

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

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

**Thursday, August 27, 2015**

**6:30 PM**

**Council Chambers**

**Members Present:**

Mitchell Greenwald, Chairman  
Terry M. Clark  
Thomas Powers  
Randy Filiault  
Kris E. Roberts

**Staff Present:**

City Manager, John MacLean  
City Attorney, Thomas Mullins  
Human Resources Director, Beth Fox  
Public Works Director, Kurt Blomquist  
Police Chief, Brian Costa  
Fire Chief, Mark Howard  
City Assessor, Dan Langille  
Planning Director, Rhett Lamb  
Asst. Public Works Director, Donna  
Hanscom  
Facilities Manager, Scott Martin  
Parks, Recreation and Facilities Director  
Andrew Bohannon

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

**1. COMMUNICATION: Jack Dugan/MEDC- Transfer of Sublease for  
Parking Spaces in Wells Street Parking lot**

Mr. Jack Dugan of Monadnock Economic Development Corporation (MEDC) stated since 1998 MEDC has been leasing parking spaces from the upper deck of the Wells Street deck and then sub-leasing those spaces to the different owners of the EF Lane Hotel and most recently to the Fairfield Inn. A change in ownership is about to happen again; Fairfield Inn is going to be selling the hotel to Jazzlyn Hospitality LLC. Mr. Dugan explained MEDC leases these spaces from the City. The lease MEDC has with the City doesn't allow them to assign those to anyone else without the City's permission. He

indicated he was before the City to request permission to permit MEDC to sublease these spaces to the new owner.

Chair Greenwald asked whether the account with the City is current. This information will be provided at the Council meeting next week. Councilor Filiault asked about the ownership history of this hotel. Mr. Dugan explained the original owner of the block was MEDC which was then sold to an entity called Some Place Different who opened EF Lane. They went out of business and MEDC then bought the hotel back. EFL Keene LLC then assumed the spaces, renovated the hotel and opened it as the Lane Hotel. That entity is now selling the Lane Hotel as well as the Marriot to Jazzlyn Hospitality LLC.

Councilor Powers asked why the City needs MEDC in the mix at this point. City Attorney Mullins stated it is because MEDC holds the sublease. Mr. Dugan added MEDC was originally the master tenant and through a development agreement guaranteed the creation of sufficient tax increment financing to pay for the deck and this has been accomplished a long time ago. At this time how the process work is that the tenant writes a check to MEDC and MEDC pays that amount to the City and MEDC is not making any money because of such transactions. Attorney Mullins noted if the City is in a position to remove MEDC from this property, it is something that can be looked at.

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

On 4-0 vote, the Finance, Organization and Personnel Committee (i) consent to the assignment and assumption of the parking sublease for the 40 parking spaces from EFL Keene, LLC to Jazzlyn Hospitality LLC, (ii) consent to an assignment of the parking sublease to the financial institution that will be loaning funds to Jazzlyn Hospitality LLC to purchase the property, (iii) deliver an estoppel certificate to said financial institution confirming the status of the Parking Lease, (iv) and the City deliver an SNDA (Atonement Agreement).

Attorney Mullins explained an Atonement Agreement essentially indicates the lease would follow the deck even if it was sold to another entity.

## **2. MEMORANDUM: Police Chief- Acceptance of a Donation**

Police Chief Costa explained the City has received a donation of \$150 earmarked for the canine unit. He added Jean Dorsey NH K-9 Memorial Fund wishes to donate \$150.00 to the Keene Police Department to be used towards the "care and maintenance" for the current Police Serviced dog, K-9 "Patriot" in honor of their late mother Jean Dorsey who was an avid dog lover.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$150.00 from The Jean Dorsey NH K-9 Memorial Fund.

Councilor Roberts joined the session at 6:37 pm.

**3. MEMORANDUM: Parks, Recreation and Facilities Director-  
Acceptance of Donations**  
**- Wheelock Park**  
**- Sumner Knight Chapel**  
**- Sumner Knight Chapel**

Parks, Recreation and Facilities Director, Andrew Bohannon stated his department has received a \$1,500 donation from the Cheshire Kennel Club to be used toward Wheelock Park. The club organizes a show once a year in August and in addition they also conduct classes at the Recreation Center in the fall and spring.

The second donation in the agenda packet was superseded by the third donation for a combined total in the amount of \$490 from Kevin Dremel. Mr. Bohannon indicated Mr. Dremel's next concert is scheduled for Sunday, August 30. Further information on the concert could be found on the their website [keenemusicfestival.org](http://keenemusicfestival.org)

To date, Kevin Dremel has raised \$7,114 towards the restoration of the Sumner Knight Chapel, which is greatly appreciated.

Councilor Filiault made the following motion which was seconded by Councilor Roberts.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept the donation of \$1,500.00 from the Cheshire Kennel Club and that the money be used for equipment in Wheelock Park, and also recommend that the City Manager be authorized to do all things necessary to accept a donation of \$490.00 and that the money is used for the care and maintenance of Sumner Knight Chapel.

**4. MEMORANDUM: Parks, Recreation and Facilities Director-  
Cheshire Rail Trail Phase 3**

Mr. Bohannon stated the Cheshire Rail Trail Phase 3 project will connect Park Avenue to the Cheshire Rail Trail loop. Pathways for Keene will be donating \$30,000 towards this project and this represents the 20% the City has pledged towards this project. Mr. Bohannon expressed his appreciation for everything Pathways for Keene does for the trail system.

Councilor Roberts made the following motion which was seconded by Councilor Filiault.

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$30,000 from Pathways for Keene, Inc. and that the money be allocated for the Cheshire Rail Trail Phase 3 project.

**5. MEMORANDUM: Parks, Recreation and Facilities Director- Recreation Trails Grant- Robin Hood Park**

Mr. Bohannon indicated this award is the Recreational Trails Program Grant program in the amount of \$27,589.16 to be used towards the Robin Hood Park trails. He explained in July he brought forward to the Committee a Student Conservation Association contract for work to be done in the trail system. However, at that time the State had not passed the budget and work could not be done. The State has extended this program through this grant opportunity and work can now commence. The City's 20% match will come from the Rachel Marshall Trust.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute a grant for \$27,589.16 with the State of NH Recreational Trails Program grant program and that the money be allocated to the Robin Hood Park trails.

**6. MEMORANDUM: Facilities Manager- Boiler Replacement- City Hall**

Mr. Bohannon stated this item is in reference to a contract with Denron Plumbing & Heating for the replacement of boilers and fuel storage tanks at City Hall. Mr. Bohannon turned the presentation over to Facilities Manager, Scott Martin. Mr. Martin stated the City in 1984 was asked to remove the underground storage tanks located in front of the old middle school. During that process it was determined that some of the fuel could be stored in the basement of city hall. What is being proposed by staff is to locate storage in the basement of City Hall for fuel and replace the existing boilers with high efficiency boilers.

Chair Greenwald stated he is surprised at the small number of responses received on this proposal. Mr. Martin stated staff had contacted some of the contractors and the response they received is that people are busy at this time and their work schedules are full as well as suggestions that the project should be initially engineered.

Councilor Powers clarified where the funding for this work was coming from and whether some other project was not going to be finished because of this work. Mr. Martin stated staff is hopeful everything will be able to done otherwise smaller projects will need to be pushed out. Mr. Bohannon identified the accounts that would fund the project: account 62318 buildings repair and account 64206 minor improvements.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a contract with Denron Plumbing & Heating LLC to replace boilers and add fuel storage tanks located at City Hall.

**7. MEMORANDUM: City Assessor- Contract for Residential Revaluation**

City Assessor, Dan Langille was the next speaker who indicated the next revaluation will take place in 2016. The revaluation will be broken into residential versus commercial due to the complexities involved. Staff sent out two different proposals for the work.

For the residential component there were two responses that came in and the overall costs were very similar. The review committee consisted of three individuals who were impressed with KRT Appraisal, a company out of Massachusetts. This is a small company and the upper management will be responsible for this work. One of their staff worked on the city's revaluation in 2001. Throughout the process, KRT will be making presentations for the public so they are aware of how this works. The cost for the residential revaluation is \$82,500 and is an approved CIP project.

Councilor Roberts asked whether either one of these companies has worked with the City in the past. Mr. Langille stated they have not, but one of KRT's employees who was employed with CLT worked on the 2001 revaluation. CLT is no longer involved with mass appraisals in New Hampshire.

Councilor Clark noted appraisals have not been measuring up to assessments in past few years and asked whether this re-assessment is likely to lower the City's overall assessment rate. Mr. Langille stated it could, but the assessments that exist today are based on 2011 and a lot has happened since that time and areas could go up or down.

Councilor Powers noted this item is in the budget, it is not a sole source and asked why then it would still need Council authorization. The Manager stated that this is a professional services contract and permission from the City Council would be required.

Councilor Filiault made the following motion which was seconded by Councilor Filiault.

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with KRT Appraisal for the Residential Revaluation.

**8. MEMORANDUM: City Assessor- Contract for Commercial/Industrial Revaluation**

This matter is in reference to commercial/industrial revaluation and is similar to what was discussed previously with the residential revaluation. Mr. Langille stated the City received one response to this proposal from Stephen Traub of Property Valuation Advisors. Mr. Traub did the commercial revaluation for the City in 2011. The proposal was reviewed on its merits and it is being recommended to be awarded to Mr. Traub.

There were two options presented to the City for this work; one costing \$65,700 and the other costing \$70,200. The City is looking to negotiate for the option costing \$65,700 with the understanding that this may require some additional work by City Staff. Chair Greenwald asked what city staff's responsibility will be. Mr. Langille stated staff will be inspecting all the actual sales of the properties and provide Mr. Traub that information.

The Manager in reference to what was previously raised by Councilor Powers stated there is a cap on the City Manager's authorization for \$25,000.

Councilor Roberts clarified with a professional services contract; the City has to accept someone who is qualified and not necessarily have to accept the lower bidder.

Chair Greenwald asked why a local appraiser could not have done this work. Mr. Langille explained an appraiser and an assessor have two different types of qualifications.

Councilor Filiault made the following motion which was seconded by Councilor Filiault.

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to all things necessary to negotiate and execute a contract with Stephen Traub of Property Valuation Advisors for the Commercial/ Industrial Revaluation.

**9. MEMORANDUM: Public Works Director - 17 Baker Street – Water Damage**

Assistant Public Works Director, Donna Hanscom stated the City had a water main break on Baker Street due to infrastructure failure of a failed pipe that caused damage to property on 17 Baker Street. The owners approached their insurance company and were denied. They then approached the City looking for assistance. The Council asked staff to negotiate with the property owners and come up with a monetary value. The owners and the City have come up with a monetary value that is agreeable to everyone.

Even though the City was not doing anything negligent they came up with \$7,021 as a negotiated amount which is broken down as follows:

Repair to hearth, plaster cracks, vinyl siding, flooring, foundation, and basement:	\$ 6,861
Water and silt material clean up and damage	\$ 1,160
Minus Deductible	\$ 1,000

Chair Greenwald felt the City was not setting precedent and added this was a good proposal.

Councilor Roberts asked why the property owners' insurance company denied the claim. Ms. Hanscom stated the owners were sent a letter and it indicated no damage caused by water, earth movement is covered by this policy. He added this is not precedent setting, and he did not feel others could also ask for similar consideration. He felt this is a special circumstance. The Manager added there is nothing that will prevent anyone from asking the City for a settlement, but this is an unusual set of circumstances and that has been underlined by the Committee. He explained the water followed the line to the property which was a very short distance and the ground was also frozen. Whether this might happen again is very unlikely. He added the city has no liability, but did have a concern about the property owners' ability to repair their property. The City is not setting precedent unless someone else had the exact same circumstances.

Mr. David Crawford of Marlboro Street asked where the City would get money to compensate these individuals. Mr. MacLean stated it would come from the unallocated water fund balance. Councilor Roberts felt it would be worth it to homeowners to look over their policies and make sure they are properly covered. The Manager agreed that other homeowners on the street did have policies that would have covered this type of damage.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to complete negotiations and settle the claim with Martin Monahan and Maria Dentino for damages to their home due to a broken water main at a cost not to exceed \$7,021.

**10. REPORT: Conservation Commission- Stacey Ward Cole Trust**

Planning Director Rhett Lamb stated the City Council had received a letter from Attorney Howard Lane regarding the Stacey Ward Cole Trust. The City has been listed as a recipient of land listed in this trust. The land is located north of the Minnewawa Brook and is close to 200 acres in size. He noted there is a report from the Conservation Commission which sees it as a favorable addition to the City's conservation land and the Commission recommends the City accept this gift. The trust does have a clause, if the City didn't choose to accept this land it would be deeded to one of the schools in the University New Hampshire system. Should the City accept the land it is to be preserved for wildlife and passive uses. The land does have habitat value – it is a south facing hillside.

Mr. Lamb stated the Conservation Commission has recommended the City pursue a level 1 site assessment of the property, which is also part of the City's policy. Staff is recommending the Council authorize the City Manager to perform a level 1 site assessment of the property and the matter be put on more time pending staff's report of

the assessment. Chair Greenwald asked whether the matter could not be moved forward subject to satisfactory site assessment. Mr. Lamb agreed that process is also acceptable.

Councilor Roberts asked how much the site assessment would cost and who would be paying for that. Mr. Lamb stated it would be substantially less than \$2,000 and the City would pay for it and there are options such as the land use change tax fund where the money could be obtained from.

Councilor Powers asked about the right of way that exists here. Mr. Lamb stated this is the former rail right of way which travels through Marlboro and ends up in the Hancock area.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City accepts this donation subject to a level 1 site assessment the cost for which would come from the land use change tax fund and the City Manager be authorized to do all things necessary to accomplish that.

**11. MEMORANDUM: Fire Chief- Emergency Repairs to Ladder 1**

Fire Chief Mark Howard stated this matter is in reference to an emergency repair that was conducted on ladder 1. He indicated in July staff found hydraulic fluid coming out of the truck. Staff worked with three of its vendors and would have preferred to send it to Bradford because of its proximity and their prior work for the City but they didn't have the ability to work on hydraulic systems. Greenwood Fire Apparatus needed the truck for an extended amount of time. As a result Bulldog performed the repair which took about a week.

Because of the uniqueness of this equipment, both sides of the truck needed to be fixed which was done at a cost of \$5,736.

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

On 5-0 vote, the Finance, Organization and Personnel Committee accepted this report as informational.

**12. MEMORANDUM: Public Works Director- Beaver Brook Sediment Removal and Bank Stabilization - Knot Weed Control**

Public Works Director, Kurt Blomquist stated as part of a wetlands permit the State Department of Environmental Services asked that the City to attempt to address an invasive species issue. The primary invasive species is knotweed which is a hard species to eradicate.



Because of the type of weather this area experienced last year, staff could not complete the necessary treatment. Weston and Sampson has been the engineer for the project and has been doing the oversight and observation. Originally the City anticipated doing the work but this was when the City Engineer was still employed with the City and as a result Weston and Sampson was contracted to do the work (20 hours).

The price to do this work is \$2,400. The City would not ordinarily come before the Committee for such a small amount but staff had previously done a change order for extension of time for the construction contract. Within City regulations, the Manager has authority to sign contracts within 10% of the value of the contract and this contract was close to \$80,000. If this \$2,400 was added to the 10% of \$80,000 it exceeds the Manager's authority.

Chair Greenwald asked what type of chemical is being used to get rid of knotweed. Mr. Blomquist stated it is an herbicide which is neutral to humans and animals and essentially destroys the roots of the knotweed. DOT did some application which has been successful. A commercial applicator is necessary.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Weston and Sampson for an amount not to exceed \$2,400 on the Beaver Brook Sediment Removal and Bank Stabilization.

