

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, September 24, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Thomas F. Powers, Chair
Stephen L. Hooper, Vice-Chair
Terry M. Clark
Michael J. Remy
Raleigh C. Ormerod

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
David Hickling, Airport Director
Mark Howard, Fire Chief

Members Not Present:

George S. Hansel, Mayor

Chair Powers called the meeting to order at 6:30 PM.

1) Acceptance of Donation - Fire Department

Fire Chief Mark Howard addressed the committee regarding a donation for \$250 from John Breheny. He indicated this donation was for a medical incident the Fire Department provided assistance with.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$250.00.

2) Acceptance of Donation - Fire Department

Chief Howard addressed a second donation for \$200 from Frederick and Stephen Ide for a service call related to an animal.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$200.00.

3) Mutual Aid Ambulance Agreement - Fire Department

Fire Chief stated in 2019 the city was contacted by R.J. DiLuzio Ambulance Service to see if the city was interested in working together to formalize an ambulance mutual aid agreement. The two services have had an unofficial working arrangement since 1977. Based on conversations between staff and R.J. DiLuzio Ambulance Service, a draft agreement was presented at the time by Mr. DiLuzio for the city to consider. City staff including the City Manager, Fire Chief, and City Attorney worked to review and amend the proposed agreement as necessary to suit both parties' interests. This agreement if approved would formalize providing mutual aid ambulance service between the two parties. The agreement would not be creating an agreement with any other services in Cheshire County. Mutual Aid agreements for ambulance service are governed under New Hampshire RSA 153-A:19, permits municipalities to enter into agreements with public and private agencies for providing Emergency Medical and Paramedic Services to the mutual advantage of two or more communities when the communities will be best served by such mutual cooperation.

Councilor Ormerod noted the agreement was dated in June and asked why it was not addressed in June. Chief Howard stated the conversations started back in 2019, but there were other priorities within the city that became important – the drafts also went back and forth between attorneys but there was no delay intended; it took time to resolve issues. The Councilor clarified if there was an event at the airport, Diluzio would be the first to respond and then Keene would follow-up. Chief Howard stated the airport is in a unique location situated in Swanzey but for major emergencies regarding a fire this would be a joint operation between Keene and Swanzey. For medial issues, the primary provider would be Diluzio.

Councilor Clark asked what amendments were made since the handshake agreement. Chief Howard stated he wasn't employed by the city in 1977 when that agreement took place between Robert Diluzio, Sr. and Chief Guyette. However, for the past 27 years, services that have been available have been provided and has been memorialized. He went on to say the city has intercept agreements with certain towns and it is not Keene's intention to pick up intercept agreements these towns have with other communities. What is before the Committee is for emergency ambulance transport.

Councilor Clark asked whether there are any other handshake agreements for other services and if this agreement would cancel those. City Manager Elizabeth Dragon stated when they are found they are being addressed.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to execute the Mutual Aid Ambulance Agreement with R.J. DiLuzio Ambulance Service, LLC.

4) Attorney Adam Kossayda - Lease Request - Hangar Lot 15A

Airport Director, David Hickling addressed the committee next and stated the airport has hangars which it leases out to individuals and on occasion those hangars are sold. He noted this item is to enter into a lease with a new owner for a hangar that was sold. Councilor Clark asked whether this ten-year lease would have any escalators. Airport Director stated it would.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to negotiate and execute a lease for hangar lot 15 A.

5) Update: Kingsbury Property - City Manager

City Manager Elizabeth Dragon provided the following update for the Kingsbury property:

June 2019: City made an offer to Mr. Thibeault regarding Laurel Street extension which included a subdivision restriction, building demolition timeline, and brownsfield study work along with discussion regarding back taxes owed.

September 2019: The City executed payment arrangement with Kingsbury Acquisition LLC in the amount of \$710,025.27. These were taxes and interest due back to 2009 and 2010 owed at the time Mr. Thibeault purchased the property. The city was able to successfully work with Mr. Thibeault's attorney at Sulloway and Hollis to negotiate and execute that deal. However, the city was not able to negotiate a deal that also included extension of Laurel Street to Victoria Street. Once the payment agreement was executed the city was notified that this firm no longer represented Mr. Thibeault on these matters and future communications went directly to Mr. Thibeault.

September 27 2019: Manager Elizabeth Dragon sent a letter to Mr. Thibeault regarding the Laurel Street extension possibility. This letter identified the city's interests for creating a consistent easement along Beaver Brook for maintenance of the water way, potentially a multiuse path, about 1.1 acres to create a 55-foot roadway and sidewalks and grass belt.

February 2020: The city received final payment which was on time and it completed this agreement. Since then he continues to pay the oldest of the three most current years which keeps the property from moving to tax deeding status again. This is approximately \$100,000 per year.

April 2020: The City sent another letter regarding Laurel Street extension and easements along Beaver Brook. This time focusing on only those two things and leaving out the building demolition timeline, subdivision restriction, and urging Mr. Thibeault sign an access agreement needed to allow the Brownsfield work to move forward. The Manager noted she had asked him to complete this by the end of April due to time restrictions on the Brownsfield grant. Mr. Thibeault was unaware of the easements that the city already had along Beaver Brook so those have also been sent to him as well.

The Manager indicated Mr. Thibeault did call and was upset that the offer was not what he believes it should be. The Manager stated she urged him on multiple occasions to put his response and counter offer back to her in writing. To date that has not happened.

March 16, 2020: The City was contacted by August Consulting PLLC stating they were hired by Thibeault to help develop the land.

April 24, 2020: The Manager stated she received an email from Greg at August Waters asking for a virtual meeting.

May 4, 2020: A virtual meeting was conducted with Mr. Thibeault, Greg at August Waters, Rhett Lamb, Community Development Director, Public Works Director, Kurt Blomquist and Director Economic Development and Special Projects, Med Kopczynski. The group discussed

the most recent offers regarding the Laurel Street extension, answered questions and reviewed the Brownsfield Grant. The Manager noted they left the meeting feeling encouraged and that Greg at August Waters would be following up with the Community Development Department as the next step. The Manager noted the City has not heard from Mr. Thibeault again.

The Manager went on to say that the Brownsfield Grant through Southwest Regional Planning Commission in the amount of \$200,000 for this site, has been returned to the EPA because the timeline has run out for this grant. The Manager stated just today, she emailed Greg at August Consulting to see if he is still representing Mr. Thibeault and if he was planning on still getting in touch with the Community Development Director. The Manager reiterated the property taxes have been paid, he is paying the oldest of the three most current years for \$100,000 per year and that several offers regarding this land have been made, but no response has been received so far.

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

That the Finance, Organization and Personnel Committee recommends accepting this item as informational.

Councilor Clark asked whether there are any other grants staff is aware of. Ms. Dragon stated she was not aware of any. The Councilor asked the City Attorney whether the city has any other options to force this property owner to perform site tests. Attorney Mullins stated the city does not but the DES does, as the property is still under their jurisdiction according to their letter of deficiency. The City Manager added her understanding is that DES does have an understanding with Mr. Thibeault regarding the letter of deficiency the same time the city entered into its payment arrangement.

The motion made by Councilor Hooper carried on a unanimous vote.

6) Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project Resolution R-2020-36

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that this item be placed on more time until after the required Public Hearing and Site Visit.

There being no further business, Chair Powers adjourned the meeting at 7:00 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker