

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, March 10, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Thomas F. Powers, Chair
Michael J. Remy, Vice Chair
Bettina A. Chadbourne
Bryan J. Lake
Andrew M. Madison

Members Not Present:

All Present

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Beth Fox Assistant City Manager/Human
Resources Director, Beth Fox
Deputy Fire Chief, Donald Farquhar
Airport, Director, David Hickling
City Engineer, Don Lussier
Police Captain, Todd Lawrence
Parks, Recreation and Facilities Director,
Andy Bohannon

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

1) Acceptance of 2022 Wellness Grant - Human Resources Director

Assistant City Manager/Human Resources Director Beth Fox addressed the Committee first and stated the City's wellness coordinators implement programs related to wellness and health activities for employees in the organization. She noted this program has been in effect for three years and staff would like to continue the program.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the wellness grant from HealthTrust to be used for employee wellness activities in 2022.

2) Acceptance of the Locality Equipment Matching Program Grant - Fire Department

Deputy Fire Chief Donald Farquhar stated this grant for the Fire Department comes from the GOEFERR Locality Equipment Program Matching Grant. This grant in the amount of \$49,342 was designed to asset costs associated with Covid 19. The City's match would be \$5,482, which will come out of the normal operating budget for equipment.

This Deputy Chief stated this grant allows the department to purchase several valuable pieces of equipment, all of which were slated for future years CIP projects. This grant will allow the department to purchase two Lucas 3 devices, which is a mechanical chest compression device, an excellent tool for mechanical CPR. The department will also be able to purchase 10 new AED's which will be distributed throughout the Fire Department fleet, which allows a greater chance for the first arriving Fire Department to have an AED on board. The third item purchased will be a Nitriox System which is a system that delivers nitrous oxide for pain relief.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to accept and expend the GOEFERR Locality Equipment Matching Program Grant.

3) Negotiate Lease of Airport Property - Airport Director

Airport, Director, David Hickling was the next to address the Committee regarding a lease negotiation with Kevin Provost, owner and operator of Monadnock Choppers, a flight school. This is a lease for property that is under a hangar, which Mr. Provost owns and there are no more renewal options on this lease. As a result, staff is looking to do a new lease for that land which is under his private hangar. Mr. Hickling noted this business is growing and is looking to expand and maybe build a new hangar sometime in the future.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager or her designee be authorized to do all things necessary to negotiate and execute a lease agreement with Mr. Kevin Provost for land associated with a privately owned hangar.

4) Airport Operating Rights Agreement - Monadnock Choppers - Airport Director

Mr. Hickling addressed this item as well. He indicated the airport is doing well and currently has only one provider for aircraft maintenance, Monadnock Aviation. Mr. Hickling stated Mr. Provost and Monadnock Choppers have qualified aircraft mechanics who are FAA certified and meet the minimum standards to be able to provide these services. Mr. Provost is looking for an operating agreement to be able to provide these services.

Mr. Hickling stated this will provide for a few things; it will keep some of the based aircraft from going to other airports to get their maintenance or having to wait months to get in with the current provider. This will provide additional revenue for the airport if these maintenance services are provided here.

Councilor Remy asked how much of this revenue comes into the City. Mr. Hickling stated a certain percentage comes to the City. The percentage would be negotiated into the agreement –

it would be 2% to 3% and based on the volume of business and percentage of revenue.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager or her designee be authorized to do all things necessary to negotiate and execute an Operating Rights Agreement with Monadnock Choppers to provide aircraft maintenance services at the Keene Dillant-Hopkins Airport.

5) Airport Engineering and Architectural Services - Airport Director

Mr. Hickling stated this request is to enter into an agreement with an engineering consultant for airport capital projects. Mr. Hickling stated the airport has been working with the current engineer for about 5 years. He noted the FAA recommends that every 5 years other sources for airport engineering and architectural services be sought out.

At the end of December, responses from a Request for Proposals were received. The four proposals were reviewed by City staff based on certain criteria. McFarland Johnson was the selected candidate to complete this work. Mr. Hickling indicated one of the things they look for is somebody who has experience with Airports, FAA Funding sources and Federal Aviation Regulations. McFarland Johnson really stands out in this respect as 50% of the work they do is airport work.

Mr. Hickling stated another aspect that they looked for was a company that had experience with renewable energy, which they demonstrated they did in their proposal. Another aspect they demonstrated is experience with diverse funding.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into an agreement with McFarland Johnson Inc. for Airport Engineering and Architectural Services for the Keene Dillant-Hopkins Airport.

6) Professional Services Contract for Mapping City Cemeteries and Associated Software - Parks, Recreation and Facilities Director

Parks, Recreation and Facilities Director Andy Bohannon was the next speaker. Mr. Bohannon stated this request is regarding funding for mapping services of City cemeteries. This is a software system that can be used to find somebody's loved one.

In 2011, the City was on an oracle platform and were able to create in-house service, which software was eventually sunset. In 2017, the City was going to be replacing that particular software with a bigger package for cemeteries, and at the same time the City was looking at Cart-a-graph, an asset management tool. Cart-a-graph is not meant to be used as a cemetery database and there is no public interface with it. So people who want to access their genealogy are not able to log in and find the location of their family members.

Mr. Bohannon stated the software being proposed will navigate some of these challenges. The application will be able to use data from the City's GIS system, which was used to map the City's cemeteries. He added there will be a \$3,000 annual fee. What is being proposed would give individuals the opportunity on their phone, laptop, or any other device to look up their ancestors and it will produce something similar to a Google map to find the particular location. Mr. Bohannon stated the funds for this project comes from the Cemetery Trust. The Trustees have already approved the funds. Mr. Bohannon stated what he is looking for is the initial \$5,000 for mapping fees and the \$3,000 annual maintenance fee. He added if the City is not happy with the service it can be terminated at any time.

Councilor Remy asked whether there would be any type of signage located at the entrance to the cemeteries to inform people this service exists. Mr. Bohannon answered in the affirmative and added a QR Code will be added directing people to the website.

Chadbourne asked how many cemeteries the City has. Mr. Bohannon stated the City has nine cemeteries of those three are more historical. The historical cemeteries are located on Washington Street, one by the Country Club and one on Hurricane Road. The Councilor felt this was a great service at a reasonable price, but asked if there was user fee. Mr. Bohannon answered in the negative. Mr. Bohannon added part of the reason for the low fee is because of the all the work that has been done to this point with our mapping.

The Chair felt this was a great plan.

Councilor Madison made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to approve the expenditure of Cemetery Trust Fund B – Capital Reserve for \$8,000 (\$5,000 mapping + \$3,000 annual maintenance fee) to hire Bahar Mapping for a professional services contract to map the City cemeteries, which includes an interactive navigation station that allows the ability for cemetery guests to "find their love one." In addition, the authorization includes approval for up to 3 years of an annual maintenance fee of \$3,000, which may include a periodic increase.

7) Body Worn Camera and In-Car Video System Implementation - Police Department

Police Captain Todd Lawrence stated he was before the Committee to address body worn cameras and the in-car video implementation. He indicated in June 2020 as a result of a directive put forth by the City Council which tasked the City Manager to have the Keene Police Department research the implementation of a body worn camera system; the department formed a committee and in July 2020 had several vendors provide quotes for review.

The Committee selected one vendor out of the group that provided a demonstration; Body Worn by the Pylon Corporation. On August 27, 2020 the Police Chief came before this committee in order to present the initial findings of the demonstrations and to seek approval to move forward with an evaluation period with the body worn camera system. The Council approved that trial and the evaluation period occurred in November of 2020. Findings from that trial were presented to this Committee on February 11, 2021. Staff's recommendation at that time was to delay any

decision until other funding was available through either State or Federal legislation.

At the present time the Department has applied for the United States Department of Justice Body Worn matching grant up to \$100,000, and also the State of New Hampshire Body Worn Camera matching Grant up to \$50,000. The current cost of a five-year paid upfront contract for 44 body worn cameras and 16 car cameras is at a cost of \$445,025. This would be for the equipment, the software used to operate the system and support for that system. There will also be training involved which is an additional \$39,690. If the matching funds of \$150,000 are obtained, it would leave Keene with total costs of \$334,715 for this five-year program.

Councilor Remy asked the City Attorney if his office was ready to support this action when it goes live. Attorney Mullins stated they are in the process of setting that up.

Chair Powers asked the Manager to explain how the rest of the funding was going to be calculated in the financing. The City Manager stated they will be taking the City's portion of funds from an account that they created called the Police Department Equipment. The Fund currently has a balance of \$460,000. The Chair noted as a result no monies are being added to the budget for the next year and because this is a five year program, staff will be back in five years to discuss how the funding will continue for the future. The Manager stated staff will be back next year to put this initiative into the capital plan.

