

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, April 28, 2016

6:30 PM

Council Chambers

Members Present:

Mitchell H. Greenwald, Chair
Carl B. Jacobs, Vice-Chair
Thomas F. Powers
Terry M. Clark

Staff Present:

Asst. City Manager/IT Director, Rebecca Landry
City Clerk, Patty Little
Police Chief, Brian Costa
Parks, Recreation and Facilities Director, Andrew Bohannon

Members Not Present

Jay Kahn

Councilors Present

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

1) COMMUNICATION: Michael Kapiloff - Donation of Property - Off Pearl Street

Mr. Michael Kapiloff stated this property was in his mother's estate and is not a buildable lot and is not worth much to the family anymore. He stated he tried giving this land away to a neighbor who did not seem interested; hence he is coming before the City.

Asst. City Manager, Rebecca Landry stated she would recommend putting this item on more time for one cycle. She stated they had heard back from the Assessing Department but staff would like the opportunity to hear from the Public Works Department on things like water on the property or connection to any other projects going on in the Lee Street area. Chair Greenwald asked whether Mr. Kapiloff had contacted all abutters to this property. Mr. Kapiloff stated he had contacted one abutter and added the assessment is very low on this property. He stated it would cost him more in legal fees trying to sell the property and divide it among the four heirs.

It was indicated this matter would come back before the Committee in two weeks. Mr. Kapiloff asked whether it was necessary for him to be present at that meeting. The Committee didn't think so.

Councilor Clark asked where this property was located. Mr. Kapiloff stated it was hard to access it – it is located in the back of Lee Street. The Councilor asked why Mr. Kapiloff's

mother purchased this property. Mr. Kapiloff stated it was in exchange for a bad debt from a family member.

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

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends putting this item on more time.

**2) DISCUSSION: Police Chief - NH Department of Justice Case
#20155117214**

Police Chief Brian Costa stated the Keene Police Department is in receipt of forfeiture funds from the State of New Hampshire Department of Justice.

Chief Costa explained in October 2015 the department concluded an investigation on a case involving the sale of controlled substances in the City where US currency of \$1,085 was seized. The department receives 45% (\$488.25) a formula set by the State. The balance of the money will be retained by the State. The case of reference is State of New Hampshire v. Eddie Johnson, a resident of Springfield, Massachusetts.

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

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept forfeiture funds awarded to the Keene Police Department by the State of New Hampshire Department of Justice.

**3) MEMORANDUM: Parks, Recreation and Facilities Director – SCA
Trails Crew**

Parks, Recreation and Facilities Director Andrew Bohannon stated this memo is in reference to a grant through the Recreational Trails Program of the State for an amount of \$33,097.18. This is for a contract with the Student Conservation Association which was done back in 2014 and at that time it was funded by the Rachel Marshal Trust Fund. Last year the City applied through the Recreational Trails Grant program to offset the funds so that it would be an 80/20 split between the Rachel Marshal Trust Fund and the Recreational Trails Grant. However, the Recreational Trails Grant was not funded until late in the year.

Now that the Trails program has been approved by the Governor and Council, the money is in place and the city needs to sign an updated contract with the Student Conservation Association for their services. There will still be the 80/20 split and the 20% will come out of the Rachel Marshal Trust Fund in the amount of \$6,619.

Chair Greenwald clarified this work will be completed by this summer and the funding split would be the same as it would have been last year. Mr. Bohannon stated it would be but the contract is \$1,000 less than it would have been last year.

Councilor Jacobs clarified no tax dollars are being spent on this project. Mr. Bohannon answered in the affirmative.

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

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement between the City of Keene and the Student Conservation Association for \$33,097.18 funded through the Rachel Marshal Trust Fund and the Recreational Trails Grant program.

4) RESOLUTION: R-2016-16: City Council Policy- Oaths of Office

City Clerk Patty Little stated this is a new Council policy dealing with how the Clerk's office administers oath of office. Ms. Little stated recording of an oath of office is considered a permanent record and the Clerk's office has volumes of these handwritten records. She stated there are about 200 members who serve on different Boards and Commissions and about a third are up for nomination each year. The Clerk's office would typically send out a communication asking people to come in and take the oath and on many occasion they have to be followed up on.

Ms. Little stated staff has been in conversation with the City Attorney's office and have been discussing as to whether they have gone a little too far with this. The Attorney researched State law and the City Charter and does agree with staff. One of the things is the City was exceeding the statutory requirement of who they were asking to take this oath and secondly the City was not following the State law in terms of a written oath.

Staff as a result has developed a scaled back Council Policy which acknowledges who is authorized to give an oath, it provides that oaths are a permanent written record, and narrows the scope of who should take an oath to statutory boards. Those statutory boards are as follows: Planning Board, Zoning Board of Adjustment, Building Board of Appeals, Housing Standards Board of Appeals, Conservation Commission, Heritage Commission, Historic District Commission, Trustees of Trust Funds and Cemetery Trustees, Board of Assessors.

Ms. Little stated under this new Policy the City will no longer be administering oaths for legislative bodies, advisory bodies or ad-hoc committees. This policy does make an exception for a Councilor who is serving on one of these Boards as the Council oath will be considered an umbrella for all the Boards and Commissions a Councilor serves on.

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

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On a vote of 4-0, the Finance, Organization and Personnel Committee recommends adoption of R-2016-16.

The meeting adjourned at 6:45 PM.
Respectfully submitted by
Krishni Pahl, Minute Taker