

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, September 28, 2023

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

Staff Present:

Beth Fox, Asst. City Manager/HR Director
Amanda Palmeira, Asst. City Attorney
Don Lussier, City Engineer
David Hickling, Airport Director
Rebecca Landry, Communications and
Marketing Director/Asst. City Manager

Members Not Present:

All Present

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

1) **Alex Stradling/FACT TV - Annual Report**

Communications and Marketing Director/Asst. City Manager Rebecca Landry addressed the Committee first. Ms. Landry stated this is FACT TV's first annual report since they took over the public access portion of the City's community access TV services. She noted this is one of the requirements of Falls Area Community Television (FACT) TV's contract.

Mr. Alex Stradling Executive Director of FACT TV addressed the Committee next and thanked the community for wanting to continue public access in Keene. He asked Station Manager Josh Bradley to list those who have helped FACT TV throughout the year. Mr. Bradley stated they have had at least a dozen new shows that used to have shows with Cheshire TV and have come back and wanted to start new shows or start the same show over. A producer by the name of Ryan Bork who has had a show with Cheshire TV for the past ten years has come back. Kim and Kurt Brownsworth who run a gaming show and had a YouTube show have created great content with the resources provided. Chris Coates and Luca Paris will be providing new cameras and will also be starting a new show. Mr. Stradling extended their appreciation to the Chamber of Commerce, Keene High School, and Adam Toepfer of Keene Pride. He stated they are anxious to build strong relationships in Keene.

Chair Powers commended the budget report which he indicated was very comprehensive and asked Mr. Stradling to provide the highlights regarding the budget. Mr. Stradling noted they have two separate budgets, one for Vermont and one for New Hampshire. He noted for the City of Keene they are budgeting a deficit because they are redoing their website and will be providing a video on-demand service but plan to tap into reserves. He added that they have received a grant

from the State of Vermont. Chair Powers asked about the equipment FACT TV has acquired and the status of such equipment. Mr. Stradling stated there are times when people rent their facilities or equipment which individuals get charged for and there is a rental fee that goes along with it. He stated that they have collected about \$600 in equipment rental services work and are working with their lawyers on how to allocate this money.

Mr. Stradling went on to say in the State of Vermont they file a report with the cable provider, in Keene the City is the franchisee and there is a letter that has been drafted – one issue is the update to the programming guide which he indicated he will be contacting Spectrum to remove the guide. If a programming guide is something the City would be interested in, it could be added at an extra cost. Bellows Falls pays \$2,500 per year for this service. Mr. Bradley added that Cheshire TV had software for the programming guide but didn't leave their username or password; hence, the programming guide would have to be created from scratch.

Ms. Landry stated the issue with rental is a little different because with FACT TV the City maintained ownership of the studio and equipment and will work out a resolution soon. She further stated the City is also working on a renewal of their franchise agreement with Spectrum.

Councilor Madison asked whether there is a plan to add Keene residents to the Board of Directors. Mr. Stradling stated because they are now part of the Keene area, the by-laws include all areas they serve. He stated there are three seats open and wasn't sure how many were running for re-election. He noted their website has an application for Board members and their annual meeting is on October 18. He indicated he will send this information to the city so it can be posted on the website and added that they will also be reaching out to Keene residents who have a relationship with FACT TV to see if they would like to run for a Board seat.

Councilor Remy asked whether he could have a copy of the programming for Keene so he can learn how much content is from Keene - he referred to this Finance meeting session as an example. Mr. Bradley stated this meeting airs on channel 1302 and is run by the City. He indicated Cheshire TV ran things a little differently and they are adapting as they move forward. Currently, there are two schedules that are being run, both schedules have significant amount of shows from both states. The programming that runs from 7 pm to 10 am is almost entirely local programming.

Mr. Stradling added since they opened their doors in February they have produced 81 hours of content through Keene (100 episodes). On average they program approximately 22 different shows a month out of Keene. He indicated he will share the programming guide with the City so it could be shared on the City website. Since February there have been 258 visitors to their website from Keene, their goal is to reach 2% of the population. Mr. Stradling added cable companies never give out numbers which is something he has been trying to obtain for many years.

Councilor Remy referred to the expenses for the website and asked how they came up with the projected number. Mr. Stradling explained the new video-on-demand is going to cost them \$8,000 per year. He added the expenses referred to for the website are not just for the website, it

is for all the work that is done in Bellows Falls, in terms of uploading content, maintaining the database etc.

