



# City of Concord

## City Council

### Meeting Minutes

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Thursday, June 14, 2018

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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*Non-public session in accordance with RSA 91-A:3, II (a) to discuss the City  
Manager's Annual Evaluation*

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

Mayor Bouley called the meeting to order at 5:30 p.m.

Councilor St. Hilaire moved to enter into non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Manager's Annual Evaluation. The motion was duly seconded by Councilor Grady Sexton and passed unanimously with no dissenting votes.

At 6:40 p.m., Councilor St. Hilaire moved to exit non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

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

This portion of the meeting was adjourned at 6:41 p.m.

1. Call to Order.

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

2. Roll Call.

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

**Excused:** 1 - Councilor Stephen Shurtleff

3. Approval of Meeting Minutes.
4. Agenda overview by the Mayor.

### **Public Hearings**

- 5A. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2019 ending June 30, 2019 and repurposing funds made available through the Annual Capital Close-Out and Repurposing of Capital Projects resolution.

**Action:** There being no Council objection, City Clerk Janice Bonenfant read the titles for public hearings A through F together.

Mayor Bouley opened the public hearings for items A through F.

### **Public Testimony**

Kim Wheeler, resident, feels that the Beaver Meadow Golf Course is a historic site and that the city has the responsibility and obligation to maintain its identity as the oldest golf course. She noted that, with a little marketing and investing in the club house, it could be a great venue for weddings and meetings.

Linda Mattlage, resident, stated that the golf course is a historic asset to the city pointing out that it was founded by women. She spoke in favor of improving the golf course and keeping it a public course.

Bob Norton, resident, indicated that public places are fundamental to the health of a community. He noted that Beaver Meadow has vestiges of the history of the community and memorials; he doesn't look at it as a golf course, he looks at it as a public treasure. He stated that he doesn't believe that Beaver Meadow should be an enterprise fund.

There being no further public testimony, the Mayor closed hearing items A through F.

- 5B. Resolution amending the amount of money to be appropriated by the City of Concord for the Fiscal Year 2019 ending June 30, 2019 and repurposing funds made available through the Annual Capital Close-Out and Repurposing of Capital Projects resolution.

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

- 5C. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2019 (July 1, 2018 to June 30, 2019) hereby authorizing and approving the expenditure of \$10,151,000 and authorizing the issuance of \$10,151,000 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1.

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

- 5D. Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant.

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

- 5E. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates.

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

- 5F. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

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

### **Public Hearing Action**

6. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2019 ending June 30, 2019 and repurposing funds made available through the Annual Capital Close-Out and Repurposing of Capital Projects resolution.

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

Councilor Herschlag noted that he supports the budget proposals for public safety and he supports the majority of the budget. It is the areas of the budget that he feels are not in the best interest of the community or impose additional hardships for those that he represents that he opposes; it is the issues of delayed taxes and tax abatements or relief, while at the same time, he feels that the budget increases could and would be minimized if those taxes were collected from day one and used for city wide county and school services. He noted that it is his concern that they must first take care of and pay for what they currently have. When there are new

revenues in excess of those that are necessary to meet the costs of the maintenance and operation of what they have, he feels they can then consider moving forward with the plans for expanded projects and services. He indicated that they must be sure that there are new revenue sources to pay for those expanded items, to limit property tax increases.

Councilor Herschlag feels that City Council has been unwilling to set realistic fees that would pay for the costs associated with the operation and maintenance of the parking fund, even though Administration came forward with numerous proposals that would have had the parking fund able to meet their expenses from sources other than property taxes. He stated that the result is the general fund, your property tax dollars, will continue to subsidize the parking fund.

