

**City of Keene  
New Hampshire**

**MUNICIPAL SERVICES, FACILITIES, AND INFRASTRUCTURE COMMITTEE**  
**MEETING MINUTES**

**Wednesday, January 7, 2015**

**6:00 pm**

**City Hall, 2<sup>nd</sup> Floor, Council  
Chambers**

**Members Present:**

James P. Duffy, Chair  
Janis O. Manwaring  
Sheryl A. Redfern  
Robert J. O'Connor

**Members Absent:**

Philip M. Jones

**Staff Present:**

City Manager John MacLean  
City Attorney Thomas Mullins  
City Clerk Patricia Little  
Assistant City Manager Medard  
Kopczynski  
Planning Director Rhett Lamb  
Planner Karen Purinton  
City Engineer James Donison

**Others Present:**

Councilor Carl B. Jacobs  
Councilor David Meader  
Councilor David Richards

Chair Duffy called the meeting to order at 6:00 PM and explained the procedures of the meeting.

**1. COMMUNICATION – Keith Thibault/Southwestern Community Services –  
Railroad Street Discontinuance**

Keith Thibault, of Southwestern Community Services (SCS) stated that about 18 to 24 months ago SCS was approached by Public Works Director Kürt Blomquist and City Engineer James Donison regarding two issues. The first was the potential realignment of 93<sup>rd</sup> Street and Norway Avenue, for which the City needed four parking spaces that currently serve businesses in the area. The second was related to the discontinuance of Railroad Street roughly from 93<sup>rd</sup> Street to the Harrison Bridge. He continued that Mr. Blomquist and Mr. Donison explained that the bridge was not in the greatest shape. They did not feel it would be worth the significant amount of funds needed to repair that bridge. They asked if SCS, as the owner of the property at the end of Railroad Street, would be interested in accepting that piece of Railroad Street slated to be discontinued. SCS talked it over with the various entities that help control that property, including the former Princess Shoe Company, Monadnock Developmental Services, Cheshire County Audiology, senior housing, a children's dentist, and a few others. SCS responded to the City that they would be willing to give up the four parking spaces for the realignment.

Mr. Thibault continued that in a separate discussion, SCS told the City they would be willing to accept that piece of Railroad Street should it be discontinued. Up until that point, no formal action had been taken, but there were discussions. To fast forward to the present: at the City

Council's most recent meeting, they approved the planned realignment. In that interim period, SCS has been applying for funding, and have raised the funds to put a building (which they have site plan approval for) over the parking lot that currently exists. That leads to timing issues. Now the discontinuance becomes really important because SCS has the funds, and the site plan presumes the discontinuance. The City cannot discontinue that section of Railroad Street until the work is done at 93<sup>rd</sup> Street. He continued that what SCS wants is for the City to take the steps necessary to discontinue that section of Railroad Street. They expect the work on 93<sup>rd</sup> Street and Norway Avenue to be done sometime next summer and they want the discontinuance to be right after that or done concurrently, as opposed to waiting for the reconstruction to happen and then beginning the process of the discontinuance. He is not here tonight to request the discontinuance – it was offered to SCS by the City, and SCS thinks it is a good idea. They have raised funds to improve the whole area, which is adjacent to the Railroad land and all of the infrastructure the City has done there. They want the two processes to happen concurrently so SCS can begin construction as soon as 93<sup>rd</sup> Street and Norway Avenue are reconstructed.

Chair Duffy asked if the committee had questions. Hearing none, he asked if the public had comments or questions. Hearing none, he offered staff the opportunity to speak.

City Engineer James Donison stated that 93<sup>rd</sup> Street and Norway Avenue are currently under design. He continued that they plan to put it out to bid in the next couple months, award the project in late spring, and have it under construction in the summer and early fall. It is on track as discussed.

Mr. Thibault replied that SCS understands that and that works with their schedule as well. He continued that they just would not want to wait until next fall for the discontinuance process to begin. They would like it done concurrently.

Councilor O'Connor asked if the bridge is red listed. Mr. Donison replied yes, and "red listed" means that a bridge has deficiencies. That is why they want it discontinued. Mr. Thibault added that it would remain open for bicyclists and pedestrians, but would be closed to vehicular traffic.

Chair Duffy asked if the discontinued portion of Railroad Street, from approximately 93<sup>rd</sup> Street to the bridge, would be open to pedestrians and bicyclists. Mr. Thibault replied yes. He continued that it would all be improved, too, with landscaping, new sidewalks, and so on and so forth. In the area of the former Princess Shoe Company, there are children and frail elderly people, so discontinuing vehicular traffic there is a good idea.

