



# City of Concord

## City Council

### Meeting Minutes - Draft

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Monday, January 11, 2021

7:00 PM

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

9

Telephone Dial: US + 1 929 205 6099

Landline: 877 853 5257

Webinar ID#: 812 0417 2709

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#### *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.*

*Website address: <https://us02web.zoom.us/j/81204172709>.*

*Telephone Dial: US: +1 929 205 6099. If dialing from a landline, you may call in toll-free at 877 853 5257. Webinar ID#: 812 0417 2709.*

*Members of the public can also email questions or other public testimony to [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov).*

*Any member of the public can also call the City of Concord at 603-230-3718 or email: [citycouncilmeeting@concordnh.gov](mailto:citycouncilmeeting@concordnh.gov) if they are unable to access the meeting and assistance connecting is needed.*

*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:** 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

**Action:** At 5:35 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 and passed 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:** 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:** 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

1. Mayor Bouley called the meeting to order at 7:04 p.m.

**Action:** Mayor Bouley welcomed everyone to the January 11, 2021 Electronic Meeting of the City Council, indicating City Council was meeting electronically due to the COVID19/Coronavirus pandemic, in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04. Mayor Bouley noted that, in accordance with the Governor's Emergency Order, we have provided public notice of the necessary information for accessing this meeting. He noted that instructions are provided on our agenda on the City of Concord's website at: <https://concordnh.legistar.com/Calendar.aspx>. He further noted that City Council was utilizing the Zoom platform for this electronic meeting. All members of the City Council have the ability to communicate contemporaneously during this meeting, and the public has access to listen and, if necessary, participate in this meeting via the following website address: <https://us02web.zoom.us/j/81204172709>.

2. Invocation.
3. The Pledge of Allegiance was done.
4. Roll Call.

**Action:** In accordance with the Right-to-Know Law, Councilor Grady Sexton noted that she was home with her son, Sam, in the room. Councilor Kretovic noted that she was in a loft with her family members present. 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.

December 14, 2020 City Council Draft Meeting Minutes.

**Action:** Councilor Nyhan moved approval of the December 14, 2020 meeting minutes. The motion was duly seconded by Councilor Grady-Sexton. Councilor Hatfield noted one typo correction needed on page five. The minor edit and motion 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

6. Agenda overview by the Mayor.

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

**Action:** Councilor Todd moved approval of the Consent Agenda. The motion was duly seconded by Councilor Grady Sexton 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

**Items Tabled for February 8, 2021 Public Hearings**

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

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

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

9. Resolution appropriating the sum of \$980,000 as a Transfer to Reserves, and authorizing the use of \$980,000 from Fiscal Year 2020 General Fund Assigned Fund Balance; together with report from Deputy City Manager - Finance.

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

10. Resolution appropriating the sum of \$79,700 for furniture, equipment, and software maintenance, and authorizing the use of \$79,700 in reserve funds for these purposes.

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

11. Resolution appropriating the sum of \$75,000 as a transfer to the Recreation Reserve, and accepting the sum of \$75,000 from the sale of the former East Concord Community Center located at 18 Eastman Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

12. Resolution appropriating the sum of \$10,000 for replacement of the Green Street Community Center exterior doors (CIP #63), and authorizing the issuance of bonds and notes in the sum of \$10,000 for this purpose; together with report from the General Services Director.

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

13. Resolution authorizing the City Manager to host an ICMA Local Government Management Fellowship, appropriating \$20,000 to fund said fellowship for the remainder of Fiscal Year 2021, and authorizing the use of \$20,000 in Economic Development Reserve funds for this purpose; together with report from the Deputy City Manager for Development.

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

### **From the City Manager**

14. Positive Citizen Comments.

**Action:** Positive comments were received and filed.

### **Consent Reports**

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$109.45, as provided for under the pre-authorization granted by City Council.

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

16. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$6,487.00, as provided for under the pre-authorization granted by City Council.

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

17. Diminimus gifts and donations report from the Police Department requesting authorization to accept a donation of \$100 from Tracy and Mark Coen, designated for the Concord Police Department Project Blue Elf Program, as provided for

under the pre-authorization granted by City Council.

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

18. November 30, 2020 Fiscal Year to Date Financial Statements from the Deputy City Manager - Finance.

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

19. Fiscal Year 2020 Comprehensive Annual Financial Report (CAFR) from the Assistant Finance Director.

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

20. Quarterly Current Use Tax Report from the Director of Real Estate Assessments.

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

21. Report from the Parks and Recreation Director on the Recreation and Parks Advisory Committee's recommended Park CIP's for FY2021 and FY2022.

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

22. Report from the Senior Planner, on behalf of the Energy and Environment Advisory Committee, summarizing the Committee's intent to launch a Weatherize Concord campaign.

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

### **Consent Resolutions**

23. 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.

### **Appointments**

24. Proposed Appointment to Library Board of Trustees by City Manager: Ali Sekou.

**Action:** This appointment was approved.

### **From the Mayor**

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

### **Public Hearings**

- 25A. 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, Assistant City Prosecutor/Solicitor position; together with report from the City Solicitor.

**Action:** City Manager Aspell stated that the Legal Department was requesting a new position be created to fill and replace the vacancy within their office. Mr. Aspell explained the intent is to have the proposed position handle criminal and civil matters as assigned. He further noted that this proposed change would not increase the number of staff members within the department and no additional funding would be needed.

Councilor Fennessy inquired as to whether or not staff had any concerns about filling the Prosecutor role with someone who can do both sets of duties.

