



City of Keene
New Hampshire

**FINANCE, ORGANIZATION
AND PERSONNEL COMMITTEE
AGENDA
Council Chambers B
June 13, 2019
6:30 PM**

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

-
1. Charles McIntyre - NH Lottery Commission - Keno on 2019 Municipal Ballot
 2. Councilors Greenwald, Manwaring and Richards - Tax Deeding - Kingsbury
 3. Councilor Clark - Recommending the City Council Adopt Local Election Reporting Requirements
 4. Records Storage and Management Services Rate Increases for Contracted Customers - City Clerk's Office
 5. Energy Planning Consultant - Community Development Department
 6. Sale of Parking Easements - Economic Development and Special Projects
 7. Use of Personnel Funds for a Professional Services Agreement Renewable Energy RFP Keene WWTF - Public Works Department
 8. Downtown Crosswalk Repair - Construction Change Order - Public Works Department
 9. Waiver to Purchasing Requirements - WWTP Ultra Violet Disinfection Equipment - Public Works Department
 10. Relating to Rules of Operation
Ordinance O-2019-10
 11. Relating to the College City Commission
Ordinance O-2019-11

12. Councilor Filiault - NH Rooms and Meals Tax Revenue Sharing

MORE TIME ITEMS:

- A. Ed and Kathleen (Kennedy) Burke - Beauregard Trust Property and 0 Chapman Road
- B. Toby Tousley - Request to Purchase City Property - Adjacent to Bicycle/Pedestrian Path - 160 Emerald Street

Non Public Session
Adjournment



City of Keene, N.H.
Transmittal Form

June 4, 2019

TO: Mayor and Keene City Council

FROM: Charles McIntyre, Executive Director NH Lottery Commission

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Charles McIntyre - NH Lottery Commission - Keno on 2019 Municipal Ballot

COUNCIL ACTION:

In City Council June 6, 2019.

Referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Communication_McIntyre

BACKGROUND:

The NH Lottery Commission is requesting that the City Council authorize a ballot question be included on the 2019 Municipal General Election ballot relative to the operation of keno in the City of Keene.

“Keno” is any game where a player purchases a ticket from a field of 80 numbers and selects a specific amount of numbers. A random number generator employed by the NH Lottery Commission chooses 20 numbers at random and the player is paid out against his or her original wager.

All net proceeds collected by the Lottery Commission under RSA 284:47 are deposited into the education trust fund established by RSA 198:39 for the purpose of providing grants to public schools, and to chartered public schools towards the cost of operation of an approved full day kindergarten.

A ballot question authorizing keno in Keene was on the 2017 Municipal General Election ballot and failed on a vote of 817 in favor and 1450 in opposition.

RECEIVED JUN - 3 2019



Over \$2 Billion and Counting for our Schools

GOVERNOR Christopher T. Sununu
CHAIRMAN Debra M. Douglas
COMMISSIONER Paul J. Holloway
COMMISSIONER J. Christopher Williams
EXECUTIVE DIRECTOR Charles R. McIntyre

May 29, 2019

Mayor Kendall W. Lane
City of Keene
3 Washington Street
Keene, NH 03431

Dear Mayor Lane,

Thank you for your response to my letter of May 16 requesting the opportunity to address you and the City Council. As you surmised, I indeed respectfully ask that Keno be placed on the 2019 municipal ballot for voters to decide whether to allow the game in Keene.

I am available in the coming weeks should the City Council wish me to appear. If you have any questions, please don't hesitate to contact me at 603.271.3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie McIntyre".

Charlie McIntyre
Executive Director

In City Council June 6, 2019.
Referred to the Finance, Organization
and Personnel Committee.

A handwritten signature in black ink, appearing to read "William S. Dow".

Deputy City Clerk



Live Free or Die

New Hampshire Lottery Commission 14 Integra Drive Concord, New Hampshire 03301
TEL 603.271.3391 FAX 603.271.1160 TDD 1.800.735.2964 www.nhlottery.com



City of Keene, N.H.
Transmittal Form

June 4, 2019

TO: Mayor and Keene City Council

FROM: Councilor Terry M. Clark

THROUGH: Patricia A. Little, City Clerk

ITEM: 3.

SUBJECT: Councilor Clark - Recommending the City Council Adopt Local Election Reporting Requirements

COUNCIL ACTION:

In City Council June 6, 2019.

Referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Communication_Clark

Campaign Finance Ordinance_Nashua

BACKGROUND:

Councilor Clark is requesting that the City Council consider adopting an ordinance that would establish local election campaign reporting requirements.

TERRY M. CLARK • KEENE CITY COUNCIL • WARD THREE • KEENE, NH

June 4, 2019

Re: Local Election Reporting Requirements

To Mayor and Council,

In order to strengthen and maintain fair municipal election results, I ask the city council to consider adopting an ordinance similar to that adopted in the City of Nashua to establish local election campaign reporting guidelines.

Thank you,



Terry M. Clark
Keene City Councilor
Ward 3
14 Barrett Ave.
Keene, NH 03431
(603)661-8347

In City Council June 6, 2019.
Referred to the Finance, Organization
and Personnel Committee.



Deputy City Clerk

*City of Nashua, NH
Tuesday, September 27, 2011*

Article IV. Campaign Contributions

[NRO 1975, T. 2, §§ 601 to 604 (Secs. 7-56 to 7-59 of the 1985 Code)]

§ 23-16. Applicability.

[Amended 10-18-1977 by Ord. No. O-77-199; 4-22-1986 by Ord. No. O-86-19A; 12-26-2007 by Ord. No. O-07-128]

- A. This article is enacted in order to promote open and fair elections, to safeguard the integrity of the electoral process, to provide the electorate with information regarding the distribution of capital affecting candidates or issues in a campaign, and/or to deter actual or perceived corruption by exposing the source of large expenditures.

- B. The provisions of this article shall apply to of the offices of Mayor, Alderman at Large, Ward Alderman, Board of Education, Fire Commission and Board of Public Works, and to municipal ballot measures.

§ 23-17. Definitions.

[NRO 1975, T. 2, § 602; 10-18-1977 by Ord. No. O-77-199; 12-26-2007 by Ord. No. O-07-128]
Certain words and phrases, as used in this article, shall have the meaning given in this section:

BALLOT MEASURE

Any Charter amendment or question which is submitted or intended to be submitted to a popular vote at a municipal election.

CANDIDATE

Any duly nominated person, and any person announcing as a write-in candidate and for whom votes are sought in that election.

COMMUNICATION

Includes, but is not limited to, publication in any newspaper or other periodical or on any Internet site, broadcasting on radio, television, or over any public address system, transmission by telephone or facsimile, placement on any billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

ELECTION

Any special, regular or run-off municipal election.

ITEMS OF VALUE

Any service or property, real or personal, being of a tangible nature, except the personal services or labors of volunteers who are not compensated therefor.

PERSON

Includes a natural person, corporation, company, partnership, firm, association, organization, society, labor union, business trust, trust, financial institution, or any other group, organization or entity of any nature.

POLITICAL COMMITTEE

Any organization of two or more persons to influence elections or ballot measures.

§ 23-17.1. Registration of Political Committee.

[Added 12-26-2007 by Ord. No. O-07-128] A political committee shall register with the City Clerk not later than 24 hours before making or contracting for any expenditure relative to the municipal election for which the political committee is organized. The committee shall file with the City Clerk a statement of the purpose of the political committee and a statement of the name, address, occupation and principal place of business, of its chairman, treasurer and other officers.

§ 23-18. Publication.

[NRO 1975, T. 2, § 603; 10-18-1977 by Ord. No. O-77-199; 4-22-1986 by Ord. No. O-86-19A; 12-26-2007 by Ord. No. O-07-128; 2-24-2009 by Ord. No. O-08-49]

- A. Each political committee that receives contributions or makes expenditures for the purpose of influencing the election of any candidate, and each person or political committee that receives contributions or makes expenditures for the purpose of influencing any ballot measure or referendum question shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only.

[Amended 5-26-2009 by Ord. No. O-09-60]

- B. Each candidate shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only. In cases where there are no receipts or expenditures, the filing shall state that fact.
- C. Statements of receipts and expenditures relative to a municipal election shall cover the period expiring two days prior to the filing of the statements, which shall be filed 20 days prior to the election, and again on October 1 following a mayoral primary election held on the second Tuesday of September under Charter Section 5a; on December 1 following a municipal election held on the first Tuesday following the first Monday in November; or 30 days following a special municipal election.

[Amended 3-22-2011 by Ord. No. O-11-59]

- D. Any office holder who during the year shall have received any item of value, not a campaign receipt, shall file a statement with the City Clerk detailing each such receipt, including the value, date, and name and address of the contributor thereof, in accordance with Chapter 23, Article VI, Gifts, Testimonials, Honorariums.

[Amended 3-22-2011 by Ord. No. O-11-59]

- E. Filings shall be in a form determined by the City Clerk. Filings may be submitted electronically, including by electronic mail, facsimile transmission or any other method approved by the City Clerk. However, electronic filers are responsible for ensuring that the

City Clerk has received such reports within the time required.

- F. Statements shall become public information immediately upon filing. Copies may be furnished on request, and upon payment of reproduction costs to the City Clerk. The City Clerk shall post a copy of the statements required under Subsections A, B and C on the Internet within three business days of the filing deadline, for a period of no less than four years.

§ 23-18.1. Surplus campaign contributions.

[Added 12-26-2007 by Ord. No. O-07-128] Surplus campaign contributions may be used after a general or special election for fund raising activities and for other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes.

§ 23-18.2. Continued filings required.

[Added 3-22-2011 by Ord. No. O-11-59] Any political committee or candidate which has any outstanding debt, obligation, or surplus following the second campaign receipt and expenditure report for a municipal election shall file reports by June 1 and December 1 of each year following said election in the same form as in § 23-18E until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed; provided, however, that a political committee or candidate may amend, update, or submit a final report at additional times other than those required under this section.

§ 23-19. Violations and penalties.

[NRO 1975, T. 2, § 604; 10-18-1977 by Ord. No. O-77-199; 12-26-2007 by Ord. No. O-07-128]

- A. It shall be unlawful for any candidate, person, or political committee to try to circumvent the filing of an item of value larger than \$10 by any means. Any candidate, person, or political committee having been found guilty of such a circumvention shall be guilty of failing to comply.
- B. Any candidate, person, or political committee failing to comply with the provisions of this article shall, upon conviction, be guilty of a violation, and fined not more than \$100 for each day that lack of compliance exists. Each day that lack of compliance exists shall constitute a separate offense.



City of Keene, N.H.
Transmittal Form

June 7, 2019

TO: Finance, Organization and Personnel Committee

FROM: Bill Dow, Records Manager/Deputy City Clerk

THROUGH: Elizabeth A. Dragon, City Manager, Patricia A. Little, City Clerk

ITEM: 4.

SUBJECT: Records Storage and Management Services Rate Increases for Contracted Customers - City Clerk's Office

RECOMMENDATION:

The Finance, Organization and Personnel Committee recommend to the City Council that the proposed rate increase for records storage services (as outlined on following schedule) be approved with an effective date of July 1, 2019.

ATTACHMENTS:

Description

2019-20 Schedule A Records Storage and Management Services

BACKGROUND:

The Records Storage and Archive Facility began operations in 2003. This past year, the City was required to repair or replace various components of mechanical equipment used for maintaining the storage environment and replace facility lighting with more efficient LED high bay lights. The vehicle maintenance program for the City van, used for making deliveries, also saw an increased annual cost.

City staff is in the process of converting and migrating to new records management software for records facility operations and purchasing associated bar code scanning equipment, which have annual licensing and monthly application costs. The proposed rates are recommended to help recover increased annual operational and maintenance expenses at the Records storage facility.

Current records storage and management service rates charged to nine (9) customers were last adjusted July 1, 2018. Customers may see approximately a five (.05) percent increase in their annual storage and optional delivery charges estimated to increase revenue by \$1,125. All revenue generated from the record storage and management services program are placed into the general fund. The revenue generated for record storage and management services to outside customers is projected to be approximately \$23,000 in the current fiscal year.

Proposed Pricing for Records Storage and Management Services

Description of Item	Price
<u>STORAGE CHARGES</u> – <i>Monthly charge for secure storage of Stored Material.</i>	
Storage Pricing – Monthly charge for Stored Material, if volume deposited by customer totals more than 132 cubic feet.	\$0.57 \$0.53 per 1.3 cubic feet
Storage Minimum – Minimum monthly charge assessed for Stored Materials.	\$75.00 \$71.40
<u>DEPOSIT AND RETRIEVAL SERVICE CHARGES</u> - <i>Available during normal business hours, Monday through Friday 8:00 a.m. to 4:30 p.m. excluding holidays recognized by the City of Keene. Written retrieval requests received by noon will be delivered by noon the next business day.</i>	
New Deposits (receiving and entry) – The receipt of customer deposits resulting in an increase to the customer storage balance:	\$2.55 per box
Retrieval/Pull – The temporary retrieval of Stored Materials from storage.	\$2.55 per box
Re-File – The return of materials back to storage.	\$2.55 per box
Staging For Self-Pick Up - The temporary retrieval of Stored Materials from storage but not requiring delivery by City of Keene.	\$2.55 per box plus possible labor charge if request requires more than one hour of labor
<u>TRANSPORTATION</u> – <i>Scheduled pick up or delivery of Stored Materials.</i>	
Delivery – Next day delivery of requested retrieval.	\$21.50 \$20.40 per trip
On Demand Pick Up Of New Deposits – Must be notified 48 hours prior to scheduling for an amount up to 97.5 cu. ft of boxes	\$21.50 \$20.40 per trip plus possible labor charge if request requires more than one hour of labor
On Demand Pick Up Of New Deposits - Must be notified at least one week prior to scheduling	Cost of vehicle rental plus labor charge if request requires more than one hour of labor
<u>MISCELLANEOUS SERVICES</u>	
Labor Charge – Services requiring one hour or more of labor. Note: Labor charges shall be applied for on demand pickup if boxes are not immediately accessible for loading upon arrival.	\$23.46
Destruction Charge – Destruction of Stored Materials.	Actual operational costs associated with this service plus labor charge, if applicable



City of Keene, N.H.
Transmittal Form

June 10, 2019

TO: Finance, Organization and Personnel Committee

FROM: Mari Brunner, Acting Planner

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 5.

SUBJECT: Energy Planning Consultant - Community Development Department

RECOMMENDATION:

That the Finance, Organization and Personnel Committee recommend City Council approve the use of \$26,335 of unspent personnel funds from cost center 01910 for a non-personnel use.

Furthermore, that the Finance, Organization and Personnel Committee recommend City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with The Cadmus Group, LLC for energy planning consulting services for an amount not to exceed \$45,000.00. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with 3Degrees, Inc. for an amount not to exceed \$45,000.00.

BACKGROUND:

In January 2019, the Keene City Council adopted a goal to source all electricity consumed in the City from renewable energy sources by the year 2030 and 100% of all thermal energy and energy used for transportation from renewable energy sources by the year 2050. The resolution further calls for the City to develop a strategic plan by December 2020 to meet these renewable energy goals through a transparent and inclusive stakeholder process.

With the assistance of the Purchasing office, staff sent out a request for quotations for services of a qualified professional consulting firm to identify and evaluate strategies to achieve the City's renewable energy goal and conduct an evaluation of the City's existing electricity context and baseline electricity consumption for the community. This information will be used in the development of a strategic plan, both to inform implementation strategies as well as for community outreach and education efforts.

Staff received responses from two companies. Each proposal was evaluated based on the quoted cost, the ability of the firm to meet the scope of work, ability of the firm to meet the project time frame, and relevant experience of the firm. In addition, staff followed up with two references for each company and reviewed a sample of work for each firm.

The following table provides a comparison of the proposals using these criteria. Overall, The Cadmus Group received a higher score. This consulting firm has a local presence with an office in Boston, MA and Warren, VT and has a project team with a wide range of skills and experience.

Evaluator:	The Cadmus Group LLC			3Degrees Group, Inc.		
	1	2	3	1	2	3
Cost	3.00	4.00	3.50	1.50	3.00	3.50
Can they meet the scope of work?	3.00	4.00	4.00	4.00	4.00	4.00
Can they meet the project timeframe?	4.00	5.00	5.00	4.00	5.00	5.00
Do they have relevant experience?	4.00	5.00	4.50	4.00	5.00	3.50
Quality of work sample	3.00	3.00	4.50	3.00	4.00	3.50
Subtotal	17.00	21.00	21.50	16.50	21.00	19.50
Final Score (average)	19.83			19.00		

Funding for the contract will come from account 62121 (monitoring and inspections) in the amount of \$18,665.00 and the use of unspent personnel funds in the amount of \$26,335.00.

Account 62121 has a current balance of \$18,665.00. This account was included in the FY2019 budget to be used for contract inspections if needed to support City staff during a busy construction period. Additional inspection services were not needed and this balance is available.

The personnel funds proposed to be used for this project come from four vacant positions that were unfilled during part of FY2019. These include the Plans Examiner, Planner, and two Housing Inspector positions. The Finance Department estimates that unspent personnel funds from these accounts exceeds \$80,000.00.

The use of personnel funds for a non-personnel use requires approval from City Council. In addition, staff are seeking approval from City Council for the overall project, which has a maximum estimated cost of \$45,000.00.

In the event that negotiations with The Cadmus Group, LLC are unsuccessful, staff request that the City Manager be authorized to negotiate and execute a contract with 3Dgrees Group, Inc.



City of Keene, N.H.
Transmittal Form

June 10, 2019

TO: Finance, Organization and Personnel Committee

FROM: Medard Kopczynski, Director Economic Development

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 6.

SUBJECT: Sale of Parking Easements - Economic Development and Special Projects

RECOMMENDATION:

That the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute the sale of fourteen (14) parking “easements” at the Monadnock Food Co-op.

BACKGROUND:

The Monadnock Food Co-op at 34 Cypress Street requests that the City of Keene sell to the Co-op its interest in 14 parking spaces, held by easement in accord with the recorded deed and in a location originally determined by the Monadnock Economic Development Corporation. At one time, the site was part of the “Railroad Land” with dirt parking and these space easements were held for future use and consideration. The space easements are located in the middle of the parking lot and reserved quarterly by the Co-op as permitted by Section 94-151 of the City Code of Ordinances.

This sale is required to forward the final development of the site, including the proposed addition to the existing Co-op building and therefore is consistent with City economic development efforts. The spaces are “excess” and there are no plans to use these spaces in any manner than the existing reserve.



City of Keene, N.H.
Transmittal Form

June 10, 2019

TO: Finance, Organization and Personnel Committee

FROM: Duncan Watson, Assistant Public Works Director/Solid Waste Manager

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 7.

SUBJECT: Use of Personnel Funds for a Professional Services Agreement Renewable Energy RFP Keene
WWTF - Public Works Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommends the City Council authorize the use of unspent personnel funds from the Public Works Departments FY18/19 Operating Budget for a Professional Services Contract with Correlate Inc. to develop and execute a renewable energy Request for Proposals for the City's Waste Water Treatment Plant.

BACKGROUND:

The City of Keene Waste Water Treatment Plant (WWTP) is one of the largest consumer of electricity in Cheshire County and represents a potential opportunity to reduce the cost of electricity to the City along with furthering the City's renewable energy goal.

Correlate, Inc. served as the City's renewable energy consultant in 2018 by assisting the City with the development of a decision matrix and the evaluation of proposers for a solar array at 350-400 Marlboro Street. They also assisted the City in the development of a Power Purchase Agreement (PPA) with the selected vendor that provided renewable energy for the City of Keene operations at 350-400 Marlboro Street location. Correlate's expertise and involvement were critical to the success of the Marlboro Street Renewable energy project.

The City is continuing to move forward with the review of facilities and renewable energy options for the provision of power to City activities. As previously stated, one of the largest user of energy in the City is the City's WWTP. It is proposed to use the expertise of Correlate, Inc. to assist City staff with the development of a request for proposal (FRP) for the procurement of energy generated from a 3rd party owned renewable electric facility that could potentially be placed on City owned property. The goal of the project is to maximize the energy savings over time for the Wastewater Treatment Plant, provide economic development benefits to the city, and potentially provide additional savings through net metering of City accounts. The proposed contract with Correlate will include the development and refinement of a request for proposal (RFP), establishment of Selection Criteria, assistants in the evaluation of the proposals, and the development of a Decision Matrix, along with support services to move forward with a Letter of Intent with a selected developer.

The anticipated schedule is that an RFP will be developed and issued by late summer 2019 with evaluation and recommendations forwarded to the City Council in late October/early November 2019.

Construction activity, if any, would likely occur in the Spring of 2020.

To fund the Correlate Inc.'s \$15,000 professional services contract it is proposed to use unspent personnel funds from the Public Works Departments FY18/19 Operating Budget. City Council authorization is required for the use of personnel funds for non-personnel uses.



City of Keene, N.H.
Transmittal Form

June 7, 2019

TO: Finance, Organization and Personnel Committee

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 8.

SUBJECT: Downtown Crosswalk Repair - Construction Change Order - Public Works Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with BDM Sweeper Services, Inc. for an amount up to \$30,000 in the Downtown Crosswalk Replacement Project (90309-18).

BACKGROUND:

In September of 2018, the City awarded a contract to BDM Sweeper Services to replace concrete paver crosswalks in the downtown with a stamped acrylic material. The majority of the crosswalk replacements were completed in the fall 2018. Three crosswalk areas are remaining to be completed (Gilbo Avenue, Church Street, and Diphthong Alley) this early summer.

Public Works staff has identified worn areas in acrylic crosswalks that were originally installed in 2013. The areas that have been worn are in a small area of the crosswalk in the wheel tracks. This is a maintenance item for this type of crosswalk material. The ten (10) crosswalk locations that will be repaired include the following.

Eagle Court,
Main Street at Bagel Works,
Main Street at Miller Brothers,
Cypress Street,
Main Street at the former TD Bank,
Commercial Street,
Court Street at Central Square,
Washington Street at Central Square,
Railroad Street, and
Winchester Street at Ralston Street.

BDM Sweeper Services, Inc. is a certified vendor for this particular product and they will be completing the installation of the three remaining crosswalks under an existing contract. Reviewing the work it makes sense while BDM Sweeper Inc. has already mobilized to the City that they perform the repair work. Since this is additional work, it will require amending their contract. The estimate cost to repairing the worn areas in the ten (10) identified location is \$30,000. The original contract with BDM Sweeper Services Inc. is \$147,000. The cost of the additional work exceeds the City Manager's ten (10) percent change order authority. Funding for

this work will come from the FY18/19 Public Works Department Operating Budget.



City of Keene, N.H.
Transmittal Form

June 10, 2019

TO: Finance, Organization and Personnel Committee

FROM: Aaron Costa, Operations Manager

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 9.

SUBJECT: Waiver to Purchasing Requirements - WWTP Ultra Violet Disinfection Equipment - Public Works Department

RECOMMENDATION:

Move that the Finance, Organization, and Personnel committee recommend the City Council waive the purchasing requirements and identify Xylem Water Solutions USA, Inc. as the sole provider for lamps, wipers and other replacement parts and consumables for the City's UV disinfection system at the Wastewater Treatment Plant.

BACKGROUND:

In 2012, staff recommended and the City Council authorized the purchase of a Xylem Water Solutions UV disinfection system for \$405,329 as part of the Wastewater Treatment Plant (WWTP) Phase I upgrade. The equipment was purchased, installed and became operational in 2015.

Through the City's National Pollutant Discharge Elimination (NPDES) Permit, the City is required to treat its effluent for E.coli bacteria. The UV Disinfection System treats the plant's effluent, which is discharged into the Ashuelot River at a volume of approximately 3 million gallons per day, with ultra violet light to destroy E.coli bacteria. The UV lamps, along with the wipers that keep the lamp clean need to be replaced every 14,000 hours and funding has been approved in the FY18/19 Operating Budget. The system is ready for its first lamp and wiper replacement since coming online 4 years ago. There are several vendors that supply aftermarket lamps and wipers and there are certain parts of the UV system that can only be supplied by the manufacturer. It is a concern whether aftermarket lamps and wipers would work as effectively as the replacement components provided by the manufacturer. There is also a concern that if an aftermarket component was to damage another component whether the manufacture would warranty the part. There are also a number of component parts for the system that are only available from the UV manufacturer. This is a critical system is needed to meet the City's Federal NPDES permit.

Staff recommends purchasing all replacement parts from the manufacturer, even though the lamps are more expensive. This will allow consistency of treatment and more importantly if something were to happen with the system installing aftermarket parts could not be seen as part of a problem/failure.

Article IX, Purchasing Section 2-1336. Waiver of Requirements, allows the City Council on recommendation from the City Manager to waive the purchasing requirements when deemed inadvisable to solicit bids because

of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services of for other stated reasons.

City staff recommends that the Finance, Organization, and Personnel committee recommend the City Council City Council waive the purchasing requirement and identify Xylem Water Solutions USA, Inc. as the sole provider for replacement parts/consumables for the City's UV disinfection system at the Wastewater Treatment Plant.



City of Keene, N.H.
Transmittal Form

June 3, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: 10.

SUBJECT: Relating to Rules of Operation

COUNCIL ACTION:

In City Council June 6, 2019.

Referred to the Finance, Organization, and Personnel Committee.

RECOMMENDATION:

Recommend that Ordinance O-2019-10 be referred to the Finance, Organization and Personnel Committee for its review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2019-10

BACKGROUND:

Ordinance O-2019-10 establishes a quorum standard for boards and commissions that aligns with the quorum requirements for statutory boards. Currently for advisory and legislative boards, the City Code provides that the quorum requirement is determined to be one-half of its appointed membership. This requires that at each meeting of an advisory or legislative body that the current membership roster and any vacancies would need to be accounted for in determining the quorum requirement for that meeting. Ordinance O-2019-10 avoids the potential of this moving target by providing that the quorum for any board to conduct business shall be greater than one-half of the total eligible number of members.

Ordinance O-2019-10 also amends the City Code with respect to how alternates are utilized so as to provide for greater participation by alternate members. Currently alternates are called upon by the Chair for purpose of filing a quorum. The current ordinance allows a chair to use their discretion as to whether they may appoint an alternate to serve in the absence of any regular member of the board. Ordinance O-2019-10 would require a chair to appoint an alternate to sit to form a quorum or to sit for any absence of a regular board member.



CITY OF KEENE

O-2019-10

In the Year of Our Lord Two Thousand andNineteen.....

AN ORDINANCERelating to Rules of Operation.....

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text in Section 2-593, Rules of Operation, in Chapter 2, Administration, Article V, Boards and Commission, Division 1, Generally, and replacing it with the bolded text, and also amending Section 2-579, Alternates, by deleting the stricken text and inserting the bolded text, as follows:

Sec. 2-593. - Rules of operation.

- (a) Each board shall establish its own method of operation in keeping with good practices.
- (b) Meetings will be scheduled periodically at a time and place to be announced and publicly posted in advance. In no case shall a board meet less than three times per year. At any meeting the board may invite citizens, the mayor, members of the city council, the city manager or other city employees to attend and to discuss any issue germane to the board's business. All meetings shall be public except as provided for in the Charter or in RSA 91-A.
- (c) Each board in January of each year shall name its own chair, who unless specifically provided for by state statute or city ordinance, need not be a city resident. Chairpersons may succeed themselves.
- (d) ~~A quorum for doing business of a board shall be greater than one-half of its appointed membership.~~ **A quorum for doing business of a board shall be greater than one-half (a minimum of 50% plus 1) of the total eligible number of members, either under state law or by City Code, regardless of the number of members actually appointed.**

Sec. 2-579. - Alternates.

Except as otherwise provided by this Code or state law, the mayor shall appoint, subject to confirmation by the city council, one or more alternates to each of the boards and commissions, but not more than a number equal to the number of members of the particular

Sec. 2-579. - Alternates. (continued)

board or commission who ~~will~~**shall** be asked by the chair of the board or commission to sit **to form a quorum, and shall be asked to sit** for absence, illness, conflict of interest, or absence for any good reason in the place of members of such board or commission. Any member's term as an alternate shall not be counted towards the maximum number of consecutive terms served.

Kendall W. Lane, Mayor

In City Council June 6, 2019.
Referred to the Finance, Organization
and Personnel Committee.



Deputy City Clerk



City of Keene, N.H.
Transmittal Form

June 3, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: 11.

SUBJECT: Relating to the College City Commission

COUNCIL ACTION:

In City Council June 6, 2019.

Referred to the Finance, Organization, and Personnel Committee.

RECOMMENDATION:

Recommend that Ordinance O-2019-11 be referred to the Finance, Organization and Personnel Committee for its review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2019-11

BACKGROUND:

Ordinance O-2019-11 amends the provisions in the City Code for the College City Commission to align the membership requirements for the representatives of Keene State College to the operational needs of the college.



CITY OF KEENE

O-2019-11

In the Year of Our Lord Two Thousand andNineteen.....

AN ORDINANCERelating to the College City Commission.....

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting Division 23 "College City Commission" in Article V "Boards and Commissions" of Chapter 2 entitled "Administration" and inserting a new Division 23 as follows:

DIVISION 23. - COLLEGE CITY COMMISSION

Sec. 2-1109. - Purpose.

The college city commission is created to facilitate long range planning and develop short- and long-term recommendations to the college and the city on issues of mutual concern. It is intended to serve as a model for how a city and college may collaborate effectively and engage each other in the resolution of the most pressing issues and to create a framework to address emergent opportunities.

Sec. 2-1110. - Membership.

- (a) The college city commission shall consist of 14 regular voting members. No more than four alternate members may be appointed. The mayor and the president of Keene State College shall each appoint seven voting members and two alternates. Eight voting members shall be required to form a quorum, consisting of at least three members appointed by the mayor, and three members appointed by the president of Keene State College. At least one of the college's seven regular voting members shall be a student of Keene State College. One alternate appointed by the president shall be a Keene State College student to serve a concurrent term with the regular voting student member. Of the seven regular voting members appointed by the president, the Keene State College Director of External Relations and the Coordinator for Student and Community Relations, shall be appointed to the commission as ex-officio members.
- (b) The mayor and the president of Keene State College shall each be an ex-officio member of the commission without a vote.
- (c) All appointed individuals to the commission must represent a cross section of interests, diverse perspectives and points of view in the city and college communities and constituents to support the purpose and charge of the commission.

(d) The commission shall be moderated by two chairpersons. The mayor and the president of Keene State College shall each appoint a chairperson from the seven members they appoint to represent the interests of the city and the college, respectively, and to provide leadership to the commission.

(e) Membership is not restricted to residents of Keene.

Sec. 2-1111. - Terms.

(a) All members shall have three-year terms. Keene State College members shall be appointed in July of each year. Keene State College members shall be exempt from the limitation of two consecutive terms. In the event of a vacancy, interim appointments may be made to complete the unexpired term and shall be appointed by the original appointing authority.

Sec. 2-1112. - Relation to department.

The city will provide staff support as it may be available to the college city commission. Keene State College will provide staff support to the commission through the president's office.

Sec. 2-1113. - Powers, duties and guidelines.

The functions and guidelines in this section are established for the conduct of the college city commission. The commission shall:

- (1) Conduct activities to promote, enhance, and encourage improved relationships between the college and city communities.
- (2) Research and evaluate topics of shared concern or interest between the city and Keene State College.
- (3) Consult with the mayor and Keene State College president on a periodic basis.
- (4) Develop reports and recommendations to the city and Keene State College with respect to issues of shared concern or interest, and measure progress at implementing these recommendations.
- (5) Promote communication and collaboration among community groups and organizations, city staff and departments, and Keene State College staff and departments with an interest in college/city relations.
- (6) Publicize and report on its activities.
- (7) Hold meetings and hearings necessary to carry out its duties.
- (8) Provide reports of its activities from time to time to the city and to Keene State College.

In City Council June 6, 2019.
Referred to the Finance, Organization
and Personnel Committee.

Kendall W. Lane, Mayor



Deputy City Clerk



City of Keene, N.H.
Transmittal Form

May 23, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: 12.

SUBJECT: Councilor Filiault - NH Rooms and Meals Tax Revenue Sharing

COUNCIL ACTION:

In City Council June 6, 2019.

Voted with one opposed to amend the Committee report by furthering its motion with a referral back to Committee of the specific issue of the rooms and meals tax in order to obtain data from the Department of Revenue Administration with respect to the tax generated from Keene for the future consideration of a resolution.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the Mayor write a letter to the Governor and State Legislative Representatives demanding that the State restore their obligation to municipalities.

BACKGROUND:

Councilor Randy Filiault addressed the Committee next and stated the NH Rooms and Meals tax was enacted in 1967 and at that time the agreement entered into by the State Legislature stated all collected revenue would be split 60% to the State and 40% to the local municipalities. However, since that time this amount has been reduced to balance the State's budget at the expense of municipalities.

In 1993, the legislation enacted a catch-up formula to bring the split back to where it was. This was suspended again and even though the revenue was increasing the monies sent to municipalities was decreasing. In 2019, the split is currently at 79% to the state and 21% to municipalities. Even though in 2019 the room and meals revenue was recorded at \$322 million dollars. The Councilor stated he was taken aback last week when he heard Governor Sununu say the State has a 200 million dollar surplus which he noted was not a surplus but is monies owed to cities and towns.

Councilor Filiault stated this is the reason for this letter and at some point he would be looking for a Resolution asking to go back to the original good faith agreement of the 60/40 split. The Councilor reiterated the State is saying it has a surplus when they have been taking from cities and towns. He also noted in the State of NH cities and towns are limited from where they can derive its revenue but the meals and rooms tax was one of those items where they could. He went on to say not only should the City of Keene send a letter to the Governor and Legislation, but also letters should be sent to every Select Board, Mayor as well as County Administrator. The Councilor noted the NH Municipal Association is behind this item.

Chair Greenwald asked whether there was any accounting as to how much the City sends to the State. The

Councilor and Manager did not have an exact figure. The Councilor added this cannot be one of those items that would get resolved in a week, this is something the City needs to be following up on well into the future.

Mr. Dragon stated she completely agrees to what was just said - the State has been downshifting costs to municipalities for many years. The Manager stated she not only would like to address rooms and meals but also the elimination of retirement contributions, and the bridge program (Keene has 11 red listed bridges).

Mayor Lane addressed the Committee next and stated he agreed with Councilor Filiault and the Manager and noted the budget being put in place by the state keeps downshifting costs to municipalities and noted the Senate is currently considering the State budget. The Mayor felt the committee should direct him to write a letter to the Governor and Legislation which would be quicker and more effective rather than waiting for a Resolution to be adopted which will take time. He felt the city should get this letter to legislature so the Senate is aware the city supports the effort to recover these funds for the municipalities, which has been denied for so long, and the Governor needs to know the municipalities are supporting that legislative position and not his.

Councilor Filiault stated he had no objection to a letter versus a Resolution.

Mr. Chris Coates County Administrator addressed the Committee. Mr. Coates began by thanking Councilor Filiault for his efforts and noted this is an item that has been discussed a lot in the recent past. Mr. Coates read the following statement for the record:

Your property taxes have tripled in the past 20 years, and the reason has virtually nothing to do with local town, city or county spending. These increases have everything to do with state cost shifting. The actions of the state, including the Governor, both parties of the Legislature and the Courts have been systematically breaking nearly every promise government has made to municipalities.

Shifting taxation to the local property tax payer is not sustainable. We hope that through increasing awareness and information, we can reverse this trend. Every individual property tax payer should demand that state-level revenue sources be utilized more sustainably so as to provide relief for property tax payers.

It is critical to understand the effect that state-level budget decisions have on local property taxes. The financial burden is shifted to local government when the state reduces funding for any program developed to help New Hampshire citizens.

The state has shirked its responsibility at the expense of the local property tax payer; this letter will focus on a few of those points.

Mr. Coates stated it is great that the Mayor is going to be writing a letter and noted the Commissioners support this initiative as well. He stated this is a grass roots effort and local selectmen need to be educated. He added this area is fortunate to have legislators, Senators and State Representatives that understand this effort. This cannot be one letter at one time.

He went on with his presentation continuing to read from his written remarks:

1. Meals and Room Tax (M&RT). Enacted in 1967 the state bargained with the municipalities so that IF the municipalities agreed to collect revenue for the state, the state would split the revenue 60%/40% with the municipalities. That was a promise made into law. However, the state has never kept that promise. Today, only 21% of that revenue is shared with municipalities even though M&RT revenues have risen dramatically. This has taken hundreds of millions of dollars from local communities over the past two decades. Your property taxes increased to fill this void.

2. Business Profits Tax (BPT). Enacted in 1969, again with the state promise that if the municipalities collected

this tax locally, it would be returned to the local municipalities. (what was the alleged purpose for the BPT in 1969? Has the need gone away?) That revenue sharing has decreased over time so currently the state returns NO revenue to the municipalities. This decision has taken hundreds of millions of dollars from the local communities over the past two decades. Your property taxes increased to fill this void.

3. Highway Block Grants. The State promised to help communities maintain and improve Class IV and V local roads. This promise resulted in the Legislature's establishing a sustainable plan to maintain and improve local roads and highways through the use of a gas tax on fuel. However, only once in 23 years has the gas tax been increased to account for inflation. As a result, approximately 30% of local roads and highways are in poor condition. A state funding plan is lacking to correct the condition of the roads in your community. Your property taxes have been increased to fill this void.

4. State Bridge Aid. Due to lack of realistic funding through gas tax and tolls, there will be as many 'Red List' bridges 10 years from now as there were 10 years ago. Local communities that make their own repairs do so with 100% of the own local funding with limited success for reimbursement from the state. There is no state plan to honor the promise of providing adequate bridge aid to communities. Your property taxes have increased to fill this void.

5. Medicaid Funding for Long-Term Care. Over the decades, the State has gradually, but significantly, shifted the costs of nursing home care to the local property tax payer. There are complex formulas mixed in all of this, but in 1998, NONE of your local property taxes went to pay for Medicaid long-term care. Now, your property taxes pay for more than 50% of these costs as part of your County tax assessment. Although the State has promised to cap the liability for Medicaid costs for counties, that cap is currently under threat of being substantially increased to shift additional costs onto the local property tax payer. Mr. Coates noted this was through the Governor's budget and was hopeful the Senate would change this - Raising the cap would transfer tens of millions of Medicaid costs onto the local property tax payer. Your property taxes will increase to fill this void.

6. The New Hampshire Retirement System. In 1967 the State insisted that all communities consolidate their local pensions and form one single retirement system for all public employees. In return for this, the State enacted a statute that promised to make funding contributions thereby mitigating the cost to local communities and recognizing that these costs are integral to the overall needs of government in New Hampshire, enabling employees to retire after years of dedicated service. In the past few years, the state has broken that promise and transferred tens of millions of dollars of funding burdens onto the local property tax payers. This saved the state budget from having to contribute its 35% promised contribution. However, your property taxes increased to fill this void.

7. Water and Wastewater Treatment Grants. Environmental Grants to make water/wastewater plants modern and safe have been reduced by more than two-thirds and dozens of projects are now in the "Delayed and Deferred" pile with NO plan for meaningful funding. That means that if (when) your community encounters water or wastewater quality issues, your property taxes will increase to fill this void.

The state has virtually abandoned its promises to provide aid to local communities. If you are wondering who funded the "Rainy Day Fund" or created the State budget surplus, it was the local property tax payer.

Generally, municipalities are spending less today than they did years ago. Your local property tax continues to increase not because of local spending but because the state has spent the past two decades breaking promises and reallocating the source of income under the guise of 'balancing' the state budget.

We have local Senators and State Representatives who understand this cost-shifting and who have done their best to ease the burden on property tax payers. However, their voices are not enough to accomplish real change. It will take every Selectperson and thousands of citizens to make our voices heard in Concord and in

the voting booth.

We need state government to recognize that shifting costs onto the local property tax payer is not sustainable. We have a right to institute responsible state funding practices that generate the revenue necessary to meet state statutory obligations without leaning so heavily on local property tax payers.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the Mayor write a letter to the Governor and State Legislative Representatives demanding that the State restore their obligation to municipalities.

Councilor Clark stated he is happy the Manager added the other items that have also been down shifted. He noted this lack of assistance from the State has forced institutions like Keene State College to raise tuition depriving hundreds of Keene High graduates to attend college. The Councilor noted all municipalities have to come together and force the State legislation and have something in place.