

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

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

**Thursday, February 14, 2019**

**6:30 PM**

**Council Chambers**

**Members Present:**

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

**Councilors Present**

Councilor Janice Manwaring  
Councilor George Hansel  
Councilor Margaret Rice

**Staff Present:**

City Manager, Elizabeth Dragon  
City Attorney, Thomas Mullins  
City Engineer, Don Lussier  
Asst. City Manager/IT Director, Rebecca Landry  
Asst. City Manager/Community Development Director, Rhett Lamb  
Public Works Director, Kurt Blomquist  
Finance Director, Merri Howe  
City Clerk, Patty Little  
Airport Manager, Jack Wozmak  
Asst. Public Works Director/Solid Waste Manager Duncan Watson  
Parks, Recreation and Facilities Director, Andrew Bohannon  
Captain Todd Lawrence Police Dept.  
Wendy Walker Parking Operations Manager

Chair Greenwald called the meeting to order at 5:30 PM.

**1) Nancy Sheldon/Shaldu, Ltd. - Acquisition of the Rail Spur that Bisects Two Parcels of Property - Corner of Ralston and Emerald Streets**

Nancy Sheldon of 262 Central Park West, New York, NY addressed the Committee. Ms. Sheldon stated her father purchased the property in question in the 1970's. He later sold half the property to Al Braden where Braden Printing is now located. She noted the portion they own is .33 acres in size and it has a very strange foot print, coming to a point at Davis Street. Ms. Sheldon stated what they are asking from the City is to purchase a rail "spur" which crosses Emerald Street and arcs towards the two properties. She stated in order to be able to develop this property they have to do something with the rail "spur."

Asst. City Manager/Community Development Director, Rhett Lamb addressed the Committee next. Mr. Lamb stated Ms. Sheldon approached the City a few years ago. The City did not believe it owned the property; but rather the City believed the property was owned by the State of New Hampshire. In 2010, the State approached the City with the possibility of the City purchasing this

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property. At that time the Council took the position that they had no interest in the property. In 2011, from an opinion provided by Lou Barker at the DOT it was revealed the City did in fact own this property.

Mr. Lamb referred to a Resolution that gives the City guidance on how to move forward with this sale. The first step is to declare the property as “surplus” and then to authorize the Manager to enter into negotiations with the interested party. In some cases, the City would place a property up for sale through the competitive bid process or in some unique cases (because of the properties’ configuration), the City could choose a method outside of the bid process, and this is what staff is proposing for this property.

Mr. Lamb stated this matter did go before the Bicycle Pedestrian Path Advisory Committee and the Committee voted they would not oppose the sale of the rail spur with the caveat that the main corridor of the Ashuelot Rail Trail and its right of way be maintained as is. Mr. Lamb stated in order to do what the Bicycle Pedestrian Path Advisory Committee is asking for, the property will have to be subdivided, and the portion City would like to be maintained for the trail be retained. Mr. Lamb stated this can be done without having any effect on the bike path and the proposed property.

Chair Greenwald asked whether there has been any communication with Braden Printing. Ms. Sheldon stated her brother has been in communication with Al Braden who lives in Texas. Mr. Braden has an interest if the property is put out for public bid or if the Sheldons negotiate with the City he would be interested in what wraps around his property for a reasonable amount. He is waiting for an update as to what the City decides.

The Chairman asked for the City Attorney’s opinion on this item. Attorney Mullins stated if there is interest from Mr. Braden the City would need to take some time to take a closer look at this item as staff came before the Committee with the understanding Mr. Braden would not have any interest in the property. He stated staff would like the authority for the Manager to negotiate with the parties regarding the transfer of the property which is agreeable to all parties.

Councilor Jacobs asked whether the committee is talking about three properties (the rail spur, as well as the Sheldon and Braden properties). Mr. Lamb agreed.

The Chairman asked for other public comment.

