



# City of Concord

## City Council

### Meeting Minutes

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Monday, November 8, 2021

7:00 PM

City Council Chambers  
37 Green Street  
Concord, New Hampshire

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***Non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property to be held at 5:30 p.m.***

**Present:** 12 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Keith Nyhan, Councilor Karen McNamara, Councilor Erle Pierce, and Councilor Brent Todd

**Excused:** 1 - Councilor Robert Werner

**Late:** 2 - Councilor Gail Matson, and Councilor Zandra Rice Hawkins

**Action:** At 5:33 p.m. Councilor Champlin moved to enter non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property. The motion was duly seconded and passed with no dissenting votes.

Staff members present: City Manager Tom Aspell, Deputy City Managers Carlos Baia and Brian LeBrun, City Solicitor James Kennedy, Deputy City Solicitor Danielle Pacik, City Clerk Janice Bonenfant and Director of Redevelopment, Downtown Services and Special Projects Matt Walsh.

At 6:17 p.m. Councilor Kretovic moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

Councilor Bouchard moved to seal the meeting minutes. The motion was duly seconded and passed with no dissenting votes.

Councilor Bouchard moved to adjourn. The motion was duly seconded and passed with no dissenting votes.

1. The meeting was called to order at 7:03 P.M.
2. Invocation.
3. The Pledge of Allegiance was completed.
4. Roll Call.

**Present:** 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Karen McNamara, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

**Excused:** 1 - Councilor Robert Werner

5. Approval of the Meeting Minutes.

October 12, 2021 City Council Draft Meeting Minutes

**Action:** Councilor Grady Sexton moved to approve the October 12, 2021 Council Meeting Minutes. This motion was duly seconded and passed with no dissenting votes.

6. Canvass of the Votes for the Municipal Election held on November 2, 2021. (Not previously submitted)

**Action:** Councilor Champlin moved to accept the Canvass of the Votes for the Municipal Election held on November 2, 2021. This motion was duly seconded and passed with no dissenting votes.

7. Introduction of Ernie Creveling, Zoning Administrator.

**Action:** Ernie Creveling, the new Zoning Administrator, was briefly introduced to Council.

8. Agenda overview by the Mayor.

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

**Action:** Councilor Kretovic moved approval of the Consent Agenda Items, excluding Item #27, per Mayor Bouley's request for further discussion. This motion was duly seconded and passed with no dissenting votes.

**Items Tabled for December 13, 2021 Public Hearings**

9. 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, and Special Projects.

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

10. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7(a), Parking Prohibited Certain Hours in Designated Places, Schedule II, Thompson Street and Thorndike Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

11. 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(a), Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Lincoln and Marshall Streets; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**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, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III, Marshall Street; together with 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 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles, Section 17-4-3, One-Way Streets, Schedule VI, Chesley and Oak Streets; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

14. 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, Human Resources Generalist; together with report from the Human Resources Director.

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

15. 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 for positions of Cemetery Administrator and Assistant Director of Parks and Recreation; together with report from the Parks & Recreation Director and the Director of Human Resources.

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

16. 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, to add a new position to the Concord Fire Department-Advanced Emergency Medical Technician/Fire Fighter (AEMT/FF); together with report from the Fire Chief and the Human Resources Director.

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

17. Resolution appropriating the sum of \$33,000 for an Information Technology Network Security Engineer and authorizing the use of \$33,000 from fund balance for this purpose, together with report from the City Manager.

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

18. Resolution appropriating the sum of \$25,000 to support projects that enhance the services of the Concord Public Library and accepting the sum of \$25,000 as a donation from Walter Dueger, MD. for this purpose; together with report from the Library Director.

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

### **Consent Reports**

19. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$3,037.20, as provided for under the pre-authorization granted by City Council.

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

20. Diminimus gifts and donations report from the Police Department requesting authorization to accept funding from the US Department of Justice - Bulletproof Vest Partnership Program in the amount of \$6,712.50, designated to fund fifty-percent reimbursement of qualified ballistic vests purchased by the Department, as provided for under preauthorization granted by the City Council.

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

21. City Council 2020-2021 Quarterly Priorities Report from the City Manager.

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

22. September 30, 2021 Fiscal Year to Date Financial Statements report from the Deputy City Manager - Finance.

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

23. Report from the Deputy City Manager - Finance on Phase I of the Meadow Golf Course Tree Project.

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

24. Report from the Deputy City Manager for Development in response to a request from Ms. Patricia Michaud of 395 North State Street to remove the emergency lane designation on her portion of Abbottville Road.

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

25. Report from the Health & Licensing Officer recommending the City Manager be authorized to apply for FDA grant funding to enhance the Health Office's inspection and licensing processes.

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

26. Report from the Health & Licensing Officer requesting approval to de-authorize \$2,000 in Category 3 grant funds awarded by the U.S Food and Drug Administration.

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

27. Report from the Parks and Recreation Director and the Director of Human Resources recommending the reinstatement of the Recreation Supervisor position within the Parks and Recreation Department.

**Action:** Mayor Bouley noted that there were several labor grade changes being proposed and felt that more information was needed on this item, to see how the proposed changes fit in the overall structure of the department and organization. He proposed putting the item on hold and getting more information before making a decision.

Councilor Grady Sexton agreed with Mayor Bouley's comments and asked to see the current salary compared to the proposed salary changes. She also asked for more information on the philosophy behind making the change, regarding an

increased in job duties and responsibilities.

Councilor Fennessy asked to clarify if this change was due to better compensating a supervisory position based on added duties, to which City Manager Aspell confirmed.

City Manager Aspell noted that as positions become vacant they are evaluated to determine if changes in the job market along with demand should affect the pay rates. He noted that the vacant position was funded through the FY 2022 budget, noting that the additional dollars would impact the amount needed in the FY 2023 budget and agreed that looking at labor grade changes on a holistic manner would better help.

A motion was made to table the item for further discussions at the December meeting. The motion was seconded and passed with no dissenting votes.

### **Consent Resolutions**

28. Resolution to direct the Tax Collector not to execute a Tax Deed on certain properties in accordance with RSA 80:76 II and II-a; together with report from the City Treasurer/Tax Collector.

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

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

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

30. Resolution adopting a Cash Management Policy; together with report from the City Treasurer/Tax Collector.

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

31. Resolution designating depositories for the City of Concord, New Hampshire, for the fiscal year 2022; together with report from the City Treasurer/Tax Collector.

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

32. Resolution relative to short term investment of excess funds.

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

### **Appointments**

33. Mayor Bouley's proposed appointment to the Upper Merrimack River Local Advisory Committee: Claire Lund.

**Action:** This appointment was approved.

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

### **Public Hearings**

- 34A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations; Article 34-10, Attendance; Section 34-10-3, Holidays; together with report from the City Solicitor. (Public testimony received) (Additional public testimony received)

**Action:** Mayor Bouley proposed consolidating Items 34A, 34B, and 34C, for public hearing purposes, as they related to the same topic, to which Council members agreed.

Mayor Bouley opened the public hearing.

Jeanie Holt, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Asma Elhuni, Politics Director of Rights & Democracy and Ward Nine resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Stacey Brown, a Concord resident and Ward Five Councilor Elect, spoke in support of changing Columbus Day to Indigenous People's Day.

Lydia Yen, on behalf of Change for Concord, spoke in support of changing Columbus Day to Indigenous People's Day.

Roy Schweiker, a Concord resident, spoke in support of changing Columbus Day, but advocated to name it something more neutral, such as Hemispheric Cultural Exchange Day.

Fawne Gaudette, a New Hampshire resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Charlie Russell, a Concord resident, spoke in opposition of Concord changing Columbus Day, as he felt it should be handled and would be more effective on a

State level. He suggested instead naming the holiday "All People's Day," honoring all cultural diversity in Concord.

Rosemarie Lanier, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Dennis Soucy, a Concord resident, spoke in opposition to changing the name of Columbus Day, but did support "All People's Day," if it were to be changed.

Mason Guerster, a senior at Proctor Academy, spoke in support of changing Columbus Day to Indigenous People's Day.

Ken Georgivits, a Concord resident, spoke in opposition to changing the name of Columbus Day, and asked Council to table the discussion.

