



# City of Concord

## City Council

### Meeting Minutes

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Monday, June 24, 2019

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  
Managers evaluation to be held at 5:30 p.m.***

Present: Councilor Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Hatfield, Herschlag, Keach, Kretovic, Matson, Nyhan, Rice Hawkins, and Todd were present. Councilors Kenison and Werner were absent and excused.

Mayor Bouley called the meeting to order.

At 5:30 p.m. Councilor Nyhan moved to enter non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Managers evaluation, more specifically his contract for the new fiscal year beginning, July 1, 2019. The motion was duly seconded and passed with no dissenting votes.

At 6:33 p.m. Councilor Nyhan moved to exit non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Bouchard moved to seal the minutes. The motion was duly seconded and passed unanimously.

There being no additional business, Councilor Bouchard moved to adjourn the non-public session.

1. Call to Order.

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

2. Pledge of Allegiance.
3. Roll Call.

**Present:** 13 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Zandra Rice Hawkins, and Councilor Brent Todd

**Excused:** 2 - Councilor Linda Kenison, and Councilor Robert Werner

4. Agenda overview by the Mayor.
5. City Council action relative to the City Manager's evaluation, in accordance with Section 21(b) of the City Charter.

**Action:** Councilor Nyhan moved to approve the City Manager's contract. The motion was duly seconded.

Mayor Bouley provided a review indicating that it reflects a three percent cost of living adjustment to the base salary of the Manager's evaluation with no other changes in the financial pieces. Changes were made to sections within previous contracts and have been all rolled into one so that its more reflective and transparent of exactly what the costs are in the contract.

Mayor Bouley thanked the City Manager for another successful year. He believes this contract reflects his performance and is grateful for the things he does as the City Manager. He feels that under Mr. Apell's leadership, he continues to provide high quality employees to deliver services to their constituents and members of this community. He feels that this contract is reflective of where they need to be or should be within the market. He indicated that there has been an interesting discussion about how to move forward in the process they use; he'll be looking at the Council to work with the City Manager moving forward and how to best address future contracts.

Councilor Kretovic thanked Mr. Aspell for an excellent job that she feels he personally did this year in particular to the city budget. This year, with the number of facilities that they have seen starting to decline, he was able to lay this out in the budget to have Council determine what their long term plans are. Along with this he balanced that with the needs of the community that continue to say they want their roads paved. She heard from a number of people how much they appreciate that the City Manager was listening to them, that the city staff was listening to them, and the city, as a whole, is listening to the community. She noted that this is ten fold of what they are supposed to do when they are operating their government: to be

transparent, listen to their residents, and to follow through with what they are requesting with at least a response.

Councilor Herschlag's opinion is that the City Manager performs his job very well. While the city charter only allows them to determine if he has performed satisfactorily or unsatisfactorily, he would suggest that his work for their city is very good. It is the City Council that determines the priorities for the city and it is the City Manager who is charged with the follow through. They are fortunate that they have a City Manager who is willing to share his ideas with them; there are many instances when the City Manager has provided insights that allow them to move forward in a manner that best reflects the needs of the community and that uses their resources more effectively. The projects the public sees being undertaken by the administration are projects the City Council approves; their City Manager should be evaluated by how these projects are accomplished. He noted that if there is an issue with why a project was undertaken, it is reflective of decisions made by the City Council; the City Manager's assessment is reflective of how he follows through on city council approved goals, priorities and projects.

Councilor Herschlag noted that, however, unlike every other position in the city they have no guidelines or guidance as to what the City Manager's salary and benefits package should be - all other positions have a defined wage scale and defined benefits. Over his tenure as a City Councilor, he has hoped and expected that this issue would be addressed. His other concern has to do with keeping the public informed: their right to know and have an opportunity to comment on issues they vote on and issues they spend their money on. They have a process for voting on the City Manager's contract that the City Council has had in place for at least as long as he has been a councilor. The public has no opportunity to review or comment on the City Manager's contract before they vote on it. He feels that there is nothing preventing them from agreeing to a contract with the City Manager, providing the public with an opportunity to review the contract and then allowing public comment. While he finds little to criticize their manager's performance, he is in a position where it is difficult for him to approve his contract. He noted, to be clear, it is not attributable to anything the City Manager has or hasn't done, nor is it a reflection of how he performs his job. His concerns are based solely on actions the City Council has not taken. He believes it is well past the time when this council should have acted. By not voting to approve this contract it would be his goal to have the City Council address the issues he has stated. At the same time, by not voting for the contract it sends a negative message to the manager and, regardless of his explanation, there are those who will assume his vote implies concern with

his performance, although that is not his intent. Reluctantly, he will vote to approve the contract with the clear understanding that if they, the City Council, do not address the concerns he has stated, that regardless of the City Manager's performance, he will not support future contracts.

Councilor Nyhan pointed out that the Mayor has indicated that they will be addressing this.

Mayor Bouley noted that not any one of them has the answers; if any of them sees something that they want changed, he encouraged them to bring forth changes that they would like to see.

Councilor Champlin indicated that he will be voting in favor of the motion and extended his appreciation to the City Manager. He feels that the City Manager has performed extremely well and deserves the compensation package that they will be voting on this evening. He feels that they are fortunate to have his abilities and to have his focus on implementing the policies that have been established by this Council in an effective, efficient and cost effective manner.

The motion to approve the contract passed with no dissenting votes.

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

Councilor Herschlag indicated that Lewis Farm is once again planning a couple of concerts this year: one in August and one in September. He hopes there will not be any of the issues that occurred last year in regards to a misunderstanding as to what or wasn't allowed.

Councilor Herschlag indicated that he was on Main Street at 9:00 p.m. this past Saturday near the Concord Theater. He noted that the marquee changed approximately every fifteen seconds. He spoke to Code and it is his understanding that this does not meet the agreement for the frequency of sign changes. His understanding is that both Code and the City Solicitor will be looking at the agreement ensuring that the agreement is adhered to.

Councilor Herschlag noted that on Silk Farm Road, just past the area in which St. Paul's repaved, has another section which needs to be repaved - between where the paving ends and the locked gate is. He asked if staff could take a look at this section.

Councilor Todd announced that the Penacook Farmer's Market began on June

17th. The market will run every Monday from 4:00 p.m. to 6:30 p.m. through September 30th.

Councilor Todd indicated that Penacook Village Association's meeting will be held tomorrow at 6:00 p.m. at the Merrimack Valley High School library with Matt Walsh who will be speaking on tax increment finance districts.

Councilor Hatfield reminded people that there is a joint state/city public workshop on the I-93 project this Wednesday evening at 6:00 p.m. at the Department of Transportation.

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

### **Adjournment**

The time being 7:16 p.m., Councilor Rice Hawkins 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*