



City of Concord

City Council

Meeting Minutes

Monday, March 9, 2020

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A:2, I (a) to discuss strategy and negotiations with respect to collective bargaining agreements followed by a non-public session in accordance with RSA 91-A:3, II (d) to discuss property acquisition held at 5:30 p.m.

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.

Present: 14 - Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Candace Bouchard

5. Approval of the Meeting Minutes.

February 10, 2020 City Council Meeting Minutes.

Action: Councilor Matson moved approval of the February 10, 2020 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

February 18, 2020 City Council Priority Session Meeting Minutes.

Action: Councilor Champlin moved approval of the February 18, 2020 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

****Consent Agenda Items*****Approval of the Consent Agenda*

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

Referral to the Transportation Policy Advisory Committee

7. Communication from Tony Puntin, 86 Primrose Lane, requesting consideration be given to constructing a sidewalk to fill the current gap in the sidewalk along Borough Road from Primrose Lane to just west of Alice Drive.

Action: This item was referred to the Transportation Policy Advisory Committee.

Referral to the Planning Board, Community Development and Legal

8. Request from Mayor Bouley asking that consideration be given to zoning changes for properties along Storrs Street currently in the Opportunity Corridor Performance (OCP) district.

Action: This item was referred to the Planning Board, Community Development and Legal.

Items Tabled for April 13, 2020 Public Hearings

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

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

10. 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. (Supplemental report, revised ordinance and revised fee schedule submitted.)

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

11. Resolution approving the acquisition of land south of District No. 5 Road for conservation purposes and authorizing the expenditure of up to \$12,000 from the Conservation Fund for this purpose, as recommended by the Conservation Commission; together with report from the Assistant City Planner on behalf of the Conservation Commission.

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

12. Resolution approving the acquisition of land north of Carrier Road for conservation purposes and authorizing the expenditure of up to \$35,500 from the Conservation Fund for this purpose, as recommended by the Conservation Commission; together with report from the Assistant City Planner on behalf of the Conservation Commission.

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

13. Resolution modifying the Elderly Exemption for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

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

From the City Manager

14. Positive Citizen Comments

Action: Positive citizen comments were received and filed.

Consent Reports

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$3,738.79, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

16. January Fiscal Year to Date Financial Statements report from the Deputy City Manager - Finance.

Action: This consent report was approved.

17. 2020 Beaver Meadow Golf Course daily fees, outing prices and weekday cart membership rate recommendations from the Golf Course Advisory Committee.

Action: This consent report was approved.

18. Report from the Deputy City Manager - Development recommending authorization for use of the Concord Municipal Airport for limited aerobatic practice.

Action: This consent report was approved.

19. Report from the Deputy City Manager - Development seeking authorization for use

of the Concord Municipal Airport for an Armed Forces Day event.

Action: This consent report was approved.

20. Overall Economic Development Performance report from the Deputy City Manager - Development and the Economic Development Director.

Action: This consent report was approved.

Consent Resolutions

21. Resolution repurposing the sum of \$13,750 from the 2016 SCADA Improvements Subproject (CIP #124) for use on the 2017 Rate Study Subproject (CIP #321); together with report from the General Services Director.

Action: This consent resolution was approved.

22. Resolution authorizing the City Manager to apply for a grant for up to \$250,000 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of purchasing a 10 wheel dump truck and plow attachments; together with report from the Associate Engineer.

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

- 23A. 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: Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, spoke in opposition to the annual appraisal of property within the City of Concord, indicating that, in his opinion, not all properties within the City are appraised at market value, and stating that residential properties are assessed at market value while taxes on commercial properties are an income tax. Mr. Schweiker indicated he didn't think it was fair to evaluate residential and commercial properties differently. He indicated that market value is used for residential properties while commercial property assessments are based on income after expenses. He stated that based on the recent presentation by the City

Assessor, market values used for residential properties are generally within the last year, whereas because less commercial properties are sold, they go back five years to figure the value of commercial properties. He further stated that apparently they base assessments on one year's income and not on future years' income, and stated that in a stable economy there may be justification for that, but if there is an economy where the rents are going up much faster than inflation then the value of future years' rents are much higher than the value of the current year's rents. Mr. Schweiker indicated that if you were to sell your property you'd probably have to pay a 6% commission, plus you'd have to spend thousands of dollars to fix it up to get the sale price but you're paying taxes on the gross price you'll receive. He indicated that whereas, once again, the commercial property is based on income after expenses, they're only paying taxes on the net and he figures over-all what this means is that commercial properties are getting an approximate 10% tax break on their property taxes because of the different assessment manners.

Mr. Schweiker further stated his belief that these processes are followed because of a supreme court decision or State law but is still unable to obtain that information from the City Solicitor who tells him that the City of Concord doesn't provide legal advice. Mr. Schweiker indicated he felt that response was unfair, indicating he feels the City should have to justify the manner in which they assess properties.

Mr. Schweiker suggested the City investigate his comments to see if they are true by taking the following three courses of action: 1) investigate to see if what he is saying is true by comparing the assessments they are getting on commercial property, based on the income method, with what they would be doing if they based them on the valuation method, and see if there really is the difference he thinks there is, a 10% average citywide. He further stated that if discrepancies were discovered when doing this comparison, the City should work to change policies and/or legislation to equalize the taxes between commercial and residential properties; 2) state you have no evidence of this and ignore his suggestion and hope it goes away; and/or 3) deny difference exists with no investigation.

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

- 23B. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 14, Morals and Conduct, Article 14-2, Miscellaneous Police Regulations, Section 14-2-7 Designated Tobacco Non-Use Areas, prohibiting the use of tobacco products in City-owned parking garages; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Revised ordinance and

supplemental report from the Library Director submitted.)

Action: City Manager Tom Aspell provided a brief overview noting that action should be taken on the revised ordinance before them.

Councilor Fennessy inquired as to whether or not this proposed ordinance would prohibit residents from smoking in their cars as they left a given parking garage. Mr. Aspell indicated that once they got out of a garage, it would not.

Mayor Bouley inquired as to who would be enforcing this proposed ordinance. Mr. Aspell indicated that, more than likely, it would be the Police Department with assistance from Parking Enforcement Officers, who would be acting as eyes on the ground.

Mayor Bouley opened the public hearing.

Public Hearing

Roy Schweiker indicated that the ordinance was not right yet, and stated that, in his opinion, if approved, this ordinance would allow smokers to step out into the street in front of the library to smoke. He further stated that there should be no smoking on the street in front of the library unless someone was smoking in their car with the windows closed and using an ashtray.

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

- 23C. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, by amending Schedule X, to establish a 3 hour meter time limit for certain parking spaces located on Storrs Street near Dixon Avenue; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Fennessy inquired as to whether or not other businesses or property owners in the community had requested parking changes, either on Storrs Street or anywhere else in the City. Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, indicated that only one other request has come before the Parking Committee, which they discussed in January. He further noted that it will come before Council next month, indicating it was for a restaurant establishment that is on Pleasant Street in the vicinity of the Federal Courthouse.

Councilor Hatfield inquired about a parking meter that has a red bag on it. Mr. Walsh indicated that, since the parking lines have been painted to the north of Dixon Avenue on Storrs Street on the west side of the road, along the frontage of the Concord Antique Gallery, there is a conflict relative to parking setbacks and a crosswalk that is there. He stated that they have closed that crosswalk due to concerns with site distance and pedestrian safety.

Councilor Hatfield inquired whether or not the striping would be changed in the future, eliminating that spot and the existing conflict. Mr. Walsh indicated that it would be changed in the spring.

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

- 23D. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, by amending Schedule X, concerning certain metered parking spaces on Court Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Fennessy inquired as to whether or not there was any prohibition on anybody going to the court being able to park in these spots all day. Mayor Bouley indicated that the answer to that question was no.

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

- 23E. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles, Section 17-4-3, One-Way Streets, Schedule VI, concerning Perkins Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Director of Redevelopment, Downtown Services & Special Projects Matt Walsh provided an overview of this proposed ordinance.

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

- 23F. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-6, Parking

Prohibited at All Times in Designated Places, Schedule I; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Director of Redevelopment, Downtown Services & Special Projects Matt Walsh provided an overview of this proposed ordinance.

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

- 23G. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: Director of Redevelopment, Downtown Services & Special Projects Matt Walsh provided an overview of this proposed ordinance.

Councilor Nyhan, referencing the January through March effective dates of this ordinance, inquired as to whether or not the month of December was considered as well. Mr. Walsh indicated that the Parking Committee did discuss putting these parking restrictions into effect in December as well, but because of the holiday season proposed a January through March period.

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

- 23H. Resolution appropriating the sum of \$205,000 for the Birchdale Road Bridge Replacement Project (CIP #498), accepting \$180,000 in New Hampshire State Bridge Aid Program funds, and authorizing the issuance of bonds and notes in the amount of \$25,000 for the local agency match for CIP #498; together with report from the Associate Engineer.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Nyhan inquired as to what construction cycle the work would be done in, if the resolution being considered was approved. David Cedarholm, City Engineer, indicated bids for bridge work were due to be put out in the next couple of weeks with a start construction date of June or July. He further indicated that the hope was for this bridge to be finished this year. Mr. Cedarholm indicated that both the Birchdale Road and the Hooksett Turnpike bridges were being put out to

bid at the same time, with the goal of having both bridges completed by June 2021.

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

- 23I. Resolution appropriating the sum of \$205,000 for the Hooksett Turnpike Bridge Replacement project (CIP #361), accepting \$180,000 in New Hampshire State Bridge Aid Program funds, and authorizing the issuance of bonds and notes in the amount of \$25,000 for the local agency match for CIP #361; together with report from the Associate Engineer.

Action: City Manager Tom Aspell provided a brief overview.

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

- 23J. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 6, Recreation, Article 6-1, Rules and Regulations for Parks; together with report from the Recreation Director.

Action: City Manager Tom Aspell provided a brief overview.

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

- 23K. Resolution appropriating the sum of \$749,727.79 in the Annual Highway Improvement Program Project (CIP #78) and authorizing the use of Highway Reserve funds for this purpose; together with report from the General Services Director. (Public testimony received.)

Action: City Manager Tom Aspell provided a detailed overview of the resolution, as well as the report before Council.

Mayor Bouley opened the public hearing.

Public Hearing

David Murraray, River Road resident, spoke in strong support of making improvements to Bog Road this year, indicating that Bog Road is in terrible shape and encouraging Council to take action and approve improvements to Bog Road this season. He spoke on behalf of business owners in the area that are negatively affected by the condition of the road; Murray Greenhouses, Carter Hill Orchard,

Contoocook River Canoe & Kayaks and Riverhill Market. In closing, Mr. Murrary submitted a petition with 382 signatures requesting that Bog Road be placed on the 2020 roster for "resurfacing".

Andrew Terragni, resident, spoke in support of improvements to Bog Road, urging Council to approve improvements to the road this evening.

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

Public Hearing Action

24. 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: Action on this item to be taken at the April City Council meeting.

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

Action: Councilor Grady Sexton moved to entertain the revised ordinance. The motion was duly seconded and passed with no dissenting votes. Councilor Nyhan moved approval of the revised ordinance. The motion was duly seconded.

Councilor Fennessy expressed his concern with the City's ability to enforce this ordinance, indicating he didn't think it made sense to bother people as they were getting into their vehicles in a given parking garage if this ordinance was approved. He further indicated he was going to vote against this item.

Councilor Kretovic indicated that, although she was also concerned with enforcement of this ordinance, she would be voting in favor of it for the sole purpose of protecting the City's investment of the garages, referencing the amount of money the City recently spent on improvements that closed the stairwells within the parking garages.

There being no further discussion the motion was approved with one dissenting vote, Councilor Fennessy.

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

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

Councilor Fennessy indicated he would be voting in opposition to this item. He indicated that, although he wasn't opposed to creating 3 hour parking spaces in certain areas within the City, his concern was that by doing it in a piecemeal fashion the City wouldn't have a comprehensive parking plan. He further stated that he would support sending this item back to the Parking Committee for further review of implementing 3 hour parking spaces in other areas of the City as well.

Councilor Champlin indicated that the Parking Committee had discussed this issue at length. Councilor Champlin indicated he would be voting in favor of the ordinance which, in his opinion, shows the City's responsiveness to local businesses.

Councilor Todd spoke in support of Councilor Champlin's comments further indicating he would be supporting this ordinance.

Mayor Bouley spoke in strong support of this ordinance encouraging members of Council to support it.

There being no further discussion, the motion was approved with one dissenting vote by Councilor Fennessy.

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

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

Councilor Fennessy spoke in opposition to this ordinance, indicating he didn't think passing the ordinance solved the problem it sought to solve, further stating he thought the spaces would be taken up by non-residents using court services.

Councilor Rice Hawkins indicated she shared Councilor Fennessy's concerns, although she was willing to let the property owners and neighbors in the area try it to see if it worked.

Councilor Champlin spoke in favor of the ordinance.

Mayor Bouley spoke in strong support of this ordinance, indicating he had been approached by a resident who lives on Court Street in a house that has absolutely no parking. The resident parked on the street when they could and/or in the parking lot of the Merrimack County Courthouse. With no available parking at the Courthouse now, and no available parking on Court Street, he feels this is worth a try for the resident. Although he didn't think it was a perfect solution, he would be supporting the ordinance.

Councilor Kenison expressed her concern with this ordinance, indicating that she didn't think this would solve the problem, further stating she didn't feel like it was a good idea to carve this exception out.

Councilor Nyhan indicated that he agreed that, although it wasn't an ideal solution, he would be supporting the ordinance. Councilor Nyhan inquired as to whether or not signage would be appropriate indicating these spaces were for resident parking only.

Councilor Rice Hawkins inquired as to whether or not the City should consider a solution that could potentially offer resident parking only passes to residents, when situations like this came up.

Councilor Hatfield indicated that, although the passage of this ordinance wasn't a perfect solution, she would be voting in favor of it.

There being no further discussion, the motion passed with two dissenting votes by Councilors Fennessy and Kenison.

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

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

Councilor Hatfield thanked staff for all of the time that they put into all of the parking changes, the community meetings, the mailings, etc., indicating that she felt that staff was very responsive.

There being no further discussion, the motion was approved with no dissenting votes.

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

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

30. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

Councilor Hatfield inquired as to how the City would be approaching enforcement, considering this was such a significant change for the neighborhood. Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, indicated that staff would not be doing any enforcement until signage was in place, stating that if the ordinance was approved this evening he would put in an order for signage tomorrow. Mr. Walsh further stated that once signage was up, parking enforcement would be gentle, warnings would be given out for the first few weeks, with more aggressive enforcement to follow after that two week period.

Councilor Hatfield asked for clarification as to whether or not it was true that, prior to considering the changes outlined within this ordinance, commercial vehicles are not supposed to be parking overnight on streets. Mr. Walsh indicated that to be true, stating he believed there was currently an issue on Bradley Street. Councilor Hatfield confirmed that to be true. Mr. Walsh thanked her for letting him know and indicated he would see that it was addressed.

There being no additional discussion, the motion to approve the ordinance passed with no dissenting votes.

31. Resolution appropriating the sum of \$205,000 for the Birchdale Road Bridge Replacement Project (CIP #498), accepting \$180,000 in New Hampshire State Bridge Aid Program funds, and authorizing the issuance of bonds and notes in the amount of \$25,000 for the local agency match for CIP #498; together with report from the Associate Engineer.

Action: Councilor Champlin moved approval. The motion was duly seconded and passed with a roll call vote.

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

Excused: 1 - Councilor Bouchard

32. Resolution appropriating the sum of \$205,000 for the Hooksett Turnpike Bridge Replacement project (CIP #361), accepting \$180,000 in New Hampshire State Bridge Aid Program funds, and authorizing the issuance of bonds and notes in the amount of \$25,000 for the local agency match for CIP #361; together with report from the Associate Engineer.

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with a roll call vote.

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

Excused: 1 - Councilor Bouchard

33. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 6, Recreation, Article 6-1, Rules and Regulations for Parks; together with report from the Recreation Director.

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

34. Resolution appropriating the sum of \$749,727.79 in the Annual Highway Improvement Program Project (CIP #78) and authorizing the use of Highway Reserve funds for this purpose; together with report from the General Services Director. (Public testimony received.)

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

Councilor Pierce thanked the many residents he heard from regarding the condition of Bog Road, as well as the 382 citizens that signed the petition submitted to Council this evening. Councilor Pierce also stated his appreciation for the General Services Department. He indicated that he didn't feel that the City could afford to wait three more years for Bog Road to be built. Councilor Pierce moved to have the reconstruction on part of Bog Road begin in 2020 and that the initial funds come from delaying rehabilitation of some of the roads listed on the General Services report, or from other funds as recommended by the City Manager. Councilor Pierce's motion was duly seconded.

Councilor Hatfield asked for clarification as to whether the cost of this proposed amendment was 1.155 million dollars. Councilor Pierce, referring to an email from General Services, indicated that the initial rebuild of the road, as he understands it, was \$930,000, which would cover the initial rebuild of the road, as well as getting the first coat down, followed by work in subsequent years, at an additional cost of \$225,000, to put the top coat on.

Councilor Hatfield indicated she would be supporting Councilor Pierce's amendment, stating she took a ride on Bog Road earlier today and couldn't believe the state of the road. She encouraged staff and City Administration to take a hard look at the additional streets in town that were proposed for early work to see what streets on the list might be able to wait so that Bog Road could be done sooner. Councilor Hatfield indicated that, in her opinion, the sections of Liberty Street on the list were very much needed.

Mayor Bouley, referencing Councilor Pierce's motion and the estimated cost of

\$1.15 million dollars, asked for clarification of where the funding would come from. Councilor Pierce indicated that he was suggesting that the streets listed under the referenced \$750,000 section of page three on the report before Council would wait, along with additional delays/savings to be taken from proposed improvements within the top section of page three of the report as recommended by General Services and City Administration.

Councilor Kenison indicated that, although she supported what Councilor Pierce was trying to do, she wondered if this should be referred back to the City Manager for inclusion within the capital improvement budget instead. Mayor Bouley indicated that procedurally there was a motion before Council that was open for debate and discussion.

Councilor Kension indicated she doesn't support substituting roads but would like to see Bog Road improvements done.

Mr. Aspell indicated that the roads listed within page three on the report before Council are not roads that were planned to be done this year, not roads that residents are expecting to be done. Mr. Aspell clarified that the reason the roads on page three of the report are before Council for consideration are because: 1) the City of Concord received an additional \$750,00 from the State, which Council does not have to spend and could just leave in the highway improvements fund and discuss during the budget process, 2) because of good prices for paving over the last year, plus there is approximately \$650,000 still in reserve that is still available, and 3) a contractor has agreed to keep paving prices for the City the same for this year as the City paid last year.

Councilor Nyhan thanked the residents that showed up to testify this evening. He recognized the efforts of Councilors Pierce and Todd bringing attention to an issue that prior Councilors haven't been able to do. Councilor Nyhan indicated he drove Bog Road twice in the past week, along with every road on the bottom of page three within the report before Council, stating that, in his opinion, all of the roads within that section of the report need to be done this year. Councilor Nyhan expressed his concerns with addressing Bog Road now, stating that he feels Council should continue with the neighborhood paving program and address Bog Road by moving it up within the CIP program as part of the next fiscal budget.

Councilor Todd noted that he seconded Councilor Pierce's amendment this evening and, although he does support the amendment, he recognized Councilor

Nyhan's comments as well, wondering if Council waited and addressed Bog Road within upcoming budget discussions if there would be a way to make repairs to Bog Road that would create improvements until funds were appropriated to address it without putting other roads off at this time. City Manager Aspell stated that, in his opinion, any money spent on Bog Road, short of reclamation, would be wasted.

Councilor Kretovic indicated that looking at the overall budget, and addressing Bog Road within the budget, is the right choice.

Councilor Fennessy asked if Council voted to make improvements to Bog Road this evening, whether or not the work would be done this summer. City Manager Aspell indicated that yes, the work would be done this year. Councilor Fennessy then asked if Council invested money into Bog Road tonight how long those improvements would last in good condition, or if it would again be an issue in another 10 years. Mr. Aspell indicated that Bog Road is likely one of those roads that will not last 25 years. He further stated that the last time improvements were made to Bog Road was in 1999, which was an overlay. Specific to this road, Mr. Aspell indicated it was a road that would need to be readdressed more often than other roads.

Councilor Kenison asked for clarification of Councilor Pierce's amendment. Councilor Pierce indicated his intent was to get Bog Road done now, not necessarily taking the place of the roads within the report, stating maybe those roads could be addressed during budget discussions.

Councilor Rice Hawkins spoke in support of making improvements to Bog Road now.

Councilor Grady Sexton spoke in support of any efforts to address Bog Road now, indicating she felt it was a public safety issue.

Councilor Fennessy indicated he travelled the road this past weekend finding that it was in worse condition than described to him. He further stated he was in support of using the \$750,000 referenced on the bottom of page three of the report before Council, as well as putting off work for some portion of the streets listed at the top of page three of the report, and putting that money towards the first phase of work to be done on Bog Road this summer.

Councilor Champlin spoke in support of the motion.

Councilor Keach stated he was in opposition to the motion, indicating that he felt that putting off work on other streets within the City to address a road not yet scheduled to be done is a bad precedent.

Councilor Kenison spoke in agreement with Councilor Keach's comments.

Councilor Todd spoke in strong support of the motion.

Councilor Kenison asked to hear the amendment again. Janice Bonenfant, City Clerk, read the amendment as follows: Councilor Pierce moved to have Bog Road done this construction season with full reclamation, estimated cost approximately \$930,000, funds would come from the use of the \$750,000 from the State, along with approximately \$180,000 that City Administration would come up with by delaying work to some of the streets referenced on the top of page three of the report before Council.

Councilor Werner stated his agreement with Councilor Nyhan's comments to address Bog Road within the budget process, stating he would be voting against the amendment.

Mayor Bouley spoke in strong support of the amendment before Council, indicating his hope would be that during CIP discussions Council would be able to find the funds to address any streets not done this year as a result of this motion.

Councilor Kenison indicated she would now be supporting the amendment.

There being no further Council discussion, Councilor Pierce's amendment was approved.

Councilor Hatfield asked the City Manager to address why a section of North Main Street, near Kimball Jenkins, was not on the list. City Engineer David Cedarholm addressed Council with an update on the Kimball Jenkins drainage project, specifically why that section of North Main Street was not on the list. Mr. Cedarholm indicated the project that has been settled on will not go down that section of North Main Street, indicating that last summer the gas main went down North Main Street and that, at this point, the City would not be disturbing that historic section of North Main Street further, stating it should go on the list.

There being no further discussion, the motion as amended passed with one dissenting vote.

Appointments by the Mayor

Reports

New Business

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 Deputy City Manager - Development recommending that the City include fees for outdoor seating and sandwich board sign use of the public sidewalk in the upcoming revision to the City's ordinance based fee schedule. (Action on this item tabled at the February 10, 2020 Council meeting.)

Action: This item remains on the table.

37. 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

Councilor Kretovic commented on how easy the new parking pay by phone app was to use.

Councilor Grady Sexton commended the City Manager and General Services staff for quickly covering up bridge graffiti recently, explaining that a State Representative had reached out to her regarding recent bridge graffiti after which Councilor Grady Sexton contacted the City Manager who relayed the situation to staff who quickly took care of it.

Councilor Rice Hawkins indicated she would be reaching out to many members of Council in the near future regarding the upcoming census.

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

At 8:48 p.m., Councilor Nyhan moved to enter non-public session in accordance with RSA 91-A:3, II (s) to property acquisition. The motion was duly seconded and passed with no dissenting votes.

Councilor Grady Sexton moved to come out of non-public session at 9:36 p.m. The motion was duly seconded and passed unanimously.

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

The time being 9:36 p.m., Councilor Pierce moved to adjourn the meeting. The motion was duly seconded and passed unanimously.

A true copy; I attest:

*Janice Bonenfant
City Clerk*

Information

- Inf1 January 23, 2019 Tax Exemption Policy Committee Approved Minutes.
Action: Information item received and filed.
- Inf2 February 3, 2020 Concord Public Library Trustee Meeting Minutes.
Action: Information item received and filed.
- Inf3 February 12, 2020 Airport Advisory Committee Draft Meeting Minutes.
Action: Information item received and filed.
- Inf4 February 19, 2020 Executive Council Meeting Report from Executive Councilor Andru Volinsky.
Action: Information item received and filed.
- Inf5 February 19, 2020 Tax Exemption Policy Committee Draft Meeting Minutes.
Action: Information item received and filed.
- Inf6 February 20, 2020 Fiscal Policy Advisory Committee Draft Meeting Minutes.
Action: Information item received and filed.
- Inf7 Communication from Comcast notifying City Council of upcoming changes in pricing to Xfinity TV services.
Action: Information item received and filed.
- Inf8 Information from John Mesick, Merrimack Valley Trail Riders, in support of Hoit Road Marsh OHRV compromise, HB 1316.
Action: Information item received and filed.