Councilor Remy asked for an explanation of the cost of labor and payroll. Mr. Stradling stated the payroll is specifically for the two employees at the Keene station, administrative costs are about five hours for Mr. Stradling to attend meetings like the session today, write reports, transcribe minutes, and do other administrative work.

Councilor Remy asked for a breakdown of the \$6,000 for web services. Mr. Stradling stated he could email the committee a QuickBooks breakdown for each line item. Councilor Remy stated he wasn't sure why the committee needed to review this. Ms. Landry explained FACT TV has certain obligations based on the contract the City has with them. One of the things that is different with FACT TV compared to what used to exist in the past is that the State of Vermont has regulatory influence over public access in Vermont and to continue to do what they are doing they have to meet those requirements and it is much of that budget detail the City is receiving. The reporting is far more detailed compared to what the City has received in the past. The City does look at all these numbers to ensure they are meeting all the contract requirements.

Councilor Madison thanked the presenters for their transparency and for this reporting – FACT TV's open-door policy is a fresh of breath air compared to what the City is used to.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting FACT TV's annual report as informational.

2) FY2023 Audit Engagement - Waiver of Bid - Finance Director

Finance Director Merri Howe addressed the Committee and stated she was before the committee regarding the City's audit contract and is requesting that the council authorize the Manager to waive the bidding requirements under Section 2-1336 (Waiver of Requirements) for the FY2023 City of Keene annual audit engagement and authorize the City Manager to sign the engagement letter with Marcum LLP.

Ms. Howe stated Marcum LLP was formerly known as Melanson and has been the auditor since 2009. The City went out to bid in 2016 and they were the lowest bidder hence the City continued with their work. Their contract ended after the 2022 audit. Ms. Howe stated they are a great firm to work with, they are knowledgeable and have helped the City receive its Certification of Achievement for the last four years and are waiting for year five's results. They are familiar with the City's practices, and software and the hope is the Council will keep them for one more year for the 2023 audit and the City will go out for an official bid for qualifications after that audit. Ms. Howe noted there are not a lot of firms that do audits in New Hampshire for municipalities. The last time the City went out to bid in 2016, there were three responses, one from Maine and two from New Hampshire.

Councilor Remy asked how the rate compares to what it has been in the contract for the last five years. Ms. Howe stated for the FY22 audit the price was \$43,500. The Councilor felt the increase for this year is quite substantial. Ms. Howe agreed that it is but for their liabilities and for the work that they do, the price is comparative. She added one of the quotes they received in 2006 was \$45,000.

Chair Powers asked whether Marcum LLP was a local company. Ms. Howe stated they were out of New York but had offices in Maine, New Hampshire, and Massachusetts. They have the same staff and office location as Melanson did.

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 waive bidding requirements under Section 2-1336 (Waiver of Requirements) for the FY2023 City of Keene annual audit engagement and authorize the City Manager to sign the engagement letter with Marcum LLP.

3) Acceptance of FAA AIP Grant for Airport – Airport Taxiway ‘A’ Reconstruction Project - Airport Director

Airport Director David Hickling stated this was for Airport Taxiway ‘A’ Reconstruction Project for which the airport had accepted a grant but by the time the funding was received the contractor could no longer do the job for that price. As a result, the project had to be re-bid, and even though the City still has the grant funds the FAA requires a new grant application to be submitted based on the new bids. The FAA would recall the previous bids and reissue them for the new contract price. He noted two grants make up the funding for this project. The first is a supplementary discretionary AIP grant which is 100% funded for 1.611 million. The second grant would be the remainder of the project as 90% FAA funded, 5% State funded and 5% City funded.

Councilor Remy 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, execute, and expend grant funding for up to the amount of \$3,102,257 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A reconstruction project.

4) Engineering Agreement – Taxiway ‘A’ Reconstruction Project - Airport Director

The Airport Director addressed the committee again. He stated this item is to expend the grant monies. He indicated whenever an FAA project is completed, the airport must work with an engineering consultant who is familiar with FAA projects. Mr. Hickling reminded the committee that a while ago the City changed its engineer of record to McFarland Johnson. This item would be an agreement with McFarland Johnson to oversee this project.

He explained McFarland Johnson would provide project oversight to make sure the work is being done according to FAA specifications, meet grant assurances, attend monthly project meetings, provide minutes at all those meetings, and make sure all payroll paperwork is in order.

Mr. Hickling provided clarification that the project breakdown for \$285,200 for the contract includes \$14,400 which is not AIP fundable. This will need to be added to the local share. He explained the reason for this; when McFarland Johnson took over this project (when the engineer of record was changed) McFarland Johnson was reluctant to take over this project, as another engineering firm had done the design. McFarland spent quite a lot of time going through the project design to make sure they could implement this design and hire a contractor to do this work. McFarland requested a lot of changes from the engineer who did the design and this extra work was not AIP fundable. Mr. Hickling stated the airport has funding available to cover this cost and monies will be transferred into the project budget to cover those costs.

Councilor Remy asked for clarification of the City's costs. Mr. Hickling stated it would be \$13,540 (city's 5% match) plus the \$14,400 which is not AIP funded which is a total of \$27,940.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a Professional Engineering Services contract with McFarland Johnson for the construction administration of the Taxiway 'A' Reconstruction project.

5) Keene Roadway Safety Action Plan Project Grant Acceptance & Consultant Selection - City Engineer

City Engineer Don Lussier addressed the Committee and stated last June the City put together an application to the US DOT for a new grant program through the Infrastructure Investment and Jobs Act. This program is referred to as Safe Streets and Roads for all and its purpose is to try to significantly reduce deaths and serious injuries on the nation's highways.

He indicated one of the unique aspects of this grant is to apply for implementation funds, the City has to have an adopted Safety Action Plan that meets all the criteria outlined in the program. The City was awarded a planning federal grant for \$350,000. Like most federal grants there is a local match requirement; all DOT grants are a 20% match. In order to use the entire \$350,000 the City would be responsible for an \$87,500 match.

Mr. Lussier stated because this is a new program the matching funds were not appropriated in the CIP. Hence the first recommendation from staff is the appropriation of funds. Mr. Lussier reminded the Committee that their next meeting has been canceled due to the Firemen's dinner and hence this Resolution will be added to the next Council agenda but it won't have another FOP meeting before the second council meeting for the second reading.

The second motion is for the grant itself, giving the Manager the authority to negotiate and execute the grant with Federal DOT.

The third motion is for the consultant selection. As with all federally funded projects the engineering services are required to use federal acquisition regulations for professional services: qualification-based selection.

An RFQ was sent out and four proposals were received. All firms were very qualified but the City went with VHB as the firm to do this work. Chair Powers asked whether VHB has done work for the City in the past. Mr. Lussier stated that VHB has done a lot of work for the City and the reason they were selected for this work is because they currently hold the State DOT contract for roadway safety audit and also are knowledgeable in accessing safety records

Councilor Lake asked when the City would get the report back. Mr. Lussier stated their hope is to put in an application for implementation funding for next June. Mr. Lussier stated this is an aggressive schedule and there is a lot of work that needs to be done. Staff will be asking the Mayor to put together a Roadway Safety Action Plan Committee consisting of representatives from the School District, College, and Keene Housing - representing a diverse section of the community. The plan is to get a report from the Roadway Safety Action Plan Committee to the Council by May 2024 for Council review and adoption. This report will be used as the basis for implementation funds. Mr. Lussier stated the City has an advantage as it was the first to receive the action plan grant.

Councilor Lake asked whether the plan would be a specific plan or a general plan; For example, City sidewalks need to be repaired or a specific area needs a sidewalk. Mr. Lussier stated it would be a little of both. DOT will be looking at accident data for the State as well as federal data and developing locations for hot spots where improvements need to be made. They will also look at general trends (low light levels at night are causing a high accident rate).

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 Council adopt a resolution at its earliest opportunity to appropriate \$87,500 from the unallocated fund balance to fund the City's local matching funds for a United States Department of Transportation Safe Streets and Roads for All planning grant.

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 accept and execute a Safe Streets and Roads for All planning grant from the US Department of Transportation in the amount of \$350,000 (federal share).

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 negotiate and execute a Professional Services Agreement with Vanasse Hangen Brustlin (VHB), Inc. for the Keene Roadway Safety Action Plan Project, for an amount not to exceed \$437,500, and; if an agreement cannot be

reached with VHB, that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with the next highest-ranked firm.

There being no further business, Chair Powers adjourned the meeting at 6:55 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Edits submitted by,
Terri M. Hood, Assistant City Clerk