

City of Keene  
New Hampshire

**FINANCE, ORGANIZATION, AND PERSONNEL COMMITTEE**  
**MEETING MINUTES**

**Thursday, October 24, 2019**

**6:30 PM**

**Council Chambers**

**Members Present:**

Mitchell H. Greenwald, Chair  
Carl B. Jacobs  
Bettina A. Chadbourne  
Thomas F. Powers  
Terry M. Clark

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Thomas Mullins, City Attorney  
Rebecca Landry, Assistant City Manager  
Mary Alther, Revenue Collector  
Todd Lawrence, Police Captain

**Members Not Present:**

Chair Greenwald called the meeting to order at 6:30 PM and explained the procedures of the meeting.

**1) Bulletproof Vest Partnership Grant Program – 2019 – Police Department**

Captain Todd Lawrence, from the Keene Police Department (KPD), stated that this is a grant they apply for every year. He continued that the department supplies all officers with bulletproof vests. They have a five-year warranty. They purchase vests for new officers and replacement vests for current officers. The grant will give an additional \$3,637.73. The KPD budgets \$3,950 for this. So the grant will cover about 40% of the total cost.

Chair Greenwald asked if there were questions from the committee.

Councilor Clark asked if officers are each issued one vest. Captain Lawrence replied yes, they are custom fit, and each officer gets one, which expires in five years and then they are issued a new one.

Councilor Jacobs asked what happens to the bulletproof vests after they can no longer be worn. Captain Lawrence replied that there used to be a program that would accept donated vests to be turned into bulletproof vests for working dogs, but that program went away so now they are in storage.

Councilor Chadbourne asked what happens if an officer gains or loses weight and their vest no longer fits. Captain Lawrence replied that that does not really happen, but if it did, the officer would get a new vest.

Chair Greenwald asked if the public had questions or comments. Hearing none, he asked for a motion.

Councilor Clark made the following motion, which was seconded by Councilor Powers.

On a vote of 5-0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept \$3,637.73 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

**2) Highway Safety Agency Grant – Keene – Police Department**

Police Captain Todd Lawrence stated that this is a statewide initiative and a grant the KPD applies for annually. He continued that it used to be subdivided into three grants: the DWI grant, the Sustained Traffic Enforcement Patrol (STEP) grant, and the Bicycle and Pedestrian grant. The three have been combined into one, so now there is just one application process. The DWI side of the grant is to combat DWIs and related fatal accidents, and the STEP grant is a directed patrol for the more prevalent motor vehicle infractions, such as hands-free driving, speed, stop signs, and so on and so forth. There are some programs within that, such as Operation Safe Commute, where the KPD is designated to patrol Route 101 for people speeding. The Bike and Pedestrian side of the grant is designated for the downtown area for the KPD to look for bike infractions.

Captain Lawrence continued that this grant runs from October 1, 2019 to September 30, 2020. The allocated funds for the STEP grant that they are looking for are \$13,689; the Bicycle and Pedestrian grant is \$4,602, and the DWI grant is \$9,000. The total cost is \$27,291, which will be reimbursed to the KPD from the New Hampshire Highway Safety Agency.

Chair Greenwald asked if there were questions from the committee or public. Hearing none, he asked for a motion.

Councilor Powers made the following motion, which was seconded by Councilor Jacobs.

On a vote of 5-0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene.

**3) Beauregard Trust Property – 0 Chapman Road**

Parks, Recreation, and Facilities Director Andrew Bohannon distributed copies of a map. He stated that this is an issue that has come off more time. He continued that it was first brought before the FOP Committee in April and it regarded the sale of the Beauregard property. At the time when Mr. and Mrs. Burke had brought this forward staff was

working on the sale of the property of the Beaugard's and had to finalize that before they could address the Burkes' concern.

The map shows a large parcel, #18, with 27 acres, and there is a small strip that is labeled 4B, about 50 feet three inches wide, and it dissects 17 and 19 Chapman Road. This was a lot that was subdivided. Seventeen is 4A, and then there is 4B, 4C, and 4D. There is a driveway that goes through there, known as Lilac Lane. That kind of works towards the three properties and actually would go over to 17 if it had ever been continued. The Burkes' concern is: many years ago, as shown on the map, there is a pool and there is a corner that is not 90 degrees that had been over the property line. The previous owners adjusted that when they moved in. What the Burkes brought forward is: this piece of land that goes up to the larger property is basically unused but the City has an easement in case the City would ever need to gain access to the Beaugard property.

Mr. Bohannon continued that after much consideration City staff met with the Burkes and can bring this off of more time and before the committee tonight. Staff recommend a motion authorizing the City Manager to negotiate and execute the sale of the property, consisting of about 50% of what the map shows along 4B, which is about 25 feet. That would give them the access they need, and the retention of the easement necessary to the City continued for non-public access.

Councilor Chadbourne asked Mr. Bohannon to explain the location of Lilac Lane. Mr. Bohannon replied that it is the driveway for 19 and 20 Chapman Road. Chair Greenwald added that it is where it says "250" on the map. Councilor Chadbourne asked if the reason they would be giving 50% is because that is the only other access to lot #18. Mr. Bohannon replied that that is correct.

Councilor Clark asked, doesn't the City own the adjacent property above #18 and have access from there? Mr. Bohannon replied yes, but it is not something the City has complete access to. He continued that the general access to the property connects over off of Woodland Avenue or higher up on Chapman Road. Yes, there is an access point but is not wide enough for City vehicles to access, to his knowledge.

Councilor Jacobs stated that they are using the word "easement," but it is not really an easement. The lot would extend down to the road. The City Attorney replied that that is correct. He continued that the City retains the fee under the 25' that the City is keeping. The easement portion is to maintain the easement across Lilac Lane into the City's piece that the City is going to keep. They already technically have the easement but he wanted to put that in just to make sure. Councilor Jacobs asked, so they would not have to put a separate access in from Chapman Road; the City could come in Lilac Lane. The City Attorney replied yes.

Councilor Jacobs made the following motion, which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of City owned property, consisting of approximately 50% of the width of the frontage on Chapman Road, and being a portion of tax map #241018, to Edward and Kathleen Burke, including but not limited to the retention of any easement necessary to the City for continued non-public access by the City to the remaining parcel.

**4) Tax Deeds and Waivers for 2009, 2010, 2015, and 2016 Tax Years – Finance Department**

Councilor Clark stated that he represents one of these taxpayers, but for different properties, not one listed for deeding tonight. He continued that he has been told this does not mean he has a conflict, but he wanted to say that. He asked if anyone wanted to talk about it.

Chair Greenwald stated that he does not have an issue with that but the committee has fiduciary responsibility to the person, not the property.

Chair Greenwald made a motion to recuse Councilor Clark. Councilor Jacobs seconded.

Chair Greenwald stated that this would be for the abundance of clarity. He continued that he would not want to see Councilor Clark in the position of choosing or being accused of anything. There are an additional 14 councilors that can deal with the situation.

Councilor Jacobs asked if the recusal would be just for the property owned by the person Councilor Clark represents, or all of the properties being voted on. Chair Greenwald replied that he would not need to be recused for the entire discussion. Councilor Clark replied that the vote will just be one up and down vote, however. The City Attorney replied yes, that is correct, and it would be cleaner to leave Councilor Clark out of the motion entirely. Chair Greenwald replied okay, then his motion is to recuse Councilor Clark for the whole thing.

The motion passed on a vote of 5-0.

Mary Alther, Revenue Collector, stated that staff's recommendation is to waive deeding until February 20, 2020, when staff will review the status of accounts and advance additional recommendations, for the ten properties listed. She continued that the owners of those properties have made payments and are continuing to make payments and she believes they will be paid by then. There are seven other properties listed for which the City was recommending taking the deed of, but now there are six, because one was paid today: 5 May Ave.

Chair Greenwald stated that he wants to explain for the public's benefit that Ms. Alther has been constantly working with any of these property owners that are delinquent in taxes, trying her hardest to work out a payment deal or something of that sort. He continued that the property owners in the first list are in the process of solving their

delinquency, and the property owners in the second list are not. Ms. Alther replied that is correct. She continued that the property owners in the second list have received their letters, and have had communication with the City, and the payments are just not going to happen. Chair Greenwald stated that as time goes by with this process, those property owners still have the opportunity to jump in and cure the delinquency. Ms. Alther replied yes, after the City takes deed, people still have that opportunity; there is a process for that. Chair Greenwald stated that the object is not for the City to take the property. Ms. Alther replied that that is correct.

Councilor Powers asked, haven't there always been dealings with 888 Marlboro Road? The City Attorney replied that the City has been working with the owner and on that property for some time. He continued that there has been a court order for quite some time now. The property owner is continuing to not comply, and not paying taxes, so tax deeding is the recommendation.

Chair Greenwald asked if there were questions or comments from the public. Hearing none, he asked for a motion.

Councilor Chadbourne made the following motion, which was seconded by Councilor Powers.

On a vote of 4-0, the Finance, Organization and Personnel Committee referred the recommendations for the following properties that are eligible for tax deed for unpaid 2009, 2010, 2015 and 2016 property taxes to the City Council.

For the following (10) properties city staff is recommending to waive deeding until February 28, 2020 when staff will review status of accounts and advance additional recommendations.

399 Elm St.  
139 Carroll St.  
0 Off Maple Ave  
80 Laurel St.  
493 Elm St.  
163 Island St.  
810 Court St. I  
44 Sparrow St.  
71 Oriole Ave  
17 Chickadee Court

For the following properties city staff is recommending to take deed.

888 Marlboro Road  
0 Old Gilsum Road  
198 Baker St.  
9 Marshall St.

0 Grove St.  
366 Roxbury St.

**5) Periodic Reports from Standing Committees: Trustees of Trust Funds**

Chair Greenwald stated that periodically they hear from the different standing committees, regarding their activities, so this is a presentation to the FOP Committee as well as the general public.

Michelle Howard, Chair of the Trustees of Trust Funds and Cemetery Trustees, and Sue Silver, Vice Chair, introduced themselves. Ms. Howard read the following report:

*“The Trustees of the Trust Funds and Cemetery Trusts are the custodian of the City’s Common Trust funds that include perpetual care and cemetery funds, charitable trusts and privately donated funds. The Trustees are also custodian of the City’s Capital Reserves and Expendable Trust funds. We act in a fiduciary capacity and make decisions regarding expenditures from these funds based on the wishes of the donor in the case of privately donated funds as well as release capital reserve funds and expendable trust funds to the appropriate city officials upon request. We also make the decisions on how these funds are invested, based upon the statutes and the investment policies adopted by the Trustees.*

*There are five trustees who meet monthly (on the third Wednesday at 9:30 AM) to review any requests for funds from the trust and capital reserves. Our role is to ensure the request(s) adhere to the wishes of the funds’ grantor in both intent as well as the amount that can be disbursed (income only or income and principal). The requests are voted upon and withdrawals approved in writing for each request. Funds are transferred from the investments to the City of disbursement. Our meetings are open to the public and everyone is invited to attend.*

*There are currently 46 individual trusts with a total market value in excess of \$10 million, each with its own trust document and intent. The trust funds range in value of less than one thousand dollars to over a million dollars. Trusts are co-mingled to maximize investment but all activity is tracked by the individual trust.*

*Last year the Trustees completed a 3-year review of each of the individual trusts originating documents to ensure that the current practices are still in line with the trust documents and to compile a recap document for easy reference.*

*There are currently 16 capital reserve funds established by the City Council with a market value of almost thirteen million. These funds are raised through taxes and managed for longer term projects such as equipment replacement, infrastructure, sewer infrastructure, etc.*

*In addition, in 2015 the Library Renovation Restricted Trust fund was established for the short term housing of the donations from the capital campaign.*

*In addition to reviewing requests, we oversee the investment of the trust funds and capital reserves. We have three investment policies (Common Trust Fund, Capital Reserve and Library Renovation) that we review annually and govern the investment decisions for each account. We currently use the services of Cambridge Trust Company to manage the three accounts according to their individual investment policies. Cambridge meets with us on a quarterly basis, provide monthly statements and work closely with the finance staff to disburse funds as approved by the Trustees.*

*The Common Trust funds are long term funds so we are able to invest these funds with a longer term strategy to maximize income as well as safety. Our investment strategy is a mix of stocks and bonds using the 'prudent investor' strategy.*

*The Capital Reserve funds are tax funded and more short term than the trust funds; as such the primary goals for these funds are liquidity and safety. These funds are invested primarily in money market funds, government obligations and treasuries and certificates of deposit. The Trustees work closely with the finance department staff to maximize earnings by utilizing tiered investments while meeting the cash flow needs of the projects.*

*The Library Renovation Trust funds were very short-term funds and invested in government money market funds."*

Chair Greenwald asked what sort of return these funds typically generate. Ms. Howard replied that right now with the Common Funds it is about a \$300,000 return. She continued that the Capital Reserve funds return is in the range of \$250,000 to 275,000.

Chair Greenwald asked what the interest rate is. Ms. Howard replied about 3%. Chair Greenwald replied that that sounds good.

Councilor Powers stated that some of these trusts were set up years and years ago for a very valid purpose which was very necessary at the time, but over time, needs are different – do the parameters of the trust mean they just sit there and accumulate interest? Ms. Howard replied that that could happen, but when they did the review, in the past, they did a *cy-pres* to go in and see if the funds could be used within the spirit of the trust but to bring it up to modern times. Councilor Powers stated that if anyone from the public is thinking about leaving money to the City for a particular program, they should pay attention to how they do it. Ms. Howard agreed. Chair Greenwald replied yes, they want to keep it general enough so it is still usable years from now.

Chair Greenwald asked if any of the more obscure funds come to mind. Councilor Powers replied that there is the Renault fund. Ms. Howard replied yes, that had *cy-pres*. She continued that they brought it to the Probate Court. The fund was set up for police officers before worker's compensation insurance existed, but now worker's compensation exists, so they asked the court for *cy-pres* to use the fund to help police officers in a different way. Councilor Clark stated that now that money is used for exercise equipment in a gym that is just for KPD Officers.

Councilor Jacobs asked for an explanation of *cy-pres*. The City Attorney stated that the Renault fund is a great example – it was created in the late 1890s for medical care for injured police officers, and it became unnecessary. He continued that a *cy-pres* (Latin for “making it right”) action is the action of going before the Probate Court to explain what a trust is, when it was created, how much money it has, and how the purposes of it can no longer be accomplished. One can request to use the funds for something as similar as possible to what the original gift was for. Thus, the Renault fund was health related and the City was allowed to use the funds for providing gym equipment to police officers.

Councilor Clark made the following motion, which was seconded by Councilor Powers.

On a vote of 5-0, the Finance, Organization, and Personnel Committee accepted the presentation as informational.

The meeting adjourned at 7:03 PM.

Respectfully submitted by,  
Britta Reida, Minute-taker