

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, August 27, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Thomas F. Powers, Chair
Stephen L. Hooper, Vice-Chair
Terry M. Clark
Michael J. Remy
Raleigh C. Ormerod

Members Not Present:

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Steve Russo, Police Chief
Mark Howard, Fire Chief
Andrew Bohannon, Parks, Recreation and
Facilities Director
Jeff Chickering, Deputy Fire Chief
David Hickling, Airport Director
Merri Howe, Finance Director
Jim Donison, City Engineer
Med Kopczynski, Director Economic
Development and Special Projects

Chair Powers called the meeting to order at 6:30 PM and a roll call was taken.

1) Adopt a Bench - Parks, Recreation and Facilities

Parks, Recreation and Facilities Director Andrew Bohannon addressed the committee first and stated this donation is from John and Doris Laurent in the amount of \$1,200 for a bench to be installed along the Rail Trail. The donors walk the Rail Trail near Pitcher Street and Bradford Road and wanted to install a bench for someone who walked this area and did not wish to cross West Street.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the donation of \$1,200.00 for a bench from John and Doris Laurent and that the bench be placed along the Cheshire Rail Trail.

2) Engineering Agreement with DuBois & King for the Design and Construction Administration for the Fuel Farm Replacement Project - Airport Director

Airport Director David Hickling was the next to address the committee. Mr. Hickling stated this item goes along with the next four items on the agenda. This item relates authorizes Dubois &

King to perform the design and do the installation of the fuel tanks. These tanks are over 20 years and the new tanks will be above ground tanks.

Councilor Hooper asked whether Dubois & King have a multi-year contract with the city. Mr. Hickling stated they are the Engineer of Record for the airport.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to execute a Professional Engineering Services contract with Dubois & King for the design and construction administration of the airport fuel farm replacement project.

- 3) **Acceptance of FAA AIP Grant for Airport – Airport Taxiway 'A' Extension - Airport Director**
- 4) **Acceptance of FAA AIP Grant for Airport – Airport Taxiway 'A' Reconstruction - Airport Director**
- 5) **Acceptance of FAA AIP Grant for Airport – FAA Reimbursable Agreement - Airport Director**
- 6) **Taxiway 'A' Engineering Contract – Taxiway 'A' Extension and Reconstruction - Airport Director**

Mr. Hickling stated this work was divided into two phases, the current phase and the reconstruction in 2023. He indicated Dubois & King, staff and DOT saw an opportunity with the FAA's Supplemental Discretionary Program where if money is allocated for airport projects anywhere in the country and if that project cannot happen the money goes back into a pool and anyone could apply to use those funds. Keene applied for those supplemental funds and have received a little over 1.6 million dollars. As a result, the airport is able to do both phases this year.

As part of the Cares Act, the FAA made a determination that all AIP projects for this year will be 100% funded. In the past, the city has had to contribute 5% towards such projects.

The third grant is a reimbursable agreement. As part of this project, the navigational aids can only be worked on by FAA staff and they charge municipalities for this work. However, there is another grant from FAA that would pay for this work. Mr. Hickling noted the smaller grant however, has a 5% contribution from the City, which leaves the city to pay out about \$1,800, which would come from airport-generated revenue.

Councilor Clark asked whether there are any footnotes attached to these grants, which call for additional restrictions regarding use of airport property. Mr. Hickling there is nothing additional than what already exists.

Councilor Ormerod asked what Dubois & King's contribution was in securing these grants. Mr. Hickling stated he does not recall whether it was Dubois & King or DOT who identified this grant during one of their conference calls. Councilor Ormerod noted the Council is nervous

about sole source contracts but Dubois & King seem to be acting like a strategic partner if they are looking out for the best interest of the city and are helping secure funding.

The Councilor asked if this is found money, whether this would reduce the CIP for this and next year – the Councilor directed this question to the Manager. The City Manager agreed this is found money and when the construction costs came in staff moved items around in the CIP to accommodate this project. Mr. Hickling stated local share for phase 1 would have been \$210,000 and for the 2023 portion, it would have been \$125,000. Councilor Ormerod asked how these savings would be used for other projects. Mr. Hickling asked for clarification from the Manager that these monies will be used for another capital project related to the airport and could be used for local share for other projects. Councilor Ormerod clarified the city looks at the CIP not every two years, which would mean the CIP budget will be handled again until 2022. The Manager agreed the CIP is reviewed every other year, but this year when the budget is reviewed the CIP will also be reviewed to see if any of the current projects need to be adjusted.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$2,938,393.24 from the Federal Aviation Administration Airport Improvement Program; and

that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$1,611,111 from the Federal Aviation Administration Airport Improvement Program; and

that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$33,300 from the Federal Aviation Administration Airport Improvement Program; and

that the City Manager be authorized to do all things necessary to accept execute a Professional Engineering Services contract with Dubois & King for the construction administration of the Taxiway 'A' design and construction administration of the Taxiway 'A' Extension and Reconstruction project.

7) Road Condition Survey - Consultant Selection - City Engineer

City Engineer Jim Donison was the next to address the committee and reminded the committee of the 2016 road condition survey completed by the city. This information has been used the last several years to select and prioritize road improvement projects. This survey has also been used to look at alternative road repair methods, as well as since 2019 for a pavement preservation program in an effort to extend the life of pavements. This survey is four years old and in the 2021 CIP, there is a proposal to conduct another survey.

An RFP was sent out, eight responses were received, and after staff review of the proposals there is a recommendation to offer the contract to the ARRB Group, Inc.

This year in addition to collecting information on the condition of the roadway, the consultant will also be collecting information on the depths of crack, individual rotting etc. This information will be used for the next few CIP cycles.

Councilor Ormerod commended this program and went on to say he has been assured by Public Works when a road is worked on, at the same time sidewalks will be looked at. He noted he has seen a lot of work during the summer but sidewalks have not been addressed at the same time. Mr. Donison stated the city has an employee performing a sidewalk inventory and inspection program and so far, 52 miles of sidewalk has been inspected. Based on this an asset management plan which is being worked on will be brought to Council in short order. He agreed sidewalks are looked at as part of road rehab and added the funds in the CIP are not always sufficient to also address sidewalks. However, the money is prioritized – the FY20 funds are being allocated for Roxbury Street and FY19 funds are being used currently for the Marlboro Street work. The Roxbury Street project would include replacement of pipes, curbing, sidewalk work, road resurfacing as well as water and sewer work. For FY21 there are few areas being looked at and they are not all being driven by the road program (St. James, Federal and Lamson Streets).

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to negotiate and execute a professional service contract with ARRB Group, Inc. for road condition survey services in an amount not to exceed \$40,000; and if an agreement cannot be reached, to negotiate and execute an agreement with the next highest scoring service provider.

8) Waiver of Purchasing Requirements - Wildlife Firefighting Vehicles - Fire Department

Deputy Chickering stated this is in reference to refurbishment of the brush truck and the request is to waive the bid process and sole source with local vendor Gunseth's 4x4 of Surry, NH. Deputy Chickering indicated this vendor has been heavily involved with this refurbishment and has much experience in this field. The refurbishment would focus on the off road capabilities of this vehicle. He stated the reason staff is recommending Gunseth is because they are local facility, they will be directly involved, and would focus on cost saving methods. The city will also be supporting a local business, and Fleet Services has recommended this purchase.

Councilor Clark agreed Gunseth's would be the best option but felt the bid process keeps all vendors involved.

Deputy Chickering stated with reference to this staff consulted with HGSC which the city is familiar with and they use all the bid processes throughout the country. HGSC does not do a specific refurbishment but parts of the vehicle were used for price comparison and the price came up much higher.

Councilor Ormerod clarified what staff is saying is due diligence has been done on this item but the city does not have many options. Deputy Chickering agreed. The Councilor asked what if the city was to go back to other contractors for a price comparison and asked what that process would look like. Chair Powers felt this would be a better question for the Purchasing Agent and

asked the Manager for her comments. Ms. Dragon stated the issue here is, this is a custom item that is being created and what staff did was to price out parts of the vehicle and quoted it using the same process used by the purchasing department to make sure the city was getting the right prices. Councilor Ormerod felt this was a practical solution and hoped in the future when councilors and citizens come forward with practical solutions we can be an open mind when reviewing what is presented.

Councilor Remy stated he was not in support of moving forward with sole source on this item but agreed Gunseth is a great vendor and would do good work. He stated he would be in support of having one of the qualifications to be a local vendor.

Chief Howard responded by saying his staff spent over 100 hours in doing their due diligence. The reason for using a local vendor is familiarity of their work. The next best option was the HGSC process and note the exact pieces were used for comparison.

Councilor Ormerod stated when sole source items are brought before the council he always looks at whether there are other option. In this case, this was not an external vendor who quoted a price – there is initiative within the department to do the work, which he felt was commendable.

Councilor Remy stated he did not want this to be standard practice this is more about principal.

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

On 4-1 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to authorize a waiver of the purchasing requirements [Ordinance No. O-2009-10, Section 2-1336] and designate Gunseth's 4X4 located in Surry, NH, a "sole-source" provider for all work to be performed on the FY21 and FY23 Capital Improvement Projects of refurbishing our 2002 and 2003 wildland firefighting vehicles.

Councilor Remy voted in opposition.

9) Acceptance of FY20 Byrne Justice Assistance Grant (JAG) - Police Department

Police Chief Steve Russo addressed the committee next. The Chief explained for this grant the County of Cheshire would be fiscal agent and the City of Keene would be the sub-recipient of this proposed grant that goes from October 1, 2019 – September 30, 2021. This is the sixth year the city has collaborated with the County on this grant. These funds would be used for the continued deployment of smartphones in ten police cruisers and within two of the Bureau of Criminal Investigations.

The Chief added by approving the recommendation, the City Council is approving the submission of the grant application and entering into a Memorandum of Understanding with the County of Cheshire for allocation of these funds. He added approval has to be sought before the Manager and Attorney could sign off on this grant, and then wait 30 days and come back before the Council again.

Councilor Clark asked the Chief whether this agreement also contains a join warranty program. Chief Russo statedq he was not familiar with this agreement.

Councilor Hooper felt any time grants are received by the city; it saves the city taxpayers money.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to do all things necessary to co-apply with the County of Cheshire, and to accept, the U.S. Department of Justice FY20 JAG grant in the amount allocated to the city of \$5,007.

10) Update - Calling for the KPD to be Outfitted with Body Cameras

Chief Russo stated a few weeks ago staff was tasked with this item and since that time, a research group was formed from the department to look into it. Since the original point when this item was looked at in 2015, positive improvements were noted, specifically with software, usability and cost. He stated he wanted it to be clear as a department they are not opposed to body cameras, car video systems or any such item.

Chief Russo stated besides a handful of small departments throughout the State of New Hampshire, only Manchester and Hanover have body cameras. Cities such as Portsmouth have chosen not to use body cameras due to cost or other such reasons. Dover, Concord and Derry are looking into these systems. The Chief noted the Governor's Commission for Law Enforcement Accountability plans to recommend departments wear body cameras.

Chief Russo went on to say as they looked at the value of these systems to the community, the petition brought forward was signed by 0.37% of the community. He also asked the question would be how the city measures the value of these systems. One is transparency but this comes with a cost and other programs the city would have to sacrifice to put this item in place.

The Chief then referred to a power point presentation. He stated since this discussion started, three vendors have come in to make presentations. The one staff is presenting today is what they feel would be suitable for the department. The first is just a body worn system and the other would be a body worn camera and an in car video system.

The Body Worn Camera System would be at a cost of \$321,600 over five years. Year 1 would be \$160,800 for the equipment and \$40,200 for the next four years. Training would be at \$14,000 - one-time cost. The right to know requests currently are over flowing the City Attorney's office and there has been discussion as to the Police Department taking over this work but the lack of personnel to accomplish this work is a concern. As a result, there is a proposal to hire a System Administrator: Para-legal, to perform the body camera work, discoveries as well as right to know items at a cost of \$87,585 Annually and PAB increases .Total Cost Year one: \$262,135 (System, Training, & Administrator position). Each year thereafter: \$127,785, which includes the system administrator position.

Councilor Clark asked why the system administrator position would be included in the Police Department and not in the Clerk's Office where the rest of the record keeping is done. Chief Russo stated the right to know can be done separately but the Police Department needs someone to run the body camera system and the discovery requests that come in – they need to be sorted

through and redacted. He further stated the under staffed records department at the police department would be able to pass discoveries on to this person and relieve some of that work.

Chief Russo then addressed BWC & in Car Video System (ICV):

This system will be at a cost of \$380,195 over five years, \$190,099 year one, \$47,524 over next four years. The cost of training remains same at \$14,000. System Administrator remains the same at \$87,585 annually and PAB increases. Total Cost Year one: \$291,434. Each year thereafter \$135,109.

Chief Russo went on to say when reviewing this item; the department has reached out to stakeholders like the Public Defender's Office, County Attorney's Office, and Attorneys from ACLU. He indicated there is a lot that goes into it and it needs to be done properly, not something that can be thrown together, which could set the city up for failure.

Chief Russo stated what staff is proposing as a next step is to move into a test and evaluation period before any more resources are spent but before that he would like to get some feedback from the council as to how they would like to move forward with this. It will take about four to six weeks to move into the test and evaluation period. He added the initial training would be at a cost of approximately \$4,700 (overtime costs), which has not been budgeted for. The results and findings will be brought back to the FOP in December. This concluded the Chief's presentation.

The City Manager address this item next. She indicated this type of a program would cost a significant amount of contribution from the community. She noted the first year cost of \$291,434 would have a .16-cent impact on the tax rate which she indicated could be taken from fund balance but years two through five will remain in the budget for \$135,109 which would be a .07 cent increase on the tax rate. Ms. Dragon went on to say that the Governor's Office is going through a review right now regarding policing in New Hampshire and body cameras is one of the items raised. Part of their training is also going to be required training for all police departments.

For Keene, in year 1 it will add \$20,000 to the Police Department budget, in year 2 a little over \$40,000. It is unknown what other police requirements the state is going to require and added it would be good when the state places such requirements, funding is provided to go along with the requirement.

Ms. Dragon went on to say in weighing the cost versus the benefit of the program, the city needs to understand the goals – what does success look like. The conversation around the country when it pertains to this topic has been about increasing accountability of Police Departments, especially when they want to build back a relationship between a particular police department and a community. It is also about lessening the use of excessive force by police officers. Last year there were four complaints against the Keene Police Department against 4,155 custodial arrests which resulted 228 use of force (.05%). During the recent accreditation process the commission commended the department's low use of force. In 2018, there was one use force complaint and two in 2017. This report also refers to the positive relationship the department has with the community.

The Manager went on to say, if the council choses to move forward with this item, as indicated by the Chief the department would move to the next step which is testing and evaluation, this would involve outfitting four cruisers and six officers for a trial period. The Manager noted this trial period would require overtime costs, for approximately \$4,700. She noted should this trial

not work out with this vendor there is the likelihood staff could come back with the next proposal from another vendor.

Councilor Clark felt these cameras could also help gauge citizen behavior and reduce escalation of their behavior. He agreed the price is higher than he thought, but stated he would like to move forward and asked for a packet of information the committee could review.

Councilor Hooper agreed the conversation should be moved forward and agreed the price is high and there are many issues that need to be addressed before deciding anything permanent.

Councilor Ormerod stated he wasn't sure whether this was a high cost and questioned what one major public relationship incident would cost the city. He wasn't sure whether this approach meets the objective raised by citizens, which is transparency. The Councilor noted if there is a counter agent, being hired to redact what is being presented it won't provide the city with transparency. He felt this item should be more about an objective; what Keene stands for to reach that objective – a culture of de-escalation on both sides, transparency, and use the best technology to do that. He felt there needs to be a lot more vision than we have at this point.

Chair Powers stated he would like the City Attorney's comments with respect to the requirements for redaction. Attorney Mullins stated transparency to one person is invasion of privacy to another. He explained even though RSA91-A:5 contains exemptions with respect to video and audio recordings made with respect to this process, there is a caveat to that. It can be disclosed unless there are invasion of privacy issues. He indicated this is at times difficult to conclude. It is a labor-intensive process to disclose the information properly.

Councilor Clark asked the Attorney asked whether these videos fall under the public domain under 91-A or is this something only available to a Judge in a court case. Attorney Mullins referred to the following:

91-A:5 Exemptions. – *The following governmental records are exempted from the provisions of this chapter: which means they are exempt from disclosure.*

Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following: Attorney Mullins explained based on this statute, video recordings are disclosable.

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy.

(b) The discharge of a firearm, provided that this exemption shall not include those portions of recordings which constitute an invasion of privacy.

(c) An encounter that results in an arrest for a felony-level offense, provided, there isn't an invasion of privacy.

And hence, these recordings are disclosable under 91-A – this is the purpose; it is a transparency issue.

Chief Russo stated the department has approximately 1,500 arrests per year, which means there are 1,500 videos of one officer and if there are three officers, there are three videos that need to be redacted and released to include the audio. He stated not every lawyer would agree as to what should be disclosed, it can be done but it is time consuming.

Councilor Remy asked when the Governor's recommendations are expected to come out on this issue. Chief Russo stated it is going to be a recommendation because it is not going to be funded, but a majority of the municipalities are not going to be able to afford it. The next question is who would be overseeing that this is being done properly.

Chair Powers stated this is a project that is worthwhile but it is expensive. He felt if it is going to be done, it needs to be done correctly and make sure the right vendor is selected.

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

That the Finance, Organization and Personnel Committee recommend that the City Manager work with the Police Chief to implement a testing and evaluation program for be authorized to do all things necessary to implement a testing and evaluation program for Body Worn Cameras and In Car Video systems.

Councilor Clark clarified staff will come back before a testing program is put in place and then Council recommend whether it should be moved forward. The Manager stated the initial evaluation has been done and the city is ready to complete the testing and evaluation which will take a few months. Once that phase is completed, sometime end of December, early January staff will be back before the committee to provide a report as to what has been learned from the testing and evaluation. The only impact on the budget for the testing phase is about \$4,700 (overtime for officers and dispatchers). The Manager indicated this amount is not budgeted, but it could be funded.

Councilor Ormerod stated during this testing phase, he wants to be mindful about safety officers and how this affects them and how it better enables them to serve the community; people first, technology second.

Councilor Remy asked whether the new Social Justice Committee has been consulted with respect to this issue. The Manager stated she had attended their last meeting and advised them this discussion was happening – there was no-one from that committee present tonight. She did not feel it would be difficult to get their input during the testing phase.

The motion made by Councilor Hooper carried on a unanimous roll call vote.

11) Relating to Funding for the Flowbird Pay Station Color Touch Screens
Resolution R-2020-29

Director Economic Development and Special Projects Med Kopczynski was the next speaker. Mr. Kopczynski stated it was agreed at the last FOP meeting that this item should be moved forward. This Resolution is an effort to place funds into the budget for this item. There are two units that would be available in about 90 days.

Councilor Remy asked whether these units are tied to Park Mobile. Mr. Kopczynski stated in the affirmative.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2020-29.

12) Relating to the Refunding of Bonds
Resolution R-2020-33

Finance Director Merri Howe stated the Resolution before the Committee is for the refunding of 2010 and 2013 bonds. The city's financial advisors, PFM Financial identified a way to reduce debt service cost by refinancing a series of bonds dated October 15, 2010 and May 1, 2013. The savings would be through lower interest rates and by reducing the number of payments toward the 2013 bonds. The bonds to be refunded were originally issued by the City for the development and construction of the central fire station, Robin Hood Dam, and the Cheshire County Courthouse. Not all bonds were recalled in May 2020. By using current market rates to refund these bonds, the City will reduce the remaining term of the courthouse bond by three years and reduce the interest rate by about 1.65%. The average cost of these bonds when they went to market in 2010 and 2013 average 3.079%. The approximate savings by this refinance will be about \$203,373. Ms. Howe introduced Casey Fox from PFM Financial who was present today.

Councilor Clark clarified prepayment figures have already been calculated. Mr. Fox answered in the affirmative

Councilor Ormerod asked whether the \$203,373 includes all fees. Mr. Fox stated this number is net of all fees.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2020-33.

There being no further business, Chair Powers adjourned the meeting at 8:10 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker