

1City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE
MEETING MINUTES

Thursday, June 22, 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

Staff Present:

Rebecca Landry, Asst. City Manager/IT
Director
Amanda Palmeira, Asst. City Attorney
Kurt Blomquist, Asst. City
Manager/EMD/Public Works Director

Members Not Present:

All Present

Chair Powers called the meeting to order at 6:00 PM.

1) Solar Generation Facilities - Revision Energy Letter of Intent

Public Works Director Kurt Blomquist stated this item is in reference to a Letter of Intent with Revision Energy for generation facilities on several City properties. In 2019, the City issued a Request for Proposal (RFP) seeking qualifications and development proposals for the design, construction, and operation of solar generation facilities on City-owned property at the Dillant-Hopkins Airport. The RFP had two phases. Phase one was the construction of a 1 MW solar generation facility that would provide power to the City's Wastewater Treatment Plant. The second phase was for the construction of a 1.2+ MW solar generation facility that could potentially provide power to users at the airport and users located off the airport property.

The City received a number of proposals which were evaluated and Revision Energy was selected. The City negotiated a Letter of Intent that covered both phases. During the negotiations, the regulatory constraints in New Hampshire were in flux. It restricted municipalities from constructing a solar generation facility of over 1 MW and where the power could be used by users outside the community boundaries. This became an issue with respect to the facility located at the Airport.

The City did move forward with the first phase and created a power agreement for the Wastewater Treatment Plant where the generation facility is located. Since, that time, there have been changes at the State level and legislation is likely to be signed by the Governor which will allow for the construction of facilities over one megawatt and also allow for the use of that power outside boundaries of where the facility is constructed. Revision Energy has been working with staff to identify potential sites for additional solar facilities and they have identified three sites; an area in

the Monadnock View Cemetery near the maintenance facility, an area at the former wastewater treatment facility on Rose Lane and two areas at the Dillant-Hopkins Airport.

Mr. Blomquist stated the Airport Director has also been involved with this project and he is interested in providing electric charging infrastructure for vehicles and aircraft. The Airport Director believes that this infrastructure would increase interest in the airport for development and attract aircraft technology companies. Revision Energy has experience with this type of facility and it has a current contract with the State of New Hampshire. He noted the State is implementing its own electric infrastructure plans and Revision was one of the companies that bid on the project and has been awarded that contract.

The next step would be the signing of a Letter of Intent which would give Revision exclusive rights to these areas. Revision would need to have conversations with Eversource regarding their electrical infrastructure. Once all issues are resolved the City will enter into an agreement with Revision to either purchase power or perhaps to own the facility. Staff's request today is to authorize the City Manager to negotiate and execute a Letter of Intent with Revision Energy.

Councilor Chadbourne stated she had concerns about Monadnock View Cemetery and noted the space is available now but asked what happens if there is a need for this space in the future. Mr. Blomquist stated the Parks and Recreation Director has been involved with this project and they have indicated this is not an area designated for use for cemetery purposes and there is no change being proposed at least for another 20 years.

Peter Hansel, 61 Bradford Road was present as a member of the Energy and Climate Committee. He stated the Energy and Climate Committee is concerned with solar arrays in the community, particularly ones that can be used for community solar power. He indicated these three sites have been on their horizon for almost a year and the Committee has been urging the City to locate arrays on them. Mr. Hansel stated he had recently visited the airport site and felt this was a great location for a solar array.

He added Rose Lane is also a great location for solar and the committee has looked at that site as well. With respect to Monadnock View Cemetery, there are potential "off-takers" for that area nearby and depending on the Letter of Intent, the Committee would like the "off-takers" to be people that are in the lower to middle-income brackets, which would make the site more attractive and it would help achieve some of the goals outlined in the Energy Plan. Mr. Hansel encouraged the Committee to keep moving forward with this item.

Councilor Lake asked what level of charger the City would intend to locate at the airport. Mr. Blomquist stated the Airport Director is doing more research on this but thinks it would be in the 2-3 range and Revision Energy would also assist with the selection.

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 Manager be authorized to do all things necessary to negotiate and execute a Letter of Intent with Revision Energy for solar energy generation facilities on City-owned property at the Monadnock

View Cemetery, Rose Lane, and Dillant-Hopkins Airport along with assessing the potential provision of electric vehicle and aircraft charging infrastructure at the Dillant-Hopkins Airport.

2) Councilor Filiault - Proposing Referendum Question on Municipal Ballot - Preferred Design Alternative - Downtown Infrastructure Improvement and Reconstruction Project

Councilor Filiault called the Committee's attention to the letter he had sent to the Council. He indicated the reason for the letter is because of a request from a large group of constituents. The Councilor stated in his 24 years on the Council he has never seen such overwhelming opposition to a project such as is happening with this project. Most of the constituents feel like they are not being heard and they want the opportunity to be heard at the ballot box.

The Councilor stated the City feels like they need to rush this project through because they believe the grant opportunities will run out. The Councilor continued he had spoken to Senator Shaheen's office as well as the NH Department of Transportation and that is not the case.

A large majority of the constituents also feel the project has been handled poorly; he noted the first meeting happened a year ago about 100 members of the public attended. About 30 people had involvement in what was forwarded by the Ad Hoc Committee to the City Council. He added the Ad Hoc Committee was poorly attended, there was never a quorum and there were two members who never attended any of the meetings. He added the meetings were also scheduled at inconvenient times. It was only at the last meeting when the media heard about the discussion that the public actually showed up and expressed their opposition and indicated they were not aware this project was happening. After the public left, the Chair took a vote and moved the project along. The Councilor stressed meetings at 3 pm should never be scheduled when most of the public is at work. He added even now, the City has outside consultants most of whose recommendations seem "bizarre".

Councilor Filiault stated the Council does not work for the staff or for outside consultants, the Council works for its constituents and if they are asking for an opportunity to weigh in at the ballot box it needs to be awarded. As far as the wording, that would be entirely up to the Council. This concluded Councilor Filiault's presentation.

Councilor Bobby Williams stated even though this sounds like a democratic process it does not seem like the constituents being referred to are a representative group. He stated, specifically it excludes anyone under 18 as this would be the group living with this decision. He stated if something is going to be on the ballot he would like to see some effort to go into schools and make sure everyone is included.

Ms. Dorrie Masten of Swanzey addressed the Committee and started by noting that she owns much real estate in Keene. Ms. Masten stated she wanted to express to the Committee that the decision on whether or not to move forward with the infrastructure project should be placed on the ballot requires serious consideration by all of you. It is her opinion and many others that this 14-million-dollar project should be placed on the ballot for the community to decide.

She asked that the Committee listen to the rest of her presentation with an open mind and consider the following:

She filed a right-to-know request with the City pertaining to the infrastructure project. The very first one was filed on January 10th and it was for any records in the City of Keene to the Keene Fire Department and the Keene Police Department. These requests were made so that she could review them and share her findings with those who support Save The Square. These are relevant as there are many concerns throughout the community as to whether or not this project is safe, and specifically will the emergency vehicles be able to maneuver without any delay. Along with that RTK request, she also requested all communications between Stantec and City employees; of which she did receive a partial response. Ms. Masten then shared a chronology of her various interactions with City staff regarding her RTK requests. Her initial request was made on January 17th for all communications that involve her or "Save the Square" relative to the infrastructure project. Another request for the traffic study and all exhibits was made on February 9th. An informal request via email for the mailing list of all who received the postcard from Stantec/City of Keene was made on February 11th. On March 1st she requested copies of all grants the City had applied for pertaining to this project.