Councilor Herschlag indicated that the golf course is an example of an enterprise fund that is no longer able to meet their financial obligations through the current fees and revenue they generate. He noted that, as they move forward with needed capital improvements for the golf course, it will continue to necessitate greater contributions from the general fund. He feels that the Arena, water and waste water funds are also anticipated to run in the red; the difference between these funds and the golf course is that these funds have enough reserves or working capital on hand to cover their losses, while it is determined how to revamp user fees and rate structures. He indicated that the water fund and the waste water fund will see a 3% and 4% rate increase for the 2019 budget. He indicated that it is also important to note that the water and waste water funds have reserves in excess of what has been recommended. He noted that while there is a recommended increase in rates, there is also an intentional spending down of the reserve; the increase is to slow the drawdown and to prevent sticker shock when the reserve reaches the recommended amount.

Councilor Herschlag stated that the airport will also operate in the red this year, but currently has enough working capital in reserve to cover these expenses. He indicated that he understands the need to have reserve funds. What he wants to avoid is having funds accumulate without a specific project that they will be utilized for. He would like to continue to see future projects, estimated costs identified, and a timeline for when those projects will be undertaken; the goal is to have enough in reserve to control the potential for sticker shock when improvements or new facilities are undertaken.

Councilor Herschlag indicated that the city continues to keep Langley Parkway in

the Capital Improvement Program (CIP) plan even though, in his opinion, the current plan does not address some serious traffic concerns between Penacook Street and 393 and will divert traffic from one neighborhood to another. He doesn't feel that this will solve the issue of cut through traffic in neighborhoods but will just move it from one neighborhood to another. He noted that they continue to plan for additional spending at Memorial Field even though they still have not developed a facility study that takes into account how the field is currently being used or is expected to be used over the next 20 years. They are looking in future years to fund a \$4 million turf field at Terrill Park as costs escalate to maintain and operate their current recreational facilities. He noted that they have recently replaced five tennis courts at Memorial Field, their city pools, and are in the process of repairing Main Street. He feels all this work is the result of not getting it right the first time. He asked whether he needed to add Downing Street to this list.

Councilor Herschlag noted that they are told and he agrees that they need a new police station and at least one new fire station yet are more focused on building a turf field at Terrill Park and potentially providing funding for a rail trail than they are for planning for needed replacements for their public safety departments. He noted that, while they have seen increases in the total assessed value of the city over each of the last two years of \$25 million, that is an increase of .00625% in a city with a total assessed value of over \$4 billion. To put that in even greater perspective, with the city portion of the tax rate currently set at \$9.84 per thousand that \$25 million will yield \$246,000 in tax revenue. That will have a little more than .6% impact on revenue being raised by property taxes for city expenses.

Councilor St. Hilaire inquired whether the appropriate resolutions updated with what they did for their work sessions.

Mayor Bouley responded that it's his understanding that everything has been updated. Referencing item 7, he noted that he has one clarification on what they did earlier regarding the \$30,000 for the golf course as well as this is when anyone who wishes to declare a conflict of not voting on something.

Councilor Kretovic finds it difficult when a fellow Councilor throws out numbers that they have written down but are not sharing the information with the rest of them. The number she wants everyone to remember: 96 percent of the golf course funds are being funded by the golf course; they are short 4 percent. She indicated that \$79,650 is going to be transferred out to the general fund - that's what is budgeted. She feels that this budget, especially the changes they have made, is

what their community needs. She noted that the community appreciates all of the quality of life issues that they have here and this is what this budget represents for her.

Councilor Todd concurs with Councilor Kretovic adding that he takes issue with anyone who says they are ignoring any safety services in the city at the expense of providing funding to other projects. He noted that Concord is a large city and has the ability and the capability to handle more than one project at once and to handle more than one budgetary issue at once. He feels that this budget proves this very well.

Mayor Bouley indicated that they have met for several weeks and have held public hearings on every portion of the budget and what he has heard Councilor Herschlag present is a litany items that Councilor Herschlag considers to be issues. He asked if Councilor Herschlag had a list of solutions that he would like to propose.

Councilor Herschlag indicated that his intention isn't to close it or privatize it, his intention is to find ways to move forward to have the golf course raise more revenues and work in the direction of it being more self sufficient. He noted that this is what he had hoped for the parking fund and what he has found with the parking fund from the meetings he attended was that there was never a real serious effort on the part of the Parking Committee to fund it in a manner that would allow it to be self sufficient. He doesn't find this acceptable.

Councilor Todd feels that the Parking Committee spent two years or more with multiple meetings and multiple opportunities for public input to come up with a plan that would in fact make the Parking Committee solvent.

Councilor Champlin added that the Parking Committee put in an immense amount of effort, thought and deliberation into trying to make the parking fund self sufficient. He noted that they didn't please everyone and tried to be sensitive to the cost of their visitors and residents. Their whole motivation has been to make the parking fund fiscally sound.

Councilor Herschlag noted, in regards to the parking fund, he is not suggesting that a lot of time and energy wasn't put into it, including the Administration. He indicated that there were a number of proposals that came to the Parking Committee that would have removed the need for general fund contributions to the

parking fund. He stated that if his numbers were correct, it appears to him that instead of charging fifty cents per hour for the parking garages, if seventy five cents per hour were charged and charged six days a week, the parking fund would not need a general fund contribution.

Councilor Werner feels that the \$30,000 they added to the golf course to improve and make the golf course more attractive to events, will raise additional revenue and yield good benefits. He fully supports the budget as proposed.

Following brief additional Council discussion, Mayor Bouley stated that he feels that this budget does reflect and continues to invest in their public safety.

The motion to approve passed with one dissenting vote by Councilor Herschlag.

7. Resolution amending the amount of money to be appropriated by the City of Concord for the Fiscal Year 2019 ending June 30, 2019 and repurposing funds made available through the Annual Capital Close-Out and Repurposing of Capital Projects resolution.

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

Mayor Bouley clarified that the tentative vote that they took during the work session, the \$30,000 for the golf course tent is intended to be transferred from the general fund to the CIP 107, clubhouse and buildings.

Councilors Kretovic, Grady Sexton and Mayor Bouley recused themselves from voting on the Crisis Center for Central NH.

Councilors Herschlag and Todd recused themselves from voting on the Penacook Community Center.

Mayor Bouley recused himself from voting on Langley Parkway and the CIP.

Councilor Kretovic recused herself from voting on Whitney Road.

Councilor Champlin recused himself from voting on the Chamber of Commerce.

Councilor Bouchard recused herself from voting on the New Hampshire Municipal Association.

The motion to approve passed with one dissenting vote by Councilor Herschlag.

8. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2019 (July 1, 2018 to June 30, 2019) hereby authorizing and approving the expenditure of \$10,151,000 and authorizing the issuance of \$10,151,000 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1.

**Action:** Councilor St. Hilaire moved approval. The motion was duly seconded and passed with one dissenting vote by Councilor Herschlag.

9. Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant.

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

10. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates.

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

11. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

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

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

Referencing a local newspaper article about the community center, Mayor Bouley indicated that he read that Recreation Director David Gill was quoted saying that the city was \$400,000 over budget. He questioned whether this was true. Mr. Gill responded that he did not say that; he indicated that it was on time and under budget.

Councilor Todd announced that the Concord Monitor will be moving its printing operations to Penacook at the former Rivco Company.

Councilor Keach stated, for the record, that the City Manager's review happened this evening. The City Manager is in charge of a \$65 million company and he feels



that his compensation is right where it should be.

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

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

**Action:** Councilor Nyhan moved to suspend the rules to consider items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

#### **To be set for July 9, 2018 Public Hearings**

Sus1 Resolution authorizing the City Manager to enter into a Purchase and Sales / Development Agreement with Granite Center L.L.C. concerning the sale of City owned proeprty known as the Dixon Avenue Public Parking Lot, as well as the redevelopment of real estate located at 4-6 Dixon Avenue, 8-14 Dixon Avenue, and 1 Eagle Square, as well as surface parking lots located at Dixon Avenue and Storrs Street; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects. (Not previously submitted) (Public testimony received)

**Action:** Councilor Nyhan moved to set this item for a public hearing to be held at the July 9, 2018 City Council meeting.

