



City of Concord

City Council

Meeting Minutes

Monday, March 8, 2021

7:00 PM

Zoom Meeting Link:
<https://us02web.zoom.us/j/8120417270>

9

Telephone Dial: US + 1 929 205 6099

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Webinar ID#: 812 0417 2709

COVID-19 - Public Meeting Procedures Notice

Due to the Covid 19/Corona Virus crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, City Council is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.

*All members of City Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following the link below, or dialing the number below and entering the ID number at the prompt. For those who want to provide public testimony in the Public Hearing portion of the meeting, and you are connected to the Zoom website, you may click on the Raise Hand icon in the Attendees Section of Zoom to make the request. When the time is appropriate, you will be recognized so you can provide your testimony. For those calling in who want to provide public testimony, dial *9 to alert the host that you wish to speak. The host will unmute you at the appropriate time during the public hearing portion of the meeting. All participants please keep your phones and computers on mute unless speaking.*

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Non-meeting in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies followed by a non-meeting consultation with legal counsel in accordance with RSA 91-A:2, I (b) and a 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: 14 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

Late: 1 - Councilor Linda Kenison

Action: Members of City entered non-meetings in accordance with RSA 91-A: 2 I (a) to discuss collective bargaining strategies followed by a non-meeting consultation with legal counsel in accordance with RSA 91-A: 2 I (b).

At 5:53 p.m. Councilor Nyhan 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 passed unanimously with a roll call vote.

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

Action: At 6:56 p.m., Councilor Nyhan moved to exit non-public session. The motion was duly seconded and passed unanimously with a roll call vote.

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

Action: In public session, Councilor Nyhan moved to seal the meeting minutes. The motion was duly seconded and passed unanimously with a roll call vote.

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

1. Mayor Bouley called the meeting to order at 7:02 P.M.
2. Invocation was led by Rajan Zed, President, Universal Society of Hinduism.
3. The Pledge of Allegiance was done.
4. Roll Call.

Action: In accordance with the Right-to-Know Law, Councilor Grady Sexton and Councilor Kretovic both noted that they were home with family. Councilor Keach was late. All other members of City Council indicated they were alone.

Present: 15 - Councilor Candace Bouchard, 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

5. Approval of the Meeting Minutes.

February 8, 2021 City Council Draft Meeting Minutes.

Action: Councilor Hatfield moved approval of the February 8, 2021 meeting minutes. The motion was duly seconded and passed unanimously with a roll call vote. Councilor Keach was not present during the vote.

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

Abstain: 1 - Councilor Keach

6. Agenda overview by the Mayor.

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

Action: Councilor Champlin moved approval of the Consent Agenda. The motion was duly seconded. There being no further discussion, the motion to approve the consent agenda passed unanimously with a roll call vote. Councilor Keach was not present for the vote.

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

Abstain: 1 - Councilor Keach

Referral to Community Development and the Planning Board

7. Communication from Reginald Moreau, Signature Homes, LLC, requesting consideration be made to rezone a portion of Map 193P, Lot 117, from residential RO and RS to residential RM.

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

Items Tabled for April 12, 2021 Public Hearings

8. Resolution approving a Purchase and Sales Agreement for acquisition of real estate located at 10-12 Higgins Place; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

9. Resolution appropriating the sum of \$75,000 to support the acquisition of real estate located at 10-12 Higgins Place (CIP #635) and authorizing the use of \$75,000 in Economic Development Reserve funds for this purpose; 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 appropriating the sum of \$130,000 to offset personnel costs for the Police Department to assign an officer to the Drug Task Force and accepting the sum of \$130,000 from the State of New Hampshire Department of Justice - Attorney General's Drug Task Force for this purpose; together with report from the Deputy Police Chief.

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

Consent Reports

11. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,340.61, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

12. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$5,865.00, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

13. January 31, 2021 Fiscal Year to Date Financial Statements report from the Deputy City Manager Finance.

Action: This consent report was approved.

14. Report from the Deputy City Manager Finance recommending 2021 Beaver Meadow Golf Course daily fee, cart, GHIN, range, outing, and tent rates as recommended by the Golf Course Advisory Committee.

Action: This consent report was approved.

15. Report from the Director of Real Estate Assessments requesting the City Manager be authorized to renew the Voluntary Payment in Lieu of Taxes Agreement between Fellowship Housing Opportunities, Inc. and Affiliates and the City of Concord.

Action: This consent report was approved.

16. March 2021 Economic Development Report from the Economic Development Director.

Action: This consent report was approved.

