

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

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

**Thursday, March 9, 2023**

**6:00 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Thomas F. Powers, Chair  
Michael J. Remy, Vice Chair (Remote)  
Bettina A. Chadbourne  
Bryan J. Lake

**Members Not Present:**

Andrew M. Madison

**Staff Present:**

Thomas P. Mullins, City Attorney  
Beth Fox, Asst. City Manager/Human  
Resources Director  
Patty Little, City Clerk  
Don Lussier, City Engineer  
Marty Fiske, Library Director

Chair Powers called the meeting to order at 6:15 PM. Councilor Remy joined the session via remotely as he was travelling for work.

**1) Relating to the Library Board of Trustees**

City Attorney Tom Mullins was the first to address the Committee. Attorney Mullins stated this is a housing ordinance which required a fair amount of conversation between the City and the Library Trustees. Attorney Mullins went on to say in 1898 Edwin Thayer graciously gifted the Thayer Mansion to the City, which then created the Library as we now know it. As part of the Thayer Trust certain things were established under the trust, such as the Board of Trustees (12) with six members appointed by the Thayer Group and six appointed by the City.

In 1970 the Library Board of Trustees was incorporated into the City Code and their powers and duties were stated at that point. In 1963, the State adopted RSA Chapter 202-A which deals with public libraries and the powers and authority of Library Trustees. The Statute was changed in 1991 with respect to the authority to accept and expend gifts and in 1996 there was legislation giving the library the authority to accept personal gifts. These two statutes indicate that the governing body (City Council) has to provide specific authority to the Trustees to carry out these two items; to accept and expend unanticipated funds and accept personal property during the budget year.

Attorney Mullins stated the unanticipated funds under the Statute is \$5,000 or more (unrestricted funds and restricted funds). The reason for this is, some of the funds that come in are unanticipated through grants over \$5,000 requires the City's management in terms of tracking. The unrestricted funds will be handled by the Trustees and even those if they are over

\$5,000 will require a public hearing. The second portion is gifts of personal property and that too is broken into two categories; personal property that does not have an impact on the Trustees or The City financially or property that does have an impact. If there is an impact the personal property has to be accepted through the City.

Library Director Marty Fiske and William Stroup Chair of Library Board of Trustees addressed the Committee next. Mr. Stroup stated based on the changes to the RSA the Trustees have been able to come up with language that clarifies the relationship of the Board to the City processes.

Councilor Lake referred to language “...prepares and submits to the City a report...” and asked if that report would be submitted to the City Manager’s office or to the Council. Attorney Mullins stated it would be submitted to the City Manager’s office.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2023-05.

**2) George Street Bridge Replacement – Project Agreement and Easement Negotiation - City Engineer**

City Engineer Don Lussier addressed the Committee and stated the George Street Bridge project is funded through the State Aid bridge program (80/20) split. Over the past few years the State has been working on making this a more formal process – a more rigorous process and are asking municipalities in the bridge program to sign project agreements. An agreement has been sent to the City for its signature. Mr. Lussier stated he is asking that the City Manager be provided the authority to sign this agreement with DOT. Mr. Lussier went on to say the other portion of this item is for the Manager to be given the authority to negotiate and execute both temporary and permanent easements and access rights with affected property owners. He noted the bridge location is sandwiched between four properties. During this process the City will also be discussing with some of these property owners permanent drainage and maintenance easements. The reason for this is that the City would like the drainage pipes that are located under George Street Bridge to come out downstream of the bridge for easier maintenance.

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 negotiate and execute a project agreement with the New Hampshire Department of Transportation (NH DOT), as well as temporary access agreements for construction, permanent drainage and maintenance easements from affected property owners, to implement the George Street Bridge Replacement Project.

**3) Municipal Primary Charter Amendments - City Clerk**

City Clerk Patty Little stated this item is a continuation of discussion brought forward by Councilor Filiault regarding charter language as it relates to primaries. She indicated when she compares the City's charter language to the other three cities that have a primary process, she found two items the City is out of sync with.

The first deals with a contest in a single ward council seat – without contests in the Mayor or At-Large offices. She stated the City Charter does not address this particular situation. However, when you look at the charters of the other cities it is very clear that when this happens, a primary election is only held in the specific ward which has a contest for the ward council seat. Under NH law every City ward is a town, hence a primary triggered in that one ward is only a primary for that one ward. Ms. Little stated this situation has not come up in Keene since 2011 when the charter was changed and stated she would prefer to have the City Charter directing the Clerk's office as to what should be done in such a scenario.

The next issue deals with what offices are on a primary ballot. If there is a primary for the Mayor's race and the At Large Council race – historically all of the other offices that are on the General Election ballot appear on the Primary ballot. This would include such positions such as Moderator, Selectmen etc. The other three cities specifically exclude these elected officials from being on a Primary ballot. Ms. Little added there are appointment procedures if there was ever a vacancy so not having the positions on a Primary ballot would not present a problem. Ms. Little continued that excluding these positions from the Primary ballot would save the City money and significantly reduce paperwork at the end of the night; Ms. Little stated voters tend to get creative when it comes to positions such as Selectmen and they write in friends or cartoon characters and the City has the obligation to count these write-ins as well.

Ms. Little went on to say there is a tight timeframe to consider a Charter amendment, but the City is well within the timeframe to develop the appropriate language. Tonight the request is for staff to start working with the City Attorney on appropriate language.

Councilor Lake clarified that Ms. Little's question is whether or not there should be a primary when one is not deemed necessary. Ms. Little concurred and stated the current Charter language states that a primary is triggered by the number of candidates that file for the offices of Mayor, Ward Councilor, and Councils-at-large offices.

Attorney Mullins added the suggested change would not stop a voter from doing a write-in on the General Election ballot.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Clerk be authorized to investigate the feasibility of amendments to the City Charter relative to the Primary election.

**4) Adjournment**

FOP Meeting Minutes  
March 9, 2023

ADOPTED

There being no further business, Chair Powers adjourned the meeting at 6:36 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Additional edits by,  
Terri M. Hood, Assistant City Clerk