Jim Kennedy, City Solicitor, stated that this change has been contemplated for a while. He explained there has been a shift in increased criminal case volumes being prosecuted and a growing need for assistance with civil cases specific to Police Department right-to-know requests. He indicated that this proposed position would focus more on criminal than civil activities, but the Legal Department wants the workload flexibility as time allows. Mr. Kennedy further stated that the intent is to continue training all prosecutors on the Right-to-Know law for overlapping support, and the new hire will be trained accordingly for long term legal needs.

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

- 25B. Resolution appropriating the sum of \$718,000 for the replacement of existing outdoor lighting fixtures with light emitting diode (LED) fixtures (CIP #628), accepting the sum of \$325,000 in incentive funding from Unitil's Energy Efficiency Program, authorizing the sum of \$393,000 as on-bill financing for the remaining balance, and authorizing the City Manager to enter into a long term agreement with Unitil for this project; together with report from the Deputy City Manager - Finance.

**Action:** Deputy City Manager Brian LeBrun noted that the City has been trying to bring an LED streetlight project to the City for over ten years. The current proposal would be funded through a 50% grant from Unitil and on-bill financing.

Beth Greenblatt, Managing Director at Beacon Integrated Solutions, gave a presentation on the LED Streetlight Upgrade Program. It was noted that the City would need to pay off the existing 2,100 streetlights, at a value of approximately \$65,000-\$70,000, and then remove and install qualifying LED streetlight fixtures through a qualified contractor. Unitil would provide a grant incentive, the lessor of \$325,000 or 50% of the total cost, to purchase and install the new streetlights. Unitil would also provide a 0% loan for the cost balance, up to a maximum of \$325,000, and would invoice those costs on the City's monthly utility invoice. The electricity usage would decrease by approximately 50% resulting in additional cost savings once the loan was satisfied after five years. The fixtures are 10-year fixtures and would have a two-year warranty, reducing overall maintenance and repair costs. If approved, the project would be completed in the 2021 calendar year.

Councilor Hatfield expressed her excitement over the project and thanked City staff for all their efforts and work putting it all together. She asked if any LED light fixture examples existed within the City for her constituents to look at. She also asked for follow up information on any safety improvements and the Dark Skies compliance.

Deputy City Manager LeBrun confirmed that LED streetlights have been installed with lower watts on Main Street Downtown and were very well received. The General Services parking lot also installed some with brighter watts to properly light the area, as did the Arena.

City Manager Aspell confirmed that some smaller scale LED light fixtures were implemented within the City that are compliant with the Dark Skies compliance, per prior Council and Planning Board approval.

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

- 25C. Resolution appropriating the sum of \$49,000 for the acquisition of conservation land as recommended by the Conservation Commission, authorizing the use of \$49,000 in Conservation Trust funds for this purpose, and authorizing the acquisition of land south of and adjacent to the discontinued portion of District No. 5 Road; together with report from the Assistant City Planner on behalf of the



Conservation Commission.

**Action:** City Manager Tom Aspell stated that the area was a priority for acquisition because of its large un-fragmented forest, moderately high resilience due to habitat connectivity, and ecological integrity.

Mayor Bouley opened the public hearing.

Jim Owers, Vice Chair of the Concord Conservation Commission, attended. He identified the parcel's location for Council and referenced how it connected to other City owned land. He reiterated the conservation significance while also giving the City complete access to District 5 Road.

Rob Knight, Chair of the Concord Trails Committee, confirmed his support of this acquisition and testified that this property is very important for trail connectivity, and is a very popular trail network connection for hikers, runners, and snowmobilers.

Ray Cody, a member on the Board of Directors and trail volunteers with the Bow Pioneer's Club of New Hampshire, gave testimony in support of this acquisition. He noted that this land is a very important link for the Corridor 11 North trail and commented that it adds value to all trail enthusiasts.

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

- 25D. Public hearing for the purpose of discussing a progress report regarding Community Development Block Grant Funds secured by the City in 2019 for infrastructure improvements at the Top of the Hill Manufactured Housing Park Cooperative located at 190 Manchester Street, Concord. (Supplemental report and informational handout submitted.)

**Action:** Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a progress report concerning utility improvements at the Top of the Hill Manufactured Housing Cooperative located at 190 Manchester Street, Concord, which were financed in part with a \$500,000 Community Development Block Grant.

Mr. Walsh indicated that Community Development Block Grants are available to municipalities through the NH Community Development Finance Authority. Annually, up to \$500,000 is available for economic development projects, up to \$500,000 for public facility projects, up to \$500,000 for housing projects, and up to \$500,000 for emergency activities. Up to \$25,000 is available per planning study grant. All projects must directly benefit a majority of low- and moderate-income persons.

He further stated that an informational handout regarding all CDBG items being discussed tonight was included in the City Council Packet for items 25D, E, F, G, and H.

Mr. Walsh indicated that the Cooperative purchased the 25-unit park in January 2019. At the time of purchase, the park was supported by private septic systems that were at the end of their useful life. Due to the space constraints and topography of the park, the park desired to connect to the municipal sewer system.

The gravity and force mains have been installed and the base course of pavement was placed in October 2020. The pump station structures are installed and associated generators are also in-place.

Once the electrical is connected, the contractor will begin connecting each home to the new system. The service connections are expected to begin in December and be completed in Spring 2021, along with the final course of pavement and site restoration items.

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

- 25E. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Housing Community Development Block Grant Funds for improvement of properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services & Special

Projects. (Supplemental report and informational handout submitted.)

**Action:** Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a brief update. He indicated that Community Development Block Grants are available to municipalities through the NH Community Development Finance Authority (CDFA). Annually, up to \$500,000 is available for economic development projects, up to \$500,000 for public facility projects, up to \$500,000 for housing projects, and up to \$500,000 for emergency activities. Up to \$25,000 is available per planning study grant. All projects must directly benefit a majority of low- and moderate-income persons. An informational handout regarding all CDBG items being discussed tonight was included in the City Council Packet for Items 25D, E, F, G, and H.