17. Report from the Senior Planner regarding the Annual Review of the Public Capital Facilities Impact Fee Ordinance.

Action: This consent report was approved.

18. Report from the Airport Advisory Committee recommending the lending of select surplus airport equipment to the McAuliffe-Shepard Discovery Center.

Action: This consent report was approved.

19. Recommendation from the Airport Advisory Committee to allow the NH Air National Guard to use Concord Municipal Airport property for field orienteering exercises subject to all necessary regulatory approvals and insurance/indemnification requirements.

Action: This consent report was approved.

20. Report authorizing the City Manager to apply for New Hampshire Department of Transportation Alternatives Program Funding.

Action: This consent report was approved.

Appointments

21. Proposed Reappointments to the Conservation Commission: James Owers and Kristine Tardiff.

Action: These appointments were approved.

22. Proposed Reappointments to the Library Board of Trustees: Christopher Casco and Elizabeth (Becky) Herrmann.

Action: These appointments were approved.

End of Consent Agenda

Public Hearings

Action: Mayor Bouley motioned to have Public Hearing items (23A – 23E) combined for ease of public testimony, as they were all for the same project. Council agreed.

- 23A. Resolution authorizing the City Manager to enter into a Development Agreement with Interchange Development L.L.C., concerning CIP #30 Hoit Road / Whitney

Road Intersection Improvement Project; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.)

Action: Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, gave an overview of the Interchange Development Project and CIP #30 Hoit Rd./ Whitney Rd. Intersection Improvements, which covered Public Hearing items #23A- 23E.

Mr. Walsh noted that Laurie and David Rauseo were real estate entrepreneurs based in Canterbury, New Hampshire, doing business, as Interchange Development L.L.C. He noted that they had acquired, or otherwise secured purchase options, on 43+/- acres of land located at, or adjacent to, 1 Whitney Road for the purpose of developing a regional shopping center featuring retail, restaurant, service, medical office, and industrial uses.

Mr. Walsh stated that Phase I of this proposed development featured an 80,000 SF grocery store, to be developed by Demoulas Super Markets, Inc. (“DSM”) and operated under their “Market Basket” brand. He noted the potential for a 20,000 SF attached retail tenant space, as well as a 13,500 SF State of New Hampshire Liquor and Wine Outlet. The project expects to generate 438 new jobs and \$378,150 a year in property taxes, of which \$293,500 would be new.

It was stated that in order to support this project and future projects in the Whitney Road corridor, extensive infrastructure improvements were needed. Mr. Walsh stated that the City had long contemplated potential improvements to the Hoit Road / Whitney Road intersection within its Capital Improvement Program (CIP) as CIP #30.

Mr. Walsh stated that potential improvements to this intersection were complicated because a portion of Hoit Road was part of US Route 4, under the jurisdiction of the State of New Hampshire Department of Transportation (“NHDOT”). In addition, he noted that the intersection was located at the Concord / Canterbury municipal boundary, and some of the required improvements would be located in Canterbury. He added that repeated efforts to fund intersection improvements through the State of New Hampshire’s Transportation Improvement Program (STIP) had not been successful. Due to the scope and cost of improvements, as well as the complications associated with the intergovernmental aspects, the Rauseos sought a public-private partnership with the City of Concord to finance the design and construction through CIP #30.

Mr. Walsh spoke of the long- and short-term agreement protections that would protect the City and taxpayers. The estimated total cost for CIP #30 would be

\$4,780,000. He noted that Interchange Development had agreed to be responsible for the total cost of the proposed improvements located within the Town of Canterbury. The estimated cost of those improvements was \$449,250. They also agreed to provide right-of-way for CIP #30, construct and maintain Whitney Road sidewalks, and maintain proposed landscaping. Therefore, the City's estimated net total cost for its share of the improvements would be \$4,330,750.

Mr. Walsh also provided an overview on the Penacook Village Tax Increment Finance District (PVTIF). He noted that, per its original enactment, the PVTIF District was currently 47+/- acres, in size.

He noted that no appropriations for CIP #567 were being requested at this time. For the sake of efficiency, City Administration desired to amend the PVTIF District to include CIP #567 simultaneously with CIP #30, for future use.

He stated that City Administration proposed expanding the PVTIF District's geography, from 47(+/-) to 243(+/-) acres, to include Interchange Development L.L.C's property and surrounding parcels. Amending the PVTIF District's Development Program and Financing Plan would include capital, operating, and maintenance costs associated with CIP #30.

It was noted that in accordance with Section 6.5 of the proposed PVTIF District Development Program and Financing Plan, the PVTIF District shall not be terminated until all PVTIF District debt service is repaid and the City Council votes to terminate the District. The PVTIF District Pro Forma prepared, as part of the FY2021 Budget (adopted in June 2019), excluded CIP #30 and associated real estate development at Whitney Road, as well as, Caleb Development Corporation's Penacook Landing Phase II, but included CIP #567.

Mr. Walsh noted that, based upon assumptions, the projected termination date for the District would be FY2045. He added that the pro forma of the proposed PVTIF Development Program and Financing Plan suggested that the PVTIF District would have sufficient working capital (Fund Balance) in FY2037, to satisfy all anticipated outstanding debt service. He concluded that the PVTIF District could potentially be terminated, as early as FY2037, subject to the assumptions discussed.

Mr. Walsh noted that the PVTIF excluded potential future projects including CIP #502 Whitney Road Extension to Sewalls Falls Road. The estimated cost of CIP #502 would be \$3,525,000 per the FY2021 Capital Improvement Program. The

project, in accordance with the FY2021 Capital Improvement Program, is tentatively proposed to be constructed in FY2025. This area of the City is not included within the PVTIF District, and has been excluded from proposed PVTIF District amendments proposed. The City's timing for potential construction of CIP #502 would likely be influenced by the sale of the 88+/- acre property owned by Newspapers of New England (the parent company of the Concord Monitor) at 1 Monitor Drive, and redevelopment proposals associated with it.

He also noted that the projected termination date is subject to various macro-economic factors such as: local / regional / national economic trends and conditions, fluctuations in the real estate market or property tax rates, potential future additional development within the PVTIF District (beyond those contemplated herein), and other similar factors which could affect incremental assessed values and associated property tax revenues captured by the PVTIF District.

Councilor Fennessy asked Mr. Walsh to clarify if the calculation of the TIF payoff only included the proposed Phase 1 development and not any future developments. Mr. Walsh confirmed and noted that there were additional future plans being discussed, but nothing was confirmed.

Councilor Fennessy also asked for clarification on the calculation of the payoff date in regards to the Whitney Road extension exclusion, noting that there were no anticipated future expenses there and did not capture any increased property value. Mr. Walsh confirmed.

Councilor Champlin asked why the plan was to construct a roundabout instead of an intersection with traffic signaling. He also asked about the reconfiguration changes proposed to the on-ramp onto I-93.

Mr. Walsh clarified that the traffic engineers reviewing the project concluded that a roundabout design would be a safer option to move a higher capacity of traffic at that intersection. He also noted that the NH Department of Transportation required the on ramp reconfigurations, to improve on ramp safety merging onto I-93 and general traffic flow.

Councilor Hatfield asked for clarification on the funding the City would be providing for the project instead of having the developers contribute more to the total cost.

Mr. Walsh noted that the City had been in negotiations, with the developers, for several months. He stated that the developers were planning to fund the Canterbury improvement costs, because Concord had no jurisdiction there. Mr. Walsh stated that the proposed deal was reasonable for a good private public partnership. He also noted that tax benefits, job creation, and shopping access added great value to the City's return on this investment.

Councilor Hatfield also asked why money would not be returned to the Merrimack Valley School District sooner.

Mr. Walsh noted that the TIF documents clarified more, but, historically, the City always captured all the revenue associated with new developments. All base value flowed to the City and School District, but the new incremental value was captured by the TIF district to pay down the debt servicing and operating cost on the improvements. He also noted that this is for tax base expansion and property tax relief and stabilization. The intention would be to benefit all taxing authorities over time, rather than releasing it prematurely. He noted that funds were held until the TIF district was financially viable and generating significant surplus revenues annually. He stated that the TIF district was structured to take on the cost of the debt service, so the burden did not fall on tax payer property taxes.

Councilor Hatfield also asked about accessibility to the shopping area for people walking or on bicycles and for clarification on how the roundabout design would accommodate pedestrians.

Mr. Walsh stated that numerous pedestrian amenities were considered and include sidewalks, a multi-modal transportation design, etc. to accommodate motorists, cyclists, and pedestrians.

Councilor Pierce asked to clarify if the main difference between TIF and bonding structures was that there would be no expected increase in taxes. Mr. Walsh confirmed.

Councilor Champlin asked if there was a known rough estimate to the impact on the tax rate if the project was bonded instead of TIF expansion. Mr. Walsh stated that he did not have that information.