Ms. Masten then reviewed other dates on which she contacted the City asking for updates on her various RTK requests. Ms. Masten stated between May 12th and June 5th she stopped at the Clerk's Office asking about the requests. On June 21st, Ms. Masten contacted the City again and noted that she had consulted an attorney. Within an hour of submitting that email, she was contacted and advised that she would be getting emails between the KPD and KFD by the end of the day and that the other emails were being reviewed by the legal department. Ms. Masten noted she has yet to receive any documentation. She added in the last email from the City, there was no mention of the Traffic Study or the exhibits as to when she can expect to see these documents.

In closing, Ms. Masten questioned if the staff is holding back on releasing the traffic study, exhibits, and internal emails that directly involve the safety of the community. She asked how can a decision be made to move forward? She felt it is now up to the community as a whole to decide how to move forward as the information requested back in January is still unfulfilled. If there is no traffic study available to her this would mean that the Council has not seen one either.

She asked the Council to remove itself from this project for a few months and allow the citizens to decide if they want this to proceed and how it should move forward as well as permitting the Attorney General's office to complete an investigation into this project.

Mr. Peter Hansel, 61 Bradford Road stated the Council as elected members of this community are faced every day with very difficult decisions and many of the issues can be complex. He indicated the Council is elected to look at these issues and determine whether or not they need more information to make the decision it needs to make. However, in the end, the decision is the Council's not the decision of the general public. At times those decisions are difficult and challenging and he felt this one is. He encouraged the Council to fulfill the duty it was elected to do.

Ms. Pamela Russell Slack, 260 Beaver Street addressed the Committee next and began by

indicating that she is not the spokesperson for Senator Shaheen's office that Councilor Filiault referred to; it was handed off to another individual in the Manchester Office. She indicated as a previous City Councilor and with her mother having been a previous Mayor, she is extremely discouraged and disappointed at how this project has moved forward in general. She stated she did not feel the public had all of the information they needed from the very beginning and it is only because of Save The Square that things started to change and a lot of the information was brought forward to the public. She stated as a former City Councilor, she always did her homework and what she is finding now as a constituent is that she has not heard anything from any of the City Councilors to any of their constituents about this project. She stated as a City Councilor she represented the constituents she did not represent herself. She stated that Councilors have to decide because they represent their constituents.

She stated her primary concern and something that Ms. Slack stated she will be putting in writing is when this item goes to the full Council on Thursday, July 6th is for the Council to make sure its constituents were aware of what they voted for and how that decision is going to impact the entire downtown.

Councilor Powers asked whether an item such as this referendum question was allowed on the ballot by State law. Asst. City Attorney Palmeira stated State law doesn't prohibit it. The law in New Hampshire is if the Charter permits this type of survey question on the ballot – it can be permitted. She noted other towns have had similar items on their ballot. She went on to say Section 3 of the Charter has the ability to permit referendum questions ordered by the City Council. The second issue is what kind of question should be placed on the ballot. Ideally, it would be one question. If there is a referendum question about one topic, then there is one accompanying question. The attorney added there is always the risk of confusion if there are multiple or contradicting questions.

Attorney Palmeira went on to say there is a process under the State law that applies to charter amendments and is not directly applicable to referendum, but she would recommend that it be followed which would be in the form of a question ordered by the full City Council to the City Clerk at least 60 days before the regular municipal election. However, before deciding on whether to direct the City Clerk to place the question on the ballot, she believed the Council should decide whether to craft a ballot question or not. Once that determination was made, a public hearing can be scheduled and a question could be placed on the ballot.

Councilor Remy stated because this is a complex issue asked whether informational packets could be located at the polling locations. Attorney Palmeira stated she wasn't sure, but she felt this would be more like a government effort on education. The Councilor expressed concern about condensing down into a ballot question such a complex item that has been worked on for nearly a year.

Councilor Chadbourne stated she understands the frustration of Ms. Masten regarding not receiving the information she requested and also expressed concern that the July 6 meeting is not open to the public. She indicated most people she has heard from are not in favor of these changes and agrees the Council is elected to make these difficult decisions. Councilor Chadbourne clarified that staff feels it would be too confusing to have two questions on the ballot. Attorney Palmeira

agreed and added that would be the staff's recommendation. The Councilor asked whether staff considered language to include on the ballot. The attorney stated she was not aware of any language being considered but was hoping this would be a focused conversation by the Council.

A motion was made by Councilor Madison to accept this item as informational. The motion was seconded by Councilor Remy.

Councilor Remy stated he agreed as much public input was necessary, but he felt the Council has heard from more people at this point than go to a ballot box. He added even though he likes the idea – this would cause a delay and it would push the project further out.

Chair Powers stated it is difficult to pose a question when the Council doesn't know what the project is. He felt by accepting the item as informational the Council can perhaps discuss it in three weeks. He agrees the Council has heard from a lot of people but posing the question "*Are you in favor of the project*" when the Council doesn't know what the project is going to be is not the most appropriate question. He noted 3/4ths of this project is water and sewer and if it fails the Council would have gone down the wrong path and felt the Council would know more at the July 6th Council meeting.

Councilor Lake stated he would like to echo some of the sentiments around the difficulty of a question that the Council would be able to pose succinctly on a ballot. The suggestions, at least in front of the Committee is not to leave a lot of room for nuances and if a voter was in favor of four out of five of the MSFI proposal, they would not want any changes to Central Square, they would like to keep Gilbo Avenue as a two-way street but they want bike lanes. He questioned in that situation, how would the public express that to the Council; do they vote in favor or against the MSFI proposal and felt the City will not be getting the full information from voters. He added the second part is halting future discussions, which he felt would be wholly inappropriate as it is the Council's job to continue to get information.

Councilor Lake added that the Council indicated they did not have enough information to be able to take a vote that night. The public also voiced their opinion that they don't have all the information they would like. Hence, he felt the Council needs to continue to have these workshops and continue to have opportunities as a Council to ask questions to get information and to have a discussion about how this project should best move forward. He stated he could not agree to halt discussions and therefore was in favor of accepting this item as informational.

Councilor Chadbourne stated with respect to what Councilor Lake stated she would agree to require more information and added she was concerned about this July 6th meeting and the public not being able to participate; she stated she wasn't sure who makes that call. If July 6th ends up being the last workshop and the public feels they have not had the opportunity to participate, then it might not be the best way to move forward. She stated she would like to see both the Council and the public continue to participate. If more workshops are necessary, then those need to be scheduled. The Councilor asked for input from staff regarding the July 6th meeting with reference to public participation. Asst. City Manager Rebecca Landry stated she had not had this conversation with the Mayor but the City Manager likely had. It is likely that public participation is not going to happen because public participation opportunities have already occurred. She

indicated this is not a call staff would make and stated she could provide a follow-up on this concern.

Attorney Palmeira stated her understanding was that the workshop was based on what the City Council had requested. Chair Powers agreed this was the request from Council even though it was not a unanimous vote.

Councilor Madison stated he agrees with the sentiments of his fellow councilors that the request is a little too vague and added that he is not very much in favor of halting discussion until November. He felt the two questions are quite broad and added going to the ballot was not an issue a week ago but now it is a major issue.

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends accepting this item as informational.

3) Councilors Williams and Chadbourne – Request for Public Forum – Effective Use of Opioid Settlement Funds

Councilor Williams and Representative Jodie Newell addressed the Committee next. Councilor Williams stated what they are requesting today is a public discussion of the opioid settlement. He noted the State has a large amount of opioid settlement funds and the City has \$113,000 of those available funds. He stated the concern is the discussion of how that money is spent, who are the different organizations that can work on this together to maximize the opportunity to gain access to these funds and to use them to save lives in Keene.

He noted there is recommended language for a motion, but he would like the opportunity to make that language stronger and clearer. The Councilor added they see the City as a partner in this and don't want to hand this off to a third party to manage the discussion; they want to be part of a discussion that could perhaps be led by social service agencies.

The other issue is to include the words *community discussion* so that we can hear from people who have been affected by this and understand what the need is.

Representative Newell addressed the Committee and began by thanking Councilors Chadbourne and Williams for submitting this letter. She felt the community has a stake in this issue and an interest in doing the most we can with this opportunity. She felt that understanding exactly where the gaps and barriers are, is essential. For instance, Ms. Newell stated she is a social worker in a transitional housing shelter and sees things from one perspective but also sees things from a different perspective because she lived in her car with her kids at one point. The goal is to be able to navigate the system so that we can understand how we can do the most good. Ms. Newell talked about her experience of losing her fiancé to an opiate overdose. She felt this money is an unfortunate consequence of what some people have experienced. Ms. Newell stated the City can do nothing but good to value the perspectives of the people on whose behalf this money comes in.

Councilor Madison asked for comments from the co-author of this letter.

Councilor Chadbourne felt this was a pretty meaningful conversation and stated she appreciates

Representative Newell approaching her about this issue. She felt it was not only important to have professionals at the table, and those who represent the City but also the voices of people who have been directly affected or still involved in it. She felt it was a great idea to have a community conversation with different stakeholders and those who are affected.

Councilor Madison stated he had questions about the two proposals. He noted the first change Councilor Williams is proposing – change from non-profit substance abuse providers to non-profit community organizations and asked if the Councilor had any organizations in mind.

Ms. Newell stated the difference between placing it in these different ways is that there are different organizations that don't necessarily have to be pigeonholed into a specific framework which would limit the input the City receives; it would be broadened out to a variety of organizations that are working in different capacities at different levels. It will bring more people into the conversation. Councilor Williams added ultimately it would be up to the City Manager to identify a lead partner.

Ms. Landry felt it was important to provide some background information. What is the opioid lawsuit? Where is the money? Where did it come from? What is the trust fund? How is it going to be managed going forward? She began by thanking Representative Newell and stated she appreciated her willingness to share her personal experience and thanked the Councilors who brought this forward.

Ms. Landry indicated the City Manager would have liked to be present tonight, but she is attending the New Hampshire Managers Conference this evening. Ms. Landry added the City Manager is also on the Trust Fund Advisory Commission and hence can provide much insight on this topic.

Ms. Landry indicated that a broad conversation for the region about the Community's response to the opioid crisis is needed, as has been mentioned, and the City's participation certainly is important. The City's specific distribution of funds would be up to the FOP Committee during the City Council's review of the budget process. The opioid abatement trust funds received by the City specifically resulted from the City filing suit. This filing was based on the expenses incurred by the City police, Fire and Human Services.

The City's costs were compiled and submitted as part of that filing process. The City is one of 23 counties, cities, and towns that filed suit in New Hampshire, and those 23 entities are now receiving 15% of the settlement funds. The City's use of funds that have been received and will be received will be tied directly to the types of expenses that were submitted as part of the lawsuit.

Ms. Landry noted this does not mean there are not opportunities for other organizations in the community. This includes the use of the funds for the addition of a social work position, who will follow up on drug-related police interactions to connect individuals with needed services.

The City has received a portion of the 15% thus far, and as the lawsuits continue additional funds are paid, the City will continue to receive its portion of the 15%. The City estimates this will be about \$40,000 to 50,000 per year for maybe the next 16 to 17 years. The funds could continue to support the social worker position being proposed by the Manager.

Ms. Landry then addressed the remaining 85%. She indicated the remaining 85% of the funds will be distributed based on a grant application process. The grant process at the State level is moving slowly and it could take six months or more to receive any of that funding. The Opioid Trust Fund grant process allows opportunities for government agencies and nonprofits to submit applications for what they are calling “qualified opioid abatement projects”. Ms. Landry noted this is defined in HB 1639, which establishes the Opioid Abatement Trust Fund and Advisory Commission, it states *“the Commission shall use the fund to support programs associated with the prevention, treatment and recovery of substance use disorders.”*

Ms. Landry stated the City would certainly participate in a conversation with respect to identifying gaps, services and needs of the community and it envisions a local nonprofit leading that conversation. Ms. Landry noted this would not be in regards to the use of the funding received by the City as part of the lawsuits, which is what staff brings to the Council through the FOP Committee. She indicated that community conversations would be helpful to local providers who can apply for the State’s funds moving forward. The County is also receiving funds and expects the County to participate in that conversation.

Ms. Landry went on to say that the City Manager has contacted Cheshire Medical Center, who has referred the City to the “Doorway” which is an extension of Cheshire Medical and it connects people to peer recovery support services, prevention, including naloxone screening and evaluation, supports and services to assist in long term recovery treatment including medication-assisted treatment for MAT. Ms. Landry stated Doorway might be interested in conducting that community meeting but there could be others well-positioned to lead that conversation as well. The City will be an important part of that conversation but she felt organizations that are involved in drug misuse and recovery would be better positioned to lead that conversation.

Councilor Remy stated he sees a few opportunities to consolidate the requested pieces while keeping the heart of the original motion. He stated he was very supportive of being part of a community discussion and bringing in members of the public and bringing in affected individuals. The Councilor stated he likes the idea of having a community member or community organization lead the conversation and the City be a participant but not the leader. He felt this would help with future grant writing processes etc.

The Councilor suggested the following language *lead a community discussion which the city participates in along with other partners and the community around the gaps and services* – to insert this around the word “discussion”

The Chair felt the City should be able to reach out to as many people as possible to be part of this and felt the professionals are better suited at finding the right mix of people to facilitate the discussion while the City lends support in different way. He felt having it outside City Hall will bring about more participation.

Ms. Newell stated as a social worker she will have people who might never open up to her and having these different parties involved would allow for people to contribute without having any of those inherent barriers. She felt it was important for the City to take a strong role in this process.

Councilor Williams agreed it was important for him that the City views itself as a partner in this process.

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

Move to recommend the communication be accepted as informational and that the City Manager request a nonprofit substance abuse provider lead a community discussion which the City participates in with other partners and the community around gaps in service to encourage grant applications to the State's opioid abatement trust fund.

Councilor Madison stated he would vote in favor of this motion and stated he agrees with the two presenters that we need many community organizations to take a leadership role in this process. He referred to a recent podcast that details the ordeals of those seeking recovery go through and trying to get their life back. He stated it is eye-opening what people have to go through when they are in recovery or even just trying to get into recovery. He indicated it is also shocking what people will do to silence reporting on this issue.

Councilor Madison went on to say substance use disorder is not a single issue that affects someone, it is often compounded by a number of different issues that a person is facing, especially mental health issues. He added it was important to have mental health providers and mental health nonprofits part of this discussion. He talked about the mental health and substance abuse his family has experienced and the trauma he has experienced.

The Councilor stated he would like the City Manager to consider having a group of community nonprofits lead this conversation with the City taking a strong role because substance abuse does not exist in a vacuum and it is compounded by other issues. He noted people who are in the depths of substance use disorder are compounded by so many issues such as poverty, housing, food insecurity, mental health, etc. He felt it might be prudent for the Manager or Mayor to consider an ad hoc group to help oversee this process.

Ms. Landry stated the motion as presented was fine and added that it has always been the assumption of city staff that they participate. She added the City Manager is already taking a leadership role and trying to find somebody to convene the group and felt this process is moving in the right direction.

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the communication be accepted as informational and that the City Manager request a nonprofit substance abuse provider lead a community discussion which the City participates in with other partners and the community around gaps in service to encourage grant applications to the State's opioid abatement trust fund.

4) Adjournment

There being no further business, Chair Powers adjourned the meeting at 7:18 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Edits submitted by,
Terri M. Hood, Assistant City Clerk