



# City of Concord

## City Council

### Meeting Minutes - Draft

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Monday, July 8, 2019

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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1. Call to Order.

Mayor Pro Tem Bouchard called the meeting to order at 7:00 p.m.

2. Invocation by Reverend Kate Atkinson, St. Paul's Church.

3. Pledge of Allegiance.

4. Roll Call.

**Present:** 11 - Councilor Candace Bouchard, Councilor Byron Champlin, Councilor Mark Coen, Councilor Meredith Hatfield, Councilor Allan Herschlag, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Keith Nyhan, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 4 - Mayor Jim Bouley, Councilor Amanda Grady Sexton, Councilor Fred Keach, and Councilor Gail Matson

5. Approval of the Meeting Minutes.

June 6, 2019 City Council Meeting Minutes.

**Action:** Councilor Kretovic moved approval of the June 6, 2019 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

June 10, 2019 City Council Meeting Minutes.

**Action:** Councilor Kretovic moved approval of the June 10, 2019 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

June 17, 2019 City Council Meeting Minutes.

**Action:** Councilor Kretovic moved approval of the June 17, 2019 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

June 24, 2019 City Council Meeting Minutes.

**Action:** Councilor Kretovic moved approval of the June 24, 2019 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Resolution in recognition of the services of Master Police Officer William J. Brouillet.

Master Police Officer William J. Brouillet was not present for the resolution.

7. Keno presentation by Charles McIntyre, Director, New Hampshire Lottery Commission.

Charlie McIntyre, Director of the New Hampshire Lottery, requested that City Council authorize the vote to be taken by the citizens of Concord for Keno in licensed pouring establishment. He provided an update noting that Keno is approved in 84 towns/cities within the state producing over \$32 million annually; every jurisdiction that has approved Keno, one in four eligible will accept it. He explained that UNH did a poll six months ago and, of the ones polled, three-quarters of the licensees that sell Keno have found an increase in their business.

Councilor Champlin asked if the state is going to come back to Concord every two years to request this be put on the ballot. Mr. McIntyre indicated that two years ago the voters of Concord voted no and doesn't know when or if he'll be back. Councilor Champlin respects the voters of Concord and the fact that they already voted against this idea. Mr. McIntyre stated that this is just a simple request to put Keno on the ballot.

Councilor Herschlag asked Mr. McIntyre to go over some of the numbers from Keno. Mr. McIntyre indicated that its \$24 million for this past fiscal year; at their current run rate it will be \$32 million presuming no changes, no growth. He anticipates this will not be the case and anticipates it to be around \$36 or \$37 million for gross revenues this year. Councilor Herschlag inquired whether this can be broken down in regards to administrative expenses, promotion, and prizes. He further inquired as to how much is directed to education. Mr. McIntyre responded that prizes are approximately 69 cents, the retailer receives 8 cents, administrative expenses are 2 cents, and the remainder is profit. He indicated that 19 to 20 cents per dollar goes to the schools.

Councilor Werner asked how has the projections, before the votes were taken, turned out in terms of the actual revenue. Mr. McIntyre responded that, per location, they are above and exceed those. Moreover, every location also sells

Keno products so their profitability for those is also well above what they anticipated. He noted that they further didn't anticipate the additional profitability that every location has received from selling Keno because patrons are staying longer. He added that, for those that would characterize this as a product for late night hours, they sell more at 2:00 p.m. than they do at 10:00 p.m. Mr. McIntyre indicated that they need a few more jurisdictions to hit their revenue goal for kindergarten.

Councilor Kretovic pointed out that, in Concord, kindergarten is fully funded by the Concord School District. She questioned how this impacts revenue that would be generated through Keno to assist in their kindergarten which is fully funded by taxpayers. Mr. McIntyre responded that the way the law reads: for every kindergarten child the city gets \$1,100 annually from the Keno kindergarten fund.

Councilor Herschlag asked if there were two ways that the city can vote on this: Council can make a determination or the Council could vote to have the public make a determination. Mr. McIntyre stated that there are two ways in which this matter can appear on the ballot: 1. the Council votes to approve it and it is placed on the ballot; 2. a citizen petition, which is certified, can have it placed on the ballot. Councilor Herschlag asked if he remembers correctly that, as a Council, they can vote not to have it placed on the ballot and a petition could kick into play. Mr. McIntyre responded that to be correct.

Councilor Champlin asked if there was legislation this session to detach full day kindergarten from the Keno. Mr. McIntyre responded yes noting that there were a few efforts like this. Councilor Champlin asked if none of them were successful. Mr. McIntyre responded not that he was aware of.

8. 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 Community Development and Legal**

9. Communication from Mark Ciborowski, Ciborowski Associates, requesting consideration be made for the issuance of license agreements to Concord Craft Brewery for the placement of a chiller unit on city property as well as to

Ciborowski Associates for steps currently located on city property.

**Action:** This communication referred to Community Development and Legal.

### **Items Tabled for August 12, 2019 Public Hearings**

10. Resolution accepting and appropriating the sum of \$55,000 in funding from the Adverse Childhood Experience Response Team (ACERT) Program administered through the Merrimack County Child Advocacy Center, funds designated for overtime expenses incurred by the Police Department for ACERT Program activities; together with report from the Deputy Chief of Police.

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

11. Resolution accepting and appropriating the sum of \$24,972.80 in grant funding from the New Hampshire Project Safe Neighborhoods Initiative Grant Program for funding designated to address violent crime in the community; together with report from the Police Chief.

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

12. 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, modifying positions within Legal and Parking; together with report from the Director of Human Resources and Labor Relations.

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

13. 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, adding the position of HVAC Technician; together with report from the General Services Director and the Director of Human Resources and Labor Relations.

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

### **From the City Manager**

14. Positive Citizen Comments.

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

### **Consent Reports**

15. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept a monetary gift totaling \$84.25 as provided under the

pre-authorization granted by City Council.

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

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$9,486.50 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 grant funding from the New Hampshire Charitable Foundation Community Grants Program in the amount of \$3,885.00, as provided for under preauthorization granted by the City Council.

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

18. Report from the City Manager requesting authorization to accept the donation of a "Concord Bicentennial" Banner, from Concord resident Peter Branch, for display in City Hall.

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

19. Report from the Assistant City Planner requesting authorization to accept a donation of signage and a bench to be placed on City trails.

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

20. City Council 2018-2019 Quarterly Priorities Report from the City Manager.

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

21. Report from the Deputy City Manager - Finance recommending approval of the proposed 2020 Membership Rates for the Beaver Meadow Golf Course as recommended by the Golf Course Advisory Committee.

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

22. Report from the Police Department, Records Division, regarding the addition of a permanent part-time Admin Tech I position and reduction of a permanent part-time Admin Tech II position.

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

23. Quarterly current use change tax report from the Director of Real Estate Assessments.

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

24. Report from the City Engineer requesting conditionally acceptance of portions of Sonoma Lane and Kyle Road constructed as part of the Vintage Estates and Tuscany Village development projects.

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

### **Consent Resolutions**

25. Resolution in recognition of the services of Deputy Chief Keith G. Mitchell. (For presentation in August)

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

26. Resolution authorizing the City Manager or his designee to apply for grant funding in the amount of \$6,500 through the New Hampshire Department of Safety Emergency Management Performance Grant Program for the purpose of developing a Continuity of Operations Plan and appropriating funds awarded for this purpose; together with report from the Fire Chief.

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

27. Resolution rescinding and de-authorizing the sum of \$3,000 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program and changing the funding source from the Edward Byrne Memorial Justice Assistance Grant to the County of Merrimack; together with report from the Police Department. (Revised resolution and report submitted)

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

### **Appointments**

28. City Manager's proposed reappointment to the Library Board of Trustees.  
Christopher Casko

**Action:** This appointment was approved.

29. Mayor Bouley's proposed appointment to the Committee for Concord's Plan to End Homelessness. Reverend Jason Wells

**Action:** This appointment was approved.

30. Mayor Bouley's proposed appointment to the Golf Course Advisory Committee.

Robert Whatmough

**Action:** This appointment was approved.

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

**Public Hearings**

31A. Resolution accepting the terms of the First Responder Comprehensive Addiction and Recovery Act (FR-CARA) Grant and accepting and appropriating the sum of \$136,999 to continue the Mobile Integrated Healthcare (MIH) Program, pending NH Fire Standards and Training & EMS approval and Governor and Council approval; together with report from the Fire Chief.

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

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

31B. Resolution accepting and appropriating the sum of \$130,460 as a supplemental appropriation for the Mobile Integrated Healthcare (MIH) program, pending NH Fire Standards and Training & EMS approval and Governor and Council approval.

**Action:** Mayor Pro Tem Bouchard opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

31C. Resolution appropriating the sum of \$1,000,000 in Reserve Funds as a transfer to the Highway Reserve Fund retroactive to June 30, 2019; together with report from the Deputy City Manager - Finance.

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

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

31D. Discretionary Preservation Easement renewal request, per RSA 79-D, for property located at 233 Hopkinton Road owned by the Sally Stouten Hatch Revocable Trust.

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

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

31E. Resolution accepting and appropriating the sum of \$71,874 for residential granite curb cost sharing as part of the annual roadway surface improvements project (CIP #78); together with report from the General Services Director.

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



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

Councilor Nyhan moved for Council to take action on items 32 through 36 prior to holding the public hearings for items 31F through 31J. The motion was duly seconded and passed with no dissenting votes.

- 31F. Resolution adopting an amended and restated development program and financing plan for the Sears Block Tax increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item to be taken on August 12, 2019)

**Action:** There being no Council objection, the City Clerk read the titles for public hearing items F through J together.

Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a detailed overview.

Drew Dolben, Dolben Company and Dol-Soul Properties LLC, indicated that he has been working with Mr. Walsh and Administration to try to find a way to make a new housing opportunity for the city a reality on this site. He stated that they had come up with a building that maximizes the potential of the site and created 125 market rate units in a five story building over structured parking. He indicated that, at the end of the analysis, they had designed a building that was more expensive than rents in Concord can presently support; they came back to the city indicating that the numbers don't work. He stated that they got creative and are showing that they still believe in the city and the long term opportunity but need some help to get over the goal line and feels that they have come up with a really great structure. They have quite a bit of work left to do but are committed to this and looking forward to being a great corporate citizen in the city.

Councilor Herschlag asked if Mr. Dolben will be returning at the August meeting to answer any questions that Council may have. Mr. Dolben responded yes.

Mayor Pro Tem Bouchard opened the public hearings for items F through J.

### **Public Testimony**

Roy Schweiker, resident, noted his frustration with the proposed project. He

highlighted his concerns with TIF districts within the city. He feels that having this building downtown with an immense density is the wrong move for the city noting his concern with the size of it and the lack of parking spaces for the amount of units.

Ian Flanagan, abutter, wants development but feels that this project scale is too big for this space. He indicated that losing the parking lot to this project will create a hardship on parking for himself, his tenants, the new Concord Theater and the Capitol Center for the Arts.

Councilor Champlin asked who Mr. Flanagan's tenants are. Mr. Flanagan responded Cowan & Zellers, SMP Architects, former state historian James Garvin, three mental health workers, a massage therapist, and two artists.

Charlie Russell, resident, indicated that TIF money is for public improvements and not for making loans to developers. He spoke in opposition of this project questioning as to why the city is in the loan business noting that taking \$3.5 million of taxpayer dollars doesn't sound like a deal.

Ron Rainor, resident, wonders if they are really getting the best value of return on their dollar. He has been marginally supportive of this through the years but questions why the city is subsidizing a private development. He stated that enough is enough pointing out that this is the seventh revision that this developer is asking of the city.

Debra Pouliot, resident, stated that she doesn't feel that they need more market rate housing, they need affordable housing in the city. She noted that, at some point, somebody has to say no and that they are not doing this anymore.

Bruce Veseskis, resident, stated that he doesn't feel that downtown is working. He noted that they are planning to help some outside people but feels that the city should be helping their future. He is not in support of this proposal and hopes that Council takes the public hearing comments into consideration.

There being no further public testimony, the Mayor Pro Tem closed the public hearings for items F through J.

Mayor Pro Tem Bouchard explained that the next process is the Council deliberation at their next Council meeting held on Monday, August 12th.

31G. Resolution authorizing the City Manager to enter into agreements pertaining to a public private partnership for utility improvements within the Sears Block Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item to be taken August 12, 2019)

**Action:** Public hearing for this item taken with public hearing item F.

31H. Resolution appropriating the sum of \$150,000 for utility improvements within the Sears Block Tax Increment Finance District and authorizing the issuance of bonds and notes in the amount of up to \$150,000; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item to be taken August 12, 2019)

**Action:** Public hearing for this item taken with public hearing item F.

31I. Resolution authorizing the City Manager to enter into a purchase and sale/development agreement with Dol-Soul Properties, L.L.C. concerning the sale and redevelopment of city owned real estate located at 32-34 South Main Street and 33 South State Street known as the former New Hampshire Employment Security Property; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item to be taken August 12, 2019)

**Action:** Public hearing for this item taken with public hearing item F.

31J. Resolution appropriating the sum of \$3,500,000 for the redevelopment of the former New Hampshire Employment Security Building (CIP #578) within the Sears Block Tax Increment Finance District and authorizing the issuance of bonds and notes in the amount of \$3,500,000; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item to be taken August 12, 2019)

**Action:** Public hearing for this item taken with public hearing item F.

### **Public Hearing Action**

32. Resolution accepting the terms of the First Responder Comprehensive Addiction and Recovery Act (FR-CARA) Grant and accepting and appropriating the sum of \$136,999 to continue the Mobile Integrated Healthcare (MIH) Program, pending NH Fire Standards and Training & EMS approval and Governor and Council approval; together with report from the Fire Chief.

**Action:** Councilor Champlin moved approval. The motion was duly seconded and passed with no dissenting votes receiving the required two-thirds vote.

33. Resolution accepting and appropriating the sum of \$130,460 as a supplemental appropriation for the Mobile Integrated Healthcare (MIH) program, pending NH Fire Standards and Training & EMS approval and Governor and Council approval.

**Action:** Councilor Champlin moved approval. The motion was duly seconded and passed with no dissenting votes receiving the required two-thirds vote.

34. Resolution appropriating the sum of \$1,000,000 in Reserve Funds as a transfer to the Highway Reserve Fund retroactive to June 30, 2019; together with report from the Deputy City Manager - Finance.

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

Councilor Herschlag inquired whether any changes to the road paving program could be forwarded to the Council. City Manager Tom Aspell responded that there has been no changes.

The motion to approve passed with no dissenting votes receiving the required two-thirds vote.

35. Discretionary Preservation Easement renewal request, per RSA 79-D, for property located at 233 Hopkinton Road owned by the Sally Stouten Hatch Revocable Trust.

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

36. Resolution accepting and appropriating the sum of \$71,874 for residential granite curb cost sharing as part of the annual roadway surface improvements project (CIP #78); together with report from the General Services Director.

**Action:** Councilor Todd moved approval. The motion was duly seconded and passed with no dissenting votes receiving the required two-thirds vote.

### **New Business**

### **Unfinished Business**

37. Everett Arena Beer and Wine Service Initiative report from the General Services Director. (Report referred to the Public Safety Advisory Board at the February 2019 Council meeting) (Report from the Public Safety Board submitted)

**Action:** This item remains tabled.

38. 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, by amending Schedule I to add / modify parking prohibitions on Nivelles Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Public testimony received) (Action table at the March 11, 2019 City Council meeting)

**Action:** This item remains tabled.

39. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-4, Development Design Standards, Article 28-5, Supplemental Standards and Glossary for the purpose of regulating development of solar collection systems; together with report from the Assistant City Planner. (Revised report submitted)

**Action:** This item remains tabled.

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

Referencing item 18 on the agenda, Councilor Coen recognized and thanked Peter Branch for his donation of a Concord Bicentennial banner.

Councilor Kretovic indicated that the City Manager as well as personnel that work at the golf course, Sid Chase and Phil Davis, have been instrumental in helping a potential Eagle in a scouting program with a project. She stated that they will be getting a new flag and the pole will be painted at the golf course. She added that the Eagle Scout's project entails pavers around the flag pole in the hopes of honoring people; it's a fundraising project for him in order to raise the revenue to take care of the flag pole.

Councilor Todd thanked Parks and Recreation Director David Gill and his staff for putting on another wonderful Fourth of July fireworks celebration and concert. He further thanked the Police Department for doing an excellent job of routing the traffic before and after the event.

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

### **Consideration of Suspense Items**

### **Adjournment**

The time being 8:36 p.m., Councilor Kretovic 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*

### **Information**

Inf1 March 19, 2019 Committee for Concord's Plan to End Homelessness Meeting Minutes.

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

Inf2 April 10, 2019 Facilities Naming Committee Meeting Minutes.

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

Inf3 May 30, 2019 Facilities Naming Committee Meeting Minutes.

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

Inf4 June 3, 2019 Concord Public Library Trustee Meeting Minutes.

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

Inf5 June 5, 2019 Executive Council Meeting Report.

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

Inf6 Communication from VHB notifying the City of Concord of upcoming routine maintenance within the city's rights-of-way.

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

Inf7 Communication from Comcast notifying the City of Concord about upcoming changes in service for their customers.

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