Dave Cedarholm, the City Engineer, stated that a signaled intersection design required six traffic lanes and was considered less attractive and therefore ruled out. He noted that NHDOT was also in favor of the roundabout design as it was a safer

option for higher traffic flows and would alleviate significant traffic backing up at the intersection. He also clarified that modifying the I-93 on ramp increased the merge distance, for right turn lanes, for safer and more efficient merging.

Councilor Bouchard asked to clarify if the ratio of spending that the City was planning for road improvements was justified. She noted that the City was paying \$4.8 million while the developer was only funding \$449,000. She asked if this was a change in how the City handled other citywide developments?

City Manager Aspell noted several projects like Horseshoe Pond, where the City paid for Commercial Street making improvements. He confirmed that this process was consistent with past City practices and emphasized that the concept was to improve investments, development costs, and returns, to ensure no additional burdens were placed on tax payers.

Mayor Bouley opened the public hearing.

Concord resident, Allan Herschlag stated that he and his wife pay a portion of their taxes to the Merrimack Valley School District, as others pay the Concord School District. He stated that in looking at the numbers, he believed that the development project could continue without the School District's portion, of the property tax. He suggested that returning funds, to the School District, from day one would be ideal and appeared feasible. He stated that he was supportive of using TIF funds for the project, but had concerns about waiting 10-20 years before providing any new funding to the School District.

Councilor Fennessy asked Mr. Herschlag to clarify if his proposal was to avoid and release the School District's portion of the additional property tax amount value, and then extend the TIF district's payoff period. Mr. Herschlag confirmed.

David & Laurie Rauseo, the Interchange Development L.L.C. developers, stated their favor of the proposed development resolutions. They thanked City staff for all assistance provided and reiterated their excitement to continue with Phase I of their project. They also noted that significant amounts of positive public feedback and support, for this project, was received on social media.

Councilor Fennessy asked Mr. Rauseo for the proposed industrial development location on the property site.

Mr. Rauseo noted it would be on the farthest southeast portion of the property. He

stated that it would be equally distant to I-93 as Market Basket, but would be farthest away from Route 4.

Councilor Matson asked for the approximate acreage of the proposed industrial site.

Mr. Rauseo stated that there were approximately six acres of usable space, and that the anticipated industrial facility would be approximately 45,000-55,000 SF.

Julie L., a Concord resident, noted that many in her community were excited for the supermarket, but she was concerned mostly with the lighting fixtures. She asked if the fixtures would support a “dark-sky friendly” neighborhood in compliance with HB585.

David & Laurie Rauseo stated that the lighting fixtures proposed were downward facing and complied with “dark-sky” initiatives. Mayor Bouley also confirmed that the City Engineer relayed the same information to Julie L. in the Zoom chat feature.

Allan Herschlag reiterated that should Council accept his proposal, it would not impact the project deadlines or debt obligations.

Councilor Kretovic asked for Mr. Herschlag to submit a written testimony with his proposed financial break down, for Council to review, as it was difficult to follow the financial numbers verbally.

Lois Hamilton, a Concord resident, voiced concerns she had about lighting and the size of the smaller roundabout for trucks. She also expressed her support of Allan Herschlag’s proposal and encouraged Council to look into that further.

David & Laurie Rauseo confirmed the lighting fixtures complied with “dark-sky” initiatives. They also stated that VHB evaluated the roundabout designs for the City and confirmed that truck turning templates could handle the proposed roundabout design.

Councilor Rice-Hawkins asked for further clarifications on the pedestrian and bicyclist accommodations within the proposed development.

Laurie Rauseo stated that the site would be fully accessible with sidewalks throughout the development, for pedestrians. She added that all the roads were designed, to include four-foot shoulders, to accommodate bicycles, on both sides,

of each road. She also noted that a centralized bus stop would be included in the development, to accommodate public transportation travelers. She stated that all feedback and input from Planning Board and TPAC members was considered, to best accommodate pedestrian friendly improvements.

Councilor Pierce added that the lighting options were discussed, at length, by the Planning Board. He confirmed that the proposed lights were compliant.

Written public testimonies received prior to the meeting are on file, in the Concord City Clerk's office.

Mayor Bouley closed the public hearing.

- 23B. Resolution authorizing the City Manager to accept a corporate guaranty from Demoulas Super Markets, Inc. concerning construction of a grocery store at property located on Whitney Road; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.)

Action: Public testimony taken with item 23A.

- 23C. Resolution adopting an amended and restated Development Program and Finance Plan for the Penacook Village Tax Increment Finance (TIF) District; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.) (Supplemental report submitted.)

Action: Public testimony taken with item 23A.

- 23D. Resolution appropriating the sum of \$4,780,000 for the Hoit Road / Whitney Road Intersection Improvement project (CIP #30), authorizing the issuance of Penacook Village TIF District supported bonds and notes in the sum of \$4,240,000 for this purpose, authorizing the use of \$90,750 in impact fees for this purpose, accepting \$449,250 in donations for this purpose, transferring \$193,456 in expenses from the General Capital Projects fund to the Penacook Village TIF District Capital fund for this purpose, rescinding the appropriation of \$456,000 for the Hoit Road / Whitney Road Intersection Improvement project (CIP #30), and de-authorizing the issuance of general fund supported bonds and notes in the sum of \$456,000; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (March public hearing with final action at the April 12, 2021 City Council

meeting in accordance with RSA 162-K.) (Public testimony submitted.)
(Additional public testimony received.) (Revised resolution submitted)

Action: Public testimony taken with item 23A.

- 23E. Resolution authorizing the City Manager to enter into a Maintenance Agreement with the New Hampshire Department of Transportation concerning certain infrastructure improvements associated with CIP #30 Hoit Road / Whitney Road Intersection Improvement Project located within the U.S. Route 4 Rights-of-Way; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.)

Action: Public testimony taken with item 23A.

- 23F. Resolution appropriating the sum of \$1,692.39 as a transfer out to capital and authorizing the use of General Fund balance in the sum of \$1,692.39 for this purpose; and appropriating the sum of \$3,192.39 for the "Welcome to East Concord" gateway sign (CIP #24), and accepting the sum of \$1,500 in donations from the East Concord Garden Club and the sum of \$1,692.39 as a transfer in from the General Fund for this purpose; together with report from the Associate Engineer.

Action: City Manager Aspell stated that the total cost for the sign and its installation was estimated at \$5,820 based on 2019 pricing. He noted that Finance staff recommended the additional funds be appropriated from unassigned fund balance.

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

- 23G. Resolution appropriating the sum of \$12,000 for contracting with the National League of Cities Race Equity and Leadership training and authorizing the use of \$12,000 from unassigned fund balance for this purpose; together with report from the City Manager. (Public testimony received)

Action: City Manager Aspell stated that the appropriation would be applied to training workshops and would include: interactive and experiential components; explicit conversations and facilitation, to illuminate the connection between individual, institutional, and structural racism; and applied learning.

Mayor Bouley noted that the National League of Cities had not yet provided a final proposal, for Council to consider. He stated that he would propose amending the appropriation, of funds, up to \$20,000, from the unassigned fund balances, for this purpose, to ensure there was enough funding available when the final estimate was received.

Written public testimonies received, prior to this meeting, are on file in the Concord City Clerk's office.

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

- 23H. 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 reopened the public hearing on this item that was recessed at the February Council meeting.

Mayor Bouley noted that he saw a recent, pending Senate Bill (#102), that would halt any reevaluation for 2021. He asked if this resolution would become moot if that bill passed, to which City Manager Aspell confirmed.

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

- 23I. 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: City Manager Aspell stated that the Tax Exemption Policy Committee met and reviewed exemption amounts for the elderly. He noted that, presently, the asset level for both single and married applicants was \$95,000. No changes were recommended for that or for the blind. Social security payments increased by 1.6% in 2020 for cost of living adjustments. The increase was reported to be a \$24 monthly increase for single retirees and \$40 for married retirees. In addition, applicants would need to include the \$1,200 (single) and \$2,400 (married) Stimulus Relief payments which are not exempt from the income amounts. The committee recommended an increase to the income levels from \$34,300 to \$36,250 for single applicants and from \$47,200 to \$50,750 for married applicants. It was noted that the income amounts could decrease, in the future, to remove the Stimulus Relief payments, since they were not on-going. No other changes were recommended.

Councilor Fennessy asked about the rationale for increasing the amounts as people aged.

City Manager Aspell clarified that the City Council policy was developed to keep people in their homes. He noted that as people's incomes went down, as they aged, the thought was to keep the tax bills from getting too high, so they wouldn't get priced out of their homes.

Councilor Nyhan noted that the Committee monitors the asset and income thresholds, to ensure that the year to year benefit is not removed, from those entitled to it.

Councilor Hatfield asked for confirmation that the asset level wasn't changing, it was only the income level, to account for the increased stimulus payments. City Manager Aspell confirmed.

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

- 23J. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, Board of Ethics; together with report from the City Solicitor.

