

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, August 24, 2023

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Thomas F. Powers, Chair
Michael J. Remy, Vice Chair
Bettina A. Chadbourne
Bryan J. Lake
Andrew M. Madison

Members Not Present:

All Present

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Don Lussier, City Engineer
Med Kopczynski, Economic Development
Director
Andy Bohannon, Parks Recreation and
Facilities Director
Beth Fox, Asst. City Manager/HR Director
Kurt Blomquist, Public Works Director
Christian Tarr, Sewer Services Manager

Chair Powers called the meeting to order at 6 PM. The Chairman began by recognizing a few City employees:

-Alice Kingsbury who has been with the Keene Public Library for the past 20 years.

-Joanna Balcom will celebrate 40 years with the Keene Police Department – she started in the records department and in 1988 became the first police dispatcher, prior to that this position was covered by police officers. She retired in 2018, but continues work part time as a dispatcher.

1) 2023 Highway Safety Agency Grant - Police Captain

Police Captain Mike Kopcha addressed the committee and stated he was before the committee regarding the 2023 Highway Safety Grant. This year the monies have been combined into one lump sum of \$14,500. He indicated; however, the money is divided into categories such as – sustained traffic enforcement patrols, downtown patrol (bicycle and pedestrian safety), and DWI specific patrols. Captain Kopcha stated these monies allow the department to add an extra officer to a shift to deal with any specific detail.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene.

2) Acceptance of Grant Funds – NH Division of Historical Resources Certified Local Government Grant - Planner

Planner Evan Clements addressed the Committee and stated he is the staff liaison to the Historic District Commission. Mr. Clements indicated the Commission has been awarded a \$12,000 grant through the certified local government program to inventory the 19 properties located within the historic district extension that occurred in 2012. Because these properties have not been inventoried, they have been ranked as contributing or not contributing to the district and as such must be assigned the strictest regulation.

Mr. Clements stated by receiving this grant and completing an inventory the City will be able to properly assess any changes done to those properties.

Councilor Madison made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a \$12,000 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Historic District Commission to work with a qualified consultant in the historical and architectural inventory of the properties located within the extension of the Downtown Historic District that occurred in 2012.

3) Acceptance of New Hampshire Juvenile Court Diversion Network funding for Youth Services - Youth Services Manager/JCC Coordinator

Melissa Bender, Youth Services Manager stated the Juvenile Court Diversion Network has been provided another funding opportunity to the Youth Services Department in the amount of \$5,586. This amount is based on the average amount of cases for the last few years. This money is awarded because the department provides substance use and mental health screening which provides guidance for the department to properly work with youth.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

4) Pamela Russell Slack - Requesting an Amendment to the City Council's Rules of Order – Workshops

Ms. Pamela Russell Slack of 260 Beaver Street addressed the committee and stated this item is a request to amend City Council Rules of Order to include language regarding Council workshops. She indicated because of what happened this summer [when the Council voted on an item of business during a workshop] the public needs to have a better understanding as to what Council workshops are all about and so do the Council members.

Chair Powers asked for clarification from the City Attorney that any action by a Committee or otherwise needs to come before Council. Attorney Mullins explained RSA 91-A deals with Council powers and authority. He indicated under RSA 91-A once there are eight members of the Council present in a room, that triggers a quorum. Whether those individuals could act or not depends on other criteria; for example, the meeting must be publicly noticed and at that point, the Council has the power to act on the item. He indicated the statute does not distinguish between eight members being present at a council meeting or eight members being present at a workshop. He agreed the Council are the ones who have to ultimately act, the committees merely make a recommendation to the full Council. He indicated what is being proposed is to carve out an exception from the opportunity to vote on what is otherwise defined as a workshop. Attorney Mullins stated “what” is a workshop would need to be defined. The Attorney indicated during his tenure as the City Attorney that voting at a workshop has never come up as an issue, but in order to establish a requirement that voting at a workshop would not be permitted, that exception would need to be added to the Council’s Rules of Order. Attorney Mullins noted that if it the restriction were added to the Rules of Order, that provision could be suspended on a 2/3rds vote.

Councilor Remy asked whether there would be any circumstance where a meeting or workshop would not be noticed to the public. Attorney Mullins answered in the negative. The Councilor asked whether a lack of communication could be the issue here and if it is noticed that when an eight-member Council body is present a vote could be taken would prevent perhaps another meeting from occurring where the public would have to return. Ms. Russell Slack stated what she is asking for is something to be put in writing because voting at a Council workshop has not previously happened, as a result a precedent has been set. She added the usual procedure is the matter before the workshop is referred to a committee and then forwarded on to the full Council.

Councilor Madison inquired if only eight councilors were present at a Council meeting whether an item could be voted on. Attorney Mullins answered in the affirmative. The attorney added what is being presented is the context of a workshop and whether a vote could be taken at a workshop.

Councilor Chadbourne asked whether it would be a Mayor who would decide that a workshop is being conducted and the Council would be taking a vote at that workshop. Attorney Mullins stated the Mayor can suggest a workshop but he does not have the authority to prevent eight members of the Council from taking a vote at a workshop. He also added anytime there is a noticed public meeting of the Council the Council has the right to act.

Chair Powers stated from his perspective the vote did not make any difference; according to Council Rules the City Council are the ones who take the final vote. He felt there was sufficient protection to pursue this item according to the Council’s current rules.

Mr. Charles Redfern of 9 Colby Street addressed the committee and expressed concern about the mention of a prior workshop which he felt the public was not aware of. He stated it would be nice to get some background of that workshop and what the result was. Mr. Redfern stated he supports transparency to the public. He stated even if there are only five councilors who show up at a meeting, it is true a vote cannot be taken but when there are five there could be an agreement made between those councilors (for or against) and this can deprive the public of being fully

educated of what the matter is. Mr. Redfern stated he always errs on the side of public transparency, and he wasn't sure whether that happened with this situation or not. Hence, codifying something into the Rules to help educate what a public workshop is, would be helpful.

The City Manager responded to Mr. Redfern's comment by saying that the concern came about as a result of a council workshop at which there was a vote on the downtown project. This workshop was duly posted, and the vote referred one of the downtown design options back to the MSFI. The concern is that in the past the City Council has not taken a vote in a workshop setting. Attorney Mullins added these workshops are open to the public and the public did attend these workshops.

Councilor Lake agreed precedent is an issue that needs to be considered when taking these actions and he stated at the workshop the Council did vote to send the item back to committee.

Councilor Madison clarified from the City Attorney that the Council at that workshop did not take a binding vote and referred the item to MSFI. The attorney agreed. Councilor Madison stated his recommendation would be to accept this item as informational as he felt this was a solution looking for a problem.

Ms. Russell Slack stated the item should have been sent to the MSFI Committee instead it was referred to a Council Workshop and at that workshop, the Council decided which design option should be sent to MSFI and this is one of the reasons she is bringing this item forward. She felt the public had to stay ten steps ahead to keep up with what was being decided.

Councilor Madison made the following motion, which was seconded by Councilor Lake.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the communication be accepted as informational.

5) Red Knights International Motorcycle Club - Motorcycle Rally - Parking Voucher System for Attendees

Mr. Bob Trudelle of 671 Park Avenue, Chairman of the Red Knights International Motorcycle Club addressed the committee and stated he was before the committee regarding a motorcycle rally they are organizing in Keene on June 5 – June 9, 2024, at the Best Western Hotel. There will be about 400 motorcycles participating in this event. He indicated what is being requested is a parking sticker that the riders could utilize when they park in different locations in Keene. He noted not all 400 bikes will be parking at one time as most will be traveling to different areas of New Hampshire as well.

He suggested there could be a charge of one dollar per bike included in their registration fee to be paid to the City for the parking sticker.

Councilor Remy felt this would be a great event for the community.

Councilor Lake asked whether the committee can expect staff to come back before the committee with a follow-up regarding the voucher program specific to this event. The Manager

stated she could have the Parking Services staff update the committee when the matter has been finalized.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to work with Parking Services to explore potential options for a voucher system.

6) Request to Waive Purchasing Requirements - Sole Source - Flowbird Paystations - Economic Development Department

Economic Development Director Med Kopczynski stated at the present time there are 14 pay stations installed in the City and they are looking for a sole source to purchase 15 more pay stations. He indicated this request is consistent with the City's strategic plans, Council goals and the project was outlined in the capital program. This purchase would be for the same pay stations as the ones that exist right now.

Councilor Lake made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council waive the purchasing requirements of the City of Keene Code of Ordinances section 2-1332 for the sole source purchase of 15 pay stations for \$115,725.00, which includes the stations, hardware, installation, communication, and warranty fees from the pay station supplier, Flowbird.

7) Change Order for Skate Park Construction - Parks, Recreation and Facilities Director

Parks Recreation and Facilities Director Andy Bohannon addressed the committee and stated he was before the committee to request a change order for the skate park. He explained the original contract with Spohn Ranch was for \$225,000 which was the match for the fund-raising efforts. The original goal for the fund-raising effort was \$300,000. The fund raising brought in \$217,891.16 and the City had allocated \$25,000 in the CIP for a total of \$242,891.16 which was less than the original goal of \$300,000. This impacted the design they were able to create. By getting up to the \$300,000 it would expand the footprint of the park. Mr. Bohannon stated it would widen the park by eight feet which would then allow spines to be extended and to be able to add rails. He added this is the final item before the project could be executed.

Councilor Remy asked whether there is a plan for the remaining \$167,891. Mr. Bohannon stated it would be used for site improvement to the skate park area. The area where the Findings Buildings currently sit would have benches, fencing, and trees located. There will be a small parking lot constructed and a connection will be put in place between Russell Park and the Skate Park. Russell Park currently consists of four acres, and this site consists of two acres, so together this area will eventually be an approximately six-acre open park. The Cheshire Trail comes right

through this area and the basketball court is located right next to this area as well. The Councilor asked if the site improvements don't cost \$167,891 dollars and whether there is a way to use those funds for additional site improvements for the skate park and not require staff to come back before the committee. Mr. Bohannon stated those funds will all be used for site improvements, especially with the rising costs. He further stated if possible, they would also like to connect the Russell Park parking lot to the skate park and have a sidewalk that is kid-friendly.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Spohn Ranch, Inc. for design-build services required for the creation of a new skate park for an amount not to exceed \$300,000.00 with funding to come from Project Cost Center (65J0008A-300-0-544010).

8) Transportation Heritage Trail Project, Phase 1 - Consultant Selection - City Engineer

City Engineer Don Lussier addressed the committee and stated the Transportation Heritage Trail Project is being funded through the Federal Highway Funds – Transportation Alternative Program. Because these are Federal funds the City has to go through a procurement process, which means the City has to undertake qualification-based selection for professional services. This process has been completed and three firms responded to the RFP. All three firms are qualified and are doing work in the City right now. After going through an interview process, the staff is recommending the City offer the contract to Stantec Consulting Services for design services for the Transportation Heritage Trail Project, Phase 1. This project would cover the area from Eastern Avenue through Route 101. It would include connections to Chapman Road and Marlboro Street.

Mr. Lussier referred to a typographic error on page 22 of the committee packet where it indicates *The Prowse Bridge project is currently programmed for construction in 2025* – Mr. Lussier stated it should say the Transportation Heritage Trail phase 1 is programmed for construction in 2025. The Prowse Bridge will carry the project (next phase) over Route 101, which is not scheduled in FY25.

Mr. Lussier stated there is funding in place for this project (20% match). Mr. Lussier extended his appreciation to Pathways for Keene as well as Monadnock Conservancy which have helped with the City match.

Councilor Remy stated one of the criteria not listed was cost. Mr. Lussier agreed that was correct. The Councilor asked whether all the proposals were similar in cost. Mr. Lussier explained the Federal requirement for qualification-based selection excludes consideration for cost. He added for professional services (architecture, engineering etc.) you are required to select based on the most qualified. Once a consultant is selected, the City can negotiate a scope and a fee. If you can't come to a consensus, you can set the proposal aside and go to the next qualified firm. Mr. Lussier added staff feels the proposed fee seems fair.

Before addressing the agenda topic, Mr. Redfern addressed the committee on behalf of Pathways for Keene. Mr. Redfern stated he has heard from many members from Pathways for Keene who have expressed their disappointment in Councilor Chadbourne who would not be seeking another term on Council. He stated the Council and the public would miss her service and expressed his appreciation. Mr. Redfern went on to thank the Council and staff for their continued support of Pathways for Keene. He added there are grants that are available and he encouraged the City to apply for those grants

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with Stantec Consulting Services, Inc. for the Transportation Heritage Trail Project, Phase 1, for an amount not to exceed \$385,000.00.

9) Sewer Force Main Inspection Project - Consultant Selection - City Engineer

The City Engineer addressed the committee again. Mr. Lussier stated the sewer force main, which conveys Keene and Marlboro's sewer from Martell Court pump station to the treatment plant in Swanzey, is two miles long and 30 inches in diameter and was installed in 1985. He indicated should this main ever fail it could be quite catastrophic. Mr. Lussier stated there has been a discussion regarding the need to inspect this line and a project has been included in the CIP. The Manager has directed staff to possibly look for outside funding to support this work.

Staff put in for a grant through the Congressional Delegation for Congressionally directed spending. The City was selected for this grant. In addition to the appropriation in the CIP, there is a grant through the EPA for a total of up to \$325,000 to help pay for the cost of this project. It requires a 20% match like most Federal funds. Because these are Federal funds the City has to follow the Federal procurement process in terms of a qualification-based selection process. The City sent out an RFQ and three proposals were received. Interviews were conducted and the staff is recommending Wright-Pierce for this work.

The contract would allow for a comprehensive evaluation of the pipe. It will include test pits and external testing of the pipelines. Data will also be collected from inside the pipe.

Chair Powers asked whether it was common practice to have just a single pipe. Mr. Lussier stated he was not sure how common it is, but it would not be his first choice. It was originally designed for twin pipes, but to cut costs at that time it was decided to eliminate redundancy and to eliminate the second pipe.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement with the US Environmental Protection Agency (EPA) for the Sewer Force Main Evaluation

Project.

Councilor Madison made the following motion, which was seconded by Councilor Lake.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with Wright-Pierce for the Sewer Force Main Pipe Evaluation Project in an amount not to exceed \$450,000.

10) Relating to the Appropriation of Funds - Sewer Fund Unassigned Fund Balance for the Martell Court Pump Station Bypass Resolution R-2023-31

Public Works Director Kurt Blomquist stated the Martell Court Pump Station is still under an emergency situation. He indicated this station is the heart of the city's wastewater system and if it fails the result would be catastrophic. Mr. Blomquist explained the goal is to repair a single knife valve and because there is no bypass there is no way of shutting the station down or moving sewage around the station. There must be a plan formulated to do this. An initial amount of \$100,000 will be required to begin the work. The Resolution before the committee is to use unallocated fund balance from the sewer fund. Mr. Blomquist referred the presentation over to Christian Tarr, Sewer Services Manager. Mr. Tarr stated recently the 30-inch knife valve had a failure causing about 100,000 gallons to leak out onto the floor of the dry area of the building.

The following afternoon a consultant was retained and with the help of the contractor and City staff, the leak was slowed down to a manageable situation (two to three gallons a minute). Mr. Tarr stated this is just a temporary fix.

Mr. Blomquist stated this is not an easy repair and the plan is to have this work completed by the end of this calendar year. He added a more permanent fix will be added to the CIP.

Councilor Chadbourne felt this might not be the most ideal location for the pump station and asked whether consideration has been given to moving to a different location. Mr. Blomquist stated it can be done but that would be an approximately 15-million-dollar project.

Councilor Madison thanked staff for their work during this emergency. Councilor Lake echoed Councilor Madison's comment.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-31.

There being no further business, Chair Powers adjourned the meeting at 7:20 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker