

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, January 25, 2018

6:30 PM

Council Chambers

Members Present:

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

Members Not Present:

Bettina A. Chadbourne

Councilors Present

George Hansel
Jan Manwaring
David Richards

Staff Present:

City Manager, Elizabeth Dragon
City Attorney, Thomas Mullins
Public Works Director, Kurt Blomquist
Asst. City Manager/IT Director, Rebecca Landry
Finance Director, Steve Thornton
Fire Chief, Mark Howard
Asst. City Manager, Medard Kopczynski
Library Director, Nancy Vincent
City Engineer, Tom Lussier
Asst. Public Works Director, Duncan Watson
Asst. City Manager, Planning Director, Rhett Lamb
Parks, Recreation and Facilities Director Andrew Bohannon
Human Services Manager, Elizabeth Sayre
Youth Services Manager, Elisabeth Brown
Acting Code Enforcement Director John Rogers

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

1) Acceptance of Donation - St. James Thrift Shop - Parks, Recreation and Facilities Department

Parks, Recreation and Facilities Director Andrew Bohannon stated this matter is regarding a donation of \$750 from the St. James Thrift Shop to be used by the City's Martin Luther King Jr. / Jonathan Daniels Committee for its annual programming. This is an annual donation.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$750.00

from the St. James Thrift Shop and that the money is used by the City's Martin Luther King Jr. / Jonathan Daniels Committee for its annual programming.

2) Acceptance of Donation - Keene Rotary Club - Parks, Recreation and Facilities Department

Mr. Bohannon stated this donation is for \$5,000 from the Rotary Club for the purpose of creating a pocket part at 238 Church Street. Mr. Bohannon stated the Friends of Keene Open Space came before the PLD Committee to look at this land. The Council authorized the group to go ahead with this task. This piece of property was taken over by the City through the FEMA program due to the continuous flooding of this property. The Friends of Open Space have continued with fundraising. The Keene Rotary Club asked for a meeting with the Director and have expressed interest in this project.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized do all things necessary to accept a donation of \$5,000.00 from the Keene Rotary Club for the purposes of creating a pocket park at 238 Church Street.

3) Acceptance of Donation - Ambulance Child Restraint System - Fire Department

Fire Chief Mark Howard stated this matter is regarding a child restraint system from the Child Passenger Safety Program at Injury Prevention Center- DHMC. He explained this system would be used to transport sick and injured pediatric patients by providing them with basic life support and advanced life support. This system would be used to transport patients weighing 4 to 99 pounds. The value of the system is \$700. The department plans on purchasing two more systems for the other two ambulances out of the EMS Operating budget.

Councilor Clark asked how patients are transported at this time. Chief Howard stated they currently use car seats and the issue that arises is the difficulty in providing acute care when children are transported in car seats. He added there is also the issue even with this improved system of trying to transport patients who weigh less than four pounds.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept one Ambulance Child Restraint system from the Child Passenger Safety Program at Injury Prevention Center- DHMC.

4) Acceptance of Cheshire County 2017 Funds - Youth Services

Youth Services Manager, Elisabeth Brown stated this item is for a \$23,100 donation for youth services for 2017. This money assists with the Youth Intervention Program and the Juvenile Diversion Program for outside towns. These are monies the city has received in the past and are in the budget for 2018 as well.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by Cheshire County for Youth Services programs.

5) Acceptance of Donations - Library Renovation Project - Campaign Manager for the Next Chapter

Ms. Judy Putnam of 168 Court Street and Mr. Ken Jue 23 Ridgewood Avenue, as Trustees of the library, brought forward the recent donation in the amount of \$129,905 deposited into the capital campaign for the Library Renovation Project. These monies were received during the month of December. The campaign is now at 100% of its five million dollar fund raising goal. The Trustees extended their appreciation for the generosity of the community.

Mr. Jue thanked the city for its support during this process and reiterated their firm and unwavering commitment to pay the city back for its payment of the bridge funds.

Chair Greenwald referred to some of the generous contributions.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council accepts donations of \$129,905.00 as listed in the Cambridge Trust December 7-31, 2017 Donor list (See attached report) to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

6) Library Construction Contract #2 - Parks, Recreation and Facilities Department

Andrew Bohannon addressed the Committee again and made note of the final step in the Library Project. This item is for the City Manager to negotiate and execute a sole source professional services contract with Engelberth Construction Inc. for construction services required for the Library Renovation Project in the amount of \$623,317.93.

Mr. Bohannon stated the library project was divided into two components delineated by the new market tax credit (annex building and connector and then the components of the

library). The new market tax credit can only be applied to the annex building. The rest of the work would need to be completed through funding efforts.

In August, Council was made aware of the two contracts but staff held off presenting Contract #2 until the project closing and all funding sources were identified. At the present time Engelberth Construction Inc. is under the management of MEDC as the construction management firm for the annex and connector. In order to consolidate services and fees, the City is looking to sole source a contract with Engelberth for the remaining work. This would be efficient and cost effective to keep the same team in place and coordinate the work with that happening in the annex and the connector.

Mr. Bohannon called the committee's attention to the various services outlined in the committee's packet. \$623,317.93 is for the construction component, there will be additional fees included in here which is for the design from Tappe Architects and for building permits, and these costs would be addressed by the fundraising efforts.

Funding for the work is included in the project and they are as follows: Donations \$76,897.93 currently in the Cambridge Trust Capital Campaign account; and, funds of \$560,000 paid to the project during the new market tax credit closing as a reimbursement for architect fees, as noted in the memo to City Council dated August 31, 2017.

Councilor Clark asked when they refer to window repair whether it actually means window replacement. Mr. Bohannon stated there is an ability to repair some of the windows, not all are being replaced.

Councilor Jacobs clarified even though this is a sole source contract, Engelberth had to go through a bid process for the other portion of the work. Mr. Bohannon agreed there was a team who evaluated those bids. Nine companies submitted bids on the original project.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a sole source professional services contract with Engleberth Construction Inc. for construction services required for the Library Renovation project for \$623,317.93.

7) General Assistance Guidelines - Human Services Department Resolution R-2018-04

Human Services Manager, Elizabeth Sayre addressed the Committee next and stated RSA 165 is the State Statute which outlines a municipality's responsibilities and obligations towards its neediest citizens. However, municipalities also have their own guidelines they are required to follow. She indicated in the last year there have been certain changes that have occurred at the state level which has required changes to be made by the city to its own guidelines.

Ms. Sayre then went over the changes:

Page 13, Section V111, Termination and Prosecution:

This language refers to a dollar amount associated with someone who misrepresents information. This was identified in a lawsuit in the City of Manchester and Manchester lost and hence this language is required to be stricken according to welfare law.

Page 17 – this language was identified in the law for many years. However, disabilities activists took this before the court and they prevailed. The law now states if a person receives disability benefits through APTD they can no longer be discriminated against if they meet eligibility through the local municipality.

Page 20, Item E - Standard of Need – added letter e as follows:

e. First month's rent is only available once in a 12 month period.

This requires an applicant to be responsible for paying their rent once they have been assisted by the city to obtain housing.

Page 37, Section XV11, Liens – Ms. Sayre explained if property owner applies and becomes eligible for general assistance, the city has the right to place a lien on the property. Should the property change hands the city has a right to be reimbursed for any assistance it provided to this individual. The obligation to reimburse always lies with the applicant regardless of whether a lien is placed or not.

Councilor Clark asked if a property was going to be a burden to the city whether the city would still be required to place a lien on that property. Ms. Sayre stated she wasn't sure if the city is required or not but it is the requirement of the Human Services Department to place a lien on the property.

Councilor Jacobs asked what the acronym NHHPP stood for. Ms. Sayre answered it is the abbreviation for New Hampshire Health Protection Plan.

Chair Greenwald felt if a landlord was receiving funds from the city there should be some inspection by the city which is currently not being done; just a basic inspection. Ms. Sayre referred to Page 5 Application Process, Item B.

20. The fact that Human Services may, at their discretion, request the Code Enforcement Department to inspect the place of abode of an applicant/recipient before granting assistance under these Guidelines. If inspection results determine, that the abode is unfit for human habitation or that occupation is in violation of any law, ordinance, or administrative regulation of the City then assistance for rent continued occupancy will be denied; and...

Ms. Sayre stated this language gives the city leverage for an inspection and the city encourages the applicant to make a report to Code Enforcement and staff at times have made a report to Code Enforcement. If Code Enforcement rejects an apartment, the city will not pay.

Acting Code Enforcement Director John Rogers stated the process mentioned by Ms. Sayre is available. The next step is to sit down with the City Manager and move forward with this process.

City Manager Elizabeth Dragon stated she had had a discussion with staff relative to this issue. She noted the language at the present time says “*at the discretion*” and asked whether this should be changed to *shall*. The reason is so that an inspection could automatically happen before a check was issued to a property owner, it would not be a burden placed on the person applying for assistance or city staff. Right now staff is trying to work something out internally.

City Attorney Tom Mullins stated this does not only apply to only apartments but to all types of housing in the city.

Chair Greenwald asked Mr. Rogers what staff would be looking at. Mr. Rogers stated they have 24 basic items on their checklist such as verifying that plumbing is in place, no broken windows, floors walls and ceiling don't have holes, proper guardrails and other life safety systems like proper smoke detectors are in place.

Ms. Sayre noted this year Appendix B was added with reference to emergency management because Human Services now has a responsibility in that, which was not part of Human Services in the past. Councilor Powers asked whether this should be incorporated by reference so that each time there is a change in the Appendix the entire section does not have to change. He also noted the date on the footer needs to be changed to 2018. The Councilor asked with reference to inspection whether the committee does not have language so staff does not have to come back before the committee again. Ms. Dragon stated her only concern with that is staff is not quite ready to implement the program; once an internal process has been put together, this has to be communicated to the Council and the public so people know what they can expect.

Chair Greenwald asked the City Attorney what the process for adoption should be. Attorney Mullins stated changing it to a “shall” clause is not an insignificant change and noted there are some legislative issues that could affect this item. He recommended the committee adopt this item and allow staff to come back with any revisions.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the Keene City Council rescind Resolution R-2011-27, and adopt Resolution R-2018-04 authorizing the Human Services Department to implement the revised General Assistance Guidelines.

8) Councilors Greenwald and Richards - CIP Adjustments Due to Receipt of State of New Hampshire Grant Funds

Councilor Richards stated this item is more about starting a discussion – in FY19 all the

water and sewer lines are going to be replaced on Marlboro Street and there is effort being placed to make the east side of the city look more attractive. He referred to a presentation done by city planning staff a year ago about the improvements that could be made for Marlboro Street. The Councilor stated what he was looking for tonight is for staff to see what kind of funding would be necessary to enhance at least the first part of the street and perhaps the rest to be included in the CIP. If the street is going to be taken apart this might be the time to make these improvements.

Chair Greenwald stated it was important for the Council to give the Manager direction as to what can be done with these funds. The three choices available to the city are – to reduce bond indebtedness; funds to be used for a project; funds to be used one-half for a project and the other half to reduce bond indebtedness.

The City Manager stated this has been a discussion staff has had internally mostly about reducing bond indebtedness (a portion and used the remainder for a road project). She noted there is an upcoming project in the CIP for Marlboro Street but it is not to the same extent as what was discussed a year ago.

Councilor Jacobs stated when the Council worked on goals economic development and debt reduction was two goals, and there was a struggle as to whether one was more important than the other. The Council felt the city would do the tax payers a great service if debt was paid down and the city would have more money in the future by taking this approach. Councilor Richards stated he would like to have both ideas on the table to be evaluated and then a decision to be made. Councilor Clark stated he did not feel driving down debt was as important as economic development because economic development is what is going to grow the city. He felt these extra funds was an opportunity to accomplish some of the goals that have been discussed.

Councilor Powers stated if you were to look at the CIP, debt reduction is not happening as fast as the city would want it to. He felt the priority should not be to increase debt as we look at some of these projects.

The City Manager stated she has discussed with the Mayor about holding some work sessions because of the conflicting responses she has received from Councilors. Ms. Dragon went on to say she wanted to clarify some of the funding mechanisms for some of these projects; the city received a little over \$400,000 through SB 38 specifically for road projects and the council decided which projects were going to be moved up which left room to reduce bond indebtedness for next year. She added the city is paying a little over \$250,000 in interest for road projects. Should the Council decide it wanted to use those funds for another project, the city will be borrowing to do so. The manner in which the city was reducing indebtedness is by not borrowing as much.

Councilor Manwaring stated she is on the committee for SW Regional Planning Commission on Complete Streets – this committee is currently in the process of deciding who gets grant money for complete streets. She stated a few years ago this same body did a study on complete streets from Grove Street to Main Street, which really got people

thinking. She stated she supports what Councilor Richards is proposing and asked whether the Council could direct staff to do an analysis on how much it would cost to do some work from Main Street to Grove Street.

Councilor Hansel felt a project such as this should be included in the CIP and discussed through the CIP process. Ms. Dragon noted about 1.2 million is being proposed in the CIP for Marlboro Street this year but this project doesn't do as much as was proposed a year ago when the city was looking at a grant.

Mr. David Curran of 17 Prescott Street addressed the Committee. Mr. Curran stated he agrees with the notion of economic development and added the city is always going to carry debt. He pointed out the Marlboro Street project is slated for FY19 and asked whether staff has done their homework before such projects are included in the CIP. Chair Greenwald stated the numbers in the CIP are not hard numbers but it is an educated estimate and the concept of the CIP is that projects could be moved around.

Councilor Jacobs asked the Manager whether the \$417,000 has been taken into account in the CIP document. The Manager clarified the number for Marlboro Street, it is a little over two million for the upcoming budget. With regards to the \$417,000, she had asked Public Works to create an option A and an option B but it is in the CIP as a whole project.

Councilor Richards stated of the two million about \$100,000 is for curbing and sidewalks the rest is for water and sewer work. He felt when taking the street apart is the time to look at the entire street.

Councilor Clark stated if the city doesn't get proactive with reference to Public Works and its projects and \$250,000 is not that significant compared to what the city spends in other departments. He felt the infrastructure of the city is important to a municipality.

Mayor Lane stated the committee has two issues which should not be combined; the first is the Marlboro Street project and it is up to the council as to whether it wants to move forward with that project or not and once that is decided there are many ways that project could be funded.

Councilor Richards asked whether this project could be forwarded on to the MSFI Committee to determine if this is a that project should be moved forward.

Councilor Jacobs extended his appreciation to the two Councilors for bringing this item forward for discussion.

Chair Greenwald made the following motion which was seconded by Councilor Jacobs.

On 4-0 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.

9) Authority to Borrow - Clean Water State Revolving Fund - Public Works Department

City Engineer Don Lussier stated one of the policies the Council implemented was to administer asset management planning to better plan the city's financial structure. One of the opportunities that has presented itself is a federal government program through the State Clean Water State Revolving Fund which was implemented for municipalities to pay for their clean water infrastructure. In this fund there is money designated for asset management planning and the state is offering municipalities a loan option. Once the requirements are met, the state is offering up to \$30,000 in debt forgiveness. Three applications were presented by the city (two for sewer and one for the drainage system). The city has been approved for all three of these applications. A month later the city was informed there was another round of funding. The city submitted another application for its open drainage system. The city has not received notification on this last application, but staff is seeking permission to borrow up to \$120,000 which will be paid back through principal forgiveness at the conclusion of the project.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept, and execute a loan from the New Hampshire "Clean Water State Revolving Fund" (CWSRF) in an amount not to exceed \$120,000.

10) Municipal Solar Array 350-400 Marlboro Street - Public Works Department

Asst. Public Works Director Duncan Watson stated the city issued an RFP for municipal solar array development and received a number of proposals. The proposals were narrowed down to the four most responsive proposals and a solar evaluation team was put together. At the conclusion of the interview process, the committee decided they needed some expert assistance from an entity who has done work with municipal solar array. The firm helped narrow down the applicants and helped the city with a decision matrix to help the city move forward. What the decision matrix indicated is that instead of the city moving forward with the location it had previously selected (airport, 560 Main Street, solid waste facility, and the facility near Monadnock View Cemetery) the best option would be to install a solar array on the facility at 350-400 Marlboro Street.

What is being proposed is a 1.2 megawatt solar array which would help offset the power use. Staff is requesting tonight, authorization for the City Manager to negotiate with the two finalists. The plan is to have the installation complete by December 2018. Mr. Watson noted as of recently, there has been a tariff applied to solar array importation but the two finalists selected by the city have sufficient inventory to complete their 2018 projects and the tariff wouldn't affect the city's project. Mr. Watson added the 1.2 megawatt array would reduce carbon emission in the city by about 1.8 million tons per year.

Mr. Watson stated the other locations would also be looked at some time in the future. Chair Greenwald asked due to the tariff that could be imposed in the future whether two locations should not be considered. Mr. Watson stated things have changed a lot in the solar world during the past year. He felt it would be better for the city to regroup once this project is completed.

Chair Greenwald asked whether the Ice Arena pays for electricity. The Parks, Recreation and Facilities Director stated the ice arena pays its own electric bill but the city is in conversation with this entity regarding this proposal to see if they would like to be part of it.

Councilor Powers clarified the roof issues at the Marlboro Street facility will be addressed before this project moves forward. Mr. Bohannon agreed it would be.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate with the two finalists as recommended in the City's solar consultant decision matrix to provide renewable energy for City of Keene facilities at a cost equal to or below expected utility prices for electrical services and that the most appropriate agreement be brought forward for consideration.

11) Construction and Engineering Services Change Orders - Babbidge Reservoir Dam Improvements Project - Public Works Department

Mr. Lussier stated this item is in reference to two change orders for the Babbidge Reservoir; one is for the construction contractor and the other is for the consultant engineer. The contractor started his work in the fall but had to shut down during early winter but are back on site. As of next week they would be making the temporary connection to the water supply system. DES went through several iterations which resulted in the permit for construction to be issued only last month. However, DES has several requirements which were not included in the bid documents which is the reason for the construction change order.

Even with the change order and the extra work, this contractor's price is less than the next bidder. Because of this additional work, the engineer is required to remain on site and at the end of the work, issue a certification that the work was completed according to dam safety regulations. The second change is for the extra time the engineer has to remain on site.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Kingsbury Companies, LLC of Waitsfield, VT in an

amount not to exceed \$297,454.72 for the Babbidge Reservoir Dam Improvements Project.

Further, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Dubois and King, Inc. of Randolph, VT in an amount not to exceed \$70,688 for additional technical and construction phase services associated with the Babbidge Reservoir Dam Improvements Project.

12) A Resolution Relating to the Acceptance of an Additional Appropriation of Highway Block

Chair Greenwald stated the New Hampshire Legislature adopted Senate Bill 38, providing additional funds to municipalities for local highway improvements. The City's share of this funding will be \$417,356.69. The Chairman stated the city was required to hold a public hearing which was completed on January 18, and now we are ready to accept the funds.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-44, Relating to the Acceptance of an Additional Appropriation of Highway Block Grant Funds.

The meeting adjourned at 8:25 pm.

Respectfully submitted by,
Krishni Pahl, Minute Taker