Action: Jim Kennedy, City Solicitor, stated that this Committee had only met once in 10 years, and noted that unlike other City of Concord Ordinance-based and statutorily-based Boards, the Board of Ethics did not contain a term limit provision. He added the importance of keeping it consistent and keeping participation active, on the Committee, for when it's needed.

Councilor Fennessy asked if it was relevant to keep the Committee active since they met so infrequently. Mayor Bouley stated yes.

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

- 23K. Resolution appropriating the sum of \$93,659.10 for compensation and fringe benefits and accepting the sum of \$93,659.10 in Federal Emergency Management Agency funds for reimbursement of personnel costs related to the deployment of Fire Department personnel to areas impacted by natural disasters; together with report from the Interim Fire Chief.

Action: Mayor Bouley motioned to combine Public Hearing items 23K – 23M for ease of public testimony as they were all related to COVID-19 funds. Council agreed.

City Manager Aspell stated that during calendar year 2020, the Fire Department provided personnel to support areas of the country impacted by hurricanes and flooding as part of Massachusetts Task Force One, an urban search and rescue team which functions under the auspices of the Federal Emergency Management Agency. The federal government reimbursed local governments for all costs associated with the deployment of personnel, including overtime and backfill. Reimbursement in the amount of \$93,659.10 was requested and has been received.

It was also noted that due to the ongoing pandemic, State and Federal support was made available for increased costs to administer various aspects of City operations. GOFERR funding in the amount of \$516,784.22 was the FY2021 State's distribution to communities to support added expenses due to the pandemic and was used by the City for applicable wages, benefits, supplies, and capital purchases. CARES Act funding in the amount of \$87,353.96 was received to support elections held in September and November of 2020.

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

23L. Resolution appropriating the sum of \$516,784.22 to reimburse for COVID-19 related expenditures, and accepting the sum of \$516,784.22 in Governor's Office for Emergency Relief and Recovery (GOFFERR) Program funds for this purpose; together with report from the Deputy City Manager Finance.

Action: Public testimony taken with item 23K.

23M. Resolution appropriating the sum of \$87,353.96 for election operating expenses incurred by the Concord City Clerk's Office and accepting the sum of \$87,353.96 in Elections Assistance funding under the Coronavirus Aid, Relief, and Economic Security (CARES) Act as administered by the State of New Hampshire for this purpose.

Action: Public testimony taken with item 23K.

Public Hearing Action

24. Resolution authorizing the City Manager to enter into a Development Agreement with Interchange Development L.L.C., concerning CIP #30 Hoit Road / Whitney Road Intersection Improvement Project; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.)

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

25. Resolution authorizing the City Manager to accept a corporate guaranty from Demoulas Super Markets, Inc. concerning construction of a grocery store at property located on Whitney Road; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.)

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

26. Resolution adopting an amended and restated Development Program and Finance Plan for the Penacook Village Tax Increment Finance (TIF) District; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.) (Supplemental report submitted.)

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

27. Resolution appropriating the sum of \$4,780,000 for the Hoit Road / Whitney Road

Intersection Improvement project (CIP #30), authorizing the issuance of Penacook Village TIF District supported bonds and notes in the sum of \$4,240,000 for this purpose, authorizing the use of \$90,750 in impact fees for this purpose, accepting \$449,250 in donations for this purpose, transferring \$193,456 in expenses from the General Capital Projects fund to the Penacook Village TIF District Capital fund for this purpose, rescinding the appropriation of \$456,000 for the Hoit Road / Whitney Road Intersection Improvement project (CIP #30), and de-authorizing the issuance of general fund supported bonds and notes in the sum of \$456,000; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.) (Public testimony submitted.) (Additional public testimony received.) (Revised resolution submitted)

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

28. Resolution authorizing the City Manager to enter into a Maintenance Agreement with the New Hampshire Department of Transportation concerning certain infrastructure improvements associated with CIP #30 Hoit Road / Whitney Road Intersection Improvement Project located within the U.S. Route 4 Rights-of-Way; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (March public hearing with final action at the April 12, 2021 City Council meeting in accordance with RSA 162-K.)

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

29. Resolution appropriating the sum of \$1,692.39 as a transfer out to capital and authorizing the use of General Fund balance in the sum of \$1,692.39 for this purpose; and appropriating the sum of \$3,192.39 for the "Welcome to East Concord" gateway sign (CIP #24), and accepting the sum of \$1,500 in donations from the East Concord Garden Club and the sum of \$1,692.39 as a transfer in from the General Fund for this purpose; together with report from the Associate Engineer.

