.

**Action:** This item was pulled from the consent agenda for discussion.

25. Report from the Deputy City Manager - Finance combining subprojects for the Wastewater Secondary Clarifier Project (CIP #104).

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

26. Report from the General Services Director requesting the City Manager be authorized to apply for and accept grant funds up to the amount of \$50,850 for the redesign of the spillway for the Penacook Lake Dam.

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

27. Report from the General Services Director requesting authorization to accept six Purple Heart Community Signs from the NH Veterans of Foreign Wars.

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

### **Consent Resolutions**

28. Resolution authorizing the City Manager to submit an application to the New Hampshire Department of Justice for American Rescue Plan Act Initiative Grant Program for funding designated to address violent crimes on the trail systems and conservation areas within the City; together with a report from the Police Department.

**Action:** This item was pulled from the consent agenda for discussion. Councilor Brown recused herself from voting on this item.

29. Resolution authorizing the City Manager to apply for the New Hampshire Department of Business and Economic Affairs (NHBEA) Municipal Per Unit Grant Program; together with a report from the Community Development Specialist.

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

30. Resolution authorizing the City Manager to apply for a New Hampshire Housing Finance Authority (NHHFA) Housing Opportunity Planning (HOP) Grant; together with a report from the Community Development Specialist.

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

31. Resolution designating depositories for the City of Concord, New Hampshire, for the Fiscal Year 2023; together with a report from the City Treasurer/Tax Collector.

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

32. Resolution authorizing prepayment of taxes in accordance with RSA 80:52-a; together with a report from the City Treasurer/Tax Collector.

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

33. Resolution relative to short term investment of excess funds; together with a report from the City Treasurer/Tax Collector.

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

34. Resolution repurposing the sum of \$3,504.98 from the Forensic Laser Scanner Project (CIP #642) to the Interactive Police Simulator Project (CIP #641); together with a report from the Police Department.

**Action:** This consent resolution was approved. Councilor Brown recused herself from voting on this item.

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

## **Public Hearings**

## **Public Hearing Action**

## **Reports**

## **New Business**

## **Unfinished Business**

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

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

**Action:** Councilor Champlin reminded all of the upcoming Multi-Cultural Event to be held at Keach Park on Sunday, September 18th.

Councilor Champlin also noted that on September 24th and 25th the Capital Arts Fest would be held on South Main Street.

Councilor Kretovic thanked NH Chronicle for highlighting the Beaver Meadow Golf Course this week encouraging all that hadn't yet seen it to check it out online.

Councilor Brown congratulated the Merrimack River Greenway Trail for holding their triathlon last weekend.

Councilor Brown congratulated local student, Riyah Patel, who founded New American Scholars, a program that provides educational tutoring with a goal of improving academic skills and confidence for New Hampshire's refugee youth.

Councilor Fennessy reminded residents that the State Primary Election would be held tomorrow, September 13, 2022. As a reminder to the Concord community, he highlighted the polling location changes that went into effect following redistricting.

Councilor Bouchard informed attendees that Wings and Wheels Day would be held on Saturday, September 24, 2022, at the Concord Municipal Airport, from 10:00 a.m. to 2:00 p.m.

**Comments, Requests by the City Manager**

**Action:** City Manager Aspell referenced item #10 on the agenda asking City Council to suspend their rules and hold a public hearing on the item this evening. If approved Little Pond, Lake View and Carter Hill Roads could be paved during this paving season. Mr. Aspell indicated that Continental Paving, Inc. has agreed to hold their current unit pricing if the work on these roads was completed this calendar year. Mr. Aspell further noted that if approved by City Council this evening, the work would be completed by mid-November.

10. Resolution appropriating the sum of \$741,002.11 as a transfer to capital from the General Fund, appropriating \$741,002.11 in the Highway Improvement Program project (CIP #78) for additional street paving, and accepting \$741,002.11 as additional Highway Block Grant aid apportionment from the State of New Hampshire for this purpose; together with a report from the General Services Director.

**Action:** Councilor Kretovic moved to suspend the rules and set this resolution for a public hearing to be held this evening. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to take up item #10 and hold a public hearing on the item this evening. The motion was duly seconded and passed with no dissenting votes.

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

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

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

**Action:** City Manager Tom Aspell thanked Deputy City Manager - Development Carlos Baia for his years of service to the City of Concord, noting that Friday, September 23, 2022 was Deputy City Manager Baia's last day with the City of Concord.

Mr. Baia addressed Council, thanking City Manager Aspell, members of City Council, past and present, as well as members of City staff for their work and support.



**Consideration of Items pulled from the Consent Agenda**

24. Report from the Deputy City Manager - Finance recommending approval of the proposed 2023 Membership and Daily Rates for Beaver Meadow Golf Course as recommended by the Golf Course Advisory Committee.

**Action:** Councilor Brown was surprised to find that there was no difference in the rates for Concord residents and non-residents considering the millions of dollars taxpayers are paying for the golf course. Councilor Brown commented that she had called other golf courses and found their rates were much higher than what was listed on the report submitted and moved to send the report back to the Golf Course Advisory Committee asking committee members to consider establishing residency rates, providing Concord residents with a discount to Golf Course Services, and increasing the rate for non-resident users to match the rates at neighboring golf courses. The motion was duly seconded.

During Council discussion, Councilor Rice Hawkins inquired of members of the Golf Committee Advisory Committee what number of users were residents and pointed out that the question raised by community members during the budget process has not been addressed and recommended prolonging the decision for a month to get answers. Councilors Todd and McNamara suggested revisiting the rates at a later time. Councilor Nyhan spoke with Phil Davis and suggested he come back to Council with a report about the adolescent programming for Concord residents to show the benefits available to residents.

The majority of City Council members opposed the motion, the motion failed.

Councilor Nyhan moved to accept the report. The motion was duly seconded and passed.

28. Resolution authorizing the City Manager to submit an application to the New Hampshire Department of Justice for American Rescue Plan Act Initiative Grant Program for funding designated to address violent crimes on the trail systems and conservation areas within the City; together with a report from the Police Department.

**Action:** Councilor Rice Hawkins addressed Council indicating she struggles with this item as she feels there are a lot of needs in the community that these grant dollars could be used for.

Councilor Rice Hawkins indicated there are elements of the resolution and report before Council that she likes. She further stated that she submitted the following questions to staff on this item: she inquired as to what the total number of violent crimes was per year, as well as a list of what those crimes were, since 2019, on conservation trails; whether or not other City departments have ATV's that are not in use everyday, that could potentially be shared across departments; whether the ATV's, as outlined in the resolution and report before Council, are for routine patrols, investigations, or both; and what the deadline was for this grant application.

Councilor Rice Hawkins indicated that she didn't want the City to miss out on this grant opportunity suggesting Council approve the resolution and report, as well as ask the Public Safety Board, and perhaps other municipal committees, to discuss how public safety precautions will be implemented on the City's trails.

After brief Council discussion, Councilor Nyhan moved to accept the resolution. The motion was duly seconded and passed with no dissenting votes.

### **Adjournment**

**Action:** At 8:14 p.m., with no other Council business to discuss, Councilor Champlin moved to adjourn the meeting.

### **Information**

Inf1 July 18, 2022 Ad-Hoc Committee to Review Fees Draft Meeting Minutes.

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

Inf2 July 28, 2022 Airport Advisory Committee Draft Meeting Minutes.

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

Inf3 August 11, 2022 Beaver Meadow Golf Course Advisory Committee Draft Meeting Minutes.

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

Inf4 Correspondence from Breezeline regarding price changes.

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

Inf5 Communication from Comcast notifying City Council about upcoming program changes.

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

*A true copy: I attest:*

*Janice Bonenfant  
City Clerk*