Toby Tousley of 499 Washington Street stated he owns the property that abuts the subject property on the other side of the railroad track. He stated in 2011 he had formerly expressed interest in purchasing this property and had gone before the Bicycle Pedestrian Path Advisory Committee as well. Mr. Tousley stated he would like to be included in this sale as well. He noted he is not interested in the “spur” but there is a slice of land that abuts his property that he would be interested in. Attorney Mullins recalled Mr. Tousley’s request, but at that time there was question about the ownership of this land. He noted what is being discussed are separate pieces of property. If Mr. Tousley is interested in the piece of land he just referred to, he is always welcome to submit a request to the City for its consideration. Mr. Lamb stated this is a different parcel of land. Mr. Tousley stated he did make a formal request, but that request never moved forward. The Chairman asked Mr. Tousley to re-submit something in writing. Mr. Lamb agreed these are two separate

pieces of land. He recalled that Mr. Tousley had come forward the last time the Sheldons made a request to the DOT, but he did not recall anything formally being submitted from Mr. Tousley.

Ms. Sheldon noted the rail “spur” being referred to is land between their property and the Braden property.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication regarding the acquisition of the rail “spur” be placed on more time.

**2) Dubois & King Airport Management Contract - Airport Manager**

Airport Manager Jack Wozmak began by introducing Guy Ruelle from Dubois & King. Mr. Wozmak stated he was at the end of his management contract period with the City. Mr. Wozmak noted that he became the Airport Director 3 years and was asked to accomplish specific tasks including the 10 Year Master Plan, the removal of some trees, and the reconstruction of the 14-32 runway.

He continued that during his tenure, landing fees, fuel sales and tenant rents have increased. The City has seen quite a successful uptick at the airport and quite a bit of renovations has occurred. Working with the Airport Development and Marketing Committee, they have been looking more at the next phase of the development of the airport and specifically whether there was any opportunity to establish commercial air service (Part 139 Certified).

Mr. Wozmak continued it is appropriate to go through a transition and to introduce a level of airport management to engage other experts to gather data and potential undertake schedule air service.

Mr. Wozmak stated that end he has recommended Dubois & King take on this management role. Mr. Wozmak talked about Mr. Ruelle’s experience with airport management. He has overseen ten airports in Vermont and has experience in creating airports for development and bringing them up to a level where they can support commercial air traffic. Mr. Wozmak felt Mr. Ruelle would be the best choice for the next year. Mr. Wozmak stated this is a choice the City Manager is in support of and it is a choice that is appropriate until the City is able to fill the role of the Airport Manager, which could take some time. He felt having Mr. Ruelle at the airport could also help with this search process.

Mr. Ruelle stated he is happy to be present at today’s meeting and began by saying that he worked for 15 years with the State of Vermont as their Aeronautics Administrator managing airports (taking under-performing airports to an acceptable stage). Mr. Ruelle stated he has learned a lot working alongside Mr. Wozmak for the past 19 months. Mr. Ruelle stated his company already has a contract with the airport to move capital projects forward, but his expertise is in airport management, flight instruction, air traffic control and other facets of aviation and felt this expertise can benefit the airport.

Councilor Jacobs verified the City is not appropriating additional monies for this position. Mr. Wozmak agreed this does not change the airport budget at all.

Councilor Powers asked whether this would be a full time position. The City Manager stated there will not be a full time presence at the airport - it will be Monday, Wednesday and Friday, but Mr. Ruelle will be assigned other special projects as well. Mr. Wozmak noted the airport will not want for coverage as there is a layer of people who will be able to respond in any emergency situation. Mr. Wozmak felt the change will be seamless and did not think the public will see any gaps.

Councilor Powers asked whether the Manager feels a recruitment process will take a year. Ms. Dragon stated she hoped it would not take a year, but this contract gives the City the flexibility to terminate the services of Dubois & King once a permanent person is hired.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into a management contract with Dubois & King for up to one-year to provide day to day management of airport operations, in accordance with the Scope of Services, for an amount not to exceed \$100,000 and to allow the use of airport budget personnel wage and benefit lines to fund this contract.

**3) Acceptance of Donation - Monadnock Squares - Parks, Recreation and Facilities Department**

Parks, Recreation and Facilities Director Andrew Bohannon addressed the Committee next. Mr. Bohannon stated the Department is in receipt of a donation in the amount of \$300 from Monadnock Squares. They are one of the oldest tenants at the Recreation Center. They have given an annual donation of \$300 for the upkeep of the facility or for furniture that is needed.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$300.00 from the Monadnock Squares and that the money be used for any improvements needed at the Keene Recreation Center.

**4. License Fees for Events Requiring Staff Protocols - City Clerk**

City Clerk Patty Little stated this item has been on the Committee's more time agenda since March 2018 and was originally raised by Councilor Manwaring. The Councilor had some firsthand knowledge of the effort that goes into protocol meetings from staff because of her participation with the 4 on the 4<sup>th</sup> road race event.

The issue the Councilor raised was in reference to the \$25 license fee and whether this amount was sufficient for the effort staff was putting in at the protocol meetings.

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Over the past year, staff have been meeting with the City Manager and have been looking at several documents that dictate how license fees are established – such as, State Law, City Ordinances, City Council Policies and Administrative Directives. Ms. Little explained State Law is the highest directive to a municipality. The State Law stipulates licenses and permits shall not exceed an amount reasonably calculated to cover regulatory, administrative and enforcement cost of the activity.

Ms. Little continued that the staff that attend these protocol meetings are making recommendations for public safety and logistical concerns. Their effort is not considered administrative under the statute. The only department considered to be administrative is the Clerk's office.

Ms. Little noted protocol meetings for an event such as the Pumpkin Festival is labor intensive and the protocol document (that is created to guide the petitioner's and staff's efforts) can be close to 100 pages long. She noted her staff attends these protocol meetings, takes notes and documents recommendations into a protocol document.

The fiscal policy was the other guiding document that was reviewed. The fiscal policy says fees and charges shall be set at something less than full cost recovery when there is no intended relationship between the amount paid and the benefit received. Ms. Little stated in any given year there could be 20 events that require one or two protocol meetings. The other half of the events are dealt with administratively by soliciting comments from staff electronically.

Protocol meetings can last up to an hour and could carry a \$50 administrative charge for the clerk office staff to attend these meetings. 20 meetings annually could carry a \$1,000 exposure, which is not being recovered in any license fees. She continued there was some thought that went into charging a separate fee for these protocol meetings, but this was not well supported by staff.

She noted protocol meetings are scheduled at the discretion of the Emergency Management Director – not every event is going to require a protocol meeting. Having a separate invoice for a protocol meeting would mean that an applicant would not know their final charge at the point that they applied for a license. Invoicing for protocol meetings would involve staff time for creating an invoice, tracking the money coming in, and crediting the proper account.

Ms. Little stated what does seem to be reasonable is to create a license fee for two types of licenses that always require a protocol meeting and do not presently have a license fee. These licenses are a street fair/community event and general use of city property. Ms. Little noted the license fee for a street fair/community event was deleted by City Council a number of years ago at the request of Center Stage Cheshire County.

Ms. Little continued that during the discussions, it was determined that the City Manager would be taking the lead in any further discussions about an appropriate level of service that staff provides on the day of an event. This issue had been raised by Councilor Greenwald when Councilor Manwaring's request was initially considered. In addition, the term "community

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event” which is a category of a license is often confused with the funding authorization from the City Council. Staff is suggesting that the term “community sponsored event” be used during budget discussions to describe licensed events which may have funding from the City Council in the operating budget.

The last time there was an amendment to these license fees was in 2005, which is when the license fee was eliminated for the Pumpkin Festival.

Ms. Little added that staff would like to draft an ordinance with any appropriate amendments to the license fees and refer the item to the PLD Committee for their consideration. She noted that staff appreciates the issue being raised by Councilor Manwaring.

Councilor Manwaring thanked all the staff who was involved with this work.

Councilor Powers compared the staff effort at protocol meetings as “overhead” in the private sector.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends reporting out Councilor Manwaring's communication on license fees as informational.

#### **5. Marlboro Street - Transportation Alternatives Grant - Public Works Department**

City Engineer Don Lussier was the next to address the Committee. Mr. Lussier stated the Marlboro Street corridor is going to be under construction this coming season. The CIP includes a number of projects, predominantly utility work. There are also funds for corridor improvements (street scape, bike lanes).

In the Fall 2018, staff applied for a Federal Highway Administration Grant and the suggestion was to use the funds Council appropriated for street scape work as the City’s 20% match for this grant. On January 23, 2019, DOT informed the City it will be receiving this grant in the amount \$598,000 with a \$119,000 City match.

Mr. Lussier then went on to explain the proposed motions outlined for this item:

The first one is for Manager to be able to do all the paperwork necessary to receive this grant. The second action is to allow staff to begin the design process and award Dubois & King a sole source contract. Dubois & King was selected through a competitive bid process to complete the design for the utility work. The consultant’s scope of work still needs to be approved by DOT. The third item is to obtain temporary construction easements for the work on Marlboro Street.

Ms. Dragon noted the second motion does not have the term “sole source” and asked that this language be included as the Committee makes their recommendation.

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Councilor Jacobs asked about the Memo of Understanding. Mr. Lussier stated this is between the City and DOT in reference to the grant. He also asked for explanation of the funding. It was explained the \$598,000 grant is comprised of \$119,600 of City funding which was previously appropriated in the CIP (the grant is for \$478,400). Councilor Jacobs clarified the \$119,600 amount is the same amount requested by Dubois & King and asked whether this was a coincidence. Mr. Lussier agreed it was a coincidence and added he took 20% of the contract amount, but this placeholder has not been negotiated to reflect the scope of service for the design contract

Councilor Powers asked whether water and sewer is separate from this work. He continued this year all of the utility work will happen and next year the curbs will be realigned curbs and the crosswalks installed.

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 Manager be authorized to do all things necessary to accept and execute a Transportation Alternatives Program (TAP) grant from the New Hampshire Department of Transportation (NHDOT) and to execute a Memorandum of Understanding for bicycle, pedestrian, streetscape, and roadway improvements on Marlboro Street corridor, including the construction of a connection to the Cheshire Rail Trail in the vicinity of Bartholomew Court.

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 Manager be authorized to do all things necessary to negotiate and execute a sole-source professional service contract with DuBois & King for engineering and technical services for grant-funded pedestrian, bicycle, streetscape and roadway improvements on the Marlboro Street corridor for an amount not to exceed \$119,600 with funding to come from the Marlboro Street and Utilities Reconstruction Project.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute easements and access agreements required for the construction of pedestrian, bicycle, streetscape and roadway improvements on the Marlboro Street corridor.

## **6. Relating to the Conservation Commission Ordinance O-2019-01**

Mr. Lamb stated this is the work of the Conservation Commission which over the last few months has taken a look at its charge in the City Code. The Ordinance eliminates the current language in the City Code and replaces it with new text. One unique characteristic of the prior ordinance is that it had 28 unique mission statements. The Commission recommends deleting what no longer needs to be in the Code and consolidating the remaining language.

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It includes simple changes as well as substantive changes such as newer language that one of their duties is to advise the City Council on legislative matters before the State and Federal government.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance 0-2019-01.

**7. Relating to Human Rights and the Martin Luther King, Jr./Jonathan Daniels Committee Resolution R-2019-04**

Mayor Kendall Lane addressed the Committee and stated the City has passed a number of resolutions with reference to human rights and diversity issues. The City is now starting to put some substance into those Resolutions. The Martin Luther King, Jr./Jonathan Daniels Committee has taken on some of this work and they are excited about taking on the role of a Human Rights Committee. Their primary goal will be education about cultural diversity and gender diversity.

The Mayor stated there are a number of groups working on similar activities and this would coordinate and bring them all together and move the community forward. The Mayor explained this Resolution is an intermediate step, as the City has already indicated it is a welcoming City by other Resolutions it has passed. This takes those prior Council actions and translates them into a single document. Upon adoption of the Resolution, an Ordinance would be introduced to formally amend the City Code to reflect the new name and charge of the Committee.

Mr. Bohannon stated he is the staff liaison to the committee. Over the last months there have been new members coming on board and a lot of work is being done. The committee has been working diligently with Dr. Dottie Morris from Keene State College, and with the College City Commission and the Cheshire Medical Center. The Mayor stated people are asking to be on this committee and the community is very anxious in moving forward in this direction

Chair Greenwald asked the Mayor to read the text of the entire Resolution at the next Council meeting.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption Resolution R-2019-04.