Donald Jewell, a Concord resident, spoke in support of changing the name of Columbus Day, but felt that the change should come from the State or Federal level.

Kelly Smock, a junior at Proctor Academy, spoke in support of changing Columbus Day to Indigenous People's Day.

Erin Sandler, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Catherine Corkery, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Ashley Hatcher Babladelis, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.

John Mutkoski, a senior at Proctor Academy, spoke in support of changing Columbus Day to "All People's Day."

Abba Ramsey, a senior at Proctor Academy, spoke in support of changing Columbus Day to Indigenous People's Day.

Stephanie Visano, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.



Kelly Bryant, a Hopkinton resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Trinity Whitehat, a Rosebud Indian Reservation native from South Dakota and second year senior at Proctor Academy, spoke in support of changing Columbus Day to Indigenous People's Day.

Steven Kidder, a Concord resident, spoke in support of changing Columbus Day to Indigenous People's Day.

Jayden Williams, a freshman at Proctor Academy, spoke in support of changing Columbus Day to Indigenous People's Day.

Denise and Paul Pouliot, the Head Speakers of the Cowasuck Band of the Pennacook-Abenaki People and Alton residents, spoke in strong support of changing Columbus Day to Indigenous People's Day to further advance the awareness and educational perspectives of the Indigenous People.

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

- 34B. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 13, Public Health; Article 13-6, Noise; Section 13-6-9, Construction Noise; together with report from the City Solicitor.

**Action:** Public testimonies recorded in 34A.

- 34C. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines and Penalties; Schedule II, Section 19-1-1, Penalties (Parking Violations); together with report from the City Solicitor.

**Action:** Public testimonies recorded in 34A.

- 34D. Ordinance amending the Code of Ordinances, Title 1, General Code, Chapter 1, Government Organization, Article 1-3, Miscellaneous Regulations, amending Section 1-3-9, Ward Lines; together with report from the Mayor Bouley on behalf of the Redistricting Committee. (Not previously submitted) (Revised map submitted)

**Action:** Mayor Bouley stated that, every ten years, the federal census data was issued and it was the obligation of all communities across the State to review the data, and for Concord to review its City ward lines to determine if redistricting of the ward lines was necessary, to ensure adequate representation and population within the deviation guidelines. He stated that the City appointed a Committee, charged with reviewing the 2020 census information and ward lines, to bring City Council recommendations for ward redistricting, as needed. He stated that the principles of the Committee were to ensure that each ward had an accessible polling location and equal representation respecting like neighborhoods and boundaries. He noted that the Committee met three times and agreed to present Council with their recommendations that were most fair and equitable. He noted that since Wards One, Two, Three and Ten gained populations; while all other wards lost populations; reiterating that Ward Four lost the most; the ward lines had to be shifted to accommodate the population changes citywide.

Senior Planner Sam Durfee stated that roadway and water body boundaries were taken into consideration, as were the allowable population deviations per ward. He noted that the 2020 population reflected approximately 44,000 people, which split the total population at 4,400 people allowed per ward. He noted that the most significant changes surrounded Wards Two, Three, and Five, so that the northern increased population could be shifted into southern wards. He presented the final ward map recommended by the Redistricting Committee reflecting the proposed redistricting.

Councilor Nhyan thanked the Redistricting Committee for their time and review, recognizing that it was a difficult challenge.

City Solicitor Jim Kennedy noted that the proposed Ordinance would be modified to include Senior Planner Durfee's edits to best capture the map changes.

Councilor Bouchard thanked the Redistricting Committee for their hard work and for proposing a new polling location for Ward Nine.

Councilor Pierce asked what the next steps in the process would be, if approved by Council. Mayor Bouley clarified, that once approved by Council, the ward changes would be sent to the State as soon as possible. He noted that the House's deadline to review all changes was set for November 19th, so Concord's goal was to submit everything to them prior to that date.

Mayor Bouley opened the public hearing.

Roy Schweiker, a Concord resident, noted his approval for the final recommendations made within the two-week review period, but felt the overall product would have been better if the review period started earlier. He noted his disappointment that the review process wasn't started years earlier in preparation for the census data or tracked as developments were made citywide. He voiced his concerns over the State Prison remaining in Ward Three, as he felt the representation and votes in Ward Three would be skewed. He suggested that the City work to change the rules and regulations on splitting the prison boundaries and population amongst multiple wards. He noted that the School Charter Commission was concerned about having a representative from each school attendance area on the School Board, and noted that Concord was only focusing on the Merrimack Valley and Concord School Districts, instead of school attendance districts. He voiced his opinion that more could have been done for communities of interest. He advocated for making wards around communities.

Mayor Bouley noted that the redistricting task was a math problem that required the population being split amongst the ten existing wards, and asked if Mr. Schweiker's intent was to change the City Charter to change the amount of wards within the City. Mr. Schweiker noted that having ten wards was not a magic number and noted his belief that extended evaluation and grouping of communities would be best to determine the ward numbers needed.

Councilor Fennessy noted that the Redistricting Committee had taken Mr. Schweiker's comments about the ward lines near the prison into consideration, to which Mr. Schweiker noted that he wasn't trying to take credit for those changes. Councilor Fennessy noted that on the ward maps that the Redistricting Committee reviewed, the school enrollment data was made available and taken into consideration for the Concord School District. He also noted that Jim Richards, the Concord School Board President was on the Redistricting Committee.

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

- 34E. Resolution appropriating the sum of \$23,125 to support projects that enhance the special character and vitality of Concord and accepting the sum of \$23,125 from the New Hampshire Charitable Foundation for this purpose; together with report from the Deputy City Manager - Finance.

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

- 34F. Resolution appropriating the sum of \$55,000 designated for conducting illegal drug related investigations and accepting \$55,000 in grant funding from the New Hampshire Department of Safety - Law Enforcement Opioid Abuse Reduction Initiative; together with report from the Police Department.

**Action:** City Manager Aspell stated that the grant would allow the Concord Police Department to fund overtime costs associated with implementing programs designed to address the opioid issue within the City and surrounding communities. He noted that there was no requirement for any matching City funds to be obligated for this grant program.

Mayor Bouley opened the public hearing.

Connor Sperrn, a Concord resident and Coalition to End Homelessness employee, noted her support and excitement for the City to receive the referenced funds to combat the ongoing opioid epidemic.

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

- 34G. Resolution appropriating the sum of \$23,400 for groundwater management permit activities for the former Allied Leather Tannery and Amazon Realty sites located at 11, 33, and 35 Canal Street and authorizing the use of \$23,400 from Penacook Village Tax Increment Finance District fund balance; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** City Manager Aspell stated that, in 2002, the City initiated a redevelopment plan for the former Allied Leather Tannery Complex located on Canal Street in Penacook. He noted that during the period of 2003-2012, the City acquired eight individual parcels, totaling 6.17 acres combined, for redevelopment. He stated that in conjunction with cleanup and redevelopment efforts, various environmental permits and institutional controls were implemented by the New Hampshire Department of Environmental Services (“NHDES”) for the site. He noted that these included a Groundwater Management Permit (“GMP”) for the City’s property located at 11 Canal Street (the location of the future Riverfront Park), as well as real estate located at 33-35 Canal Street, which the City sold to the Caleb Development Corporation in 2019.

It was noted that the permit required biannual groundwater testing for Chromium, PFAS, and PFOA. The permit must be renewed every five years until such time as either: 1) test results for contaminants are below applicable governmental standards or 2) the NHDES otherwise determined that the permit is no longer required. The Groundwater Management Permit must be renewed this coming spring, and the estimated cost for the renewal, as well as this year's round of biannual sampling and related monitoring well maintenance, was estimated at \$30,000. City Manager Aspell noted that the FY2022 Operating Budget included \$6,600 for groundwater sampling and reporting, but additional funds were required for the permit renewal application process, as well as monitoring well maintenance. He proposed that the City Council appropriate \$23,400 from Penacook Village Tax Increment Finance District fund balance to fund these activities.

