

City of Keene  
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE  
MEETING MINUTES

Thursday, June 13, 2019

6:30 PM

Council Chambers

Members Present:

Mitchell H. Greenwald, Chair  
Thomas F. Powers  
Terry M. Clark  
Bettina A. Chadbourne

Members Not Present

Carl B. Jacobs, Vice-Chair

Staff Present:

City Manager, Elizabeth Dragon  
City Attorney, Thomas Mullins  
City Engineer, Don Lussier  
Parks Recreation and Facilities Director,  
Andrew Bohannon  
Acting Planner, Mari Brunner  
Asst. City Manager/Community  
Development Director, Rhett Lamb  
Asst. City Manager/IT Director. Rebecca  
Landry  
City Clerk, Patty Little  
Deputy City Clerk, Bill Dow  
Public Works Director, Kurt Blomquist  
Asst. Public Works Director, Duncan  
Watson  
Finance Director, Merri Howe

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

1) Councilor Filiault - NH Rooms and Meals Tax Revenue Sharing

Councilor Randy Filiault addressed the Committee and noted this is a continued discussion regarding the rooms and meals tax and the fact that the State continuously cuts back on its contribution to municipalities. He noted getting figures from the State has been difficult and staff is ready to send the letter, which was authorized at the last Council meeting. He stated his objective is to deal with each funding mechanism separately.

City Manager Elizabeth Dragon addressed Committee next and noted it is the obligation of the State to provide 40% of what it collects from the rooms and meals tax to town and cities. The State froze the amount it was providing to cities and towns, but in 1993, a catch up formula was adopted to get back to the 40% formula. However, in 2010, the

State froze the catch up formula and municipalities are now only getting 21% of what the State collects.

The Manager stated the Finance Director called the Revenue Administration to determine how much the State receives from Cheshire County and from Keene. She continued the State could not provide the amount of rooms and meals tax received from Keene. They can only provide the rooms and meals tax received on a county level. Upon further review staff determined the distribution is based on population numbers, which she indicated was concerning. There is no direct correlation between what is sent to the State from the rooms and meals tax and what each community receives back. The Manager stated any Resolution should also include language that calls for the State to identify where the revenue from the rooms and meals tax is coming from each municipality. The Manager added that in 2018 the City collected a little over a million dollars from the State.

Chair Greenwald stated the lack of transparency is concerning. Councilor Filiault stated the only thing we can be assured of is we are getting shortchanged. He added the County Administrator is in support of what the City is pursuing. In closing, he would request the Committee direct staff to draft a Resolution regarding the state's obligation to towns and cities with reference to the rooms and meals tax.

Councilor Powers clarified how the collection actually worked. Ms. Dragon stated before 1967 the municipalities were collecting the rooms and meals tax, but since that time the State took it over and the split was going to be 60/40, but the formula has eroded since that time.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that staff be directed to draft a Resolution addressing the rooms and meals tax.

- 2) **Charles McIntyre - NH Lottery Commission - Keno on 2019 Municipal Ballot**  
The Chairman stated there is communication from Mr. McIntyre indicating that he will not be in attendance at today's meeting

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends placing this item on more time.

- 3) **Councilors Greenwald, Manwaring and Richards - Tax Deeding - Kingsbury**  
The Chairman began by welcoming Mr. Brian Thibeault and Mr. Jim Phippard from Brickstone Land Use Consultants to the meeting. Mr. Phippard stated since the last time he came before this Committee a lot has happened. There has been many conversations between Mr. Thibeault and developers interested in coming to Keene. The owner has also

agreed to allow for phase 2 testing to happen on the east side of the property. Mr. Phippard continued that environmental testing is ongoing and bids from a large demolition company have been received. This information was provided to the Manager. The asbestos testing is also happening and results will be provided to staff in short order. The demolition can't start until the asbestos abatement is well underway.

Mr. Phippard stated he has a concept plan should the Committee be interested in looking at it. He indicated they will be working with the Planning Board on June 24 on receiving their support as well as community support. He noted he feels good about the work they have been doing on this property. He stated there is interest out there, and building community support is vital. He noted the negative press this item is receiving – although some of it is deserved - is not helping – especially in a small community like Keene.

Councilor Clark asked Mr. Thibeault if he was ready to enter into a payment agreement for back property taxes. Mr. Thibeault replied that he paid about \$100,000 approximately six weeks ago. He has hired a tax consultant to work with Tax Collector to develop a plan and he is also working with the City on the easement with the idea of trading some tax dollars for the easement. Councilor Clark stated he is not interested in moving forward until a payment plan is in place.

The Manager stated there needs to be discussion pursued about the easement issue. She continued by asking if the Council is interested in the Victoria Street extension and the potential for an easement along the brook. With reference to a payment arrangement, it is the owner's opinion that once the tax consultant has had discussion regarding back taxes and once the easement issue is settled, then a payment arrangement could be entered into.

Chair Greenwald asked the City Attorney whether it would be prudent for the Council to recommend the Manager negotiate the easement issue. Attorney Mullins answered in the affirmative.

With reference to environmental testing, the Manager stated she has talked to Southwest Region Planning Commission regarding the Brownsfield grant and she noted the Commission's environmental consultant has reviewed the applicant's plans. There are a few questions the owner has to address and the plan is to then to move forward with that testing on the east side. This would allow for the outstanding issues DES would like to see addressed. It would also help with furthering the potential development of that section of the property in this area of the site.

Councilor Richards addressed the Committee next. The Councilor clarified there was testimony previously made that the building was going to be taken down this summer. Ms. Dragon stated Mr. Thibeault had indicated it was his plan to take down the building this summer. Councilor Richards stated that there is enough funding in the grant for both sides of the property, but he understands that Phase 2 testing is only going to be confined to the east side. Ms. Dragon confirmed the original funding was for testing of both side of the property, but it was difficult to test the entire property, so prioritization of the area had to be made. The modified scope is only for the east side.

Councilor Richards asked when the demolition bid was received by staff. Ms. Dragon stated it was submitted to staff yesterday. The Councilor referred to the payment of \$100,000 and noted this was for the 2016 taxes. He clarified that under the statute if this payment had not been made the City would have started the tax deeding process. The Manager agreed and added Mr. Thibeault also owed for taxes from prior years. He asked how much is owed in back taxes. Ms. Dragon stated it is approximately \$828,000.

The Councilor went on to say the Victoria Street extension has been removed from the CIP and noted the Council should vote on this to address this item until funds are appropriated for this project in the CIP. The Councilor suggested there is no basis to negotiate that without it being in the CIP plan.

With reference to the demolition bid, the Councilor felt this item should not be discussed as it has not been placed on today's agenda, but asked whether it was the owner's plan to get more than one bid for this work, especially because this is a multi-million dollar project.

Councilor Chadbourne asked for the Manager's comment on the CIP, which is discussed every year. The Manager agreed and added the Victoria Street extension is on the appendix of the current CIP and she agreed Councilor Richards that if the Council wants the Victoria Street extension that there needs to be discussion about how it should be funded and the timeline.

Councilor Greenwald stated Councilor Richards is also right that there is a possibility that the Council doesn't even want the Victoria Street extension, but that doesn't invalidate the desire to negotiate an easement so that the Council would know the cost of the easement should they decide they want the Victoria Street extension.

Councilor Filiault stated this particular project is now on the third City Manager and there have been many proposals that have come and gone. He stated he won't be ready to move forward until a tax payment plan is in place. The Chairman felt the easement issue needs to be decided by the Council so staff could be provided with proper direction.

Councilor Greenwald stated if the City Council doesn't want the Victoria Street extension easement this is not going to "break their hearts." They can use that land to build additional building and they need to know this for their plans and that is part of the tax discussion – value for the easement or value for the building – that goes into what their tax payment plan might be.

Councilor Greenwald stated we need to decide pretty seriously do we want to do this easement and give direction to the City Manager.

Councilor Chadbourne asked when the property was purchased by the current owner. The Manager stated it was in 2013.

Councilor Powers stated the extension of Victoria Street has been a discussion the Council has had for over 30 years, but it has not come to fruition because the City has not had the funds to do this work. He stated he would like to see some tax money coming in and added he does not want the City to own the property and felt developing this property would have a positive impact on economic development in the community.

Councilor Clark agreed the City does not want to own the property nor does the owner want to lose the property, but he felt the Council has a fiduciary responsibility to the taxpayers of Keene and hence some sort of agreement on the tax payment was necessary before any discussion could move forward. Even though all concerned would like to see development on this property, Keene taxpayers have been footing the bill for this property for far too long and he did not feel any other taxpayer would have been able to go this long without paying taxes on their property.

Mr. Brian Thibeault addressed the Committee next. He noted this property was purchased after bankruptcy and it was a contaminated site and it also came with a tax lien. He stated since that time he has tried to keep up the maintenance on the property. With reference to the mention of any plans that have been brought to the City, he noted what has been presented to the Committee in the last few months is the first plan he is aware of. He went on to say that the prior City Manager John MacLean hired Mr. Phippard five years ago to lay out Victoria Street. Whether the City wants the easement or not is something he would like a decision on. He went on to say John MacLean wanted to trade the easements and the water retention bowl for unpaid taxes. He went on to say they have paid close to \$500,000 in taxes and he would like to work with the City on this property. He felt it does not do anyone any good to keep this property vacant.

Mr. Thibeault stated some of what has been said today is not true. There is a tax consultant who is working on this issue. There is also an environmental specialist on site, Mr. Phippard is working on this property and money and time is being spent on this property. He stated he wants to move forward, but he does not want to come before this body to be “beat up.”

With the aid of a displayed plan, Mr. Phippard stated that as you can see there is a roadway that extends through the middle of the property. On this plan the roadway is called the Laurel Street Extension and tied into Victoria Street. The original Victoria Street Extension was more towards the east side of the property near David Ford Lincoln. Since Mr. Thibeault purchased the property it was expressed to him the City had an interest in extending Laurel Street and tying it into Victoria Street – which he agreed to. This however, divides the brook in half and is not ideal if you are trying to develop this property. It would be much easier to develop this property if a City street was not cutting the property in half. He went on to say if the City was not interested in the easement he would like to know that as soon as possible as he was meeting with another developer next week and he would much rather present him with a plan that does not have a road going through the property.

The concept plan is to utilize the slab under the existing building as an encapsulated area. To prevent any contamination from migrating from the area it is being prosed that the area be paved over it. Although this was going to be the area for the motor vehicle department, the State has chosen another site. Another use will need to be identified for this area. He referred to some of the uses being proposed ideas for this site.

The owner has permitted testing to be undertaken east of the brook. The area west of the brook is accessed via Myrtle Street and noted his recommendation is to keep that as a residential area. He referred to three pad sites in this area and noted there is one developer who is interested in bringing about 90 workforce housing units to that location. Mr. Phippard stated they are looking at about 30 to 40 million in assessed value with the development being proposed for this site. This concluded Mr. Phippard's presentation.

The Chairman stated the Council needs to make a decision on the Laurel Street/Victoria Street extension. He further stated some sort of good faith payment plan from the owner is necessary.

Councilor Clark asked how much has been paid since 2013 on property taxes. Ms. Dragon stated it is about \$390,000. Chair Greenwald noted the demolition estimate, which the applicant provided to the Committee does not include asbestos remediation. The demolition estimate is at \$1,899,000.

Councilor Filiault noted when he refers to projects being brought to the City for this property he isn't only referring to brick and mortar, but also plans for cleanup projects and back taxes. This effort has involved three City Managers and should there be added clarification necessary on this issue, the Councilor suggested questioning those individuals.

Councilor Richards asked the Manager how many Planning Board applications have been submitted for this property in the past five years. Ms. Dragon stated this is the first one being presented to the Planning Board for Advice and Comment. The Councilor noted it is up to the Planning Board as to what could be constructed on the property.

The Councilor further clarified Southwest Region Commission has not voted on this study yet. Ms. Dragon stated staff has met with the Commission representatives who are in support of this study, but the actual advisory committee has not voted on the grant application yet. She added this Brownsfield Grant is specific to the Kingsbury site.

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

That the Finance, Organization and Personnel Committee recommend to the City Council that the City Manager be authorized to negotiate the terms of an easement and other land acquisitions on this property.

The Chairman stated it would be good to have a good faith payment plan in hand before this item goes before the Council next week. He further stated he does not want to see the

City take the property especially after seeing the demolition cost. He hoped the owner could come through with this plan.

Councilor Clark stated he hasn't seen any good faith effort and felt anything of substance seems to happen only when there is pressure placed on this owner by the City. He stated he could not see any plan moving forward unless the City had some sort of tax leverage and noted he could not approve any more action without a good faith tax payment plan in place.

Councilor Chadbourne stated any taxpayer she has spoken to has indicated they hoped the City would not take this property. She stated there seems to be progress being made and he was in favor of working with the owner and felt it was more burdensome if the City took the property.