Action: Councilor Rice-Hawkins expressed her excitement for this sign and encouraged Council to support it.

Councilor Rice-Hawkins moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, 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

30. Resolution appropriating the sum of \$12,000 for contracting with the National League of Cities Race Equity and Leadership training and authorizing the use of \$12,000 from unassigned fund balance for this purpose; together with report from the City Manager. (Public testimony received)

Action: Mayor Bouley motioned to make an amendment appropriating up to the sum of \$20,000 for contracting with the National League of Cities Race Equity and Leadership training and authorizing the use of up to \$20,000 from unassigned fund balance for this purpose.

Councilor Champlin heartily endorsed this training and expressed his eagerness to move forward.

Councilor Kenison asked if the training would be done via Zoom. Mayor Bouley responded that the first part would be an assessment, but that the training would be done with Council via Zoom, and would be open to the public for people to watch. He also noted that there would be a meeting with Administration. He elaborated the goal would be to have Phase II open to the community, in person, when possible.

Councilor Grady Sexton enthusiastically gave her support for this resolution. She stated she was looking forward to learn and for the Phase II action steps.

Councilor Rice-Hawkins thanked the Mayor and Councilor Hatfield for identifying and moving forward with the program. She noted that the program had successful roots in this line of work and looked forward to participating.

Councilor Champlin moved approval to amend the resolution. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, 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

Action: Councilor Hatfield moved approval. The motion as amended was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, 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

31. 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.

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

Councilor Hatfield thanked staff and the Committee for their efforts and reviewing of prior year denials and adjusting things and considering the stimulus payments.

Yes: 15 - Councilor Bouchard, 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

33. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, Board of Ethics; together with report from the City Solicitor.

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

Yes: 15 - Councilor Bouchard, 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

34. Resolution appropriating the sum of \$93,659.10 for compensation and fringe benefits and accepting the sum of \$93,659.10 in Federal Emergency Management Agency funds for reimbursement of personnel costs related to the deployment of Fire Department personnel to areas impacted by natural disasters; together with report from the Interim Fire Chief.

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

Yes: 15 - Councilor Bouchard, 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

35. Resolution appropriating the sum of \$516,784.22 to reimburse for COVID-19 related expenditures, and accepting the sum of \$516,784.22 in Governor's Office for Emergency Relief and Recovery (GOFFERR) Program funds for this purpose; together with report from the Deputy City Manager Finance.

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

Yes: 15 - Councilor Bouchard, 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

36. Resolution appropriating the sum of \$87,353.96 for election operating expenses incurred by the Concord City Clerk's Office and accepting the sum of \$87,353.96 in Elections Assistance funding under the Coronavirus Aid, Relief, and Economic Security (CARES) Act as administered by the State of New Hampshire for this purpose.

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

Yes: 15 - Councilor Bouchard, 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

Reports**New Business**

Action: Councilor Werner proudly announced that the City of Concord would be launching the Weatherize Concord program, citywide, with a scheduled kickoff on Tuesday March 16th, at 11:00 AM, via Zoom. He noted that the goals of the program were consistent with the City's renewable energy initiatives and would benefit residents by saving them money and reducing Concord's carbon footprint. He stated that it was a multi pronged effort to increase energy efficiency and included the partnerships with Concord utility providers Unitil and Liberty Utilities. He noted that his goal was to double the current number of annual weatherized houses from 40 to 80 by the end of the year. He thanked City Administration and staff for their support and continued efforts and Councilor Hatfield for assisting with drafting the proclamation.

Councilor Hatfield thanked all Committee members and volunteers for all the dedicated efforts and ideas to create, promote, and implement this initiative. She noted that lawn signs were available for anyone wanting to promote the event.

Mayor Bouley read a proclamation in recognition of Liberty Utilities and Unitil for their partnership with the Weatherize Concord campaign. He also thanked the Committee members and volunteers for their ongoing energy efficiency efforts.

Unfinished Business**Comments, Requests by Mayor, City Councilors**

Action: Councilor Kretovic thanked members of Council for their assistance with the City Manager's review. She asked anyone still working on their surveys to have them completed by Friday, so the review could be completed prior to the budget cycle.

Councilor Champlin reminded everyone that the Concord Coalition to End Homelessness group would have their annual Souper Fest soup festival and fundraiser on Saturday March 20th, from 3 P.M. - 5:30 P.M., at White Park. He directed everyone to <https://concordhomeless.org/> for more information.

Councilor-Rice Hawkins reminded everyone that it was maple month and noted that Concord had four local maple producers. She encouraged everyone to schedule a visit. She also congratulated Ward 10 resident and City employee, Sean Brown, for his new role as Concord's Fire Chief.

Councilor Matson noted that favorable feedback was received from her constituents regarding the new Concord app SeeClickFix. She thanked the City for making it available.

Mayor Bouley advised that the National League of Cities Race Equity and Leadership training options were either for a one day, three to four-hour block; or a two day, six to eight-hour block depending on the desired content depth. He noted that he would send the proposal and training specs to the group once received. He asked all Councilors to check their schedules and notify the City Clerk of their schedule preference and availability.

Councilor Grady Sexton gave a shout out to a Kennett High School, AP Government class, student for attending the meeting and for her desire and commitment to engage and learn about local government.

Comments, Requests by the City Manager

Consideration of Suspense Items

Sus1 Report from the Deputy City Solicitor regarding the Concord Fire Officer's Association collective bargaining agreement.

Action: Councilor Grady Sexton moved to consider suspense item one, not previously advertised. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, 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

City Manager Aspell noted that the City of Concord and representatives of the Concord Fire Officers Association, Local 3195 (CFOA), had been involved in negotiations for a three-year labor contract agreement covering the period from July 1, 2021 through June 30, 2024. He commented that the proposed health insurance changes aligned with the other union agreements and would help save significant tax dollars over time. He stated that since the Union voted on this proposal the day prior, he and the City Solicitor suggested that Council act at this meeting to comply with the 30-day RSAs.

Mayor Bouley asked for confirmation that even though this was a suspense item, it would appear on the website with all other items. City Manager Aspell confirmed.

Councilor Champlin asked City Manager Aspell if it was possible, moving forward, to urge Unions to coordinate their votes, to better allow City Council meetings. He stated his disappointment that there wasn't enough time for the public to review, and felt it was necessary and to comply with the 30-day RSA while also ensuring public transparency.

City Manager Aspell confirmed that the Union did try to remain compliant with Council's agenda timeline. He noted that the Union tried to comply and balance their own Union member notification rules, prior to a vote, but that an error occurred with that notification causing the delay. He added that the Union took a special vote on a Sunday to comply as quickly as they could for this Council meeting.

Councilor Hatfield asked for clarification on the cost of the contract to what was budgeted. She also noted that, despite the late notification, she felt that all parties attempted to get this to Council on time and that she fully supported this contract.

Deputy City Manager LeBrun stated that this contract would take effect in July 2021; noting that FY2022 budgets were actively being prepared now.

City Manager Aspell confirmed that this new contract was in line with all of Council's outlined cost savings and expense items.

Councilor Rice-Hawkins stated she was comfortable moving forward with this contract and appreciated the Union's efforts to get it to Council for this meeting. She asked if there was anything preventing Council from returning in a week or two for a standalone vote on this.

City Manager Aspell stated no and confirmed that Council could hold a special meeting to take a vote on this item.

Mayor Bouley stated that transparency is very important to Council and himself, however, he felt that a reasonable explanation for the delay was provided. He said he didn't see this timing issue becoming a trend and felt that as long as all items were posted on the web then he was comfortable voting.

Mayor Bouley noted his appreciation and thanked City staff and the CFOA for their work creating a fair contract to both the City employees and tax payers. He entertained a motion to accept the report approving the cost items in a three (3) year Collective Bargaining Agreement between the City of Concord and the Concord Fire Officers Association, Local 3195, covering the period from July 1, 2021 through June 30, 2024.

Action: Councilor Champlin moved approval to accept the report approving the cost items in a three (3) year Collective Bargaining Agreement between the City of Concord and the Concord Fire Officers Association. The motion was duly seconded and passed unanimously with a roll call vote.

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

Adjournment

Action: At 9:33 P.M., Councilor Bouchard moved to adjourn the meeting. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, 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

A true copy: I attest:

Ashley Hamilton

Deputy City Clerk

Information

Inf1 July 23, 2020, August 27, 2020 and October 22, 2020 Transportation Policy Advisory Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf2 January 22, 2020 and August 4, 2020 Public Transportation Subcommittee of the Transportation Policy Advisory Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf3 January 12, 2021 Regional Utility Utilization Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf4 February 1, 2021 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

Inf5 February 16, 2021 Airport Advisory Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf6 Communication from Comcast notifying the City about upcoming changes to Xfinity TV services.

Action: This Information item was received and filed.