



City Council Meeting  
**Minutes**  
**June 18, 2012**  
City Council Chambers  
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present. Councilor McClure was excused.
3. Approval of the June 7, 2012 Finance Committee meeting minutes.

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

4. Agenda overview by the Mayor.

- *Consent Agenda Items* -

5. **June 18, 2012 Public Hearings**

- A. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2013 ending June 30, 2013. (5-22)

**Action:** There being no Council objection, the titles for public hearing items A through G were read together.

Mayor Bouley opened the public hearings for items A through G. There being no public testimony, the Mayor closed the hearings for A through G.

- B. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2013 ending June 30, 2013. (5-23) (*Not previously distributed*)

**Action:** Public hearing taken with item A.

- C. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning funds to their sources; and transferring, reappropriating or

otherwise making remaining balances available for future purposes; together with report from the Senior Accountant. (5-24)

**Action:** Public hearing taken with item A.

- D. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2013 (July 1, 2012 to June 30, 2013) hereby is authorizing and approving the expenditure of \$8,803,500 and authorizing the issuance of \$8,803,500 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1; together with report from Deputy City Manager – Finance. (5-25) (***Revised resolution and worksheet submitted***)

**Action:** Public hearing taken with item A.

- E. 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. (5-26)

**Action:** Public hearing taken with item A.

- F. 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, Sewer Rates. (5-27)

**Action:** Public hearing taken with item A.

- G. Resolution amending the Fiscal 2013 City of Concord budget and appropriating the sum of \$30,600 for New Hampshire Municipal Association Dues. (6-15)

**Action:** Public hearing taken with item A.

**June 18, 2012 Public Hearing Action**

6. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2013 ending June 30, 2013. (5-22)

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

7. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2013 ending June 30, 2013. (5-23) (***Not previously distributed***)

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

Councilor Bouchard indicated that the city is appropriating \$20,000 to Intown Concord and noted that she would like to move that they send it to EDAC for questions. She stated that her questions have to do with Intown Concord's Be Local program noting that it was her understanding with Be Local is that they would be supporting all the businesses in Concord but when she went onto the link, there were membership types and eligibility for Be Local. She explained that there are four types of eligibility that must be met: be located in the greater Concord area; be privately held but not publicly traded; have 50 percent or more of the business owners living in New Hampshire; and cannot be part of a national franchise. Councilor Bouchard indicated that she feels that these four things make it very difficult for businesses and would like to hold this \$20,000 and have it be reviewed by EDAC. She noted that she emailed Ms. Murdoch and asked whether Be Local Concord is staffed by Intown Concord or share staff and the response she received back was "Be Local is an initiative of Intown Concord and relies on Intown Concord staff and volunteers". She indicated that the city has major franchises along with independent and singly owned stores that the city has actively pursued and developed and she is concerned with appropriating taxpayer dollars for an organization that is basically asking people not to shop there. She stated that she supports shopping local and shopping Main Street but also supports the entire community of Concord, including Penacook, and feels that they should be supporting all the businesses. She moved to not allow the \$20,000 to be spent by Intown Concord until Council received an opinion from EDAC. The motion was duly seconded.

Councilor Coen indicated his question is do they or have they funded organizations that target particular parts of the city. He asked whether the same statement could be made about the Conservation Commission and purchasing rural property. He stated that the city does indeed focus in certain areas for a small group.

Councilor Bouchard stated that everyone benefits from conservation land. She indicated that this is specifically dealing with businesses and promoting certain businesses over other businesses. She stated that they should Be Local but that it should be very broad to include all the businesses in the city without discrimination. She added that she is not asking that Intown Concord not get the money but is just asking that it goes to EDAC to see if there is a better way to do this.

Referencing the Tannery site in Penacook, Councilor Coen indicated that what they have done in regards to economic development is target certain areas.

