



FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
Council Chambers B, Keene City Hall
March 9, 2023
6:00 PM

A. AGENDA ITEMS

1. Relative to the Library Board of Trustees
Ordinance O-2023-05
2. George Street Bridge Replacement – Project Agreement and Easement
Negotiation - City Engineer
3. Municipal Primary Charter Amendments - City Clerk

B. MORE TIME ITEMS

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to the Library Board of Trustees

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

That the Ordinances of the City of Keene, New Hampshire, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text from the provisions of Chapter 2, ADMINISTRATION; Article V, BOARDS AND COMMISSIONS; Division 13, LIBRARY BOARD OF TRUSTEES, as follows:

DIVISION 13. LIBRARY BOARD OF TRUSTEES

Sec. 2-956. Established, Thayer Agreement.

The library board of trustees was established pursuant to an agreement between Edward C. Thayer and the city. The library board operates under that agreement and is therefore not a board or department of the city in the traditional sense. The agreement between Mr. Thayer and the city consisted of a proposal by Mr. Thayer and an acceptance by the city. Copies of the Edward C. Thayer proposal and the city vote of acceptance follow:

"May 31, 1898

"To the Mayor and City Councils of the City of Keene:

"Having long felt that our growing City required much better accommodations for their public library than they now possess, and knowing how essential to every community are the advantages of possessing a building with pleasant surroundings and ample room, I submit to your honorable body the following proposition.

"Having secured lot and buildings on West Street, number 79, for the purpose, I will make such additions and alterations to the same as will make it convenient for a free public library, reading rooms, an art room, a museum, a lecture room for literary subjects and literary entertainments, and I desire it to be devoted to no other purpose whatever, and I will convey said lot and buildings thereon so completed to said City of Keene on the following conditions, to wit:

"That the City accept this offer and my donation of said lot and building when completed, with the provision that the use thereof shall be limited to the purposes aforesaid, and will move into and establish in said building the present City library, and will thereafter assume and pay the expenses of repairing, maintaining and keeping in good condition the said real estate.

"That the City will provide by vote or by law, or both, however it may be necessary so to do, that the control and government of the library and the real estate shall be permanently vested in a Board of Trustees, 12 in number, six of whom shall be permanent Trustees appointed by me at the time of conveyance, from among the resident taxpayers of the City of Keene, and the other six shall be elected by the City for the term of three years, two to be elected each year. Any vacancy in the number of permanent Trustees shall be filled by the remaining permanent trustees. Vacancies shall only be occasioned by death, removal from the City, or resignation. There shall in no case be a number of Trustees elected by the City in excess of the permanent Trustees.

"Upon legal acceptance of this offer by the City of Keene, I will at once proceed to carry it into effect.

"Very truly yours

"Edward C. Thayer"

At a regular meeting of the city council held June 6, 1898, a resolution was unanimously passed as follows:

"Resolved by the City Council of the City of Keene, as follows:

"That said City accepts the proposition of Edward C. Thayer, made in writing and dated May 31, 1898, to convey to said City, lot and buildings Number 79 West Street, when altered and fitted by him for the purpose named in said proposition, and hereby binds itself to observe and perform the conditions named in said proposition.

"State Law (NHRSA, Chapter 202-A) requires cities and towns having a public library to raise and appropriate sufficient funds to maintain adequate library service. The applicable statute is RSA 202-A:4 which provides that any city or town having a public library shall annually raise and appropriate a sum of money sufficient to provide and maintain adequate library service therein or to supplement funds otherwise provided."

Sec. 2-957. Membership.

The library board of trustees consists of 12 members.

Sec. 2-958. Terms.

Six members of the library board of trustees are permanent trustees as provided in the Thayer Agreement, and six members shall be appointed by the mayor and city council for three-year terms. Terms of the six city trustees shall be staggered so that two board members shall be appointed in July of each year.

Sec. 2-959. Duties.

The library board of trustees:

- (1) Hires the library director and establishes the policy under which the library director operates.
- (2) Hears citizen comments on the quality of service provided by the library.
- (3) Determines methods of improving the impact of the library on the educational and cultural resources of the city and the surrounding area.

- (4) Has the responsibility for the control and general management of the library facilities, property and employees.
- (5) Controls, manages, invests and expends trust funds donated or bequeathed to the library, or to the library trustees, for use of the library.
- (6) Has no authority to pledge the credit of the city beyond the amount of the city's budgetary appropriation for the library.
- (7) Determines when it is appropriate to do so and appears before state and federal agencies to request financial assistance for the library and library programs as such funds become available.
- (8) Prepares and requests budgetary appropriations from the city council annually.
- (9) Furnishes annual reports of library operation to the city as required by state law.
- (10) Prepares and submits to the City a report on the acceptance of unanticipated and Non-Restricted Funds as defined in section 2-960 (5) of \$5,000.00 or more within a reasonable time after the acceptance of the funds.**

Sec. 2-960. Sources of financial support.

The sources of financial support of the library are as follows:

- (1) An annual appropriation by the city.
- (2) Trust funds donated or bequeathed to the city and controlled, managed, and invested by the city trustees of trust funds.
- (3) Trust funds donated or bequeathed to the library or the library trustees and controlled, managed and invested by the library board of trustees.
- (4) Fines and payments.
- (5) ~~Miscellaneous gifts and donations.~~ **Unanticipated Funds: The Library Trustee shall have the authority to apply for, accept, and expend, unanticipated money from public or private sources in accordance with any public hearing requirements of RSA 202-A:4-c (“Non-Restricted Funds”). Any funds available through direct federal grants, or federal pass through grants, all grants of \$5,000.00 or more from any source, and all grants or donations of money intended to support library payroll related expenses (collectively “Restricted Funds”) shall be accepted by, and managed by, the City.**
- (6) **Gifts of Personal Property: The Library Trustees shall have the authority to accept gifts of personal property, other than money, in accordance with RSA 202-A:4-d. No acceptance of any personal property under the authority of this section shall bind the City or the Library Trustees to raise, appropriate, or expend any public funds for the operation, maintenance, repair, replacement or scheduled insurance of such personal property. Personal property gifts that would require the City or the Library Trustees to raise, appropriate, or expend any public funds for the operation, maintenance, repair, replacement or scheduled insurance of such personal property, shall be submitted to the City for consideration and action, and a report of any gifts of personal property that was accepted under section 2-960(6) which does not require the expenditure of public funds for the operation, maintenance, repair, replacement or scheduled insurance of such**

personal property, and which report shall also state how the Library Board of Trustees will fund such personal property.

Sec. 2-961. Relationship to city.

Because the city furnishes the major financial support of the library, and because the library is a public trust primarily serving the city, the library board of trustees shall:

- (1) Furnish the city manager and/or the city council, from time to time during the year and when requested, such detailed financial information as the council or the manager may require either for budgetary purposes or for the purpose of ensuring the utilization of city funds in accordance with the terms of city appropriations.
- (2) Cooperate with the city in the adoption of employee pay scales, fringe benefits, and auditing and accounting procedures.
- (3) Urge members of the city council or committees thereof to attend their meetings.

Secs. 2-962—2-990. Reserved.

George S. Hansel, Mayor

In City Council March 2, 2023.
Referred to the Finance, Organization,
Personnel Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 9, 2023

To: Finance, Organization and Personnel Committee

From: Donald Lussier, City Engineer

Through: Elizabeth Dragon, City Manager
Kurt Blomquist, ACM/Public Works Director

Subject: **George Street Bridge Replacement – Project Agreement and Easement Negotiation - City Engineer**

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 project agreement with the New Hampshire Department of Transportation (NHDOT), temporary access agreements for construction, permanent drainage and maintenance easements from affected property owners, and implement the George Street Bridge Replacement Project.

Attachments:

None

Background:

Project Agreement with NHDOT

Design is underway for the George Street Bridge replacement over Beaver Brook (NHDOT Bridge No. 142/072). This is one of the City's currently ten "red-listed" bridges. As such, it is eligible for funding under the New Hampshire Department of Transportation's (NHDOT) State Bridge Aid (SBA) program. Under this program, the State funds 80% of eligible project costs and the City is responsible for 20%. The City requested funding through the SBA program in December of 2013. The City Council appropriated funds for this project in FY09, FY12, and FY22 to fund the City's share of the estimated project cost. The project is funded in the NHDOT Ten Year Plan for construction in 2024.

On February 27, 2023, the City received the first project agreement from the NHDOT for this work. This agreement defines the duties and responsibilities of the City and NHDOT, as well as the funding that NHDOT has committed to the project. Significant changes in the project scope, schedule, or budget will require a revised agreement. Signatures are required by both the City and NHDOT.

Easement Negotiation

The right-of-way width for George Street is narrow. As the design has progressed, it is apparent that temporary and permanent property easements will be required for the construction and the continued

maintenance of the bridge. There are four parcels abutting the bridge site and it is expected that all four parcels will require a combination of temporary and permanent easements. The affected property owners will be offered fair market value for the use of their land. The total area and value of the required easements has not yet been determined.



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

Meeting Date: March 9, 2023
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: **Municipal Primary Charter Amendments - City Clerk**

Council Action:

In City Council March 2, 2023.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

That the memorandum regarding potential changes to the Municipal Primary be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

None

Background:

During the recent discussion before the FOP Committee regarding a potential charter amendment to the municipal primary, I shared two points that deal with the administration of the municipal primary that warrant further clarity through a charter amendment.

The current charter language requires a primary be held if more than 2 candidates file for the office of Mayor or Ward Councilor or more than 10 candidates file for the office of At-Large Councilor. The first issue that deserves clarity in the charter language deals with a situation where a primary is not triggered in the office of Mayor or At-Large Councilor, but it is triggered by having more than 2 candidates file for a Ward Council seat. Even though we have never experienced this specific situation, I have learned from my conversations with other cities which have similar provisions in their Charter, that the primary election is only held in those wards where the actual contest exists. In conversations that I have had with representatives of the Secretary of State's Office; they concurred with this practice and explained that under State Law, a city ward is the same as a town for election law purposes. Keene's five wards are distinct and separate from each other.

The second issue deals with which offices are printed on a primary ballot. Again, the practice in other cities is that if a primary is required, the only offices on the ballot are those which have an actual contest for that office. Historically, we have shown all offices on a primary ballot regardless of whether there was a contest or not. This extends to the offices of Moderator, Ward Clerk, Selectmen and Checklist Supervisor. Although there has been a benefit to having these offices on a primary ballot for potential write-ins, there is an appointment process that can be used to fill any vacancies that might exist after the election.

These proposed changes to the City Charter would result in cost savings for conducting a primary election in the areas of staffing, ballot coding and ballot printing. The proposed charter changes would also result in a fairly substantial decrease in the effort at the end of the election in terms of identifying votes cast for offices that were not required to be on the ballot.

If the Council was supportive of a Charter amendment, language would need to be added to the existing charter language to clarify the following:

If a primary is required for the office of Mayor or Councilor At-Large, the primary will be held City-wide and when required the ballot will only contain the offices (Mayor and/or Councilor At-Large) with a contest.

If a primary is only required for the office of Ward Councilor in a specific ward, the primary will be held in that ward and the ballot will only contain the office of Ward Councilor.

The offices of Moderator, Ward Councilor, Selectmen, and Checklist Supervisor will never be shown on a primary ballot.

As indicated previously, the charter amendment process is a lengthy one with many statutory timelines, but there is time before the fall's general election to go through that amendment process.