Sus2 Resolution determining the project has a public benefit and approving an application by Granite Center LLC for a seven year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 4-6 Dixon Avenue; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects. (Not previously submitted)

**Action:** Councilor St. Hilaire moved to set this item for a public hearing to be held at the July 9, 2018 City Council meeting. The motion was duly seconded and passed with no dissenting votes.

Sus3 Resolution determining the project has a public benefit and approving an application by Granite Center LLC for a five year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 8-14 Dixon Avenue; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects. (Not previously submitted)

**Action:** Councilor St. Hilaire moved to set this item for a public hearing to be held at the July 9, 2018 City Council meeting. The motion was duly seconded and passed with no dissenting votes.

Sus4 Resolution determining the project has a public benefit and approving an application by Granite Center LLC for a five year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 1 Eagle Square; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects. (Not previously submitted)

**Action:** Councilor St. Hilaire moved to set this item for a public hearing to be held at the July 9, 2018 City Council meeting. The motion was duly seconded and passed with no dissenting votes.

**Action:** Mayor Bouley read "in accordance Section 21B of the City Charter, the City Council shall conduct an evaluation of the City Manager's performance in office. The City Council shall determine, in public session, whether the City Manager's overall performance in office has been satisfactory or unsatisfactory. The City Council shall also establish the City Manager's compensation for the ensuing year".

Councilor St. Hilaire moved that City Manager Tom Aspell has a satisfactory rating as a result of his overall performance this year. The motion was duly seconded and passed unanimously with no dissenting votes.

Mayor Bouley noted that the only change in the City Manager's contract is that Council is recommending a one percent increase to his contract; the compensation/financial piece that will be impacted.

Councilor Nhyan moved to approve the City Manager's contract. The motion was duly seconded.

Councilor Herschlag noted that one of the issues that makes it difficult for him to determine a fair and reasonable compensation for the Manager is that he believes they should have had a conversation and perhaps talked with the dreaded consultant to determine what a fair and reasonable salary range is for the Manager's position in Concord long ago. He indicated that they have had a number of compensation reviews and consultants work with the city to determine the job descriptions and salary range for most if not all of their other employees. When he reviews the Manager's contract in addition to his salary there are other areas where he receives compensation or reimbursements. Retirement contributions, dues, phone, car allowance, severance and so on. He questioned whether this fair, is it excessive, is it just about right? He will not fault Mr. Aspell for the compensation

package he receives. And while there are any number of issues that concern himself, many of those issues are the responsibility of the City Council. He noted that it is their responsibility to provide appropriate direction when setting policy.

Overall, Councilor Herschlag believes the City Manager performs well; he is a talented, hardworking and competent individual who not only carries out our policies, but provides suggestions and guidance to us to improve the services our city government provides. He asked if they withhold an increase in compensation for the Manager this year even though collectively they feel he has done a good to excellent job this past year, because they have not defined the parameters of a compensation package for the Concord City Manager or do they reward him for a job well done and then make sure they do their jobs? He note that while he is of the mind that the Manager's salary is at or near the top of a reasonable and fair compensation package, it is also important for him to remember that they, the City Council, have not defined those limits. With that in mind and knowing that Mr. Aspell has received a raise and compensation adjustment every year he has been here, there appears to him a certain inherent unfairness if he were not to receive an increase for a job well done again.

Councilor Herschlag noted that, with this in mind, he will be voting for the Manger's contract with the understanding that if they have not defined the range of salary and compensation for the Manager's position by the next contract, he will not support any additional increases in compensation in the future.

Councilor Nyhan feels that the City Manager has done an outstanding job and the value he brings to the city is unquantifiable. He defends the compensation package that they are presenting to the Manager.

Mayor Bouley noted a heartfelt thank you to the Mr. Aspell for everything that he does, his ability to manage, at times, overwhelming tasks, and for putting together a city budget. He feels that he is an outstanding leader.

The motion to approve passed with no dissenting votes.

**Adjournment**

The time being 7:44 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*