Councilor Bouchard noted that she believes economic development is different and what this program does is that it encourages people to shop at some businesses versus others. She clarified that she is not looking at changing the budget but just wants to slow it down before they can spend the money so that Council can receive some report from EDAC noting that she believes that this situation can be corrected. She noted her concern with seeing more empty box stores explaining that Main Street may be the heart but the entire city needs to be healthy and Concord has done really well because they have looked at the entire city and has kept all of the businesses as being in part of the whole.

Councilor Grady Sexton asked whether Councilor Bouchard is looking to ask EDAC to evaluate the effectiveness of the Be Local program or to see whether or not the funding should be segregated and not used for Be Local. Councilor Bouchard responded that her intent is that perhaps Be Local be separated out of Intown Concord.

Councilor Shurtleff stated that the city has put a lot of dollars into the Tannery site but that a lot of this was for the health hazards. He spoke of the merit of Councilor Bouchard's motion and noted his support.

Councilor Kretovic indicated that she has no concern with EDAC reviewing the request. She clarified that Be Local is part of a national movement for buy local and is defined by communities and, as far as she knows, Intown Concord has gone through that process. She stated that Bagel Works is a part of that program and that they are a New England company. She indicated that they had to define what their local was but feels that it warrants review for EDAC to see if it could have been more broad. She added that this was recommended to be funded through the economic development reserve fund which is not taxpayer dollars.

Councilor Bouchard noted that her concern is that it's not as broad as it could be and that the language needs to be worked on to be more inclusive.

Councilor St. Hilaire noted that he feels that Councilor Bouchard raises some interesting points that may deserve EDAC looking. He procedurally questioned whether Council would still be appropriating the funds and just encumbering the funds or would they not be appropriating the funds with the motion. Councilor Bouchard clarified that her motion would include appropriating the funds and not encumbering them.

Councilor Blanchard commended Councilor Bouchard for researching this and noted her support of the motion.

Councilor Werner noted that he feels that it's a question of resources and focus stating that there are various definitions of what is local in terms of distance, whether it is food, products, services or means of production. He stated that he feels that this deserves a focus because the city's local businesses, often times, are not on an equal playing field with national chains.

Councilor Bouchard stated that she has nothing against Be Local and may disagree and think that being local is supporting the entire community especially when the city and the tax base requires some of these bigger box stores to be part of the community. Her concern is that these four types of eligibility needs to be expanded and it is her hope that they not discriminate against any business that chooses to build, employ and do business in Concord.

Councilor Keach noted that he shares Councilor Bouchard's concerns. He noted that he personally owns a business and doesn't like big box retailers competing against him and

struggles with it every day but at the end of the day, the free market must exist in a free market way. He feels that it's important, as a Council, they let the free market operate in an infinite way and let the chips fall where they may. He stated that doesn't mean that they shouldn't support downtown but if in any way downtown Concord is carving out some sort of retail welfare effort, he shares the same concern.

Councilor Nyhan noted his agreement with Councilor Bouchard and stated that he has more questions now than before he came in this evening. He indicated that he would like to appropriate the dollars this evening but discuss the matter further.

Councilor Werner questioned whether the concerns are a general one in terms of Intown Concord or because this money being used from the city. Councilor Keach replied specifically to the city funds because beyond that is not Council's purview.

Mayor Bouley clarified that the \$20,000 is not being appropriated from general fund money and would be money coming out of the economic development reserve account. He indicated that EDAC is strictly an advisory committee and he would be more comfortable that, if they are talking about an appropriation of the city, that it goes to Administration with a report back to Council. He added that he feels that the primary concern is that Intown Concord has on its web a program that they have endorsed as an organization and that this program, Be Local, has some restrictions that exclude other businesses which also employs Concord residents, which also pay taxes, and are fine economic partners in the city.

Councilor Bouchard noted her support of downtown but added that she feels that if it has any connection with the city, the city should be embracing all their businesses.

Councilor St. Hilaire feels that it's a good idea to have this go to staff and questioned whether it was appropriate to have this go to FPAC as well.