It was stated that because the GMP governs the City's property located at 11 Canal Street, as well as Caleb Development Corporation's property at 33-35 Canal Street, the City and Caleb entered into a Groundwater Management Agreement concerning administration and cost sharing for the Groundwater Management Permit. The agreement was executed on September 18, 2021, simultaneously with the closing on the sale of 33-35 Canal Street to Caleb. City Manager Aspell noted that, under the agreement, the City was responsible for the administration of the GMP. However, Caleb was responsible for assisting the City with certain costs associated with monitoring well maintenance, as well as groundwater sampling and reporting. He stated that Caleb would be invoiced for their respective share of the actual costs of these items once completed by the City. He noted that in accordance with the terms of the current GMP, groundwater sampling and reporting would be completed this fall. It was noted that the application to renew the GMP would be submitted to NHDES shortly thereafter, and the new permit would take effect in April 2022.

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

### **Public Hearing Action**

35. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations; Article 34-10, Attendance; Section 34-10-3, Holidays; together with report from the City Solicitor. (Public testimony received) (Additional public testimony received)

**Action:** Councilor Rice Hawkins moved approval. This motion was duly seconded and passed with two dissenting votes.

Councilor Kenison stated her belief that the system in the United States was broken in regards to the perpetuation of inequity of Indigenous People and people of color. She endorsed the holiday's name change to be Indigenous People's Day to spread continued awareness and education. She acknowledged how her interactions with other cultures may have been impacted by her own perceived white privilege and noted that she was actively learning, evolving, and making changes to better disenfranchised communities.

Councilor McNamara noted he belief that validating people's feelings and understanding wrongdoings helps one learn and make changes. She noted that her intent was not to re victimize anyone suffering from PTSD and appreciated hearing the public testimonies that helped give her more insight into the issue. She supported this change to help make things right for people.

Councilor Kretovic noted her support for the holiday's name change. She stated her belief that negative narratives and notions can be unlearned and changed when communities make an effort to understand the varying cultures within the community while actively paying attention. She stated that Concord was surrounded by Native American history, but most weren't aware. She stated that undisclosed lands were protected in Concord and remained under conservation to prevent disturbing Native American burial grounds, as demanded by their culture. She stated her belief that things were changing everyday, but noted that the conversation needed to continue. She acknowledged that more could still be done for the Indigenous People, but noted that it was important to allow the democratic process to take place so all sides perspectives were heard.

Councilor Grady Sexton endorsed her support for this ordinance change and acknowledged her belief that more could be done. She advocated for keeping the momentum of change going and promoted future Diversity, Equity & Inclusion (DEI) works to advance the standing and rights of Indigenous People.

Councilor Pierce thanked everyone for their comments and stated his appreciation for public input. He moved to table the item, and Councilor Nyhan seconded the motion. Mayor Bouley noted that the tabled item could be discussed further, to which Councilor Pierce stated his belief that the holiday name change should be handled at a Federal and State level. He noted his belief that Council was being

asked to look at political correctness through a 529-year-old lens to decide which group was more politically correct. He stated his belief that nothing done in Council would fix the atrocities that took place. He endorsed supporting having an Indigenous People's Day named in addition to Columbus Day, and supported Council's longstanding tradition of not getting involved in "neighborhood fights." He wanted to table the topic to instead create a new Indigenous People's holiday. He noted that there would be costs to the City associated with doing that and wanted the cost analysis first in order to move forward with that item.

Councilor Rice Hawkins read a statement submitted on behalf of Councilor Werner, noting his support of changing Columbus Day to Indigenous People's Day. She also stated that while she was at the polls on Election Day, she only met one individual not in support of changing the holiday, as they felt it more important for Council to focus on local issues instead of national ones. She noted that although she was disappointed that this was referenced as a national issue, she noted that this was a Concord, Penacook, and Abenaki issue and needed to be addressed as such in order to move forward. She noted that while some people may be opposed to change, there was a new generation eager to embrace it, and she supported this change.

Councilor Nyhan noted that there were two issues being discussed, one was to create an Indigenous People's Day and the other was to strike Columbus' name from the existing holiday, as it was offensive to some. He supported the idea of changing Columbus Day to something more inclusive like Concord Heritage Day or Cultural Heritage Day. He proposed naming the Friday after Thanksgiving as Indigenous People's Day, as it was already a paid City holiday and would have no financial impact.

Councilor Kenison voiced her frustrations over tabling this motion as she felt it would result in nothing getting done, and she advocated that now is the time for change. She did not support adding another holiday.

Councilor Champlin moved to question. Mayor Bouley asked for those in favor of tabling the motion to vote yes, and those opposed to vote no, via a roll call vote. The motion to table the item failed.

Yes: Councilor Erle Pierce and Councilor Fred Keach.

No: Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Linda

Kenison, Councilor Jennifer Kretovic, Councilor Keith Nyhan, Councilor Karen McNamara, Councilor Zandra Rice Hawkins, Councilor Brent Todd.

Excused: Councilor Rob Werner.

Councilor Champlin thanked everyone for attending the public hearing, as he supports seeing young people with passion supporting and exercising their beliefs. He noted that although he was a traditionalist, he agreed that sometimes traditions needed to change, and especially this one so that justice could be given to the Indigenous People, even if only in a symbolic manner. He noted his support for future Council actions to endorse and support the Indigenous People of Concord.

Councilor Todd noted that in Ward One, more constituents supported the change than opposed it. He noted his belief that this change was not to erase or change history, but instead was a learning opportunity and a way to retell or rethink history.

Councilor Fennessy voiced his support over changing the holiday's name and also his disappointment that more attention wasn't given for Redistricting as he felt that to be the most important City topic aside from budgeting.

Councilor Nyhan stated that he would be voting against the motion. Although he supports Indigenous People and changing the holiday's name, he would like it to be something more inclusive to bring the community together.

36. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 13, Public Health; Article 13-6, Noise; Section 13-6-9, Construction Noise; together with report from the City Solicitor.

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

37. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines and Penalties; Schedule II, Section 19-1-1, Penalties (Parking Violations); together with report from the City Solicitor.

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

38. Ordinance amending the Code of Ordinances, Title 1, General Code, Chapter 1, Government Organization, Article 1-3, Miscellaneous Regulations, amending



Section 1-3-9, Ward Lines; together with report from the Mayor Bouley on behalf of the Redistricting Committee. (Not previously submitted) (Revised map submitted)

**Action:** Councilor Nyhan moved approval of the proposed changes as amended. This motion was duly seconded and passed with no dissenting votes.

Councilor Fennessy thanked everyone for attending the Redistricting Committee meetings and noted that significant questions and public input was taken into consideration. He voiced his support of the changes.

Councilor Champlin noted his belief that Redistricting was one of the most important tasks to be completed as the changes lasted for ten years. He agreed that it was a math problem and it was an interesting exercise that more people should be made more aware of.

Councilor Grady Sexton thanked Tony Schinella, a Concord Patch reporter, for his coverage of the Redistricting process.

Mayor Bouley thanked the Redistricting Committee members for their time and participation, and gave a special thanks to City Clerk Janice Bonenfant, City Solicitor Jim Kennedy, and Senior Planner Sam Durfee for their extended support and involvement. He noted his belief that this was a great example of the City and the Concord School Board working collaboratively. He thanked the Concord and Merrimack Valley School Districts for partnering with the City to use their facilities as polling locations citywide and thanked them for opening their doors.

Councilor Pierce asked what the next process was for notifying constituents, to which City Clerk Bonenfant confirmed that notices would be sent to each impacted household.

Councilor Fennessy noted as a reminder, that if approved, the Ward Four polling location would be moved to the Green Street Community Center and a new Ward Five polling location would be announced.

39. Resolution appropriating the sum of \$23,125 to support projects that enhance the special character and vitality of Concord and accepting the sum of \$23,125 from the New Hampshire Charitable Foundation for this purpose; together with report from the Deputy City Manager - Finance.

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

40. Resolution appropriating the sum of \$55,000 designated for conducting illegal drug related investigations and accepting \$55,000 in grant funding from the New Hampshire Department of Safety - Law Enforcement Opioid Abuse Reduction Initiative; together with report from the Police Department.

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

41. Resolution appropriating the sum of \$23,400 for groundwater management permit activities for the former Allied Leather Tannery and Amazon Realty sites located at 11, 33, and 35 Canal Street and authorizing the use of \$23,400 from Penacook Village Tax Increment Finance District fund balance; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

## **Reports**

### **New Business**

42. Communication from John Cronin, Cronin Bisson & Zalinsky, P.C. on behalf of their client, Brady Sullivan Properties, requesting consideration be given to discontinuing the unimproved portion of Stickney Avenue encumbering the property at 11 Stickney Avenue. (Revised Exhibit A submitted)

**Action:** Mayor Bouley asked Council to accept the letter and move forward with no action as he felt that a public hearing would be premature as there were significant unknown items regarding the Exit 14 area.

Councilor Matson moved to accept the letter. The motion was seconded and passed with no dissenting votes.

Councilor Keach asked if legal guidance was needed on whether to respond or not, to which Mayor Bouley confirmed that he inquired on the matter and no response was obligated per ordinance or state law. City Solicitor Kennedy confirmed.

### **Unfinished Business**

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

**Action:** Councilor Pierce thanked everyone in Ward Two for voting him in for another term. He also thanked the Kliener children, elementary school age residents in Ward Two for getting their COVID vaccination shots.

Councilor Kretovic thanked members of Council for their approval of the tree removal project at the Beaver Meadow golf course. She noted that, at 10:00 A.M. on Saturday, December 4th, a walking tour at the golf course would be given to show the impacted areas of the tree removal and cleanup efforts.

Councilor Champlin noted that he toured all City polling locations on Election Day and, although he was happy to greet those who voted, he admitted that he would have liked to see more activity.

Councilor Todd thanked residents in Ward One for continued support, the City Clerk, and Ward One poll volunteers for another excellent job. He noted that the annual Penacook Village Association meeting was scheduled for Monday, November 29th, starting at 6:30 P.M., at the Penacook Elementary School. He noted that masks were required for the event and Matt Walsh was scheduled as the guest speaker. He also noted that on December 1st, the annual Tree Lighting event would be held on Village Street, starting at 6:00 P.M. He noted that there would be singing and a possible visit from Santa.

Councilor McNamara extended her thanks to constituents and appreciation to the City Purchaser for the quick order and fulfillment of LED lights that are being installed in Ward Four.

Councilor Rice Hawkins thanked everyone for their showing support and public testimonies. She also thanked former Councilor Meredith Hatfield for bringing attention to the issue. She also noted her optimism about working with Council to further address homeless issues and affordable housing citywide.

Mayor Bouley thanked all poll workers for running a smooth election and extended a Happy Birthday shout out to his dad.

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

#### **Consideration of Suspense Items**

Sus1 Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph J,

Table of Principal Uses, by amending the Table of Principal Use, Use E, Medical; together with report from the Deputy City Manager for Development.

(Supplemental report requesting public hearing be recessed until January 10, 2022 received). (Additional supplemental report and map submitted).

**Action:** A motion was made and duly seconded, with no dissenting votes, to suspend the rules for discussion.

A motion was made and duly seconded, with no dissenting votes, to allow the item to be held for a public hearing in December.

### **Adjournment**

**Action:** Councilor Keach moved approval to adjourn the meeting at 10:21 P.M. The motion was duly seconded and passed with no dissenting votes.

### **Information**

Inf1 October 4, 2021 Concord Public Library Board of Trustee Meeting Minutes.

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

Inf2 October 14, 2021 Golf Course Advisory Committee Draft Meeting Minutes.

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

Inf3 October 18, 2021 Fiscal Policy Advisory Committee Draft Meeting Minutes.

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

Inf4 October 20, 2021 Redistricting Committee Meeting Minutes. (Not previously distributed)

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

Inf5 October 26, 2021 Redistricting Committee Meeting Minutes. (Not previously distributed)

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

Inf6 Correspondence from the Greater Concord Chamber of Commerce, League of NH Craftsmen, and Capitol Center for the Arts regarding the 2021 Capital Arts Fest.

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

Inf7 Communication from Good Energy, L.P. and Standard Power of America regarding the City of Concord's selection of a vendor for its Community Power

program.

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

Inf8 November 04, 2021 Redistricting Committee Draft Meeting Minutes. (Not previously distributed)

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

*A true copy; I attest:*

*Ashley Hamilton*

*Deputy City Clerk*