Councilor Carl Jacobs asked if there was some concern about access to the Whitney Brothers space. Mr. Thibault replied that he talked with Dave Stabler at Whitney Brothers. He continued that his primary concern had been since Railroad Street has been reconstructed, on the same side as Princess Shoe Company, the City had constructed a sidewalk and a bumpout that made things difficult for larger trucks to enter and exit from that intersection. Also, SCS's proposed site plan at the time would have made it worse. SCS redesigned the sidewalk so it is further away, making truck entrances and exiting easier. Mr. Blomquist and Planning Director Rhett Lamb agreed that the concrete bumpout will be reduced or taken away, so the big trucks can access it easier. Mr. Thibault continued that they will also get a formal easement because there is a small

piece of Railroad land property that the trucks routinely go over, and the easement will allow them to do that legally. They have come to good resolution with Whitney Brothers, and they are glad that they took the time to talk.

Chair Duffy stated that he thinks Whitney Brothers submitted something in writing, or are on record, saying that they are okay with the plan. Mr. Thibault agreed.

Chair Duffy asked for questions or comments from the committee or public. Hearing none, he asked for a motion.

Councilor Manwaring made the following motion: Move that the MSFI Committee recommend discontinuance of Railroad Street from 93<sup>rd</sup> Street to the Harrison Street Bridge in congruence with the work on 93<sup>rd</sup> Street and Norway Ave.

City Attorney Thomas Mullins stated that his understanding is that the City Council has already authorized that. He asked Mr. Donison if that is correct. Chair Duffy replied that he is not clear – wouldn't there have to be a public hearing? The City Attorney replied yes. He continued that he thought SCS's letter would be accepted as informational tonight.

Councilor Manwaring withdrew her motion.

Chair Duffy stated that he thought the MSFI Committee had agreed to look at this, but maybe not, if the City Council has already agreed to it. Mr. Donison replied that the City Attorney is correct; there will be a process that the City will go through for the discontinuance.

Councilor Manwaring made the following motion, which was seconded by Councilor O'Connor.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting this letter from Mr. Thibault as informational.

## **2. MEMORANDUM – City Engineer – Evaluation for Lee Street Stop Sign at Meadow Road**

Mr. Donison stated that this is in response to a July 23, 2014 request for a stop sign on Lee Street at Meadow Road, which the City looked into. He showed an aerial plan on the easel, with the location indicated by a red dot. He continued that the Manual of Uniform Traffic Control Devices (MUTCD) has guidelines for the need for special signs, and there are four conditions under which a stop sign might be necessary, which he noted are outlined in his memorandum. The first and second conditions are similar – if there is a side street entering a main street, in which the normal right-of-way rule would not cause a driver to yield to oncoming traffic, there would be a need for a stop sign. The third condition is a signalized area where a sign would provide safety, and the fourth is if there are high speeds, restricted views, or a history of accidents. Mr. Donison continued that at this location there have not been a lot of accidents, nor are there high speeds or restricted views. There is not a signalized intersection in the area; it is rural. Pearl Street has a stop sign where Meadow Road intersects. It would be normal for

drivers on a dead end street to yield to oncoming traffic. Therefore, staff recommends that a stop sign not be placed at this intersection.

Chair Duffy asked if the committee had questions. Hearing none, he asked for questions from the public. Hearing none, he asked for a motion.

Councilor O'Connor made the following motion, which was seconded by Councilor Redfern.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends that a stop sign not be placed on Lee Street at Meadow Road, based on City staff recommendations.

### **3. MEMORANDUM – City Clerk – Introduction to Periodic Reports from Boards and Commissions**

City Clerk Patricia Little stated that this is the start of a new, exciting program. She continued that the City has 17 boards and commissions. They have developed a periodic reporting process and schedule where those 17 boards and commissions will come through the City Council's standing committees. The 17 bodies were divided among the standing committees based on the standing committees' focus areas. The MSFI Committee's charge drives which boards and commissions will report to them: the Ashuelot River Park Advisory Board; the Airport Advisory Commission; the Bicycle Pedestrian Path Advisory Committee; the Martin Luther King, Jr./Jonathan Daniels Committee; the Partner City Committee; Juvenile Conference Committee; and the Library Board of Trustees. The MSFI Committee can expect to hear the reports from the committee chairs, not City staff. It will be a verbal report. The chair will review the charge of the body, talk about current or new initiatives, and about any alignment with the Comprehensive Master Plan (CMP). What this is leading to is that face-to-face communication has never formally been part of the City Council process. This will give the City Council, as well as the public, an increased awareness of the activities of the boards and commissions. Boards' and commissions' meetings are not televised, so this is great a public relations opportunity for them and their activities. It is also an example of transparency in government. These reports may encourage citizens to come forward and participate. Ms. Little continued that also, she would like to think that this will encourage greater collaboration between the City Council and the boards and committees. Typically, the MSFI Committee will receive one report per month, with breaks in the summer and December. This is an experiment; we will see how well it is received. If it is well received by everyone, perhaps the City would codify this requirement into the City Code so we do not lose track of it. She continued that this was Chair Duffy's idea, and it is a great one. He had presented it to the City Manager and the Mayor, and the idea was well received, and it is her pleasure to implement it.

Councilor Manwaring asked, what about ad hoc committees? Ms. Little replied that the City now has three ad hoc committees – one is the Safe Routes to School Committee, which has just completed its charge and will disband. She continued that the ad hoc committees will give written reports to the City Council and the Mayor in December, which will trigger the Mayor deciding whether he needs to re-appoint the ad hoc committee for another year.

Councilor Redfern made the following motion, which was seconded by Councilor Manwaring.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report from the City Clerk as informational.

**4. VERBAL REPORT – Derek Scalia/Chair – Martin Luther King, Jr./Jonathan Daniels Committee**

Assistant City Manager Medard Kopczynski introduced Derek Scalia, chair of the Martin Luther King, Jr./Jonathan Daniels Committee, stating he is here to give a report on the Committee as previously explained by the City Clerk.

Mr. Scalia stated that the purpose of the body is to celebrate and honor the significance and lives of Martin Luther King, Jr. and Jonathan Daniels and to promote social justice, non-violence, and multi-culturalism through educational programs, community services, and public events. He continued that they have been busy planning for this year - 2015 is the 50<sup>th</sup> anniversary of Jonathan Daniels's murder. The committee has been collaborating with other groups and community members to implement an array of events to honor Jonathan Daniels and promote the ideas of the committee. Thursday at the City Council meeting, a proclamation will be read, declaring 2015 the Year of Jonathan Daniels and calling on all citizens of Keene to honor the life and legacy of Jonathan Daniels. On January 15, the committee and the Keene Public Library will be co-sponsoring a discussion on activism, led by Steve Chase. For Martin Luther King, Jr.'s birthday, January 19, the committee will co-sponsor a breakfast and guest speaker from Holyoke College, at the Greek Orthodox Church at 8:00 AM. Jonathan Daniels's 76<sup>th</sup> birthday would have been in March. The committee will have a quest event hosted by the Surry Charter School, going around downtown to significant places from where Jonathan Daniels grew up, went to school, and attended church. He continued that in April, they will have the Icons of the Civil Rights Movement exhibit and lecture at the Historical Society. The exhibit will be free and open to the public from April 10 to May 10. Finally, they conclude with the presentation of the "Here Am I, Send Me" documentary by Larry Benaquist, August 22 at the Colonial Theater. It is a free and public showing for the community, coinciding with the commemoration with Jonathan Daniels's death. They are looking to bring individuals who were with Jonathan Daniels in Alabama, and other Civil Rights workers. Pending confirmation, Ruby Sales will be there. Mr. Scalia concluded that the Martin Luther King, Jr./Jonathan Daniels Committee invites the public to come to all of these events as they raise awareness and honor Jonathan Daniels' life and legacy.

Chair Duffy asked if the committee or public had questions. Hearing none, he asked Mr. Scalia if there is anything the City Council can help the Martin Luther King, Jr./Jonathan Daniels Committee with. Mr. Scalia replied that it is very helpful to have the Mayor put forth the proclamation; it is a great initiative to call the public to honor Jonathan Daniels' commitment to justice. He continued that Emily Hague, the committee's City Council liaison, is great, very attentive to the committee's needs, and supportive. He encouraged the City Council members to come to the committee's events.

Chair Duffy and other MSFI Committee members thanked Mr. Scalia.

The consensus of the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report as informational.

**5. MEMORANDUM – Public Works Director – West Street Dam Project – Hydro Project Update**

Mr. Lamb stated that he is here on behalf of Mr. Blomquist. He continued that this project initiated in 2008 with a letter from the NH Dam Bureau, identifying several areas of concern with the dam on the Ashuelot River on West Street. The restoration or removal of the dam became a question for the City Council in 2010 or 2011. The City hired consultants. Dubois and King made a presentation to City staff and the City Council and the item was referred to the MSFI Committee during that timeframe. Later in 2011, the MSFI Committee put this topic on more time and referred it to the Heritage Commission and the Conservation Commission for their input. Those two commissions gave their comments in 2012 and the recommendations were slightly split. The Heritage Commission was interested in preservation of the structure. The Conservation Commission, as they looked at recommending removal of the dam, wanted more information regarding the presence of wildlife habitat and impact on wetlands.

Mr. Lamb continued that around this time, the City received a letter from a group forming around the idea of whether hydro power could be put there. That would change the way the City Council would look at the need for preservation of the structure. The City has been working with West Street Hydro, and tonight Bob King and Kim Goddu will give an update. They have been making progress. It follows on a recommendation that came through the MSFI Committee, which authorized West Street Hydro to do its preliminary work. This is the first step in a three part process over the next month or so that the MSFI Committee will hear more about. This will go back to the Conservation Commission to pursue funding for the second phase of the investigation requested by the Conservation Commission. City staff will be back in front of the Finance, Organization, and Personnel (FOP) Committee for that request.

Kim Goddu, environmental consultant for West Street Hydro, distributed handouts to the committee. She stated that she put together a PowerPoint overview on the project. She continued that West Street Hydro has come before the MSFI Committee before and this is their first update since 2012. The goal is to restore hydro power to the dam, make any necessary upgrades, generate renewable energy for the community, and do a hydro power demonstration for area residents. West Street Hydro collaborated with the City on the Dwarf Wedge mussel study, which was one of the initial questions that came out of the Conservation Commission. The results are available with the Conservation Commission. West Street Hydro is also currently collaborating with the City on wetlands and hydrology studies, which came up in the recommendations from the Federal Energy Regulatory Commission (FERC) and the Conservation Commission. Ms. Goddu continued that West Street Hydro is required to prepare a preliminary application document for the FERC; she is working on that and it is in the final stages now. It is a hefty document that requires a lot of necessary input from local stakeholders and research from studies conducted by local and state groups.

Ms. Goddu continued that also in the handouts there are two conceptual drawings of the potential powerhouse. There is also a draft plan view, and they are working on a more solidified site plan to take to the Planning Board. She can go through any of the drawings if people have questions. In the initial plan view you can see the location of the potential powerhouse, existing patio, and existing sluice gates. These drawings are not final.

Chair Duffy asked for clarification of which side of the river the powerhouse would be on. Ms. Goddu replied the west. Chair Duffy replied that that means not close to Starbucks, but on the other side. Ms. Goddu showed on the drawing where the powerhouse would be in relation to Starbucks's driveway. She stated that the goal is to use existing infrastructure, and to use some materials, and maintain the look and feel of the area.

Ms. Goddu continued that she is in the final stages of preparing the preliminary application document for the FERC, and West Street Hydro will be holding a stakeholder meeting and sending information to all abutters along the river, one mile upstream and one mile downstream. They hope to have their scoping meeting in February.

Chair Duffy asked for questions or comments.

The City Manager asked what the revised schedule/timeframe would look like. Ms. Goddu replied that they have a preliminary permit from FERC, which expires in 2016. She continued that they need to file their license application within that period. They are looking at the next two to three years.

The City Manager stated that the environmental studies are going well, regarding favorability for this project. He continued that they still need to look at whether they would be required to raise the elevation of the holding area.

Bob King, board member and engineer for West Street Hydro, asked the City Manager what he means. The City Manager replied that there is a spillway now that has a certain elevation water peaks at before spilling over. He asked if that spillway would be raised or could be raised, to create additional capacity for hydro power.

Mr. King replied that the stone top of the spillway is at an elevation of 468. He continued that the proposal includes one foot of flash boards, which are wooden boards that lean on weak steel pipes on the dam crest, so it would be raised a foot for sunny day conditions. In a flood the boards bend over and cease to raise the elevation. That is part of the plan.

Mr. Lamb stated that this is why there would be additional studies moving forward. He continued that the study that will be proposed, and the partnership between the City and West Street Hydro, and the Conservation Commission's interest, is to evaluate the environmental impact of the additional storage of water that is being suggested as necessary for the hydro power facility to go forward. They will go through the FOP Committee process to set aside money to do that study, in partnership with West Street Hydro, who proposes participating financially.

Chair Duffy stated that his understanding was that initially when this project was presented to the City Council, they said that there was only enough generating capacity to have an educational, demonstration project. He continued that now it seems like there is the potential for more. Ms. Goddu replied that it is projected to generate 96 kilowatts of energy. She continued that any additional revenue would go back to green or environmental initiatives in the Keene area.

Chair Duffy asked if anyone had questions. Hearing none, he asked for a motion.

Councilor Redfern made the following motion, which was seconded by Councilor Manwaring.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the West Street Dam Hydro Project Update as informational.

**6. REFERRED BACK – Request for Proposals – City-owned Hangar/Office Building**

Chair Duffy asked if City staff had comments. Hearing none, he gave a review: on December 10, 2014, the MSFI Committee failed to make a recommendation on this matter. He continued that the vote was deadlocked 2 to 2, on a motion (recommended by City staff) to accept Monadnock Aviation's proposal. The MSFI Committee had not seen the proposal at the last meeting. They have not seen it yet, and it is not here. He explained the reason for that is that it would create unfairness to have one proposal out there in the public view already if the City Council voted to reissue the RFP or make other adjustments with a proposal that came in after the deadline. Some City Council members did receive information that they requested, which is not in the agenda packets - the actual RFP stating that proposals were due November 19 by 2:00 PM, and some other background information. The chairs became aware of this yesterday. Chair Duffy noted that he reviewed the information, but not thoroughly, and does not know if other City Councilors have had the chance to do so. As for the issue at hand: all that the City Council received that he thinks would be mildly relevant is a copy of the RFP that was issued by City staff. The rest of the information is helpful in general, but for guiding the MSFI Committee's decision tonight, he does not think it is necessary or helpful to refer to it. The only thing he wants to talk about tonight – and not for very long, because it is not *that* relevant – is the copy of the RFP.

Councilor O'Connor stated that Chair Duffy is talking about a document that was in the City Councilors' mailboxes. He continued that he requested to look at it because of the two dates that were issued for the RFP. That was important.

Chair Duffy asked for committee members' thoughts. Councilor Manwaring stated that she has been thinking a lot about this. She continued that she has learned that they need to have a unified RFP process so that everyone who is applying goes through the same process, has the same amount of time, and so on and so forth. That will be part of the upcoming seminar in February on fiscal policies. That issue can be addressed at that time. She has not changed her position regarding her original motion.

Chair Duffy stated that a City Councilor would have to bring it up in the fiscal policy discussion. He continued that the remedy Councilor Manwaring is referring to was the intent of Councilor

Jones's motion. He seconds her concerns that the City Council needs to look at the RFP process and decide if there needs to be a policy on how they are issued and for what. City-owned property is different than other properties, which the City Council might not need to be so involved in.

Chair Duffy asked for public comment.

Ed Appel, of 610 Court Street, stated that he is the one who submitted the late proposal. He continued that he has been in the hangar for 15 years. He has a maintenance center there as well as a flight school, with the best instructor in Keene, who has been with him for nine years. He continued that he got discouraged this year when the City put an RFP out for this. He felt like the India Pavilion restaurant's owner, who had to answer an RFP every year. He answered the RFP with the extension. He understands that the City Council does not want to set a precedent with late proposals. He got the RFP that said November 19 was the deadline. He talked with staff on the phone; that is how he checks. He does not check websites and he is "not an IT guy." One entity at the airport, Monadnock Aviation, was notified of the extension via email but he was not. It might have helped him, if he had received an email.

Chair Duffy asked if Mr. Appel was notified by phone about the extension. Mr. Appel replied yes, the Airport Director, on the phone, told him that there was a one week extension. He continued that he submitted his proposal on Wednesday at 1:43 PM, but because a City staff member was taking an extra day for Thanksgiving, the proposal was late. He has been in this hangar for 15 years, and has been at the airport for about 20 years. For the good of the airport, competition is healthy. There is a good flight school and a good maintenance center.

Chair Duffy stated that he wants to ask the Airport Director about notification. He continued that Mr. Appel says that he was notified about the extension via phone only and another entity was notified via email.

Airport Director Ed Mattern replied that the Purchasing Department issues all of the formal notification. He continued that when he received the request for the extension, he asked the Purchasing Department to issue an official addendum which extended the deadline. A person from the Purchasing Department did that and distributed the addendum as per the information he had for those who had accepted the RFP process. Mr. Mattern continued that he believes what is being referred to is the official notice from the Purchasing Department. He had a conversation about this with Mr. Appel indicating that the one week extension would be granted but he does not consider that the official communication. Official communications come from the Purchasing Department. The Purchasing Agent would not be working on the day that would be exactly one week later, so he made the deadline one day sooner to accommodate his schedule.

Chair Duffy asked if that was in writing. Mr. Mattern replied yes. Chair Duffy asked if that information was sent via postal mail or only electronic mail. Mr. Mattern replied that he does not know, but the Purchasing Department tries to use electronic mail because of the speed.

The City Manager stated that the Purchasing Department would be tasked with making sure this was a fair and open process. He continued that the Purchasing Agent has been with the City for

many years and he has yet to receive one complaint, with the hundreds, if not thousands, of RFPs he has issued. If they get any concern about the bid packages, which seldom happens, the Purchasing Agent immediately consults with the City Attorney's Office and adjusts it appropriately, and all parties are properly advised. He continued that he cannot say what happened specifically regarding Mr. Appel, but that would be an anomaly that would not normally take place, and it would not have resulted from any action from the Airport Director.

Councilor Manwaring made the following motion, which was seconded by Councilor O'Connor.

Move that the MSFI Committee recommend that the City Council authorize the City Manager to negotiate and execute a lease agreement with Monadnock Aviation regarding the City-owned hangar at the Dillant-Hopkins Airport, and further, that this memorandum be transferred to the FOP Committee.

Chair Duffy asked the City Attorney for feedback. He continued that he thinks Councilor Manwaring is saying she recommends the MSFI Committee send this matter to the FOP Committee with the MSFI Committee's recommendation that the City Council accept staff's original recommendation to negotiate with Monadnock Aviation based on their submitted proposal.

Councilor Manwaring asked if they should leave out the second part of the motion – once a lease is negotiated, since it will go automatically to the FOP Committee, instead of coming back to the MSFI Committee. The City Attorney replied that the lease and financial documents would go to the FOP Committee. He continued that the topic originally came to the MSFI Committee because the airport is under the MSFI Committee. He thinks they are trying to say that the MSFI Committee recommends the proposal be considered and sent to the FOP Committee for further action. Councilor Manwaring replied that what she is saying is that she does not want the matter to come back to the MSFI Committee. The City Attorney replied that it would not. Councilor Manwaring stated that this topic originally started with the FOP Committee and it surprised her that it came here.

Councilor Manwaring stated that she will amend her motion and eliminate the last phrase about referring to the FOP Committee.

The City Manager stated that what the City Attorney is saying is important to consider. He continued that the City Council has not opened any of the proposals yet, so referring this matter to the FOP Committee is adequate. The FOP Committee would open the proposal and then instruct the City Manager or City staff accordingly. Staff is not asking the MSFI Committee to make the award here tonight, they are just asking for the committee to refer it to the FOP Committee, recognizing that the MSFI Committee was supposed to be a screening committee for the proposals received. Unfortunately, one came in late and could not be accepted. At that point the MSFI Committee had two options: reject all proposals and start over, or refer on the one proposal, since there was only one and there was no rank ordering required, to the FOP Committee, who will ultimately be working with the City Manager's Office to negotiate any kind of new arrangement. Their only action tonight is for the MSFI Committee to refer this proposal to the FOP Committee if they choose to do so.

Councilor Manwaring stated that her dismay is that it is dragging on and on, and her confusion is that she thought the process for RFPs was done by staff, and then a committee did the ranking and made a recommendation for the MSFI Committee to consider. She continued that her sense was, last time they met, that the Airport Director was saying, "Okay, this is a proposal, and I'm okay with it."

The City Manager stated that this has been a controversial item since it began being discussed years ago. He continued that they have had a number of concerns registered over time. Staff thought that one of the operators at the airport was not inclined to continue on. It is fine for that person to change their mind. So this is not meant to be negative towards someone changing their mind, which did occur. Both operators have worked well, and have been good partners with the City. The City learned late that they had two interested parties. They learned that they could do a screening committee of City staff or go directly to the MSFI Committee. They chose to come directly to the MSFI Committee and let the MSFI Committee do the actual screening, expecting more than one proposal. But then this irregularity occurred and they only had one proposal. They have not been able to talk about that proposal because the process has been slowed down. The MSFI Committee sending a motion to the City Council authorizing that one proposal, which has not been publicly opened, is the difficulty. Tonight they are trying to remedy all of those other steps, the fact that they had a late proposal, and put this before the FOP Committee so they can open the proposal and take whatever action that they think is appropriate, relative to authorizing staff to negotiate. The City Manager continued that he apologizes for all of this confusion.

Chair Duffy stated that he, too, was a little puzzled about why this came to the MSFI Committee, when the RFP for the restaurant at the airport did not. He continued that the airport falls under the MSFI Committee's purview, but this is only the second RFP that he is aware of. One went to the FOP Committee and one went here. He is glad for and appreciates the City Manager's clarification and the rationale towards moving the topic out of the MSFI Committee.

Mr. Appel stated that he has been at the airport for 20 years. He continued that this is the first time an RFP has gone to a City Council committee. Usually they have gone to the Airport Advisory Commission (AAC). Members of the AAC are upset that they are seeing what they are seeing. It always used to start with the AAC and then go to the FOP Committee. Chair Duffy replied that since December 10 of last year he has not heard anything from the AAC about any opinion they have about the process.

The City Manager asked Mr. Mattern to speak and shed light on the process of other RFPs for the airport, and what the rationale is. Mr. Mattern stated that over the years they have used a number of different processes to evaluate proposals. He continued that sometimes a committee of staff members reviews them. When a recommendation is made it is channeled through the AAC for their consideration and advice. He recalls one instance when they used the AAC as a review committee but that has not been standard practice. The City likes to receive their advice because they have a lot of knowledge. The airport has used a number of things over the years to review fuel farm proposals and restaurant proposals.

The City Manager asked Mr. Mattern why he chose this process this time. Mr. Mattern replied that over the years, as the City Manager has pointed out, there has been a lot of interest in the RFPs they have issued at the airport. He continued that they have formed staff committees to evaluate these proposals. Because of the nature of the individuals involved in the process, and because of past histories, and potential involvement outside of the official process here, there has been concern over the results of the effort. They wanted to make sure the process was as fair as possible and that all the issues were considered by the body making the decision about what is best for the city. They thought the MSFI Committee would be in the best position to do that. The MSFI Committee is tasked with airport matters so they chose them as a review panel because the FOP Committee is concerned with the legal document and financial aspect.

Councilor Manwaring stated that on November 14, 2013, the FOP Committee asked for an RFP to be issued because Green River Aviation was not using the whole building. She continued that that is the background information, and part of her confusion about why the MSFI Committee has this topic.

Councilor Redfern stated that she thought the MSFI Committee's discussion last time was about whether to accept the late proposal or not, and they voted 2 to 2 to not accept it. Chair Duffy replied that that is not correct. Councilor Redfern asked what they are trying to do now. She asked, do they accept that one entity submitted the proposal on time, and move it to have the City Manager see it and negotiate?

Chair Duffy replied no, the MSFI Committee deadlocked on a motion made by Councilor Jones to send it out to bid again, to open it up to anyone who might bid. He continued that they did not decide to extend the deadline and accept proposals again. There was one proposal submitted. The MSFI Committee did not look at it because that would have prohibited the committee's options: A) letting a proposal come late, or B) starting the process all over again. They were not voting on whether or not to let Mr. Appel's proposal be accepted. The motion that failed was the motion to send it out to bid again. It also failed in the City Council, with a vote of 11 to 4 against that motion. He continued that Councilor Manwaring made a motion to send it back to the MSFI Committee to get clarity and make a decision. The motion on the floor now is to accept the FOP Committee opening the proposal. The decision will be made by the FOP Committee and the City Council. If this motion passes tonight, Monadnock Aviation's proposal will be opened so they can look at it. He asked the City Manager if this is correct. The City Attorney replied that that is an accurate summary.

Chair Duffy asked the Minute-taker to read back the motion on the floor, which was read as follows: "Move that the MSFI Committee recommend that the City Council authorize the City Manager to negotiate and execute a lease agreement with Monadnock Aviation regarding the City-owned hangar at the Dillant-Hopkins Airport."

Councilor O'Connor withdrew his second. Councilor Manwaring withdrew her motion.

Mr. Appel stated that a year ago, the rear half of the administration building was empty but the hangar he rents has always been 100% occupied for the past 15 years. He continued that they will have to see if Monadnock Aviation accepts the administration building. He accepts both

buildings and has taken care of them for 15 years. If Monadnock Aviation does not want the administration building, the City may get stuck with an empty building.

City Councilor David Richards asked the City Manager if this is what happened: the RFP was issued. Mr. Appel asked for an extension of a week, and a staff person told him he had a week. City staff is supposed to notice anyone who has interest in the RFP what the closing date is. An email was sent to one party but not the other.

The City Manager asked Mr. Mattern to answer, because he was more intimately involved in the process. Mr. Mattern replied that the Purchasing Agent issued the addendum. He continued that the Purchasing Agent posts it on the City's website and communicates it via email to all of the people who have received the RFPs, and he does not know if the Purchasing Agent called anyone.

Councilor Richards asked if Green River Aviation received the notification prior to the Tuesday date that is in question. Mr. Mattern replied that he could not speak to that.

The City Manager asked if Mr. Appel on behalf of Green River Aviation made the request for the extension. Mr. Mattern replied yes, he asked for a week extension. He continued that he asked the Purchasing Agent to issue an addendum that extended that deadline for a week. Since the Purchasing Agent would not be working the day that the exact week would be up he moved it up a day so he could be present so they could do the bid opening and record the official submittals.

Councilor Richards stated that that does not answer his question about whether Green River Aviation was notified that a week was really only six days, and he is saying an officer of the City told him a week. He asked if the City has to notice it in the paper if they change the deadline on an RFP.

The City Attorney stated that he cannot make specific references, with respect to this specific notice, but he works closely with the Purchasing Agent and knows that his preference is to notify by email. He continued that an email goes out quickly. If the Purchasing Agent does not have an email address he sends the notice by regular mail, and he calls. Those things have happened in the past. Whether all of that happened on this occasion, he cannot say.

The City Manager stated that since neither Mr. Mattern nor he can answer this question, they will make sure it is answered before this topic is sent to the FOP Committee, if it is indeed sent there.

Chair Duffy stated that he heard Mr. Appel say he received a call from the Airport Director. Councilor Richards replied that he knows that the Airport Director called Mr. Appel and told him he had a week. He continued that if Mr. Appel had no official notification from the Purchasing Agent or someone else that a week was not really a week, he would assume that the deadline was the Wednesday. It is not fair play for an officer of the City to say "a week" when it is not really a week. His question is whether Mr. Appel was notified somehow, either in writing or by a phone call, that Tuesday, not Wednesday, was truly the deadline.

Councilor O'Connor asked Mr. Mattern if he mentioned a specific date to Mr. Appel. Mr. Mattern replied no. He continued that Mr. Appel's request was for a week extension, and he told Mr. Appel that extension had been granted. He did not give specifics. The City Manager reiterated that they will find out the answer to Councilor Richards' question.

Chair Duffy stated that he is glad all of this has been put on the record, but he does not see how it would change the process at this point, regarding what to do with the questions.

Chair Duffy made the following motion, which was seconded by Councilor O'Connor.

Move that the MSFI Committee recommends to refer the matter of the RFP for the City-owned hangar to the Finance, Organization and Personnel Committee with the one accepted proposal to be reviewed, discussed, and decided upon by the Finance Committee.

Councilor Manwaring asked for clarification – if this motion passes, is the MSFI Committee sending the proposal from Monadnock Aviation only to the FOP Committee? Chair Duffy replied yes, they are recommending to the full City Council that the one proposal be sent.

Chair Duffy stated that he thinks no decision about the RFP will be made tonight. He continued that he thinks it is fair to the one person who did submit a proposal that it be looked at. The City Council can look at it and decide if they want it or not. Regarding the other issue, he has full confidence that whatever misunderstandings there were, it is not something that the MSFI Committee can act upon this evening. He hopes the process will be focused and fruitful when they talk about this in their fiscal policies workshop.

Councilor Manwaring stated that from the last City Council meeting, she was surprised that they did not have the proposal in their agenda packets tonight. She continued that if this motion passes at the City Council meeting, meaning it will go to the FOP Committee, she hopes that that proposal will be delivered beforehand.

The City Attorney stated that if they find that the notice was improper or imperfect he would probably recommend to the City Council that everything be rejected at that point and the process commence again. Chair Duffy replied that that was his understanding and he thanks the City Attorney for the clarification.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends to refer the matter of the RFP for the City-owned hangar to the Finance, Organization and Personnel Committee with the one accepted proposal to be reviewed, discussed, and decided upon by the Finance Committee.

## **7. ADJOURNMENT**

The meeting adjourned at 7:26 PM.

Respectfully submitted by  
Britta Reida, Minute-taker

Additional Edits by  
Terri M. Hood, Assistant City Clerk