

**City of Keene**  
**New Hampshire**

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

**Thursday, October 28, 2021**

**6:00 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Thomas F. Powers, Chair  
Stephen L. Hooper, Vice Chair  
Bettina A. Chadbourne  
Michael J. Remy

**Members Not Present**

Raleigh C. Ormerod

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Thomas P. Mullins, City Attorney  
Andy Bohannon, Parks, Recreation and  
Facilities  
David Hickling, Airport Director  
Steve Stewart, Police Captain  
Kurt Blomquist, Emergency Management  
Director/Public Works Director  
Aaron Costa, WWTP Operations Manager

Chair Powers called the meeting to order at 6:00 PM.

**1) Acceptance of Donation and Update on Skate Park Project - Parks, Recreation and Facilities**

Parks, Recreation and Facilities Andy Bohannon addressed the committee and introduced Kathy Burke, one of the fundraisers for the skate park project. Mr. Bohannon stated this item is in reference to a donation of \$200,000 for the skate park.

Mr. Bohannon stated in 1996, a couple of skaters came forward and raised money for this effort; they raised \$75,000 to build the existing park on Gilbo Avenue. This park was constructed with wood and sheet metal. This model however, doesn't really work unless it is replaced on a very regular basis. Mr. Bohannon noted the skate park is a great asset to the community, people come from all around to use it.

In 2009, Mayor Pregent created a Relocation Committee for the skate park in an attempt to get a new park. The committee dove into a lot of data, but they did not have the ability to fundraise. In 2015, that small group donated some money which the City matched and had a design put together. A concept plan was completed for the skate park to be located at Wheelock Park where the bike park exists at the present time. The downside of that was, the plan was for \$750,000. It was a great design, but the group was not able to fundraise to that level. Unfortunately, the plans were set aside, until Kathy Burke came onboard in 2018 who had a son who was a skater and a biker and wanted to get this park constructed.

Mr. Bohannon noted after much effort the first biggest support came from Timken Corporation, which ended up donating \$50,000 which started the fundraising effort. The City contributed \$25,000 in the CIP.

The fundraising efforts however, stopped with Covid. Even though, Ms. Burke's son has graduated and moved on she is still dedicated to the project. Mr. Bohannon noted this project won't be where it is without Ms. Burke who has raised more than \$200,000. He added that she has followed the model that existed back in 1986 and has continued her efforts. Pathways for Keene is the fiscal agent for this particular project.

The skate park is going to be located on Gilbo Avenue, 9,800 square feet on the existing footprint which would match what is available with the fundraising. Mr. Bohannon turned the presentation over to Kathy Burke

Ms. Burke stated it has been an interesting four years and stated she was excited by next year Keene would have a skate park. Ms. Burke stated this initial \$200,000 is just to get the project going. There is probably another \$10,000 in the Pathways for Keene account and about \$35,000 in dedicated money; the goal is \$300,000. She indicated the \$25,000 the City dedicated to the skate park in 2018 was helpful in getting other funders to donate to the project because it showed the City was committed to this project which made the fundraising efforts easier.

Councilor Hooper congratulated Ms. Burke's efforts. He noted fundraising is always a collaboration between corporations, municipalities, and private donors. He agreed it is not easy raising money and thanked Ms. Burke for her efforts. Ms. Burke stated she is pleasantly surprised at the generosity of this community.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$200,000.00 for the purpose of building a new skate park.

**2) Acceptance of Law Enforcement Substance Abuse Initiative Grant - Police Department**

Captain Steve Stewart of the Police Department was the next speaker. He stated this item is in reference to the New Hampshire Department of Safety Substance Abuse Reduction Grant in the amount of \$29,000. He indicated this is part of a statewide effort to make some headway in the abuse and sales of dangerous drugs that are causing overdoses and deaths and a rise in serious crime. The money will be used for overtime for narcotics investigation.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2022 Law Enforcement Substance Abuse Initiative Grant in the amount of \$29,000.

**3) Acceptance of Federal Forfeiture Monies - Police Department**

The second item Captain Stewart addressed was for the acceptance of Federal forfeiture monies. Two amounts for total a total of \$33,100.23. The first, \$4,244.44 was a result of an investigation that took place in the months of March and April of 2021. The second, \$28,855.79, is from an investigation that began in October of 2019 and culminated in June of 2020.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends recommend the City Manager be authorized to do all things necessary to accept Federal forfeiture monies in the amount of \$33,100.23.

**4) Negotiate Lease of Airport Property for Hangar Development - Airport Director**

Airport Director David Hickling stated the airport continues to be very viable and there is a high demand for hangar space. The request before the Committee today is from Mr. Provost from Monadnock Choppers who has a fleet that is growing and would like to get inside the airport and is looking to grow his business in the future. This hangar will be located on Route 32 on Aviation Way. Mr. Hickling noted this will benefit the airport by lease revenue coming in and benefit other tenants of the airport with fuel sales and increased activity.

Councilor Remy asked whether Mr. Provost will be leasing out space to other people which will potentially compete with the airport's rentals. Mr. Hickling stated he could lease out space, but as far as competition the airport has close to 17 people on the waiting list for hangar space and added the airport needs to get some of these airplanes that want to be based in Keene – hence there is a benefit.

Councilor Hooper stated he visits the airport often and felt Monadnock Choppers has a very professional operation at the airport and has not heard any complaints from neighbors about noise. He encouraged support of this business.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that City Manager be authorized to do all things necessary to negotiate and execute a Construction/Lease Agreement with Monadnock Choppers, LLC, to develop an aircraft hangar on City-owned property at the Keene Dillant-Hopkins Airport.

**5) Acceptance of FAA ARPA Grant for Airport**

Mr. Hickling stated this next item is the final Covid relief grant from the FAA. This comes from the Airport Rescue Plan in the amount of \$59,000. The Director stated the airport was eligible for this grant because the airport is considered a Regional Airport in the National Airport System which makes it valuable.

This grant will be used to offset costs associated coronavirus; it can be used for any of the airport's operating costs.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that City Manager be authorized to do all things necessary to accept and execute a grant for the amount of \$59,000 from the Federal Aviation Administration as part of the FAA ARPA Grant program.

**6) 12 Gilbo Avenue Lease - Parks, Recreation and Facilities Director**

Mr. Bohannon addressed the Committee again and stated this item is for a lease renewal with Konstantinos and Demitris Georgiadis for the Yolo Ice Cream shop they operate at 12 Gilbo Avenue. Mr. Bohannon stated this lease was renegotiated in 2020 and was extended out, but they are currently looking to do some minor renovations to the shop. The tenants don't want to put in the investment based on the current lease and are looking for a longer term.

Mr. Bohannon stated he has reviewed this with the City Manager and staff feels it would be an appropriate thing to do. He noted this business is doing well and is a good entity to have on the rail trail.

Councilor Remy noted the insured was looking at three year plus a three year option and asked whether the City would consider three years plus three one year options so the City would have an option after three years and don't get locked in for six years. The Councilor then indicated he is sure staff has looked at all options.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that that the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos and Demitris Georgiadis for space located at 12 Gilbo Avenue.

**7) Acceptance of Opioid Settlement Proposal - City Attorney**

City Attorney Tom Mullins addressed the Committee next and stated unfortunately the country has been involved in an opioid epidemic for many years. This issue has had a severe impact not only for the City of Keene but around the country. Many local jurisdictions including the City of Keene joined in a national effort to bring a lawsuit against various entities with respect to the opioid problem; not only the manufacturers, best known is Purdue Pharmaceuticals as well as distribution entities associated with the sale and distribution of opioids.

A mass litigation action in February of 2019 filed in the Federal District Court in Ohio included the City of Keene. Attorney Mullins stated there has been a partial settlement based on the Purdue Pharmacy bankruptcy, but not all of the states agreed to that, and the matter is on appeal.

He went on to say, some of the entities the City filed suit against are distributors - McKesson, Cardinal Health and Amerisource Bergin and one of the manufacturers that is involved in this settlement proposal is Johnson and Johnson.

The City Attorney stated the settlement has not been implemented yet. It needs to collect enough participants for the settlement process to go forward and for the defendants to agree to enter into it. The State of New Hampshire at least with respect to the three distributors McKesson, Cardinal Health and Amerisource Bergin is going to enter into that settlement.

Attorney Mullins further stated a year ago through the Attorney General's Office legislation was drafted with respect to what happens with the settlement funds. As a result, amidst objection from a number of municipalities, including the City of Keene the State did enact legislation 126A:3 called the Opioid Abatement Trust Fund so that all payments made to the State would go into this trust fund.

Attorney Mullins explained, the way the settlement proposal works, assuming it goes forward; the overall settlement for these three distributors and Johnson and Johnson is approximately \$22 billion dollars which will be paid out over a number of years. The amount owed to the City is about 6.62%. The State of New Hampshire has decided not to enter into the settlement with Johnson and Johnson and because the State is not participating in that settlement the City is not eligible to participate in that as well. There is an anticipated trial date in that matter in the Merrimack County Superior Court for February 1 2022. Assuming there is either some kind of settlement as a result of that litigation or monies that are received from that litigation; those funds will also drop into this trust fund. This trust line applies to all local municipalities, counties and the state. At that point, the statute will define how those funds are to be distributed.

Attorney Mullins stated the issue with the trust fund is that it has a 15% automatic share. The City objected to the 15%; their position with the Attorney General is that municipalities bore the lion's share of the burden with respect to dealing with this crisis and hence should have a larger percentage, but the State decided in its own wisdom not to do that. Attorney Mullins stated his understanding is there will be a legislative initiative to increase that percentage to somewhere around 50% (which is more than what is being offered to other municipalities around the country).

The settlement does include some injunctive relief to keep these companies from participating, to the extent they did before to make this crisis happen. The deadline to advise the Court of the City's participation is January 2 2022. Attorney Mullins stated the City has outside legal counsel assisting in this process and staff is recommending the City participate in this settlement at this point; not to do so would reduce the amount of funds coming into the State of New Hampshire. This concluded the attorney's comments.

Councilor Chadbourne stated the City should definitely participate and felt New Hampshire has been hit hard and could use all the help to repair and rehabilitate. Attorney Mullins stated based on rough calculations, if the amount was \$22 billion the State would get approximate \$131 million.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to participate in the proposed National Opioid Settlement and authorize the City Attorney to execute all necessary documents.

- 8) **Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project Resolution R-2021-40**

Operations Manager of the Treatment Facilities, Aaron Costa and Public Works Director/  
Emergency Management Director, Kurt Blomquist were the next two speakers. Mr. Costa stated  
tonight he had two Resolutions to discuss.

The first one is Resolution R-2021-40 relating to the appropriation of funds from the wastewater  
treatment plant capital reserve fund balance to the wastewater treatment plant laboratory  
renovation project. Mr. Costa noted the wastewater treatment plant was built in the early 80s and  
came online in 1985, the laboratory itself is still original. There is a capital improvement project  
to renovate the laboratory. Design for this work has been completed, bids for construction  
services were received at the end of September. The City received one bid for approximately  
\$200,000.

Mr. Costa explained when the City put this project together a number of years ago, the City  
budgeted \$143,000 for the entire project. To date \$38,000 has been spent on engineering, leaving  
approximately \$105,000 in the project budget. He went on to say the increase to engineering  
costs associated with bringing the HVAC up to building code, the increased cost of steel, as well  
as this being a contractor's market right now, accounted for the majority of the overages for this  
project. As a result, staff is requesting \$117,150, which includes a \$20,000 contingency to be  
moved from the wastewater treatment plant capital reserve fund and that it be allocated to the  
laboratory renovation project, 08106.

Mr. Costa went on to say the City's engineers' estimate for construction was around \$178,000.  
He added the City only had one qualified bidder which came in late and hence was disqualified,  
but that bid came in at approximately \$297,000.

Councilor Hooper clarified this is so this renovation monies and will not go toward things like  
additional lab equipment, etc. Mr. Costa stated the monies are only for counter tops, cabinetry,  
shelving, fume hood and a new HVAC unit to accompany that.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of  
Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment  
Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project.

**9) Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund  
Balance for the Wastewater Treatment Plant's National Pollution Discharge  
Elimination System (NPDES) Permit Project Resolution R-2021-41**

Mr. Costa stated this item is in reference to Resolution R-2021-41 relating to the appropriation of  
funds from the sewer fund unassigned fund balance for the wastewater treatment plant permitting  
assistance project.

Mr. Costa explained the City's wastewater plant has a permit which was granted through the  
EPA to discharge treated wastewater into the Ashuelot River. The City through the CIP process  
funded a project for legal and permitting assistance and executed a contract with Western and

Sampson Engineers in 2016 for \$95,000 to assist with the permitting process and Drummond & Woodsum Attorneys at Law have been providing legal services.

Mr. Costa noted the last time the City was issued a permit was in 2007 and that permit was good for five years. That permit expired in 2012, but the City is operating under that expired permit until EPA issues a new permit. In preparation for that permit, the City signed a contract with a Western and Sampson in 2016 to start that process. In May 2020, the City received its draft NPDES permit and responded to the EPA with comments. The City received its final permit last month indicating there was a need to appeal and negotiate various requirements of that permit.

Due to ongoing negotiations, additional funds are needed to continue that process. Western Sampson has provided a scope of work for technical assistance and support and they have given the City a scope of work for around \$115,000. The remaining \$25,000 will be used for any legal services needed to negotiate and complete the process.

Councilor Remy asked whether there is the possibility the legal work won't be needed and if that is the case, asked what would happen to that \$25,000. Mr. Blomquist stated, unfortunately the legal costs are going to be required as they will be going in front of the Appeals Board for a very specific process. He added as with any other project, if at the end of this work, if there are any funds remaining, it will either go back to the unassigned fund balance or used it for another project.

Councilor Remy asked whether a comparison has been done for complying versus fighting the requirements. Mr. Costa stated pH is one of the City's permanent parameters and the City has a limit of 6.5 to 8.0. Oftentimes, during heavy rainfall - rain has a pH of around 4 or 5 and this water needs to be adjusted and the City will spend anywhere from \$100,000 to \$200,000 just in chemicals to be in compliance with that pH limit per year.

Chair Powers asked the conditions being tested whether this is likely to make some impact on the pH levels. Mr. Costa stated what he has learned is that other communities have had success. He added EPA does have a different standard for pH - they allow a 6.0 to about 9 but the state limit is 6.5 to 8. He added Hanover has had success in negotiating a larger pH range.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) Permit Project.

There being no further business, Chair Powers adjourned the meeting at 6:45 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker  
Edits submitted by,  
Terri Hood, Assistant City Clerk