Mayor Bouley indicated that he feels, for Council's purposes of receiving the information requested, that it is best that Administration provide a report to FPAC.

Councilor Bouchard amended her motion that this item be referred to City Administration with a response provided to FPAC. The motion was seconded.

Mayor Bouley explained that Council can appropriate the dollars this evening but they don't have to allocate those dollars until after they receive a report. He questioned whether the intent is that they don't allocate those dollars until after a report is received back. Councilor Bouchard replied that she doesn't mind allocating the funds if they are going to receive a report and doesn't want to slow down Intown Concord's activities that are planned but does want something done with the Be Local piece.

Councilor Bouchard's motion to appropriate the \$20,000 to Intown Concord and to ask City Administration to work with Intown Concord on the Be Local program and come back to FPAC with a report to come before the Council passed on a voice vote.

Councilor Nyhan moved to withhold the allocation until the report comes back to Council. The motion was duly seconded.

Councilor Coen questioned the purpose of doing this. Councilor Nyhan responded that he has more questions relative to the appropriateness of this allocation and has unanswered questions and feels that withholding the money will garner a level of cooperation that they wouldn't have otherwise.

Discussion occurred in regards to whether the allocation was done quarterly or one lump sum.

City Manager Aspell indicated that if the allocation is one lump sum, he will withhold funds. If the allocation is quarterly, then he will make the first quarterly payment.

Councilor Nyhan amended his motion in regards to the City Manager's prior statement. The motion was duly seconded.

Following brief Council comments in regards to the impact of withholding funding, Mayor Bouley referenced the budget and indicated that over the past several years including this year, the funds have been appropriated as a one lump sum payment in March. He pointed out they have plenty of time to receive a report back before March 2013.

Recognizing that the allocation is not for another nine months, Councilor Nyhan withdrew his motion. The second was also withdrawn.

The motion to approve, as amended, passed with no dissenting votes. Councilor Grady Sexton abstained from voting on the rape/domestic violence line item; Councilor Shurleff abstained from voting on the Penacook Community Center; Councilor Patten abstained from voting on Concord TV; Councilor Keach abstained from voting on the Chamber of Commerce and the Veteran's Council budget.

8. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning funds to their sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant. (5-24)

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

9. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2013 (July 1, 2012 to June 30, 2013) hereby is authorizing and approving the expenditure of \$8,803,500 and authorizing the issuance of \$8,803,500 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1; together with report from Deputy City Manager – Finance. (5-25) (***Revised resolution and worksheet submitted***)

**Action:** Councilor Nyhan moved approval. The motion was duly seconded and passed 14 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting yes.

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. (5-26)

**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, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. (5-27)

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

12. Resolution amending the Fiscal 2013 City of Concord budget and appropriating the sum of \$30,600 for New Hampshire Municipal Association Dues. (6-15)

**Action:** Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes. Councilor Bennett abstained from voting on this item.

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

Councilor Bennett reminded members of City Council that non-public sessions are listed at the top of the Council agendas on a monthly basis. He added that it was agreed that these meetings be held prior to the regular meetings so that they do not have too many late evenings during a Council meeting.

Councilor Nyhan recognized the City Manager and city staff for their work on the budget.

Councilor Blanchard thanked her fellow Councilors for agreeing to put the three hours back into the Penacook Library program.

Mayor Bouley thanked Mr. Aspell, Council, Mr. LeBrun and his staff, and the rest of the city employees involved in the budget process. He believes that the budget, adopted this evening,

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truly reflects the needs of the community. He stated that this is a balanced budget for the fourth year in a row and that everyone around the table should be commended.

**Comments, Requests by the City Manager**

City Manager Tom Aspell thanked Council for their kind comments and noted that it is a reflection back at the Council and their guidance they have provided over the last year. He recognized staff for their time and help.

**Adjournment**

The time being 8:54 p.m., Councilor Kretovic 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*