Mr. Walsh indicated that this is a proposed application to the NH Community Development Finance Authority for up to \$500,000 in 2021 Community Development Block Grant Housing and/or Public Facility funds to support rehabilitation and renovation of residential properties located at 111 Pleasant Street and 4-6 Fayette Streets, Concord, which are operated by Riverbend Community Mental Health.

The property at 111 Pleasant Street houses 15 individuals with chronic mental illness, and the property at 4-6 Fayette Street houses 9 individuals with chronic mental illness.

All residents are low income.

Proposed improvements include, but are not limited to, remodeling client rooms, window replacement, and renovation of kitchens and common areas.

CDFA has made a recent decision to adjust their calendar year to mirror USHUD's July-June fiscal year calendar, which has caused what would have been the first round of 2021 HUD funds to now result in a third round of 2020 HUD funds, so this request is from the 2020/2021 CDBG funding.

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

- 25F. Resolution readopting the City's Anti-displacement and Relocation Policy Statement and Procedures in support of the City's Housing Community Development Block Grant application to the New Hampshire Community Development Finance Authority to support improvements to properties owned by

Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report, informational handout and revised resolution submitted.)

**Action:** Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a brief update. The Residential Anti-displacement and Relocation Assistance Plan concerns rehabilitation and renovation of residential properties located at 111 Pleasant Street and 4-6 Fayette Streets, Concord, which are operated by Riverbend Community Mental Health.

Temporary relocations necessitated by renovations shall be accomplished by using available space within the affected buildings, or other spaces available at other Riverbend properties, or to any other location / facility deemed appropriate by Riverbend and the City. Riverbend will pay all relocation expenses.

Mr. Walsh indicated that a revised resolution was included in the City Council packet regarding this item, asking that City Council approve the substitute resolution.

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

- 25G. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000, and to accept and appropriate grant proceeds of up to \$500,000 in Public Facilities Community Development Block Grant Funds for improvement of properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Supplemental report and informational handout submitted.)

**Action:** Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a brief update. Mr. Walsh indicated that this is a proposed application to the NH Community Development Finance Authority (CDFA) for up to \$500,000 in 2021 Community Development Block Grant Public Facilities and/or Housing funds to support rehabilitation and renovation of properties located at 40 Pleasant Street, 42 Pleasant Street, and 10 West Street, Concord, which are operated by Riverbend Community Mental Health.

The property at 40 Pleasant Street houses Riverbend's Emergency Services programs, which include the Mobile Crisis Team and associated apartments, the walk-in Behavioral Health Crisis Treatment Center, Emergency Services staff, and The Doorway walk in service program.

The property at 42 Pleasant Street houses the offices for Choices, a treatment program for adults with substance use disorder; The Doorway; a member of the state's Hub and Spoke program; Merrimack County Drug Court treatment program; medication assisted therapy (MAT) services; and a urinalysis laboratory.

The property at 10 West Street provides services for the chronically mentally ill at Riverbend's community support program, where therapy, support, employment, and medical services are offered.

The majority of the clients receiving care at Riverbend are of low or moderate income.

The proposed improvements include, but are not limited to, sprinkler system repairs, installation of security cameras, flooring replacement, remodeling offices and common areas, repair / replacement of HVAC systems, and window replacement.

There has been an increase in the demand for Riverbend's services due to the COVID pandemic.

CDFA has made a recent decision to adjust their calendar year to mirror HUD's July-June fiscal year calendar, which has caused what would have been the first round of 2021 HUD funds to now result in a third round of 2020 HUD funds, so this request is from the 2020/2021 CDBG funding.

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

Bouley closed the public hearing.

- 25H. Resolution readopting the City's Anti-displacement and Relocation Policy Statement and Procedures in support of the City's Public Facilities Community Development Block Grant Application to the New Hampshire Community Development Finance Authority to support improvements to properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report, informational handout and revised resolution submitted.)

**Action:** Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, provided a brief update. Mr. Walsh indicated that the Residential Anti-displacement and Relocation Assistance Plan concerning rehabilitation and renovation of properties located at 40 Pleasant Street, 42 Pleasant Street, and 10 West Street, Concord, which are operated by Riverbend Community Mental Health; are out patient service facilities and no relocation is anticipated. However, in the event relocation becomes required, the attached plan would govern.

Mr. Walsh indicated that a revised resolution was included in the City Council packet regarding this item. He asked that City Council approve the substitute resolution.

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

- 25I. Resolution appropriating the sum of \$11,015 for the design of the new playground at White Park (CIP #51) and authorizing the sum of \$11,015 as a transfer in from the Recreation Reserve for this purpose; together with report from the Parks & Recreation Director.

**Action:** City Manager Tom Aspell provided a brief overview. The City has been working with the Friends of White Park, and that an RFQ was issued for the design of the new playground at White Park. The Friends of White Park agreed to donate \$10,000 for the design. The total cost was \$21,015. This request is to appropriate funds to cover the remaining playground design cost.

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

- 25J. Resolution repurposing the sum of \$116,064, to include \$72,600 from the Hall Street Wastewater Plant Elevator Upgrades subproject (CIP #104), and \$43,464

from the Penacook Wastewater Plant Lighting Upgrades subproject (CIP #466), to the Penacook Wastewater Plant Drain Valve Replacement subproject (CIP #466), and appropriating the sum of \$33,936 for the Penacook Wastewater Plant Drain Valve Replacement subproject (CIP #466), and authorizing the use of \$33,936 in Wastewater Investment Fee Reserve funds; together with report from the General Services Director.