Councilor Madison asked whether these funds include the costs associated with record keeping and maintaining the video recordings. Captain Lawrence responded the software includes the storage of videos and data.

Councilor Remy noted this action came about because of a petition from the public. He asked whether the Police Department was in support of this action as well. Captain Lawrence answered in the affirmative.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to begin implementation of the Body Worn Camera and In-Car Video program; to apply for, accept and expend any available grant funding related to the Body Worn Camera program funding; and pursuant to Section 2-1336 of the City of Keene Code of Ordinances, waive bidding requirements in Section 2-1332 (1), and Section 2-1335 as recommended by the City Manager.

8) Relating to the Appropriation of Funds for the Winchester Street By-Pass Project

- **Resolution R-2022-03**
- **Resolution R-2022-04**

City Engineer Don Lussier addressed the Committee next. Mr. Lussier stated he was before the Committee to discuss the Winchester Street Reconstruction project. He indicated this is a significant construction project the City envisioned for season.

Mr. Lussier explained the City has been working on the design phase of this project since 2016.

The project originally goes back to the mid to late 90's. This project will be the reconstruction of the Winchester Street corridor from the existing roundabout at Route 101 to the Island Street, Pearl Street intersection along with the replacement of Island Street Bridge.

The design was completed last year to include acquisition of property rights. The project was put out to bid in September 2021 and bids were received in December 2021.

Unfortunately, because of the construction costs these days the bids came in significantly higher than was expected. As a result, the local share of the budget needs to be increased. The project is being funded with 80% Federal money and the City is only responsible for 20%, which is still a substantial amount. Resolution R-2022-03 is specifically for the appropriation from the General Fund. This project also includes funds from the Water and Sewer Funds. He indicated the good news is that the sewer project is coming in under budget. The General Fund needs about an additional \$584,000 for the City's share of the project cost, which will bring the total City's appropriations for this project to include water and sewer up to 2.7 million dollars. Staff is requesting the \$584,000 to be funded through a bond issuance. The majority of the general fund appropriation for this project will be debt funded. So this would increase the amount of debt funding for the project.

For the Water Fund, staff is asking to take an additional \$150,000 out of the Water Infrastructure Capital Reserve.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-03.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-04.

- 9) **Winchester Street Reconstruction – Consultant Selection for Construction Engineering Services - City Engineer**
- 10) **Winchester Street Reconstruction – Design Consultant Services for Construction Support Services - City Engineer**

Mr. Lussier stated these two items are related to contracts to get the project just discussed completed. The first contract is with Greenman-Pedersen, Inc., (GPI), for construction administration and oversight for the project. Mr. Lussier stated Federal Highway no longer allows the Design Engineer to oversee the construction phase and a different consultant has to be hired to oversee the work and this is what GPI will be doing.

The second Memorandum is for a smaller contract with McFarland Johnson, the design engineer. They will be involved in the project, but more as an expert providing information which only a design engineer can do. Day to day oversight will be the responsibility of GPI. Mr. Lussier added

GPI was selected last spring through a calls-based selection process. Last summer, a construction inspector was selected for the Cheshire Rail Trail and the Winchester Street project. The solicitation at that time was structured in a way that the City could select one or two different consultants for the two different projects; GPI was chosen at that time by the selection Committee as the preferred option for both projects. It was done through the normal qualification based process.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Greenman-Pedersen, Inc., (GPI) for an amount not to exceed \$670,000 for Construction Engineering Services required for the Winchester Street Reconstruction Project.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with McFarland Johnson, Inc., for an amount not to exceed \$70,000 for Construction Support Services required for the Winchester Street Reconstruction Project.

11) Relating to the Appropriation of Funds for the Thompson Road Repair and Stabilization Project

• Resolution R-2022-05

Mr. Lussier stated in the fall of 2019 the residents of Thompson Road requested the Public Works Department look at their roadway. There was concern expressed the road was in poor condition, guardrails were loose etc. It was discovered the slope was settling in - sloughing being the technical term. It was alarming enough for staff to request an expert review of the situation. A Geotechnical Engineer was hired to perform some boring, take soil samples and evaluate the conditions. At the end of that process, the report indicated the slope was marginally stable, meaning it wasn't a crisis, but it was not something the City would like to see with a steep slope.

The City requested the engineer to dig a bit deeper and give some recommendations for improving the slope stability and fixing the roadway.

Presentations were made before the MSFI regarding this issue. The plan because this was a slow moving process to schedule the project via the CIP (this was back in 2020). In the fall of 2021, a resident contacted Public Works again and requested another review of the roadway. What was discovered at that time is that the roadway had settled an additional eight inches in some areas. Deterioration was happening a lot faster than expected. It was not included in the CIP as staff was going to be back before the Committee to discuss this item to start this work immediately.

Mr. Lussier stated the appropriation of funds is for the design phase, which would begin immediately, once the design is completed, construction phase will be discussed.

Councilor Lake asked whether the funding is to stabilize that road or to decide whether a new road needs to be constructed. Mr. Lussier stated staff left it with MSFI was not go with a different path. He called the Committee's attention to the options summarized on the next page of the Memo. Relocating the road would mean, moving the road going off Chapman Road branch off three-quarters of the way up Thompson Road and then abandoning the existing roadbed. This seemed like an attractive option. However, because the rail bed is so narrow, the cost for that option is essentially equal to the cost for repairing it in place, possibly a little bit more. It also implies some pretty significant property issues. The City would have to acquire property perhaps demolish a house in order to put the road where the house currently is. It also crosses a couple of undeveloped parcels that were put under conservation easement. Mr. Lussier stated he wasn't sure of the legal implications of taking something that is in conservation easement and turning it into a public road. This was another obstacle. The other real drawback was the location of the water main. Relocation of the road would require building a new water main, which could be very costly.

Hence, staff's recommendation to MSFI was the restore in place option. MSFI did not take a vote on a preferred approach.

Councilor Lake noted the Engineer had indicated deterioration and asked whether the road could be stabilized in the long run. Mr. Lussier stated they will be able stabilize it, the question is how bad the road will get before construction can be completed.

Chair Powers asked for the timeframe for this work. Mr. Lussier stated construction is not likely to happen in 2022; it will take most of the summer in order to get the design completed. There is also some potential property implications for repairing it in place. Part of the recommendation given to MSFI is that the road will be widened from its current approximately 12.5 feet to at least 18 feet, which is still pretty narrow, but it would be enough for two cars to pass safely. In order to do that and in order to do the construction, the City will be touching private property. The residents on Thompson Road are going to be amenable to seeing that happen. However, one of the property owners is Antioch University. They hold their property as protected land and there will be some implications with cutting trees on this protected property.

Councilor Remy asked if any of the residents or neighbors from whom property will be taken could be resistant to it. Mr. Lussier stated in the short term, the City is absolutely going to need to be on private property otherwise there isn't enough room to do the construction and maintain access to those properties. The City will basically need to abandon the neighborhood for about six months and the resident will not want that. In the long term if the property owners are not amenable to giving up their property for the extra roadway, they will be stuck with a road that does not pass two cars.

Attorney Mullins asked whether the Antioch property is also under conservation easement. Mr. Lussier answered in the affirmative.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-05.

12) Council Policy: Relating to the Legislative Process

• Resolution R-2022-06

City Attorney Mullins stated this was a request to look at the Council's Legislative Initiatives and how the Council reviews and deals with those questions. There have been questions that have been raised over the years about the propriety of the City Council weighing in sometimes on issues that could be seen as not related to the City. As a result, staff took the existing Council policy and amended it to try and incorporate some of those questions and concerns.

He indicated what is in front of the Committee tonight is that draft for its review. The Attorney noted what is being attempted is to determine what these legislative initiatives are. Whether those legislative initiatives constitute matters from either the State or Federal Government and how that may impact local government from an administrative, community planning, budgetary and service delivery level.

He indicated he retained much of the existing language, including a reference to working with the New Hampshire Municipal Association with respect to their review of legislative initiatives and their recommendations with respect to that. It also includes existing language providing for the City Manager and staff to be involved in the legislative process and review legislative initiatives, as well as the City Council to consider those as well.

If is a matter submitted to the City Clerk does not fall within this policy - rather than placing it on the agenda, it would be placed in the mailboxes for each of the members of the Council. If a Councilor wanted the issue considered, they would need to seek a suspension of the Rules of Order, which would require a two-thirds majority vote.

Councilor Remy felt having a strong opinion about a few important things is more impactful than having a “shotgun” approach and weighing in on everything. He felt this amended Council policy was very helpful.

Councilor Chadbourne felt there are several constituents who have had opinions on both sides of the fence. She indicated one of the most important issues for her in the past 10 years as a City Councilor is when she and Councilor Jacobs brought before the Council a request to draft a resolution relative to adding gender identity to the list of protected classes in the city’s employment policies. She continued they had been approached by a New Hampshire transgender group. Transgender people see a lot of discrimination and nothing was happening on the State level; the matter was just being tabled.

Hence, this group started a statewide initiative and started approaching towns on an individual basis asking for support. Counselor Jacobs and herself brought this item to the Council and what they discovered was in the City Handbook there was nothing that protected transgender people. If the City had a transgender employee, they could be discriminated against just like they could be discriminated against at the State level. With all of these towns weighing in and coming forward, it changed the conversation at the State level and they were able to push through

legislation that protected the rights of the transgender population. Councilor Chadbourne stated this had not started at the local level it would never have moved forward at State level.

Councilor Chadbourne stated as she started thinking about the past and her particular situation and what a difference that that made – she stated she couldn't support this. The Councilor felt it was important on occasions to weigh in. She went on to say, the Attorney did refer to suspending Council rules to make sure there was enough consensus. She agreed the City Council is responsible for representing the City, review budgets, and things like roads, bridges etc. But the City Council also represents its constituents for all their concerns and sometimes those concerns can be beyond that specific purview. Councilor Chadbourne stated she knows there is strong support for what was presented tonight but wanted to bring her concerns for consideration as well.

Councilor Madison asked Councilor Chadbourne whether the proposal brought to her by that group was a change to City policy or was that a petition to bring to the State. Councilor Chadbourne stated it was a petition to bring to the State but that forced them to look at other things, including the City Handbook and that is when it was realized there was no protection for Transgender City employees.

Councilor Madison asked whether that group wanted to City to take a stance on this issue and then send a letter to the Governor or the legislature or for the City to enact the policy. Councilor Chadbourne stated they didn't ask anything from the City – this was research she did on her own. What they asked was for support to the State. What was created was a Resolution. Councilor Madison asked whether this was a group of individuals were from Keene or from outside of Keene. Councilor Chadbourne stated they were from both Keene and outside of Keene. Councilor Madison asked whether this group had also gone to their Legislators and State Representatives. Councilor Chadbourne answered in the affirmative.

Councilor Remy felt this was a great example of a place where the Council should step in and be able to override the Council policy; however, to take a stance on a policy it should have to be a super majority with a two-thirds vote.

Councilor Lake stated he echoes Councilor Remy's thoughts and felt the intent of this is to reduce the number of Resolutions and Partisan Resolutions while still allowing the caveat that was outlined, when something rises to the occasion of needing to go past that threshold of having a majority like a supermajority to move forward.

Councilor Madison stated he agrees with Councilor Remy, when the Council takes a stance on a few important issues such as the issue Councilor Chadbourne had mentioned, we speak with a powerful voice. He stated he has been noticing a trend of some political groups, especially some groups from outside of Keene coming to Keene and requesting Keene take a stance on Partisan issues. He stated this has been concerning for him and noted this is why we have Congressional Representatives, State Senators, and unfortunately these individuals are not really reaching out to those Representatives and asking for support. They are asking the City to do the outreach for them. He felt having this two-thirds majority threshold makes sure the lower level issues that don't really impact the City, that are more partisan don't come before the Council but major

important issues such as human rights, issues that can impact the residents of the City financially or impact delivery of services can come before the Council, and we can make the decision to take a stance on those and send a message either to Congress or to the State House in Concord.

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

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process on Resolution R-2015-10.

Councilor Chadbourne voted in opposition.

13) Proposed Capital Improvement Plan (CIP) for FY 2023-2029

Chair Powers stated the Committee and public has had an opportunity to review the CIP. All concerns raised by the Council have been addressed by staff. He continued members of the public came to the public hearing and supported projects they were interested in seeing move forward for the benefit of the community. There were no public comments in opposition to the proposed CIP. At this point, if anyone on the FOP Committee wishes to speak to a particular item this is their opportunity, otherwise it is time to entertain a motion.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of the Capital Improvement Plan for FY 2023-2029.

There being no further business, Chair Powers adjourned the meeting at 7:08 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Additional edits by,
Terri M. Hood, Assistant City Clerk