

City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, December 8, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

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

Members Not Present:

Michael J. Remy, Vice Chair

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Amanda Palmeira, Assistant City Attorney
Jeremy LaPlante, Fire Lieutenant
Steve Tenney, Police Captain
Andy Bohannon, Parks Recreation and
Facilities Director
Duncan Watson, Asst. Public Works Director
Brett Rusnock, Civil Engineer

Chair Powers called the meeting to order at 6 PM. Councilor Remy asked to join remotely as he was traveling for work; however, the Councilor was not able to join due to audio issues.

1) Spectrum Service Issues Update

Councilor Filiault addressed the Committee first and stated there have been some progress with Spectrum and he is in contact with them and extended his appreciation for how Spectrum is handling this issue.

Mr. Michael Liccione, Area Vice-President for Charter Communications Field Operations and Engineering for Southern New England, addressed the Committee. Mr. Liccione stated as complaints come they are being addressed. He indicated there have been issues related to Charter that have have addressed. They are continuing to work with their customers and providing the necessary support on issues such as inside wiring in homes, weather related issues, animal chew incidents.

Mr. Liccione stated they now have a better presence of their engineering and field operations staff in place. They are also doing proactive outreach to customers (five to seven jobs a day) and noting problems customers were not aware they had. As a result, they have been providing early feedback and this represents a model that Charter plans to continue with.

Councilor Powers asked over the course of the next few months whether the City could have an update on some of the big equipment items. Mr. Liccione stated he will be happy to come back in January and report on what their upgrades look like.

City Manager Elizabeth Dragon addressed the Committee on behalf of Assistant City Manager Rebecca Landry who had previously indicated that Spectrum has been working with her to get to the bottom of broadcast issues and this issue needs a little more time.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting this update on Spectrum Service issues as informational.

2) Efforts to Reduce the Risk of Lead Paint Poisoning from Lead Paint – Councilor Williams

Councilor Williams addressed the Committee and stated he would like to start a conversation to look at the way it can reduce the risk of lead exposure to children. Lead is an environmental toxin that can have long-term neurological effects on people who are exposed to it. According to the Centers for Disease Control - exposure to lead can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, as well as hearing and speech problems.

In looking at data provided by the New Hampshire Division of Public Health Services, for recent years in Keene, every year, there have been from 10 to 14 cases of children under six years old diagnosed with elevated blood lead levels; that is, cases detected where there are more than five micrograms of lead per deciliter of blood. This is about half a classroom of kids every year.

He indicated this is the number of cases detected. There are certainly undetected cases out there, as well as cases where children are affected by lead levels lower than that five microgram threshold. There is no safe level of lead in children's blood.

Within Keene, the highest level of lead exposure can be found on the East Side, which has some of our oldest neighborhoods and also a higher portion of children living in rented housing. Older housing is a risk for lead exposure primarily due to the presence of dust from lead-based paint in older homes. Lead paint was outlawed in 1978, so any home built before that may have a lead hazard present.

The Councilor stated his house on the East Side is a relatively new one for the neighborhood. It was built in 1925. For the safety of his family and of those who visit his house, he wanted to know what their lead exposure risk was, so he purchased a lead testing kit over the internet – the cost was \$20 for 60 lead testing swabs, which was way more than he needed to find out that lead was indeed present in several locations.

This is a simple test—you run a wet swab over exposed paint, and if lead is present the swab changes color. While he found that most of the walls in his house have been covered in

wallpaper in the past, hence, was free of lead paint, there was still some lead paint on one of the doorframes in the basement. Also in several cases, it was lurking beneath the wooden trim around doorways and windows, including in bedrooms.

While lead paint can be considered contained if it is encapsulated beneath newer paint, the problem is paint, especially trim paint tends to chip over time as it gets dinged and scuffed through the ordinary process of wear and tear. This is especially a problem with older windows and doors, where a door repeatedly opening and shutting, or a window sliding up and down in its casing tends to wear away that protective layer of paint, exposing the lead paint underneath, which in turn is ground into dust that can be further spread through the house. Hence, it is very important to keep up to date on maintaining the paint on the trim.

Councilor Williams went on to say in the 44 years since lead paint was outlawed, efforts to remediate this hazard have not been particularly pro-active. In real estate, there can be something of a “don’t ask don’t tell” policy surrounding lead paint, where homeowners and landlords stay deliberately ignorant of the lead paint risk in their house, because to recognize that there is a problem would be to accept liability for it. So, the liability gets pushed to the children who grow up in those homes.

If lead poisoning is detected in the blood of a child living in a home, that can trigger building inspections and remediation in a living space, but it’s a bit like closing the barn door after the horse has escaped. If a child has been detected with lead poisoning, that can create challenges that affect them for the rest of their lives, and can create additional costs in our education system, which is a cost passed on to everyone in the form of higher property taxes.

In some cases, lead paint remediation can be managed at relatively low cost, through a homeowner keeping up with painting the trim and being conscientious about any renovations that might disturb lead paint. But in other cases, it can be quite expensive costing tens of thousands of dollars that a building owner doesn’t necessarily have on hand to pay for.

There are federal and state programs that can help with the costs either through providing grants directly, or through zero interest loans that don’t have to be paid off until the building is sold. The Councilor felt one of the things the City can do is provide public information to building owners in Keene about how to access these grants and provide assistance in applying for them. We can distribute this information through the mail, as an insert that comes with people’s property tax bills.

Another thing, he felt the City can do is make lead testing kits available for free to any resident of the City who needs one. Knowing is half the battle, and helping people know if they have a lead paint problem is the first step in getting it addressed. For a cost in the low thousands of dollars, potentially funded by grant money, the City can provide testing supplies that will help families take the first step in protecting children from lead hazards. The Councilor stated he didn’t know how you would put a realistic value on a child not growing up with lead poisoning,

but regardless of how you calculate it, the return on investment would be immense.

In closing, he encouraged the City to pursue grant funding directly through the Department of Housing and Urban Development. In 2021, Sullivan County received a \$1.7 million federal grant that is being used to fund lead abatement projects for 60 housing units. While there are communities in Sullivan County that have significantly greater lead hazard problems compared to Keene, there is routinely more federal money available for lead abatement than gets used, so this may be a pool of money that is relatively easy to tap into and bring into our community. The City Manager stated she had spoken to the Sullivan County Manager. The program in Sullivan County was a result of an initiative started by the City of Claremont to access HUD funding. The 1.7 million went through Sullivan County and then became competitive. She added they were also required to put in quite a bit of administrative support for this program and the funds they received for remediation are capped; per unit \$15,000 for lead abatement, which they found was nearly not enough to complete the project. Hence, Sullivan County sought out other funding sources to supplement the grant.

The Manager stated she approached Chris Coates, the Cheshire County Administrator to see if he would be interested in teaming up with Sullivan County to put forward a HUD application. Both counties are interested in doing this. The Manager stated she is requesting the Council to refer this matter to her so the conversations can be continued and an application can be put forward. In the meantime, the Manager stated she can work with the Marketing and Communications Director to get information out to the community about lead poisoning and also look for smaller grants for testing.

Councilor Madison thanked Councilor Williams for bringing this item forward. He felt bringing information to the public would be a quick thing the City can do to help mitigate this situation. He cautioned staff that any funds that are available are not being used by those who are using their properties as short term rentals. The Manager stated one of the criteria for the HUD grant is income limitation (renter or property owner). She added for most of this work one would be required to obtain a zero interest loan and perhaps place a lien on the property. There are HUD guidelines that would need to be followed.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends referring the communication regarding efforts to reduce the risk of paint poisoning from lead paint to the City Manager for further discussions with Sullivan County and Cheshire County.

3) Lieutenant Joseph DiBernardo Memorial Grant - Fire Department

Fire Lieutenant Jeremy LaPlante stated the Fire Department applied and was successful in receiving through the Lieutenant Joseph DiBernardo Memorial Foundation this grant. He explained Lieutenant DiBernardo was a member of FDNY Rescue Company 3. In January 2005, Company 3 responded to a fire at an apartment building which fire is now referred to as Black Sunday. While looking for individuals, conditions rapidly deteriorated, and firefighters needed to

exit the building fast. However, illegal partitions and blocked fire escapes made it necessary for firefighters to exit through windows. Three firefighters were forced to jump, which ultimately resulted in their death due to impact. Two other firefighters remained, one of whom had a personal rope which he used to try to lower themselves, however, Lieutenant DiBernardo also died due to injuries from his fall.

The memorial foundation was set up to help fund training and safety equipment for fire departments and the funding from this grant will be used to purchase personal escape ropes for fire fighters which will hopefully help save their life.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the Lieutenant Joseph DiBernardo Memorial Foundation Grant for the purpose of outfitting department members with emergency rope escape systems.

4) Law Enforcement Substance Abuse Reduction Initiative Grant - Police Department

Police Captain Steve Tenney addressed the Committee and stated that this item is a reoccurring grant from Homeland Security used to reimburse overtime costs for a narcotics investigation. This grant is specifically from the 2023 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$30,000. Captain Tenney stated that the department has participated in this grant program for several years with the exception of last year when it came out late and hence was a shortened fund.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2023 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$30,000.

5) 2021 Homeland Security Grant Program - Search and Rescue Equipment - Police Department

Captain Tenney stated each year Homeland Security provides each tactical team to Police Departments and on April 8, 2022 the Keene Police Department was awarded \$13,475.62 for the purchase of Search and Rescue Equipment. Captain Tenney stated they have identified two pieces of equipment that would be purchased with this grant; a breaching tool and a cut saw.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the

City Manager be authorized to do all things necessary to accept and to expand a 2021 Homeland Security Grant Program Award for the purchase of Search and Rescue Equipment.

6) 2020 Homeland Security Grant Program - CBRNE Response Equipment - Police Department

Captain Tenney this item is for the 2020 portion of the same grant as was previously discussed. The team was awarded up to \$25,000 for the purchase of CBRNE Training and Response Suits. Captain Tenney stated they have discussed with Homeland Security about just replacing their gas masks; 20 new gas masks will be purchased.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a 2020 Homeland Security Program Award to be used for the purchase of CBRNE Training and Response Suits.

7) Control and Use Agreement - American Legion - Parks, Recreation and Facilities Department

Parks Recreation and Facilities Director Andy Bohannon explained that in the 1970's the City executed a Land and Water Conservation Fund, which provided an agreement with the American Legion for use of the softball fields. The agreement ended in 2010. Because it was built on private property the prior agreement did not apply. Since that time, the City has entered into one year, three year and five year agreements for the use of the fields. The City would like to sign another five year agreement.

Mr. Bohannon stated that staff has had conversations with American Legion regarding changing the purpose of their complex. In the 70's nearly 150 teams participated, but that number is down to just 50 teams (men's and women's). The two fields at Wheelock Park and the one in Swanzey meets the needs of the men's and women's teams and the youth teams and the City would like to change the use of the fields to multi-use facilities. This will enable the use of the fields for other sports as well.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a control and use agreement between the American Legion Post #4 and the City of Keene for the recreational fields located at 797 Court Street.

8) EnviroTrac Environmental Services Water Monitoring at Closed Municipal Landfill Change Order #1 - Public Works Department

Asst. Public Works Director Duncan Watson addressed Committee and stated he was before the Committee with the same item on October 27 but realized during the Change Order process there

was an administrative error; the incorrect contract was referenced that they were operating under. The City renewed its contract with EnviroTrac in July, and this is the contract he should have referred to. The amount of the change order is not changing, but the amount of the contract total for the three years is different from what he had referenced before. All the work related to pfas is the same. The funding for this work is coming out of their operating budget.

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

On a 4-0 roll call vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute change order #1 with Envirotrac Environmental Services for additional landfill monitoring services for an amount not to exceed \$29,200 for a revised contract total of \$100,700.

9) Design Change Order #2, Marlboro Street Corridor Improvements Project - Public Works Department

Civil Engineer Brett Rusnock addressed the Committee and stated this item is in reference to the complete streets project to repave the surface of Marlboro Street, provide traffic calming and dedicated bike lanes, add pedestrian crosswalks and lighting, and most importantly, establish a formal connection between Marlboro Street and the industrial heritage trail. In 2019, the City was awarded a grant for this project, a contract was executed with Dubois and King. Earlier this year, Dubois and King submitted a preliminary design submission to NHDOT and that design was approved in June 2022. As the final design was approached, additional efforts not included in the original contract were identified. This includes a detailed right-of-way survey to establish the easements necessary to build the trail connector and detailed features that were added during the preliminary design phase. Re-establishment of survey control, some of which were disturbed during the 2020 utility project and finally a presentation before the Estimate Review Committee of NHDOT.

This design contract is 100% funded by the City, but the construction and construction oversight is an 80/20 split between the City and federal funding.

Chair Powers asked when the paving work is being planned for. Mr. Rusnock stated that the City is hoping for 2023 based on how soon NHDOT approves the work otherwise it, will be in 2024.

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

On a 4-0 roll call 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 services Change Order with DuBois & King for additional services required for the design of the Marlboro Street Corridor Improvements Project for an amount not to exceed \$39,000. Funding to come from cost center 75J0018A.

10) Relating to Personal Leave Ordinance O-2022-17

Human Resources Director/ HR Director Beth Fox addressed the Committee and stated this item is in reference to an amendment to City Code that would impact non-bargaining unit employees; and the methodology used to calculate the personal leave benefit currently provided. What is being proposed is an adjustment to the methodology for personal time use calculation, which is awarded based on sick leave use. Right now, the methodology looks at a rolling period of leave usage (every employee has a different earn and lose date). This was a cumbersome method of calculation. Ms. Fox stated that the new software the City is going to be using will calculate perfect attendance on a quarterly basis that ties to the calendar year. The amendment date will be January 1, 2023.

Ms. Fox stated this language was added to the contract that was just executed and this concept is being discussed with all bargaining units the City is in negotiation with.

Councilor Lake stated he is opposed to the way this ordinance is drafted which he felt was a downgrade from how personal leave is currently offered. He felt employees who have to use sick time which they would get over the course of a year – would be out a personal day, which they would have otherwise received over the course of a year. With the current model you get four days and that would be reduced to three. The Councilor stated his suggestion was to de-couple the personal leave accrual from taking sick leave at all. Essentially to give employees those four personal days without having to use sick days to get those personal days and having to go through a complicated process.

The City Manager stated what Councilor Lake is describing would be a drastic change to how sick leave is being managed right now. She indicated a personal day is a reward for not using sick days; it is not a guaranteed benefit, not everyone gets four personal days per year. The Manager stated to automatically give an employee four personal days to use any way they like would be a cost to the City. It also takes away the incentive. Personal days were put in place to incentivize perfect attendance. When people call in sick it costs the City money as that person needs to be replaced, other employees have to work overtime, there is lost productivity and it impacts morale. Rewarding someone for not using sick days is a good incentive and removing that will make the City go backwards.

Councilor Lake asked whether an employee could use vacation time instead of sick time. The Manager answered in the affirmative and added using vacation time instead of sick time will guarantee someone their personal days. For example, if someone has a doctor's appointment, they could use three hours of vacation time instead of sick time. Councilor Lake questioned why there is a cap on how those personal days are used. Ms. Dragon stated that because some employees use sick days as vacation days. The City looks for patterns and abuse of sick time such as someone who calls in sick every Friday. She indicated treating personal days as the same type of benefit as vacation days removes the purpose of the personal days – they were meant as an incentive to mitigate the use of sick time.

Councilor Powers clarified this is the second code that needed to be changed due to the new software. Ms. Fox stated the last code change she came before the Committee with did not relate

to the new software. Ms. Dragon stated she is trying to standardize things. She continued the rolling tracking process for personal time is difficult both for humans and software to keep track of. They are looking for possibilities of human errors between departments. Councilor Powers asked about earned time. The Manager stated if the City was to consider earned time, the City would have to cut down on the number of days. At the present time the City offers 12 sick days (one a month), plus four potential personal days, and a very good vacation policy. The only way earned time would work is by reducing the overall number of days.

Councilor Powers agreed personal days were intended to be an incentive and it has worked well.

Councilor Madison stated this is the same model the State uses to earn bonus time and agreed with what was being proposed.

Councilor Chadbourne noted this is the same model FedEx uses and it really does reduce people calling in sick.

Councilor Lake stated he plans on opposing this motion and added the way it is written has the potential to reduce personal time for some employees as compared to the current policy. He added if this was something that was proposed by his leadership, he would be upset.

Councilor Chadbourne stated 12 days of sick days is generous, noting that often times it is between five to ten in many organizations.

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

On a 3-1 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2022-17 with either an effective date of January 1, 2023, or following the processing of the first payroll in the Unis software system. Councilor Lake voted in opposition.

There being no further business, Chair Powers adjourned the meeting at 6:55PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Additional Edits by,
Terri Hood, Assistant City Clerk