**13. MEMORANDUM: Public Works Director - Appointment of Assistant Emergency Director**

Mr. Blomquist explained that the Emergency Management Director position is under the Executive branch of City Government and is under the direction of the City Manager. The City Code also provides if other members of the organization are required for proper function of the organization, they can also be appointed. He noted the Emergency Management Director might not always be available due to vacation, illness etc. City Code allows the Council to appoint an individual to act in the absence of the Emergency Management Director. Mr. Blomquist stated he would like to appoint Fire Chief Mark Howard as Assistant Director. Chief Howard is familiar with all standards and has worked well with other departments and communities.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that Chief Mark Howard be appointed as Assistant Emergency Management Director.

**14. MEMORANDUM: R-2015-33: Appropriation for the Installation Expense Lighted Crosswalk System on West Street**

Mr. Blomquist stated the City Council at its last meeting recommended the City partner with National Grange Mutual regarding the location of a lighted crosswalk as requested by the Greek Orthodox Church. The church has raised concern about people crossing this area. The church brought in a proposal to split the cost with the city. Mr. Blomquist stated this would be similar to the crosswalk located near the multi-use trail on West Street.

The total cost for this project is \$30,000 and the cost to the City would be responsible for \$15,000 to come from the unallocated fund balance of the general fund.

Councilor Powers noted the minutes of the MSFI asked staff to look at the number of crosswalks on West Street and perhaps remove one of those. The Councilor suggested removing the one on the east side of Federal Street. Mr. Blomquist stated when re-striping happens this upcoming spring, staff is likely to not stripe one of them. The Manager asked the Public Works Director to research why these sidewalks were originally located and give the Council an opportunity to weigh in on this report.

Councilor Powers stated he supports the project but not the funding source. He stated he would like to see it included in the current operating budget. The City Manager felt because it is such a small amount he didn't see why it couldn't come out of the project accounts and asked the Public Works Director to comment. Mr. Blomquist stated that his largest project balance is winter and although they could possibly take this expense from that account he would ask that they keep in mind this account might need to be replenished as the winter moves forward.

The Manager noted that it would need to be a dire circumstance before staff would come back to replenish this small amount.

There was a question raised as to whether the Resolution was formally introduced. The Director stated the Resolution was on the agenda for August 6. The Public Works Director suggested making the motion as presented and defeating said motion while indicating that funding for the project would come from Public Works operating budget. The City Attorney clarified the Resolution itself was submitted to Council on August 6<sup>th</sup>. Mr. Blomquist answered in the affirmative and added the report was to participate and a Resolution be submitted for appropriation. The Attorney agreed that if the Resolution was presented to Council then the Committee should vote to not approve it tonight.

Councilor Clark noted that in deference to Ruth Buskey the woman who was killed using this crosswalk in 1984, it is long overdue to have something done here. We are not voting against the project and did not want to do anything to change the schedule for this work. He recalled Councilor Chadbourne questioning where this money will come from and the Manager indicated it would come from unappropriated fund balance.

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

## FOP Meeting Minutes

On 0-5 vote, the Finance, Organization and Personnel Committee failed to recommend adoption of Resolution R-2015-33.

Chair Greenwald explained this Resolution went before Council with the explanation that funding will come out of the unappropriated fund balance. However, information has come forward that there is money in the Public Works operating budget. Even though the Committee is voting against this Resolution, they are not voting against the project, it is just about where the money is coming from.

Councilor Roberts noted by the Committee defeating this Resolution, the amount being defeated is only \$15,000, which is well within the Manager's discretion to approve. The Manager agreed within the line items of the budget there is discretion and with understanding of the Committee and Council wanting the project to move forward the project will be approved and will move forward. However, if there is a surge of storms and the budget is over spent, staff will be back before the Committee.

The meeting adjourned at 7:45 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker