

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

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

**Tuesday, December 22, 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

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Thomas P. Mullins, City Attorney  
Todd Lawrence, Police Captain  
Elizabeth Fox, Asst. City Manager/HR  
Director  
Donald Lussier, City Engineer  
Kürt Blomquist, Public Works Director

**Members Not Present:**

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

**1) Bulletproof Vest Partnership Grant Program- 2020**

Captain Todd Lawrence addressed the Committee first and stated the Keene Police Department provides all its officers with body armor to wear when on duty. This armor has a warranty life of five years and then they are replaced. The department annually budgets \$3,950 for body armor and it is anticipated the department will spend \$8,490.25 on vests for the upcoming year. This program will reimburse the City 53% (\$4540.25). These vests will be issued to new officers and replace any vests that are five years old.

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 \$4,540.25 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

**2) Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project - Resolution R-2020-36**

Chair Powers began by explaining that this item has been on the City Council agenda for a while. The Council had a site visit in November and a public hearing was to have been scheduled soon after but due to technical difficulties it was postponed. A public hearing was held last week before the entire Council with the public calling in. The item has been referred back to the Finance Committee for the eminent domain procedure.

He noted this discussion is just among the Committee as the public has had the opportunity to weigh in, as well as forward comments to the Clerk's office. The Chairman added Councilor Ormerod was unable to join the Council at its site visit. As a result, he will be able to participate in the discussion but will not be permitted to participate in the vote. Same would be true at Council vote in January.

City Engineer Don Lussier addressed the Committee next. Mr. Lussier stated there certain items that are required to be met for eminent domain to be carried out.

1. Necessity – It has already been determined by the City the Winchester Street roundabout project is necessary. These two parcels are needed to complete this project which results in public necessity.
2. Public Use – Taking the property outweighs the burden on the property owner.
3. Net-Public Benefit – The public benefits of taking the property outweighs the burden on the property owner. In determining that, the saving of time for vehicular traffic, the energy efficiency and environmental benefits that will go along with the more efficient intersection – issue with pollution. There are also safety benefits that go along with the roundabout. There is also the aesthetic benefit attached to this roundabout because this location is a gateway into the City.
4. Reasonable Efforts to Negotiate –The City Manager has made reasonable effort to work with the property owner; contact from the City's consultant, and recommended additional driveway openings.
5. Government Entity (City Council) must vote to acquire the property – This is the purpose of the Resolution being considered.

Mr. Lussier called the Committee's attention to the marked up version of the Resolution and what is being considered tonight will be an A version. The attorneys have reviewed the document and have made some changes to it. One of the changes is to the date of the public hearing. He noted Items a, b and c capture what he just discussed. Item d outlines the process, should the Council move forward with the eminent domain process, will provide staff with direction on how to move forward.

Attorney Mullins reiterated the substantive change is to outline the change to the public hearing date. Reference to RSA 498-A was broadened.

Councilor Clark asked how long the public committee was assembled to discuss this item. Mr. Lussier stated Mayor Lane appointed this committee in July 2016; the first meeting happened on August 2, 2016. The final recommendation for a roundabout was voted on December 13, 2016. It was a four months process with the Steering Committee. Chair Powers noted the first several meetings of the Steering Committee were small group discussions with stakeholders. From these

came the ideas for the engineers to formulate a plan. It was finally brought to Council for its approval.

Chair Ormerod noted it seems like the public necessity was established in 2016 but the need for eminent domain was not established until 2020. He asked whether this four year time frame could be an issue. Mr. Lussier stated during the discussion with MSFI in January 2017, property impacts, acquisition of property was discussed. Permanent acquisition versus temporary use of the property was not nailed down until sometime in 2019. The purpose and need for the project has not changed since the committee started doing the work in 2016.

Public Works Director, Kurt Blomquist noted the improvement to this intersection was identified in 1998 during the Keene Swanzey Bypass project. Hence, the improvement to this intersection has been discussed for the past 22 years and the need for this work has been well documented.

Councilor Hooper referred to the amount of \$15,000 and asked how this amount was derived at. City Manager, Elizabeth Dragon stated there is a formula the State and Federal Government uses for property acquisition. Mr. Lussier stated according to RSA 498-A, the City has to follow a definitive, prescribed program. This includes an independent appraisal of each of the parcels that are going to be acquired. The value of the parcel is looked at immediately before the acquisition and then immediately after the acquisition. The property owners are also able to perform their own appraisal which is evaluated by the City's consultant. No appraisals have been received from the property owners.

Councilor Ormerod referred to net-public benefit and asked for explanation as to how waiting times contribute to environmental hazards in the area. Mr. Lussier said he is probably not qualified enough to answer that question. However, what he can say is that idling and longer waiting times do contribute to air pollution.

Councilor Remy made a motion to amend the Resolution to include the language presented tonight. The motion was seconded by Councilor Clark.

On a roll call vote, the Finance, Organization and Personnel Committee adopted the amendment to the resolution

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of R-2020-36 as amended.

Councilor Remy noted there was much testimony presented with reference to the harm that will be placed on the property owner's business because of this. He noted as a driver not an expert, he felt what is being proposed will actually be a benefit. At the present time, there are two ways to get in and out of this site. After the change you can get in and out of the site from any direction pretty easily and then get back onto the highway.

There being no further business, Chair Powers adjourned the meeting at 7:02 PM.

Respectfully submitted by,

FOP Meeting Minutes  
December 22, 2020

ADOPTED

Krishni Pahl, Minute Taker

Additional Edits by,  
Helen K. Mattson, Executive Secretary