



**City of Concord**  
**City Council**  
**Meeting Minutes - Draft**

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Monday, June 11, 2018

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 (d) to discuss property acquisition to be held at 6:00 p.m.*

Present: Councilor Bouchard, Mayor Bouley, Councilors Champlin, Grady Sexton, Herschlag, Kenison, Kretovic, Matson, Nyhan, St. Hilaire, Shurtleff, Todd and Werner. Councilors Coen and Keach were absent and excused.

Mayor Bouley called the meeting to order at 6:00 p.m.

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

At 6:36 p.m., Councilor Kretovic moved to exit non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

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

This portion of the meeting was adjourned at 6:36 p.m.

1. Call to Order.

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

2. Invocation by the Reverend Peter Hey, Wesley United Methodist Church.
3. Pledge of Allegiance.

## 4. Roll Call.

**Present:** 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Councilor Mark Coen

## 5. Approval of the Meeting Minutes.

May 14, 2018 City Council Meeting Minutes.

**Action:** Councilor St. Hilaire moved approval of the May 14, 2018 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

May 24, 2018 City Council Meeting Minutes.

**Action:** Councilor St. Hilaire moved approval of the May 24, 2018 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

## 6. Resolution in honor of the services of Retired Deputy Fire Chief Jonathan France.

Retired Deputy Fire Chief Jonathan France was not present for his resolution.

## 7. Agenda overview by the Mayor.

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

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

*Approval of the Consent Agenda*

**Action:** Councilor Nyhan moved approval of the consent agenda with item 20 moved to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

**Referral to Community Development, Legal and the Planning Board - REQUEST WITHDRAWN**

## 8. Petition from Orr &amp; Reno requesting City Council consider amending current

Zoning Ordinances to clarify that "Maximum Lot Coverage" restrictions should not act as a bar to otherwise sound, safe, solar alternative energy projects.

**Action:** Request was withdrawn therefore no action was taken on this item.

### **Items Tabled for July 9, 2018 Public Hearings**

9. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Housing and Public Facilities Funds for demolition of structures and other site improvements at 11-35 Canal Street, Penacook, to assist with the development of affordable housing by the Caleb Penacook Limited Partnership, a direct affiliate of the Caleb Development Corporation; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

10. Resolution readopting the City's Anti-Displacement and Relocation Policy Statement and Procedures; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

### **From the City Manager**

11. Positive Citizen Comments.

**Action:** This positive comments was received and filed.

### **Consent Reports**

12. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,377.00 as provided for under the pre-authorization granted by City Council.

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

13. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gift totaling \$207 as provided for under the pre-authorization granted by City Council.

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

14. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$16,350.00 as provided

for under the pre-authorization granted by City Council.

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

15. Report from the Deputy City Manager for Development requesting authorization to allow the Concord Municipal Airport to host Aviation Day activities on October 9, 2018.

**Action:** This consent report was approved. Correction - report reads that activities are on October 9th but should read September 9th.

16. Report from the Deputy City Manager Development requesting the City Manager be authorized to enter into a license agreement to allow WTR Enterprises to maintain a patio area and pedestrian walkway on a portion of City property located at 17 Depot Street.

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

17. Report from the General Services Director requesting authorization to apply for project funding from the New Hampshire Department of Environmental Services Clean Water State Revolving Fund.

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

18. Report from the City Engineer recommending removal of a street light on Summit Street between School Street and Centre Street.

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

### **Consent Resolutions**

19. Resolution authorizing the City Manager, by way of the Police Department, to submit an application to the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program, for grant funding of a Homeland Security exercise in conjunction with the Merrimack Valley School District; together with report from the Police Department.

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

20. Resolution authorizing the City Manager to enter into a Purchase Option Agreement Amendment #2 with Caleb Development Corporation concerning the sale and redevelopment of City owned property at 11-35 Canal Street, Penacook; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Pulled from consent by Councilor Herschlag)

**Action:** Item removed to the end of the agenda for discussion.

### **Consent Communications**

#### **Appointments**

21. Mayor Bouley's proposed appointments to the Energy and Environment Committee. Joe Kwasnik, Dave Brown, Evan Mulholland, Zach Jonas

**Action:** This appointment was approved.

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

#### **Public Hearings**

- 22A. Resolution appropriating the sum of up to \$1,150,000 and authorizing the issuance of bonds and notes in the amount of up to \$1,150,000 for construction of a new multi-purpose recreational building at White Park (CIP #51); together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

Councilor Herschlag noticed that there is no mention in the resolution, other than a reference to the CIP number, that funding will come from a private source, a fundraising source. He wonders, if construction is going to start this summer and the funding is not forthcoming, how is the rest of a private donation going to be made or will the city be making up that difference. Mr. Aspell responded that there are two pieces: there is \$108,000 in private donations already in city hands to cover a portion of that expense; this evening there is a contingent of people to do the fundraising who's job it is to convince the City Council that it would be advisable to move forward with the project and that they are capable of raising the funds.

Councilor Herschlag asked what the approximate yearly payments would be on the twenty year bond. Brian LeBrun, Deputy City Manager-Finance, responded that the first payment on a twenty year bond on \$1,150,000 at three percent would be approximately \$90,000 plus.

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

- 22B. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations; together with report from the Planning Board.

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

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

- 22C. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 19, Penalties, Section 1-5, Towing Vehicles Away; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

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

- 22D. Discretionary Preservation Easement Renewal Request for property located at 174 Little Pond Road owned by the Katharyn S. Hok Trust, per RSA 79-D.

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

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

- 22E. Resolution providing authorization to subdivide a 1 acre portion of City owned land identified as Tax Map 101, Block 2, Lot 10, and convey to Margaret L. Lassonde in exchange for 21.6 acres of land identified as Tax Map 100, Block 2, Lot 19, for conservation purposes; together with report from the Assistant City Planner, on behalf of the Conservation Commission.

**Action:** Assistant City Planner Beth Fenstermacher provided a brief overview explaining that this would connect Winant Park with other open space properties down to Walker State Forest and Little Pond Road.

Jim Owers, Conservation Commission, spoke in support of the proposed resolution noting that he feels that its a win-win situation all around.

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

- 22F. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 2, Finance; Article 2-4, Payment of Debts due to the City; together with report from the Deputy City Manager - Finance.

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

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

- 22G. Resolution repurposing the sum of \$369,986 from the Water Treatment Plant Improvements Project (CIP #88) and the Pump Station Improvements Project (CIP #372) for use on the CO2 Tank and Control Replacement Subproject (CIP #88); together with report from the General Services 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 hearing.

- 22H. Resolution repurposing the sum of \$52,000 from Fire Department CIP subprojects for the purpose of installing a radio fire alarm box system (CIP #561); together with report from the Fire Chief.

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

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

- 22I. Resolution accepting and appropriating the sum of \$12,500 from the Trustees of the Protestant Episcopal Church of New Hampshire; together with report from the City Manager.

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

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

- 22J. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex Plan documents.

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

### **Public Hearing Action**

23. Resolution appropriating the sum of up to \$1,150,000 and authorizing the issuance of bonds and notes in the amount of up to \$1,150,000 for construction of a new multi-purpose recreational building at White Park (CIP #51); together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

24. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations; together with report from the Planning Board.

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

25. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 19, Penalties, Section 1-5, Towing Vehicles Away; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

26. Discretionary Preservation Easement Renewal Request for property located at 174 Little Pond Road owned by the Katharyn S. Hok Trust, per RSA 79-D.

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

27. Resolution providing authorization to subdivide a 1 acre portion of City owned land identified as Tax Map 101, Block 2, Lot 10, and convey to Margaret L. Lassonde in exchange for 21.6 acres of land identified as Tax Map 100, Block 2, Lot 19, for conservation purposes; together with report from the Assistant City Planner, on behalf of the Conservation Commission.

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

28. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 2, Finance; Article 2-4, Payment of Debts due to the City; together with report from the Deputy City Manager - Finance.

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

29. Resolution repurposing the sum of \$369,986 from the Water Treatment Plant Improvements Project (CIP #88) and the Pump Station Improvements Project (CIP #372) for use on the CO2 Tank and Control Replacement Subproject (CIP #88); together with report from the General Services Director.



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

30. Resolution repurposing the sum of \$52,000 from Fire Department CIP subprojects for the purpose of installing a radio fire alarm box system (CIP #561); together with report from the Fire Chief.

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

31. Resolution accepting and appropriating the sum of \$12,500 from the Trustees of the Protestant Episcopal Church of New Hampshire; together with report from the City Manager.

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

32. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex Plan documents.

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

## **Reports**

### **New Business**

### **Unfinished Business**

33. Resolution authorizing the City Manager to issue a license to Capital Commons L.L.C. for the installation of certain private improvements within the South Main Street rights-of-way and Storrs Street Parking Garage; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report from the City Planner submitted)

**Action:** City Manager Tom Aspell asked Council if they would remove this item from the table.

Councilor Nyhan moved to remove this item from the table. The motion was duly seconded and passed with no dissenting votes.

Mr. Aspell responded that, based on questions from the last Council meeting, a supplemental report was submitted to Council. He provided a brief overview of the report.

Councilor Champlin moved approval of the resolution. The motion was duly seconded.

Councilor St. Hilaire indicated that an applicant had previously been denied and asked whether that applicant has the opportunity to come back to ask for it again. Mr. Aspell responded yes.

Councilor Herschlag inquired as to what has changed since Council tabled this item at its last meeting.

Mayor Bouley stated that he asked that this item to be tabled because he was concerned that there had been another project denied. He has since met with staff; they have the design guidelines which are consistent with everything being proposed. He is comfortable that everyone is going to be treated exactly the same.

The motion to approve passed with no dissenting votes.

34. Resolution adopting a goal of 100% renewable energy for the City of Concord. (Public testimony submitted) (Additional public testimony received)

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

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

Councilor Herschlag inquired as to the status of item 34 under unfinished business. Mayor Bouley indicated that they had talked about making sure they had as many people on board as they possibly could to bring back something that they could fully endorse. He indicated that there has been many meetings between different parties interested in this and is also on the upcoming agenda for the Fiscal Policy Advisory Committee. He feels that people are working in good faith, making tremendous progress and they are much closer to having an item in which they could all endorse.

Councilor Bouchard announced that there will be a ribbon cutting ceremony on June 21st for the citywide community center at 6:30 p.m.

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

**Consideration of items pulled from the consent agenda for discussion**

- *Item 20 has been pulled from the consent agenda for discussion.*

20. Resolution authorizing the City Manager to enter into a Purchase Option Agreement Amendment #2 with Caleb Development Corporation concerning the sale and redevelopment of City owned property at 11-35 Canal Street, Penacook; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Pulled from consent by Councilor Herschlag)

**Action:** Councilor Herschlag indicated that he continues to have concerns about this project. He understands the importance and the value of work force housing and low income housing but also feels that the model that they are following with this project is a 20th century model and not a 21st century model. He feels that it would be more beneficial to all members of the community and those moving in if it was an economically mixed development. He also feels that the cost of the stress that Penacook is under because of the separate school system and noted that by eliminating any commercial development there only adds to taking commercial property off the tax rolls for residential and is not beneficial. He noted that he is opposed to approving this resolution.

Councilor Kretovic indicated that the Community Development Advisory Committee sent out requests to non-profit organizations for this block grant application and one responded. She noted that with the exception of Councilor Herschlag, everyone else voted in favor of moving this forward. They don't ultimately make the final decision on the funding; that's by the NH CDFA.

Councilor Kretovic moved to approve the resolution. The motion was duly seconded and passed with one dissenting vote by Councilor Herschlag.

**Consideration of Suspense Items**

**Action:** Councilor Kretovic moved to consider suspense items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

**Referral to Parks and Recreation and the Recreation and Parks Advisory Committee**

- Sus1 Communication from Concord Little League requesting their lease with the City of Concord be amended to include the use of Dillon Field.

**Action:** Councilor Champlin moved to refer this communication to Parks and Recreation and the Recreation and Parks Advisory Committee. The motion was

duly seconded.

Councilor Nyhan asked that this item also be referred to the Legal Department. There were no objections to this request.

The motion to refer passed with no dissenting votes.

Second suspense item:

Report from the Deputy City Manager-Development requesting authorization for the City Manager to enter into a trail and license agreement with the Friends of the Concord-Lake Sunapee Rail Trail to build and maintain a multi-use rail trail on City property.

**Action:** Councilor Bouchard moved approval of the report. The motion was duly seconded and passed with no dissenting votes.

### **Adjournment**

The time being 7:36 p.m., Councilor Champlin moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*