**Action:** City Manager Tom Aspell provided a brief overview. It was reported in November that the Penacook Wastewater Plant experienced failure of two 24-inch drain valves that required drain valve replacements on an emergency basis. The total expense for the account was \$150,000. This resolution is to repurpose funds to satisfy the total replacement project amount needed.

Councilor Pierce asked if the funds being transferred were coming from project work that could be deferred.

City Manager Aspell confirmed that the funds were from projects that had already been completed.

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

- 25K. Resolution appropriating the sum of \$30,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, as administered by the New Hampshire Department of Transportation, Bureau of Aeronautics, and accepting the sum of \$30,000 for operations and maintenance of the Concord Municipal Airport; together with report from the Deputy City Manager - Development.

**Action:** City Manager Tom Aspell provided a brief overview stating that the City of Concord was eligible to receive Cares Act funding for the Concord Municipal Airport to assist with expenses incurred since January 2020. There is no match requirement.

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

### **Public Hearing Action**

26. 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, Assistant City Prosecutor/Solicitor position; together with report from the City Solicitor.

**Action:** Councilor Bouchard moved approval. The motion was duly seconded by Councilor Fennessy 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

27. Resolution appropriating the sum of \$718,000 for the replacement of existing outdoor lighting fixtures with light emitting diode (LED) fixtures (CIP #628), accepting the sum of \$325,000 in incentive funding from Unitol's Energy Efficiency Program, authorizing the sum of \$393,000 as on-bill financing for the remaining balance, and authorizing the City Manager to enter into a long term agreement with Unitol for this project; together with report from the Deputy City Manager - Finance.

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

Councilor Werner commended City staff for coordinating these efforts and encouraged the Public Information Officer to promote this so that the citizens of Concord get an appreciation for the significance of the project and what the benefits are. He expressed his excitement to see this approved.

Mayor Bouley also shared his excitement for this project and thanked everyone for a job well done.

**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

28. Resolution appropriating the sum of \$49,000 for the acquisition of conservation land as recommended by the Conservation Commission, authorizing the use of \$49,000 in Conservation Trust funds for this purpose, and authorizing the acquisition of land south of and adjacent to the discontinued portion of District No. 5 Road; together with report from the Assistant City Planner on behalf of the Conservation Commission.



**Action:** Councilor Bouchard moved approval of the resolution amending the appropriation amount from \$49,000 to \$49,900. The motion was duly seconded by Councilor Kretovic 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

29. Public hearing for the purpose of discussing a progress report regarding Community Development Block Grant Funds secured by the City in 2019 for infrastructure improvements at the Top of the Hill Manufactured Housing Park Cooperative located at 190 Manchester Street, Concord. (Supplemental report and informational handout submitted.)

**Action:** Councilor Bouchard moved approval. The motion was duly seconded by Councilor Champlin 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 authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Housing Community Development Block Grant Funds for improvement of properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Supplemental report and informational handout submitted.)

**Action:** Councilor Rice Hawkins moved approval. The motion was duly seconded by Councilor Grady Sexton 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 readopting the City's Anti-displacement and Relocation Policy Statement and Procedures in support of the City's Housing Community

Development Block Grant application to the New Hampshire Community Development Finance Authority to support improvements to properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report, informational handout and revised resolution submitted.)

**Action:** Councilor Bouchard moved approval of the revised resolution. The motion was duly seconded by Councilor Grady Sexton 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

32. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000, and to accept and appropriate grant proceeds of up to \$500,000 in Public Facilities Community Development Block Grant Funds for improvement of properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Supplemental report and informational handout submitted.)

**Action:** Councilor Bouchard moved approval. The motion was duly seconded by Councilor Pierce 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

33. Resolution readopting the City's Anti-displacement and Relocation Policy Statement and Procedures in support of the City's Public Facilities Community Development Block Grant Application to the New Hampshire Community Development Finance Authority to support improvements to properties owned by Riverbend Community Mental Health, Inc.; together with report from the Director of Redevelopment, Downtown Services and Special Projects. (Supplemental report, informational handout and revised resolution submitted.)

**Action:** Councilor Bouchard moved approval of the revised resolution. The motion was duly seconded by Councilor Kretovic 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 \$11,015 for the design of the new playground at White Park (CIP #51) and authorizing the sum of \$11,015 as a transfer in from the Recreation Reserve for this purpose; together with report from the Parks & Recreation Director.

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

Councilor Hatfield thanked City staff and volunteers who have been working on this project and expressed her excitement to make the park more accessible to children of all abilities.

**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 repurposing the sum of \$116,064, to include \$72,600 from the Hall Street Wastewater Plant Elevator Upgrades subproject (CIP #104), and \$43,464 from the Penacook Wastewater Plant Lighting Upgrades subproject (CIP #466), to the Penacook Wastewater Plant Drain Valve Replacement subproject (CIP #466), and appropriating the sum of \$33,936 for the Penacook Wastewater Plant Drain Valve Replacement subproject (CIP #466), and authorizing the use of \$33,936 in Wastewater Investment Fee Reserve funds; together with report from the General Services Director.

**Action:** Councilor Hatfield moved approval. The motion was duly seconded by Councilor Bouchard 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 \$30,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, as administered by the New Hampshire Department of Transportation, Bureau of Aeronautics, and accepting the sum of \$30,000 for operations and maintenance of the Concord Municipal Airport; together with report from the Deputy City Manager - Development.

**Action:** Councilor Bouchard moved approval. The motion was duly seconded by Councilor Pierce 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:** Mayor Bouley spoke relative to the City's mask ordinance, reminding Council members that it had expired, and noting that the Governor's statewide mask mandate covers the City until March. He suggested City Council extend their ordinance through June 1st.

Councilor Hatfield moved approval to extend the mask ordinance through June 1st. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Councilor Fennessy asked how the ordinance should be applied to people who have received the vaccine.

Mayor Bouley thought the question was valid, but said it should be directed more toward a public health expert. It was noted that Council could amend the ordinance, as needed, prior to June, as more information and guidance is made available. Public Health officials are still advising people to wear masks even if they had COVID-19 previously.

City Councilors reminded the public to properly wear masks covering both the mouth and nose.

Councilor Champlin agreed with Councilor Fennessy's question, but noted that in all his research, it was still suggested that wearing masks properly over the mouth and nose helped prevent the spread of the virus. He also noted that since the vaccine's effectiveness is still unknown, he supported the continued mask mandate.

**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

### **Unfinished Business**

**Action:** Councilor Grady Sexton moved to take this ordinance off the table for continued discussions on keeping chickens as pets. 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

37. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards; Section 28-5-50, Keeping of Chickens as Pets Accessory to a Residential Use; together with a report from the City Planner. (Ordinance referred to the Public Safety Advisory Board at the October 15, 2019 City Council meeting.) (Petition supporting reducing current property line buffers to 15' or less, allowing more residents to keep chickens as pets; together with communications in support of the petition submitted.) (Report from the Public Safety Advisory Board together with public testimony submitted January 2021.) (Communication from Francesca Brown received.)

**Action:** Councilor Grady Sexton moved to accept the Public Safety Advisory Board's December 15th report against changing any City ordinances surrounding having backyard chickens. The motion was duly seconded by Councilor Kenison.

Councilor Pierce noted that he was voting against the Committee's recommendation. He stated that he was a member of the Planning Board and the majority voted to put a five-foot set back in with a 5:2 vote. He also noted that he's a member on the Public Safety Advisory Board and voted in the minority of an 8:3 vote. He also worked on the sub-committee. He noted having a number of questions, but agreed that the five-foot buffer is too close. He asked Council to vote down this motion so he could make an amendment to make the buffer 15 feet.

Mayor Bouley reminded Council of the memo from Francesca Brown along with all other attached packet materials.

Council Werner extended his appreciation for the amount of work carried out and noted that this is not about squelching the idea of having chickens, but that it's important to keep in mind the very densely populated areas and when it becomes an unreasonable request accommodation with the small amount of space available. He pointed out that there has to be a balance because the small space would affect neighbors. Although intrigued by Councilor Pierce's motion, he endorsed the recommendations made by the Committee.

Councilor Hatfield agreed that the original recommendation of five feet was too close, but noted that other people may be doing more offensive things within five feet than having chickens. She liked the idea of compromising by coming down from 30 feet to 15 feet to meet in the middle, so more people in her Ward could have chickens that otherwise couldn't. She did note that the ordinance could be amended and changed as needed and fully supported all other ordinance aspects and language.

Councilor Grady Sexton noted that she helped draft and pass the original ordinance and stated that the only cases where it hasn't worked are in cases where the ordinance was violated. She emphasized that this case stemmed from one neighbor violating the ordinance, which led to very extensive discord within their neighborhood. She stated that by making this compromise, it would be validating what happened in that neighborhood and would fully expect this to continue in that neighborhood and many others downtown and in heavily populated areas. She stated that one of Councilor Pierce's points in the Committee was to compare

chickens to dogs, which she said were very different. Dogs are heavily regulated, where chickens are not. She noted that the CDC's most recent report issued noted 1,700 cases of salmonella cases linked to backyard chickens. She added that all 50 states had cases and 30% of the cases were hospitalized. She added that not having proper space to allow chickens to safely roam would lead to increased noises, smells, diseases, and unhealthy chickens. She thought it would be reckless to seek a compromise in this case to reduce the buffer while not considering safety and additional regulations needed.

Councilor Kretovic agreed to support the Committee's recommendation as is. She said that the 30-foot buffer is working well in Ward 3. She expressed that her greatest concern was that if the ordinance was to be revised today, it would go against her fundamental belief that everything associated with chickens should be closer to your own house rather than to your neighbor's. She noted that in the one instance that Councilor Grady Sexton brought up, the hen house proposed was closer to the neighbor's house than their own.

Councilor Fennessy thanked Francesca Brown for getting involved and learning a great lesson on how local government works. He appreciated her bringing it forward.

Councilor Rice Hawkins noted that she felt it would be important to seek a compromise to validate the petition for residents who want chickens. She agreed that five feet is too close and 15-20 feet would be better. She encouraged that some resolution be made at this meeting, and agreed to amend it to include language that states the coop structure would have to be closer to your house than your neighbor's.

Councilor Kenison asked to speak on behalf of the chickens, noting that it is extremely unhealthy and unwise to house chickens in such small areas leading to diseases amongst the chickens. She stated she would support the motion as is.

There being no further Council discussion, the motion to approve the Public Safety Advisory report passed with a roll call vote, 11-4.

**Yes:** 11 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Todd, and Councilor Werner



**No:** 4 - Councilor Fennessy, Councilor Hatfield, Councilor Pierce, and Councilor Rice Hawkins

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

Councilor Grady Sexton echoed the comments of Councilor Fennessy for Francesca Brown. She appreciated all of her hard work and noted that if she wanted to sit on City Council, or go beyond one day, she would be very successful. Francesca did an amazing job of advocating and sent her congratulations.

Councilor Champlin wanted to also congratulate and extend his appreciation for Francesca. He said they had a nice conversation one day talking about boundaries and respect, and the hard decision City Council has to balance competing concerns. He agreed that Franny did an amazing job marshalling her arguments and presenting them in a persuasive way with passion and conviction. He joked that she would be running for his at-large seat in a few years.

Councilor Champlin also spoke on the more somber events that took place on Wednesday in Washington. He said the most potent comment he heard came from an interviewed French citizen that said Americans treat their constitution like a basketball, but it's more like a Fabergé egg. He noted that our government and rule of law is more fragile than many have assumed and those events point out how those rights need to be protected.

Councilor Champlin asked to mark the recent passing of Rosemary Heard, who passed on December 28th. He spoke on some of her legacy in the Downtown housing changes and noted that her impacts on the City of Concord are far reaching. He said she was a remarkable woman and was his friend and hoped that the City could move forward in her absence to continue her work.

Councilor Pierce thanked Councilor Champlin for his great tribute to Rosemary. He stated his strong condemnation for the actions that took place in Washington on January 6th, when the US Capitol building was stormed by terrorists, resulting in extensive damage to that great building and the loss of life of five individuals. He noted that the actions were horrendous and symptomatic of a deep political divide in the country. He urged the new president, and all state and national political leaders, to focus on bringing the country to a place where we can disagree without being disagreeable, but always doing it in the best interest for the people of the United States.

Councilor Matson noted that she was also saddened by the event's destruction and loss of life, and attempts to disrupt the electoral voting process. She stated that depersonalization and generalization of political sides allows people to rationalize destructive behavior, and that negativity and hate, when shared, fuel the increased divisions and result in destruction on many levels. She emphasized that violence is never the way to address our differences. She acknowledged that we all know friends, family, and neighbors who are on both sides of this issue, and asked the public to search within themselves to find some commonalities they share with these people and with others and work to end violence and work toward a common good.

Councilor Kretovic commented that while attending this meeting, her phone was blowing up with messages from the FBI with regards to threats against all 50 state Capitols in the coming days as we inch closer to the inauguration of a new president. She acknowledged that the FBI is saying some of these threats are not credible, but hopes that the City of Concord, as the Capitol city for 212 years, would have civil discourse in our community and state because that is the New Hampshire way. She stated that we may live free or die, but we do respect each other. She noted that we are a small community, we are a small state, we're like a small town, we know each other, we live and breath this air together, and thinks we can all get along. She also expressed her hopes that the reported threats on the Capitol do not happen or interfere with Council's commitment to community.

Councilor Kenison said it's difficult to find the words to describe how she felt when the Capitol building was stormed and the frightening events. She noted that she couldn't imagine what it was like for all those legislators to know that there were armed people wanting to harm them. She commented that she doesn't think this is over and, in the strongest terms, urged Council to vote to condemn this atrocity.

Councilor Hatfield wanted to also add her voice to strongly condemn the events that happened at the Capitol. She said that it relates to some of the work that was promised by Council to be done revolving around white supremacy and systematic racism, and hopes to see follow through on that commitment. She emphasized that asking people to get along does not accurately face what is going on in the country and hopes that we, with humility, are willing to reflect on ourselves and on the role of privilege that puts us in a different place because of the color of our skin. She stated that we need to name that and continue with the work that Council started

this summer to make sure that, in Concord, it is made clear that Council is willing to listen to people, wants people to get along, but understands that it's not that simple because of the divisive issues built up in this country. She stated that it's going to take a lot of work to ensure the folks committing these crimes are punished and that freedom and justice win.

Councilor Grady Sexton stated that what happened at the Capitol was shocking but, in many ways, it shouldn't have been unexpected. She expressed that the hatred that is in so many hearts being directed at people of color, women, LGBTQ friends, and the media is absolutely un-American, and what happened was treasonous. She noted that those actions have strengthened her resolve to end violence and bigotry in this community and beyond, and that violent and hateful people will not win.

Councilor Bouchard commented that she was shocked while watching the insurrection and attempted takeover of government and the intent to harm elected officials, but didn't see it as unexpected. She expressed the need to stand up and say no to fascism. She noted that we all need to start coming to a place where we all start off with the same facts. She commented that this is heart breaking and we need to listen to each other, but we also need to accept the fact that we don't want to be true, when they are. She noted that people need to accept those facts and work within the system to change those policies that are upsetting. She acknowledged that there are social and justice problems with poverty and violence, and declared that it's time to say no to those speaking a fascist language and acting in violent ways.

Councilor Fennessy echoed the sentiments already expressed, but commented that he was mostly angry because he felt that our leader at the top has been lying to people for years. He noted that we need to figure out a way to at least agree on a common set of facts. He acknowledged that unfortunately so many people are operating in a media bubble and don't know truth from fiction. He had no solution, but stated that sometimes just identifying the problem is the first step. He stated that Council needs to pay attention to the events over the next week and be prepared to provide support to law enforcement and leaders to prevent acts of violence in the City.

Councilor Werner noted that although it's a difficult time for our country, he believes Democracy and accountability will prevail. He stated that we can't lose sight of the fact that this has been a willful set of circumstances for many years

with political leaders lying for their own perceived benefits. He noted that we can't separate what happened last week from our own original sin, going on 400 years, on how African Americans were treated for many centuries. He believes an element of white supremacy led to that attack on the Capitol, and it needs to be acknowledged that this wasn't one off event, as there are people intent on doing this. He recommended the book *Caste* by Isabel Wilkerson.

Councilor Todd expressed his appreciation for all the words spoken tonight, and also condemned the act of January 6th. He noted his belief that the selfishness and racism that exists in the country have come to the surface and that's what needed to happen, so we can admit it and commit to change to improve it. He stated his belief that we're all in this together and believes that government is not the enemy, but is the solution and salvation, which is why he's honored to serve in local government. Differences are strengths and we can learn a lot from people and things that are different. He concluded with his hope that all upcoming local demonstrations are peaceful and stated that it is more of an expectation and a demand, that's the New Hampshire way.

Councilor Rice Hawkins extended her appreciation for what her colleagues mentioned, and also condemned what happened in D.C. stating that the violent insurrection and attempted coup on the nation was unacceptable. She discouraged any true American patriot from participating in any political State House protests and rallies being planned, as the elections have been settled on all levels. She cited the quote from Martin Luther King Jr. "True peace is not merely the absence of tension, it is the presence of justice," commenting that it is true, the Justice system is upholding our nation's constitution and laws equally. She expressed her appreciation for City Council's statement made over the summer to take a strong stand against the legacy of racism and white supremacy, and asks that Council formalize some of the next steps.

Mayor Bouley thanked everyone for sharing their personal thoughts and opinions. He acknowledged his own struggle with his feelings of deep anger and sadness over the violence and hatred in the attack on Democracy, but was also grateful that the elected officials and staff were able to get to safety. He noted that a take away is that our country needs healing and rebuilding now more than ever. He expressed his pride in seeing that, despite the day's terror and fear, the elected officials upheld their commitment to democracy to carry out the people's work. He stated that as an elected official, it is his greatest honor to serve the people he represents, and expressed his gratefulness to all elected officials, as well as City Council

members, for their continued public service. He noted that the level of response did not go unnoticed, as the events that happened on Wednesday were far different than what occurred during the summer during Black Lives Matter, and that we need to look in our hearts to acknowledge why that happened. He stated that Council would not simply respond or do something to check a box or to make themselves feel good, that the response would be to get the ball rolling to actually make a difference. He stated that he's been in contact with other Mayors around the state to see how they're responding, and noted that Concord has been internally reviewing policies, and doing a lot of internal work, and would soon be reaching out to the community to start fulfilling their obligations and to make the community a role model moving forward. He also emphasized his disgust for what's being planned over the next week and wanted to ensure the Concord community that all levels of government and public safety have been working together to keep everyone safe. He stated that if anyone does show up, then they are not a true patriot, they are part of the insurrection. Everything is being taken seriously and Concord will not tolerate that behavior.

Mayor Bouley also spoke on his sadness over losing Rosemary, who represented so many good things. She uplifted the community and State and was an incredible role model that he greatly admired. He stated that he is proud to live in a community with people like Rosemary and although sad, has great hope for the future.

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

City Manager Aspell built on what the Mayor said regarding the planned armed protests of state buildings and Capitols, stating his belief that the threats are real and credible and that the City is working with the FBI, Homeland Security and members of law enforcement to prepare for whatever may happen. He stated that if you do show up, you are a domestic terrorist.

**Action:** Councilor Grady Sexton moved to suspend the rules to take up Suspense Item 1. The motion was duly seconded by Councilor Champlin 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

**Consideration of Suspense Items**

Sus1 Gas Holder Building Committee Findings and Recommendation; together with a report from Councilor Champlin.

**Action:** Mayor Bouley extended a heartfelt thank you to Councilor Champlin for Chairing the Committee; and Councilor Kenison, Councilor Kretovic, Councilor Todd, and Councilor Werner, who also participated on this Committee, as well as members of the public who participated.

Councilor Champlin extended his thanks to Council members on the Committee, as well as the public members of the auxiliary group: Ben Wilson (Division of Historic Resources), Tim Sink (President of the Chamber of Commerce), Bill Norton (Norton Asset Management), John Chorlian a local developer, Elizabeth Hengen (Preservation consultant), and Frank Lemay (Milestone Engineering).

He noted that the recommendation and the report from the Committee does not represent crossing the finish line; it's a passing of the baton. The Committee worked with speed knowing that the historic Gas Holder, built in 1888, was in imminent danger of being torn down. The work of the Committee has led to the owner of the Gas Holder property, Liberty Utilities, extending the deadline of demolition to March 1st. The Committee recommends to accept the report presented and to direct staff to move forward on discussions with Liberty Utilities and other stakeholders as part of the plan's "Immediate Action Phase," with the goal of entering into a Memorandum of Understanding with Liberty Utilities to accomplish the subsequent preservation in the "Opportunity Bridge Phase." Under the "Opportunity Bridge Phase," we would be moving forward with a new ownership model and an owner manager where we could start to raise more funding to get into the final "Restoration and Redevelopment" phase.

News reported that an Angel donor, outside of Concord, has pledged \$500,000 as a catalyst to inspire the City, Liberty Utilities and others to move the ball forward and save this historic structure. The report outlines some of the value of the Gas Holder to the community and State and as an icon of the industrial age gone by, and one of a kind in the country.

Councilor Fennessy thanked Councilor Champlin, members of the Committee, and members of the public for completing the work and in a short time period. He asked if the Committee had any analysis done on the potential liability of the site contamination.

Councilor Champlin confirmed that no analysis was done, but noted that City staff member Matt Walsh did ask Liberty Utilities representative Huck Montgomery to receive legal documents in order to support their assertions that they own any toxic

waste on the site and the responsibility for that perpetuity.

Councilor Champlin confirmed it had not been done and noted that it would need to be addressed through continued conversations and the terms would be agreed upon in the Memorandum of Understanding with Liberty Utilities. He also noted that any agreement would come back to Council for approval.

Councilor Fennessy also asked if Council accepted the report if they were committing to the three phased approach presented or just the first phase?

Councilor Champlin confirmed that Council would be trying to commit to moving forward with all three phases. He noted that the first phase would definitely be committed to with the intention that the first phase was laying the groundwork for the next phase. He stated that by Council adopting the report, it did not commit them to anything other than engaging in trying to find a solution.

Councilor Keach thanked Councilor Champlin for his work on the Committee and noted his observation that there is an opportunity for the utility to make more of a contribution. He spoke to when Concord Steam shut down and how a lot of money went toward that and doesn't understand whether the PUC is willing to cough up some more money or not and feels that this should be explored further.

Councilor Champlin confirmed that this topic was discussed at the Committee meetings.

Councilor Kretovic responded that Councilor Fennessy and Councilor Keach were asking very targeted questions that were discussed in the Committee meeting. She noted that Liberty Utilities made it very clear that they hope that this building can be saved, and also countered that with a hope that they would have no liability going forward. She said they made it very clear that the lowest cost option is what they would present to the PUC. So, if the lowest cost option is something that they will present, it's going to be passed on to rate payers, there will be no participation from Liberty Utilities or that Corporation. She reiterated that they made it clear that this is not a lingering proposition and they wanted to file to demolish that building this week and it is by courtesy that they are continuing that until the beginning of March. They also stated that they want no liability to this building going forward in the future. The flip side was that it's on the people, not the Corporation, to save or lose it. It's not yet clear if Liberty Utilities wants to enter into a Memorandum of Understanding with us, but this is the best opportunity to save this building. She noted her belief that this is a building worth saving so losing it is not a regret in the



future.

Councilor Kenison reiterated that Liberty Utilities does retain spot responsibility and perpetuity for any mitigation of environmental issues, but noted that this verbal guarantee was still needed in writing.

Councilor Fennessy responded to Councilor Kretovic's comments on Liberty Utilities' desire to demolish the building. He noted that it was his understanding that it was a cap for some of the contamination that exists. He asked if Liberty were to demolish the building, wouldn't they have additional costs associated with creating a new cap and or the remediating of the site? He noted that any effort to maintain the building would be to their benefit.

Councilor Champlin confirmed and noted that the NH Department of Environmental Services has stated that the building, intact, acts as a cap to any waste beneath it, and that if it were torn down, Liberty Utilities would likely require additional testing and additional expensive mitigation procedures in order to cap the site. He stated that it's distressing that the building is in its current state of repair when it's supposed to be a cap to hazardous and toxic waste. Experts have told the Committee that the removal of the building might exceed the anticipated costs of repair. Liberty has stated that any cost born by them would be submitted for reimbursement from the PUC, but if they tore it down then the same rate payers would be paying much more.

Councilor Fennessy asked if the Committee explored what efforts, if any, had been taken by Liberty to maintain the building since they took ownership?

Councilor Champlin stated no, that was not part of their charge.

Councilor Hatfield thanked the Committee and commented that she was blown away by the fact that an anonymous donor wanted to participate at that level, and was hopeful that other people may want to contribute to preserve historic resources. She also acknowledged that rate payers are on the hook no matter what happens to that site and hopes that some of the capping funds could be used for restoration, but is in support of the Committee's recommendation and hopes creative solutions are identified to reduce the City's associated costs.

Councilor Todd stated his support to accept the report, thanked Councilor Champlin for his leadership on the Committee, and the NH Preservation Alliance for their invaluable assistance. He noted that although we don't have all the answers

yet, the report does show enthusiasm and support to proceed.

Councilor Pierce confirmed the great job done by the Committee and stated that it is a complicated project. He asked Councilor Hatfield for her perspective from her former role as a Consumer Advocate, since Liberty Utilities would treat these associated costs as a pass through to consumers statewide, would this also happen to Concord residents if they wanted to do this for any other structure elsewhere?

Councilor Hatfield stated that there are in fact several contamination sites, statewide, that rate payers are contributing to. She added that environmental surcharges are built into their prices for these costs, so yes, all rate payers would be paying. Her hope is that PUC staff would be open minded with future funding.

Councilor Pierce noted his support.

Councilor Fennessy asked what the City attorney says about the remediation costs and responsibility if demolished. He commented that the pass-through cost to rate payers was a much wider universe than to the tax payers in Concord.

Jim Kennedy, the City Solicitor, stated that he had been in brief conversation with Liberty Utilities' in house counsel, Mike Shean, and noted that the concept of remediation of the site in general was discussed. He stated that his understanding is that a set amount would be available for Liberty to use, based on their plan, and that they were willing to contribute what they'd contribute to raze the building and cap it. He noted that the amount may or may not be authorized by the PUC, so everything is exploratory at this time. He noted that he thought rate payers would not be on the hook, but everything should be explored in the best interest of the City. He also commented that the building is beautiful and unique and it would be nice if it could be saved. He concluded that at this juncture, there are many unanswered questions that still need answers before proceeding.

Councilor Champlin moved to accept the report. 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:** At 9:52 p.m., Mayor Bouley recognized Councilor Pierce, who moved to seal the minutes from the non-public session held earlier this evening. The motion was duly seconded by Councilor Grady Sexton and passed 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

### **Adjournment**

**Action:** At 9:53 p.m., Councilor Champlin 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 November 18, 2020 Community Development Advisory Committee (CDAC) Draft Meeting Minutes.

Inf2 December 14, 2020 Gas Holder House Committee Draft Meeting Minutes.

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

Inf3 December 15, 2020 Utility Appeals Board Draft Meeting Minutes.

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

Inf4 December 21, 2020 Fiscal Policy Advisory Committee Draft Meeting Minutes.

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

Inf5 Letter from City Administration to the NH Public Utilities Commission re: Preservation of the Gas Holder Building.

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

Inf6 Communications from Comcast notifying City Council of upcoming changes in service.

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

Inf7 January 8, 2020 Gas Holder Committee Draft Meeting Minutes.

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

Inf8 Communication from Douglas Tillotson regarding the Gas Holder Building.

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