Councilor Powers asked whether the owner was willing to bring to the City Manager another tax payment by next week. Mr. Phippard stated he would like to see the taxes paid on this property and stated it is owner's intent to pay the taxes. He noted the City is getting 12% interest on the arrears. Mr. Thibeault stated he is interested in developing this property and he cannot see anyone else wanting to develop this property. He stated he has advertised this property for five years with no interest. He stated he needs help from the City if the City wants the property developed. Mr. Thibeault stated it is hard to move forward with the all the negativity. He added there is a tax consultant working with the tax collector on the back taxes. He stated if the City wants to take the property they are welcome to take it and the City can deal with the contamination issues on it. He noted he has a good track record of taking industrial sites and making them successful.

On a vote of 3 – 1, the Finance, Organization and Personnel Committee recommends to the City Council that the City Manager be authorized to negotiate the terms of an easement and other land acquisitions on this property. Councilor Clark voted in opposition.

**4) Councilor Clark - Recommending the City Council Adopt Local Election Reporting Requirements**

Councilor Clark stated the City of Keene has not had any kind of reporting when it comes to campaign financing. County and State offices do have reporting requirements. The Councilor felt this provides for basic transparency, provides for open and fair election, safeguards the electoral process and prevents corruption by exposing choices of expenditure.

He referred to the City of Nashua's Ordinance, which is one of those around the State that is in place – it has been in effect since 2011. The Councilor felt with a few changes to make it work for the City of Keene, he was hopeful an ordinance could be ready for this Fall's election.

The Chairman asked for the City Attorney's comments on this item.

Attorney Mullins stated adopting Nashua's model is the Council's purview and noted there are no specifications regarding dollar amounts. He noted the largest impact would be on the City Clerk's office who has raised concerns and he felt the Clerk should be asked to address her concerns.

City Clerk Patty Little stated she read the Nashua ordinance so she could familiarize herself with the obligations her office would have to take over. She referred to similar attempts the City made at adopting a campaign finance ordinance. One in 1982 and another in 2008. Ms. Little asked the Council to be very focused on how this ordinance should be drafted.

The question the Council should probably give some thought to is whether this ordinance should address all offices on the ballot or perhaps just the office of Mayor and Councilors. Should the Ordinance account for every donation or just very large donations from a single donor. The Clerk continued should the Ordinance establish a threshold that triggers the reporting requirements and should that threshold be different for different offices. Finally, should the ordinance just speak to contributions or should it include a reporting of all expenditures that would extend up until the point that all surplus funds and any outstanding debt was resolved for a campaign.

She noted the two past attempts at adopting an ordinance on election reporting were very broad, and neither passed primarily based on the burden the ordinances would place on the City Clerk's office. Ms. Little stated if this ordinance could be narrowly crafted and get to the issue at hand it would make it easier for her office to facilitate.

Ms. Little went on to say she would however, like the Council not to utilize her office for any investigative or enforcement activity with candidates who do not comply. She stated she does not want to start a negative relationship with someone who could – if elected – become her boss.

Councilor Clark stated this issue came up when he ran for County Treasurer and he was required to fill out a very simple form. He noted the reason he chose Nashua's model is its simplicity. The Councilor stated he has no agenda with the proposal, but times are changing and he always wondered why the City had no reporting mechanism in place. He pointed out Keene is in a unique situation because it has nonpartisan elections and voters don't really know who they are voting for. He agreed the Ordinance should be kept simple.

Chair Greenwald stated disclosure and transparency is good but how it is going to be administered at the Clerk's office is a concern. He indicated he would like to review ordinances from other cities such as Manchester, Berlin, Salem and what the process is at the State level. He stated he is happy to comply with whatever Ordinance is adopted.

Councilor Chadbourne asked the City Attorney how the City would go about addressing the enforcement issue. Attorney Mullins stated this is one of the questions, which would need to be addressed. In the Nashua Ordinance the issue of enforcement is not really



addressed. In Keene ordinances are generally investigated and enforced through the Police Department and they are not willing to pick up this issue either. Enforcement is an issue he will need to review and it is something that will need to be discussed by the Council.

Attorney Mullins went on to say the lower the dollar amount limit that would trigger reporting the greater the reporting requirements. He noted this State operates on volunteers and when volunteers are asked to comply with this kind of thing, his concern is there would not be the same kind of volunteers who would want to serve.

Councilor Powers stated it would be good to know what is going on, but he does agree with Attorney Mullins in reference to the kind of positions this reporting requirement should be required of. He continued discussion on this topic was warranted. He felt it is not something that could be ready for this election. The Councilor suggested having staff look into this item with the premise that it be simple. Attorney Mullins stated his suggestion is to pull together the ordinances that are out there. He added he understands the concerns Council has and the concerns the Clerk's office has. He suggested looking at the ordinances and putting together a report to provide the Council with a roadmap. The Chairman added including a timeline in the ordinance of when this reporting would be triggered was also important.

Councilor Clark stated he has reviewed all the ordinances and Nashua' is the most simple. He stated some of the ordinances have prohibitions such as how much money one is permitted to receive from an individual – the Nashua ordinance does not have such prohibitions, it is merely a reporting mechanism. Councilor Chadbourne suggested checking with the NH Municipal Association who have many lawyers and she felt it could be a good resource.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends staff be instructed to further review other financing ordinance for potential components and to report back to the committee.

**4. Records Storage and Management Services Rate Increases for Contracted Customers - City Clerk's Office**

Deputy City Clerk/Records Manager Bill Dow addressed the Committee next. Mr. Dow stated this item is in reference to a rate increase for outside clients that utilize the records storage facility. This operation started in 2003 and much of the systems are beginning to age (lifespan is 25 years). Several mechanical systems, HVAC components as well as facility lighting to save on electrical costs are being replaced this year. He added the vehicle maintenance program is also increasing annually. In looking at all these costs, staff is looking to raise the cost for the nine customers that currently utilize the services of the records center. The increase is about 5% and it is meant to offset the expenses.

Mr. Dow stated the revenue generated from record storage goes into the general fund. This year about \$23,000 is estimated for revenue. Councilor Chadbourne stated she supports this recommendation as staff has data to support the request.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends to the City Council that the proposed rate increase for records storage services as outlined on schedule that accompanied the memorandum be approved with an effective date of July 1, 2019.

**5. Energy Planning Consultant - Community Development Department**

Acting Planner Mari Brunner addressed the Committee and stated this item is in reference to the 100% renewable energy goals the City Council committed to this year. Following the commitment from Council, staff reached out to other municipalities in New Hampshire that have adopted similar goals. They were particularly impressed with Hanover's approach, which hired a consultant and they are well underway with the implementation phase.

Staff has sent out a request for quotation to about 12 firms and have heard back from two. The scope of work sent out asked for assistance with compiling a baseline of electricity consumption for the community as well as identifying and evaluating strategies, which are feasible in Keene.

Each proposal was evaluated by a team of three reviewers based on the quoted cost, the ability of the firm to meet the scope of work, the 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. Based on this the evaluation the team is recommending The Cadmus Group. 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.

Ms. Brunner went on to say staff is recommending funding for the contract will come from unspent personnel funds in the amount of \$26,335. Staff is also seeking authorization for the City Manager to negotiate and execute a professional services contract with the preferred vendor for an amount not to exceed \$45,000.

Ms. Brunner went on to say funding is recommended to come from two sources – (1) Account 01910- 62121 which has a current balance of \$18,665.00 and which was initially created to fund contract inspections during the busy construction period. (2) The remainder up to \$26,335 will come would come from unspent personnel funds.

Councilor Powers stated he supports this project but can't approve personnel funds to be used for operational items. Councilor Clark noted the request to hire a sustainability

officer was denied and staff time for the newly created Community Development Department is limited to support this initiative. He thanked staff for finding funds to support this initiative. He stated there needs to be a position to support this work.

Councilor Chadbourne stated for this item to get to this Committee there was discussion undertaken with the Manager. The City Manager has had good judgment in moving funds around and asked for the Manager's opinion on using personnel funds for non-personnel use.

Ms. Dragon stated she is supportive of this proposal or this item would not be before this committee. She went on to say staff talked about how to meet the needs of the energy committee and the energy plan without creating an additional expense. Ms. Dragon noted when the budget is created each year, staff is confined as to how much the City can raise in terms of taxes, which means the City has to be creative and shift dollars around. It is difficult to anticipate all expenses at the beginning of each fiscal year or what might change with respect to Council priorities. She noted there have been some vacancies on the 4<sup>th</sup> floor which has provided this additional funding and she noted whether this work is done by a staff person or a consultant it is relevant work that needs to be done. Ms. Dragon added this is not using funds from the fourth floor for the Police Department; it is very much tied to work on the fourth floor and asked for the Committee's support.

Chair Greenwald noted this is personnel funds being used for personnel (contract employee) – it is a reallocation to a consultant. Councilor Chadbourne stated she was in support of this request and appreciates being able to move funds around without raising taxes.

Ms. Nancy Kelly Gillard of Reservoir Street stated she was in support of this initiative and noted the City of Hanover has done this work with a consultant and they have been very successful in moving their plan forward. She stated she applauds staff being creative in finding a ways to fund this work and added she also appreciates the work Mary Brunner and Rhett Lamb have done. She also extended her appreciation to the Energy and Climate Committee which is made up of volunteers for their work on this item.

Ms. Suzanne Butcher of 44 Felt Road addressed the Committee next and stated she too supports this work and as a taxpayer she felt it makes more sense to bring in expertise rather than expecting our staff to do this work. She stated she understands the concern, but felt this is a different form of personnel.

Ms. Gillard felt spending this money by developing a good plan will end up being a payback for everyone.

Councilor Powers stated he supports this work, but his concern is the personnel side and has no expectation staff is able to do this work and that was not his point – it is more a position on the philosophy of using personnel funding for a non-personnel expense.

Councilor Clarke made the following motion, which was seconded by Councilor Powers.

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the 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 recommends the 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.

Councilor Powers voted in opposition.

**6. Sale of Parking Easements - Economic Development and Special Projects**

Special Projects Coordinator Med Kopczynski addressed the Committee and stated this item is in reference to the sale of 14 parking easements. He stated the development of the Railroad property left the City with these easements that are located in the center of the Monadnock Food Co-op parking area. Currently, the Co-op is renting these spaces on a quarterly basis.

Mr. Kopczynski stated with the expansion project, the Co-op there is a need to transfer these easements to the Co-op. Mr. Kopczynski introduced Michael Faber, General Manager of the Monandock Food Co-op to address the importance of this sale.

Mr. Faber stated the Co-op has been working to expand its building for a few years now, which is a multi-faceted plan. He stated this plan includes purchasing the existing building, purchasing a property east of the current building and adding on about 6,700 square feet of space. He stated one of the requirements of this expansion has been on parking. He noted at the present time they are occupying 11 of the 14 easements which have the Co-op sign. Based on varying market studies that have been done, parking is a key to their success.

Chair Greenwald clarified all this request would do is to transfer quarterly payments to an annual payment. Ms. Dragon answered in the affirmative.

Councilor Chadbourne asked how the City determines a price for selling a parking space. Mr. Kopczynski explained the City does not own the fee, one of the condominium associations owns the land, what the City retains is an easement. He noted he has been working with the City Assessor to determine the cost of such an easement.

Councilor Clark noted the City has retained these for many years prior to the property being developed and they have retained these spaces because there was talk about constructing a parking garage in this location. Mr. Kopczynski stated the City always wanted to retain these spaces because it felt there could be a future need for them and the

City has been renting these spaces to the Coop. The question is what can the City do with 14 spaces in the middle of that parking lot – other than the Co-op using them. Mr. Kopczynski stated he could not fathom another use for these spaces.

Councilor Chadbourne pointed out if the City has been responsible for the parking spaces, it has been responsible for its maintenance to include such things as snow removal etc. Mr. Kopczynski stated this might not necessarily be the case, but staff has had to solve issues related to public using these private spaces and this involvement component will cease to exist. The Councilor added this would also add to the City's vision of a local food source and a community-oriented grocery store.

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

On 4-0 vote, 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.

**7. Use of Personnel Funds for a Professional Services Agreement Renewable Energy RFP Keene WWTF - Public Works Department**

Asst. Public Works Director, Duncan Watson stated staff is proposing to use personnel fund to fund a consultant to look at renewable energy options at the Wastewater Treatment Plant (WWTP). He added the WWTP is the largest electrical user in the county. Mr. Watson explained this project would be a pre-cursor to developing an RFP to find an energy partner to reduce the electrical cost at WWTP following the same model as was done with the 350 Marlboro Street. Mr. Watson noted for the Marlboro Street project there was no capital cost involved with the City to install the solar array. Mr. Watson noted a typical bill at 350/400 Marlboro Street is about \$5,000 and the bill from Eversource is about \$268.

Mr. Watson stated solar is the first source being considered for the WWTP, but other options will be considered and brought back to the Council.

Chair Greenwald asked why the City is not looking for vendors to submit proposals instead of the \$15,000 proposed cost. Mr. Watson stated this is for the development of the RFP, which has many components to it. Once the RFP is received, the City will use their expertise to produce a decision matrix, which staff will bring back to the Council as well as help negotiate the ultimate agreement with the vendor.

Chair Greenwald asked what the cost would be if a solar array was proposed. Mr. Watson stated it would be several million dollars. The Chairman asked where the money comes from. Public Works Director Kurt Blomquist stated it would be something similar as was done with 350 Marlboro Street where the entity fronts the capital cost. The solar array will result in reduced energy cost, and the entity will recuperate their investment. However, there might be the scenario where it would be prudent for the City to invest in the entire project.

Councilor Clark asked whether the scale of the project will be considered when the Governor's legislation on Net Metering is proposed. Mr. Blomquist stated everything is on the table.

Ms. Dragon stated the City is looking at all options and they are considering everything – this is a big opportunity and all aspects need to be considered. She felt it was important to have the assistance of Correlate, Inc. as it is likely to be more complicated than the last project the City went through. Councilor Clark clarified Correlate, Inc. was hired last time but it was done under the \$25,000 limit. Mr. Blomquist agreed and added this project is also under that limit which is within the Manager's limit to approve. The motion is to allow for the use of personnel funds.

Councilor Powers stated he supports the project, but will vote against it because of the use of personnel funds for non-personnel purposes.

Ms. Nancy Kerry Gillard applauded the City for using expertise to move this project forward and she felt the pay back will come back to all citizens. She felt as a taxpayer she is comfortable using these personnel funds for this work.

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

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the City Council authorize the use of unspent personnel funds from the Public Works Department 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.

Councilor Powers voted in opposition.

**8. Downtown Crosswalk Repair - Construction Change Order - Public Works Department**

City Engineer Don Lussier stated the contractor did finish the work and the three remaining from last fall were Church Street, Gilbo Avenue and "Diphthong Alley," near Citizen's Bank.

He noted the request before the Committee is to freshen up similar crosswalks that were installed in 2013. Mr. Lussier stated with time the tire tracks are leaving grooves in the pavement. They have lasted six years and have gone through six winters. What staff is looking to do is to overlay and repair the area. He stated this work should last another six to eight years.

The Chairman asked whether this is an actual overlay. Mr. Lussier stated it is an overlay on top of the underlying asphalt.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with BDM Sweeper Services, Inc. for an amount up to \$30,000 in the Downtown Crosswalk Replacement Project (90309- 18).

**9. Waiver to Purchasing Requirements - WWTP Ultra Violet Disinfection Equipment – Public Works Department**

PW Operations Manager Aaron Costa stated this request is to request Council waive the purchasing rule so that Xylem Water Solutions could be used as the sole source provider for UV disinfectant parts. In 2012, the Council approved the purchase of a Xylem Disinfectant System as part of the WWTP Phase 1 upgrade. The installation happened in 2015. The City is required under its Federal discharge permit to disinfect and treat for E-Coli. UV light is used for this treatment. Every 14,000 hours these lamps need to be replaced and the City is due for its first replacement since the equipment came online. A consultant has recommended the replacement of the wipers and certain other parts as well.

Mr. Costa stated even though there are after-market parts are available for lights and wipers, staff is more comfortable purchasing parts from the manufacturer. \$35,000 has been budgeted in this current operating budget for the purchase of the lamps, but staff is looking to spend a total of \$51,000 in parts. There is money left over from sludge dewatering, and equipment maintenance for the balance of \$16,000.

Councilor Powers asked whether the City was waiving purchasing rules or declaring this vendor as a sole source provider. Attorney Mullins stated Xylem Water Solutions were being declared a sole source provider.

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

On 4-0 vote, 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.

**10. Relating to Rules of Operation Ordinance O-2019-10**

Chair Greenwald stated the Mayor has requested this item be placed on more time.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends placing this item on more time.

**11. Relating to the College City Commission Ordinance O-2019-11**

Chair Greenwald stated the Mayor has requested this item be placed on more time.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends placing this item on more time.

The meeting adjourned at 8:45 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker