



# City of Concord

## City Council

### Meeting Minutes - Final

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Monday, February 12, 2024

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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*Non meeting to discuss collective bargaining negotiations in accordance with RSA 91-A:2, I (a) followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to begin at 5:30 PM*

**Present:** 15 Councilor Stacey Brown, Mayor Byron Champlin, Councilor Nathan Fennessy, Councilor Jeff Foote, Councilor Amanda Grady Sexton, Councilor Michele Horne, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Judith Kurtz, Councilor Paula McLaughlin, Councilor Karen McNamara, Councilor Jim Schlosser, Councilor Kris Schultz, Councilor Ali Sekou, and Councilor Brent Todd

**Staff members present:** City Manager Tom Aspell, Deputy City Manager - Development Matt Walsh, Deputy City Manager - Finance Brian LeBrun, Acting City Solicitor Danielle Pacik, City Clerk Janice Bonenfant, Director of Human Resources and Labor Relations Jennifer Johnston, Assistant Finance Director Katie Graff, Fire Chief John Chisholm, Deputy Fire Chief Mark Hebert and Deputy Fire Chief Elisa Folsom.

Mayor Champlin called the meeting to order at 5:30 PM.

Councilor Kretovic moved to enter a non-meeting to discuss collective bargaining negotiations in accordance with RSA 91-A:2, I (a) followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes. Councilor Stacey Brown left the non-meeting. She was not present during collective bargaining discussions.

The non-meeting to discuss collective bargaining negotiations ended at 6:15 PM. Councilor Stacey Brown rejoined the meeting.

**Staff members present:** City Manager Tom Aspell, Deputy City Manager - Development Matt Walsh, Deputy City Manager - Finance Brian LeBrun, City Clerk Janice Bonenfant, Acting City Solicitor Danielle Pacik and Assistant Community Development Director Tim Thompson.

At 6:58 PM, Councilor Grady Sexton moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes.

In public session, Councilor Todd moved to seal the minutes of the non-public session. The motion was duly seconded and passed with no dissenting votes.

The time being 6:59 PM, and there being no additional Council business, Councilor Grady Sexton moved to adjourn. The motion was duly seconded and passed with no dissenting votes.

1. Call to Order.

**Action:** Mayor Champlin called the meeting to order at 7:00 PM.

2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.

**Present:** 15 - Councilor Stacey Brown, Mayor Byron Champlin, Councilor Nathan Fennessy, Councilor Jeff Foote, Councilor Amanda Grady Sexton, Councilor Michele Horne, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Judith Kurtz, Councilor Paula McLaughlin, Councilor Karen McNamara, Councilor Jim Schlosser, Councilor Kris Schultz, Councilor Ali Sekou, and Councilor Brent Todd

5. Approval of the Meeting Minutes.

January 3, 2024 City Council Orientation Meeting Minutes.

January 4, 2024 City Council Draft Meeting Minutes.

January 8, 2024 City Council Draft Meeting Minutes

**Action:** Councilor Kretovic moved approval to accept the three January 2024 City Council meeting minutes.

6. Agenda overview by the Mayor.

7. Presentation by the Friends of the Merrimack River Greenway Trail.

**Action:** Dick Lemieux, President, and Nick Holmes, Vice President, of the Friends of the Merrimack River Greenway Trail provided a presentation about the history of their organization. They also provided an overview of the work and fundraising done towards building trails and how these portions contribute to the Granite State Rail Trail originating in Lebanon and ending in Salem.

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

**Action:** Councilor Brown pulled agenda item number 27 for discussion. Councilor Brown recused from agenda items number 21 and 26 as she has a family member who is a member of the Concord Police Department.

Councilor Fennessy recused from agenda item number 36 as one of the proposed appointments is a colleague and another proposed appointment is the wife of a colleague.

Councilor Kretovic moved approval. The motion was duly seconded and passed with no dissenting votes.

**Referral to City Administration and the Recreation and Parks Advisory Committee**

8. Communication from Change for Concord requesting free meeting space twice a month on Friday evenings at the City Wide Community Center.

**Action:** This communication was referred to City Administration and the Recreation and Parks Advisory Committee.

**Items Tabled for March 11, 2024 Public Hearings**

9. Resolution adopting a Community Power Program for electricity supply in Concord and authorizing the City to join the Community Power Coalition of New Hampshire; together with a report from the Director of Special Projects & Strategic Initiatives. (Public testimony submitted.) (Additional public testimony submitted.)

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

10. Resolution appropriating the sum of \$880,000 in the Traffic Signals and Traffic Operations Improvements project (CIP #283) for the design and construction of traffic signal upgrades and associated improvements at the intersections of North State/Centre Streets and North Main/Washington/Ferry streets, authorizing the

issuance of bonds and notes in the sum of \$880,000, and repurposing the sum of \$101,221.97 from the State/Pleasant Intersection subproject (CIP #283) for this purpose; together with a report from the City Engineer.

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

11. Public Hearing regarding the status of the following: \$750,000 in Public Facilities & Covid-19 Pandemic Relief Community Development Block Grant (CDBG) funds subgranted to the Boys and Girls Club of Central New Hampshire; \$500,000 in Public Facilities CDBG funds subgranted to Crisis Center of Central NH; and \$500,000 in Housing CDBG funds subgranted to Concord Coalition to End Homelessness, together with a report from the Assistant Director of Community Development.

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

12. Resolution appropriating the sum of \$561,074 in the new airport terminal building project (CIP #383) for the design, permitting, and bidding of a new airport terminal building and accepting the sum of \$365,754 in grant funds from the Federal Aviation Administration, the sum of \$20,320 from the State of New Hampshire, and authorizing the issuance of bonds and notes in the sum of \$175,000 for this purpose, together with a report from the Associate Engineer.

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

13. Resolution appropriating the sum of \$305,000 in the general fund as a transfer out to capital for the purchase of PFAS-free structural firefighting gear, authorizing the use of \$305,000 in unassigned fund balance, and appropriating the sum of three hundred five thousand dollars (\$305,000.00) in the Fire Department Personnel Protective Equipment Project (CIP #573) for this purpose.

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

14. Resolution appropriating the sum of \$50,000 as a transfer in from trust in the Abbott Road/Sewalls Falls Road Intersection project (CIP #520) and authorizing the use of \$50,000 in Highway Reserve funds for this purpose; together with a report from the City Engineer.

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

15. Resolution appropriating the sum of \$42,000 in the ERP Needs Analysis project (CIP #302) for replacement of the City Prosecutor's Office software (CIP #302) and authorizing the use of \$42,000 in technology reserve funds for this purpose;

together with a report from the Deputy City Solicitor.

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

16. Resolution establishing a Sidewalk Reserve, appropriating the sum of \$22,023.18 in the General fund as a transfer out to trust, and accepting the sum of \$22,023.18 from Amoskeag Beverages LLC/Amoskeag Realty LLC for this purpose; together with a report from the Deputy City Manager - Development.

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

17. Resolution appropriating the sum of \$5,792 in the Airport fund as a transfer out to capital and authorizing the use of airport fund balance for this purpose, and appropriating the sum of \$115,830 in the New Airport Terminal Building project (CIP #383) for the design and permitting of a new parking lot and related improvements, accepting the sum of \$104,246 in grant funds from the Federal Aviation Administration, accepting the sum of \$5,792 from the State of new Hampshire, and accepting the sum of \$5,792 as a transfer from the Airport fund for this purpose; together with a report from the Associate Engineer.

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

18. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, Economic Development Advisory Committee; together with a report from Mayor Champlin.

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

### **From the City Manager**

19. Positive Citizen Comments.

**Action:** The positive comments were received and filed.

### **Consent Reports**

20. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,909.15, as provided under the pre-authorization granted by City Council.

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

21. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$1,588.80, in electronic equipment from WalMart, as provided under the pre-authorization granted by City Council.

**Action:** This consent report was approved. Councilor Brown recused because a family member is a member of the Concord Police Department.

22. Final Status Report on the City Council's CY 2022-2023 Priorities.

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

23. Report from Deputy City Manager - Development seeking approval for modifications of the approved development plan and associated building designs for the John Flatley Company's apartment building at #32 South Main Street, as well as associated modifications 2022 License Agreement for stairs and handicap accessible ramp in City's South Main Street rights-of-way related thereto.

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

24. December 31, 2023 Fiscal Year to Date Financial Statements together with a report from the Deputy City Manager-Finance.

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

25. Report from the Fire Chief authorizing the City Manager or his designee to apply for grants totaling up to \$25,000.00 from the Department of Safety, Division of Fire Standards & Training and Emergency Medical Services for the time period ranging from October 1, 2023 to the end of Fiscal Year 2024 (June 30, 2024) for the purpose of reimbursement of overtime and backfill for Fire Department members to attend Technical Rescue courses.

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

26. Report requesting the Police Department be authorized to apply for up to \$16,000 in grant funding through the New Hampshire Department of Safety - State Homeland Security for funds to purchase equipment to assist the Concord Police Department and the Central New Hampshire Special Operations Unit for search and rescue operations.

**Action:** This consent report was approved. Councilor Brown recused because a family member is a member of the Concord Police Department.

27. Report from the Recreation and Parks Advisory Committee, the Parks & Recreation Director and the General Services Director regarding scheduled renovations of the Garrison Park Pool. (Pulled from consent by Councilor Brown.)

**Action:** Councilor Brown pulled this agenda item for discussion.

28. Report from the Library Director recommending acceptance of a gift from The Joan Hartz Trust and The Alan F. Gordon Trust, in the amount of \$217,654.46, to the Concord Public Library. Funds will be appropriated from this trust in the future through the annual budget process.

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

29. Report from the City Engineer, General Services Director, and Deputy City Manager - Development recommending modifications to the FY2024 Annual Highway Paving and Sidewalk Improvement Programs (CIP #78 and #17) relative to Pembroke Road (full length), Brookwood Drive (full length), Fox Run (full length), and Pinecrest Circle (full length).

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

30. Report from the City Engineer requesting authorization for the City Manager to accept two public drainage easements related to the installation of a public culvert under Broad Cove Drive.

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

31. Report from the Associate Engineer recommending the City Manager be authorized to accept \$32,000 of Airport Rescue Plan Act (ARPA) Grants funds in the amount of \$32,000 from the New Hampshire Department of Transportation, Bureau of Aeronautics for operations and maintenance expenses at the Concord Municipal Airport, together with a report from the Associate Engineer - Capital Projects.

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

32. Facilities Naming Committee report regarding the naming of City space within the Penacook Community Center.

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

33. Report from the Purchasing Manager regarding the Purchasing Division eProcurement Vendor Self-Service Program.

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

### **Consent Resolutions**

34. Resolution authorizing the City Manager to accept an Easement Deed for a Recreational Trail from Sarnia Seacoast, L.L.C. on a portion of private property at 6 Loudon Road for the purposes of constructing a portion of the Merrimack Greenway Trail; together with a report from the Director of Special Projects & Strategic Initiatives.

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

35. Resolution authorizing the City Manager to submit an application for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) funding from the U.S. Department of Transportation for the purpose of designing and constructing a portion of the Merrimack River Greenway Trail (CIP #543); together with a report from the Director of Special Projects and Strategic Initiatives.

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

### **Appointments**

36. Mayor Champlin and City Manager Aspell's proposed appointments to the Board of Ethics: James D. Rosenberg, Stephen J. Shurtleff, Marcia Moran, Tenley Callaghan and John Sullivan.

**Action:** These appointments were approved. Councilor Fennessy recused because a colleague and a colleague's wife were both proposed appointees.

37. City Manager's Proposed Appointments to the Conservation Commission: Mark Coen, Kristine Tardiff, Emily Landry, and James Owers.

**Action:** These appointments were approved.

38. City Manager's Proposed Appointment to the Library Board of Trustees: Ceillie Clark-Keane.

**Action:** This appointment was approved.



39. Mayor Champlin's proposed appointments to the Planning Board: Erle Pierce, David Allyn Fox, Matthew Hicks, Jeffrey Santacruce, Richard Woodfin, Chiara Dolcino and Frank Kenison.

**Action:** These appointments were approved.

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

### **Public Hearings**

- 40A. Resolution appropriating the sum of \$544,318.75 as a transfer to the Bridge Reserve fund and accepting the sum of \$544,318.75 for this purpose; together with a report from the City Engineer.

**Action:** City Manager Aspell provided a brief overview of this item in which the City maintains 21 municipally owned bridges. Two of those bridges have been included on the municipal red list by NHDOT which means one or more of the bridge's major elements are rated as being in less than fair condition. In 2023, a Bridge Reserve Fund was established for capital repairs or replacement of the City's bridges so that dollars for bridge projects can be withdrawn from the fund rather than funded by bonds or tax increases.

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

- 40B. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34 Personnel Rules and Regulations, Article 34-5-5, Probationary Appointments, to modify the time frame for probation of original appointments within the Information Technology (IT) department from one year to six months; together with a report from the Director of Human Resources and Labor Relations.

**Action:** City Manager Aspell introduced Human Resources and Labor Relations Direction Jennifer Johnston who provided a brief overview of this item which seeks to amend the probationary period for Information Technology employees. It was explained that the decrease from one year to six months of probationary status would be on par with other skilled professions within the City such as those in plumbing or electrical within Code Administration. It was also discussed that the decrease in the probationary period would be positive in the current employment climate.

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

**Public Hearing Action**

41. Resolution appropriating the sum of \$544,318.75 as a transfer to the Bridge Reserve fund and accepting the sum of \$544,318.75 for this purpose; together with a report from the City Engineer.

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

42. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34 Personnel Rules and Regulations, Article 34-5-5, Probationary Appointments, to modify the time frame for probation of original appointments within the Information Technology (IT) department from one year to six months; together with a report from the Director of Human Resources and Labor Relations.

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

**New Business****Unfinished Business**

43. Resolution appropriating the sum of \$10,308,000 in the Beaver Meadow Golf Course Club House & Buildings Project (CIP #107) for the construction of a new facility and related improvements, and authorizing the issuance of bonds and notes in the sum of \$10,308,000 for this purpose; together with a report from the Deputy City Manager - Finance. (Presentation and proforma submitted.) (Public testimony received.) (Revised presentation submitted.) (Additional public testimony received.)

**Action:** This resolution remains tabled.

44. Resolution authorizing the City Manager to enter into a License Agreement with Brady Sullivan, or related entity, for private use of City property located on Storrs Street for improvements associated with redevelopment of 11 Stickney Avenue; together with a report from the Deputy City Manager - Development. (Supplemental report and draft agreement submitted.)

**Action:** Councilor McNamara moved to remove agenda item number 44 from the table. The motion was duly seconded and passed with no dissenting votes.

Councilor Kretovic moved approval. The motion was duly seconded and passed with one dissenting vote by Councilor Fennessy.

**Consideration of items pulled from the Consent Agenda**

27. Report from the Recreation and Parks Advisory Committee, the Parks & Recreation Director and the General Services Director regarding scheduled renovations of the Garrison Park Pool. (Pulled from consent by Councilor Brown.)

**Action:** Councilor Brown pulled this agenda item for discussion with questions regarding costs and users.

Councilor Kretovic moved approval to accept the report. The motion was duly seconded.

Parks & Recreation Director David Gill discussed lifeguards, the effects of Covid-19, and users by pool.

General discussion followed regarding cost and access.

Councilor Fennessy discussed the suggestions of the Recreation and Parks Advisory Committee.

Councilor Brown moved to amend the report to hold a public meeting in May 2024 rather than March. The motion was duly seconded and failed.

After discussion, Councilor Kretovic's motion passed with one dissenting vote.

**Consideration of Suspense Items**

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

**Referral to the Solid Waste Advisory Committee**

- Sus1 Communication from Terri Trier, on behalf of the residents of Hills Court Condo Association, inquiring as to how fees for their trash pickup are calculated.

**Action:** Councilor Keach recused because he is a resident of the address discussed.

Councilor Fennessy moved to refer the communication to the Solid Waste Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

**To be set for a July 8, 2024 Public Hearing**

Sus2 Ordinance amending the Code of Ordinances; Title IV, Zoning Code; Chapter 28, Article 28-2-4 Allowable Principal and Accessory Uses in Zoning Districts, Article 28-5, Supplemental Standards and Glossary; together with a report from the Assistant Director of Community Development.

**Action:** Councilor Todd moved to set the item for a public hearing. The motion was duly seconded and passed with one dissenting vote.

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

Councilor Kretovic announced a public meeting held by the Recreation and Parks Advisory Committee regarding a snow making machine to be used by SkiTheBeav, if approved, on the Beaver Meadow Golf Course driving range.

Councilor Grady Sexton noted that the new social worker has started working for Concord Police Department.

Councilor Brown acknowledged that February is Black History Month.

Councilor Kurtz noted that the Citywide Community Center will offer extended hours on Saturdays and Sundays for the next 10 weeks. Adult volunteers are being sought. The Parks and Recreation Department can be contacted about registration.

Councilor Sekou spoke about Black History Month and the opportunities for learning.

Councilor Keach noted the passing of retired City Firefighter Donald Morrison and offered his condolences.

**Comments, Requests by the City Manager**

City Manager Tom Aspell noted the last day of employment of City Solicitor Jim Kennedy and that Danielle Pacik will be the acting City Solicitor.

**Adjournment**

**Action:** At 8:02 PM, there being no additional Council business, Councilor Fennessy moved approval to adjourn. The motion was duly seconded and passed with no dissenting votes.

**Information**

Inf1 January 8, 2024 Concord Public Library Board of Trustee Meeting Minutes.

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

Inf2 January 10, 2024 Ad-Hoc Beaver Meadow Golf Course Building Committee Draft Meeting Minutes.

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

Inf3 January 22, 2024 Fiscal Policy Advisory Committee Draft Meeting Minutes.

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

Inf4 January 29, 2024 Facilities Naming Committee Draft Meeting Minutes.

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

Inf5 Report from NH Executive Councilor Cinde Warmington.

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

Inf6 Parks and Recreation Departments 2023 Year In Review Report.

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

*A true copy, I attest:*

*Elisabeth Harrington  
Deputy City Clerk*