City of Keene
New Hampshire

FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE AGENDA

Council Chambers A
June 9, 2016
6:30 PM

Mitchell H. Greenwald
Carl B. Jacobs
Terry M. Clark
Thomas F. Powers
Jay V. Kahn

1.	MEMORANDUM	Campaign Manager for the Next Chapter Campaign – Acceptance of Donations to Library Renovation Project
2.	MEMORANDUM	Recreation Programmer – Acceptance of Donation- Summer Playground Scholarships
3.	MEMORANDUM	Recreation Programmer – Acceptance of Grant - Rock On Foundation
4.	MEMORANDUM	Deputy Fire Chief – Acceptance of Donation
5.	MEMORANDUM	Revenue Collector – Tax Deeds for Unpaid 2012 and 2013 Property Taxes
6.	MEMORANDUM	Planner – Agreement with Cheshire County Shooting Sports Education Foundation for the Relocation and Placement of Fill
7.	MEMORANDUM	Operations Manager & Assistant Public Works Director – Consulting Services for the Roaring Brook Watershed Management Plan
8.	MEMORANDUM	Assistant Public Works Director – Professional Services Contract for Wastewater Permitting Assistance
9.	MEMORANDUM	Finance Director – Financial Audit Services
10.	COUNCIL REFERRAL	Removal of Granite Curbing – West Side of Central Square
11.	DISCUSSION	Charter Employee Evaluation Process

MORE TIME ITEMS:

A. Relinquishment of Easement to Parking Spaces on Railroad Property on Behalf of Monadnock Food Co-op
B. Michael Kapiloff – Donation of Property – Off Pearl Street

Possible Non-Public Session

KEENE
PUBLIC LIBRARY
Capital Campaign

City of Keene
New Hampshire

60 Winter Street
Keene, NH 03431

kplcampaign.org

June 3, 2016

TO: Finance, Organization, and Personnel Committee

THROUGH: Medard Kopczynski, City Manager
Steve Thornton, Finance Director
Nancy Burridge, Trust Manager NB

FROM: Patty Farmer, Campaign Manager for the Next Chapter Campaign

RE: Donations to the Library Renovation Project through the City's Library Renovation Temporarily Restricted City Trust Fund

Recommendation: That the City accepts donations of $317,019.47 listed in the May statement of the Cambridge Trust Bank (See attached report) to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

Background: On June 30, 2015 the City Council authorized the establishment of a Temporarily Restricted City Trust Fund to receive and distribute funds for the Library Renovation Project. The Friends of the Library hired Patty Farmer as Campaign Manager. Together with the Library Trustees, they have put in place a campaign committee with Judith Putnam and Alfreida (Dita) Englund as Co-Campaign Chairs and Ernest Hebert as the Honorary Chair.

The first step of the campaign was to solicit donations and pledges from the Library Trustees, Friends of the Library Board and Campaign Committee members. We have had one hundred percent participation. The attached reports contain details of the monies received in May 2016. Donors have received acknowledgement of their donations.

We are continuing in the quiet phase of the campaign. The Campaign Committee members are visiting with individuals and businesses and foundations to seek support. The intent is to bring forward Cambridge's monthly report for acceptance by the City Council. The report will then go the Trustees of the City Held Trust funds for approval and acceptance. This process was reviewed by the City Finance Department, the Library Trustees, the Friends of the Library Board, the City Attorney and Terry Knowles, Assistant Director, Charitable Trust Unit of the Department of the Attorney General.

KEENE
PUBLIC LIBRARY
Capital Campaign

60 Winter Street
Keene, NH 03431

kplcampaign.org

Donations received by Cambridge Trust Company
May 2016
Library Renovation Trust Fund

Gift date	Donor(s)	Amount
5/3/16	The Putnam Foundation*	$50,000.00
5/4/16	The Putnam Foundation*	$200,000.00
5/5/16	Sylvia and Craig McBeth*	$1,000.00
5/5/16	Art and Patty Nichols	$1,000.00
5/5/16	Donald Shedd	$25.00
5/9/16	Friends of the KPL	$20,000.00
5/13/16	Thomas and Elke Hanna	$250.00
5/13/16	Lucy Hanna	$250.00
5/13/16	Richard and Susan Huleatt	$250.00
5/13/16	Katherine Hanna	$125.00
5/13/16	Katherine Hanna	$125.00
5/18/16	Mr. and Mrs. Baute Fund	$30,000.00
5/25/16	Cecile Goff*	$400.00
5/27/16	Rob and Sherry Guardiano	$300.00
5/27/16	Ken and Carol Jue*	$2,500.00
5/31/16	Mark Meese and Ann Shedd*	$1,000.00
5/31/16	Steve and Jane Larmon*	$1,000.00
5/31/16	Friends of the KPL	$8794.47
		$317,019.47

* Represents pledge installment contributions

PJF 6/3/16

MS-9 CRF
REPORT OF THE TRUSTEES OF TRUST FUNDS - CITY OF KEENE, NH
FOR PERIOD ENDING JUNE 30, 2016
LIBRARY RENOVATION TRUST FUND (ACCOUNT NUMBER XXXXX90)
AS OF: May 31, 2016

					PRINCIPAL						INCOME						YEAR TO DATE TOTALS			
DATE OF CREATION	NAME OF TRUST FUND	PURPOSE OF TRUST	HOW INVESTED	PERCENT (%)	BEGINNING BALANCE	NEW FUNDS CREATED	CASH G/L ON SECURITIES	W/DRAWALS	PRINCIPAL FEES	ENDING BALANCE	BEGINNING BALANCE	INCOME AMOUNT	EXPENDED	ENDING BALANCE	GRAND TOTAL PRINC & INC	FAIR VALUE	NEW FUNDS CREATED	WITHDRAWALS	CASH G/L ON SECURITIES	INCOME AMOUNT
2015	Library Renovation Fund	Trust Fund	Money Market	100%	329,846.36	317,019.47	0.00	0.00	(310.01)	646,555.82	6.54	2.64	0.00	9.18	646,565.00	646,565.00	647,253.71	0.00	162.69	9.18
	TOTALS				**329,846.36**	**317,019.47**	**0.00**	**0.00**	**(310.01)**	**646,555.82**	**6.54**	**2.64**	**0.00**	**9.18**	**646,565.00**	**646,565.00**	**647,253.71**	**0.00**	**162.69**	**9.18**

City of Keene
New Hampshire

DATE: May 23, 2016

TO: Finance, Organization and Personnel Committee

THROUGH: Med Kopczynski, City Manager

FROM: Meghan Spaulding, Recreation Programmer

SUBJECT: Donation - Summer Playground Scholarships

Recommendation:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of $1231.00 and that the money is used for the Recreation Department summer playground scholarship fund.

Background:

The Recreation Department held their annual Activity Night on Friday, May 20, 2016 for middle school students. This is our annual fundraiser for our Summer Scholarship Program that benefits local families to send their children to the summer or after school program.

We are requesting that the funds that were raised, $1231.00 be deposited into Recreation Department program scholarship donation account.

City of Keene
New Hampshire

DATE: May 23, 2016

TO: Finance, Organization and Personnel Committee

THROUGH: Med Kopczynski, City Manager

FROM: Meghan Spaulding, Recreation Programmer MS

SUBJECT: Grant from the Rock On Foundation

Recommendation:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a grant donation of $2000.00 from the Rock on Foundation and that the money is used toward the Middle School Police Athletic League for basketball.

Background:

This past winter Keene Parks and Recreation applied for a grant from the Rock on Foundation, founded by brothers Matt and Luke Bonner who are natives of Concord, NH. On Saturday, August 13th in Concord they will be hosting the RockOn Fest where Keene Parks and Recreation will be recognized for the award. This grant will help to continue the growth of our Police Athletic League for Middle School basketball.

City of Keene
NEW HAMPSHIRE
MEMORANDUM

DATE: May 12, 2016

TO: Finance, Organization and Personnel Committee

THROUGH: Medard Kopczynski, City Manager

Mark Howard, Fire Chief MH

FROM: Jeffrey Chickering, Deputy Chief JCC

SUBJECT: Acceptance of Donation

RECOMMENDATION

The City Council authorizes the City Manager to do all things necessary to accept a donation from Leon's and J & L in the amount of $133.00.

BACKGROUND:

The fire department regular conducts vehicle extrication training at Leon's and J & L. The vehicles are provided by Leon's and once the training is completed Leon's takes them to be scrapped. Leon's very generously has donated the funds received from the most recent vehicle that they scrapped back to the department to be used for general use.

CITY OF KEENE
NEW HAMPSHIRE

FINANCE DEPARTMENT

DATE: **June 3, 2016**

TO: **Finance, Organization & Personnel Committee**

THROUGH: **Medard Kopczynski, City Manager**
Steve Thornton, Finance Director ST

FROM: **Mary Alther, Revenue Collector** ma

RE: **Tax deeds for unpaid 2012 & 2013 property taxes**

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to waive tax deeding of the below listed properties until September 1, 2016.

Address	Property ID	Type
45 Summer St.	001-05-013.0000	Commercial
53 Colorado St.	002-01-008.0000	2 Family
33 Colorado St.	002-01-011.0000	3 Family
10 Vernon St.	003-01-001.0000	Commercial
15 Cross St.	004-07-008.0000	2 Family
5 May Ave.	014-01-018.0000	Commercial
11 Oak St.	019-05-005.0000	2 Family
334 Roxbury St.	019-05-008.0000	Single Family
80 Laurel St.	030-02-020.0000	Industrial
21 Davis St.	048-04-012.0000	Commercial
344-346 West St.	049-03-008.0000	2 Family
169-173 Island St.	051-04-047.0000	3 Family
41 Winchester Ct.	052-04-010.0000	Single Family
267 Pearl St.	053-01-018.0000	2 Family
0 Off Wetmore St.	101-01-134.0000	Land
493 Elm St.	116-02-001.0000	Single Family
20 Marshall Ct.	117-03-102.0000	Single Family
23 Minerva Ln.	142-02-015.0000	Manufactured Home
123 Butternut Dr.	168-02-201.0000	Single Family
59 Sesame St.	172-02-025.0000	Single Family
0 Chapman Rd.	203-01-002.0000	Land
797 Marlboro Rd.	901-23-007.0000	Land
888 Marlboro Rd.	901-23-031.0000	Commercial
0 Route 9	904-01-008.0000	Land
244 Base Hill Rd.	911-26-002.0000	Land & Out Buildings

18 Imperial Drive	911-26-013.1018	Manufactured Home
1 Schult St.	911-26-013.2001	Manufactured Home
44 Schult St.	911-26-013.2044	Manufactured Home
47 Schult St.	911-26-013.2047	Manufactured Home
5 Anderson Ave.	911-26-021.4005	Manufactured Home
30 Oriole Ave.	913-17-014.0020	Manufactured Home
21 Blue Jay Ct.	913-17-014.0122	Manufactured Home
74 Sparrow St.	913-17-014.0185	Manufactured Home
44 Sparrow St.	913-17-014.0209	Manufactured Home
9 Starling St.	913-17-014.0310	Manufactured Home
42 Starling St.	913-17-014.0341	Manufactured Home
105 Oriole Ave.	913-17-014.0342	Manufactured Home
53 Starling St.	913-17-014.0366	Manufactured Home

BACKGROUND:

In accordance with RSA 80:76 the tax collector must execute the deed unless the City Council directs the collector to waive that process. A waiver is appropriate in certain circumstances that include:

- taking deed to the property would subject the City to potential liability that might result from an environmental impairment of the property in question;
- taking deed to the property would expose the City to undesirable obligations or liability risks including obligations under real estate covenants or obligations to tenants; or
- taking deed to the property would for any other reason be contrary to the public interest.

38 properties have unpaid 2013 property taxes and 2 of the listed properties also have 2012 property taxes due. Each property owner (and mortgagee if there is one) has been properly notified, in accordance with state law, of the payment status and the next steps that the City is required to take if the taxes, interest and costs are not paid. Those notifications resulted in numerous phone calls, letters, and meetings with the owners reviewing account status and resulted in requests for deed waivers and development of plans that should result in payment of these 2013 and the 2012 taxes by September 1, 2016 for many of the listed properties.

The action recommended by city staff will authorize the City Manager to sign deed waivers on all properties that have unpaid 2012 and 2013 property taxes providing additional time for payment of the taxes, interest and costs outstanding. This action would extend the deadline for payment of the outstanding taxes through September 1, 2016. Following this deadline, staff will review the status of any accounts with outstanding 2012 & 2013 property taxes and advance additional recommendations.

cc: Thomas Mullins, City Attorney
Daniel Langille, City Assessor

CITY OF KEENE
NEW HAMPSHIRE

DATE: June 2, 2016

TO: Finance, Organization and Personnel Committee

THROUGH: Medard Kopczynski, City Manager
Rhett Lamb, Assistant City Manager / Planning Director RL

FROM: Tara Kessler, Planner TK

SUBJECT: Agreement with Cheshire County Shooting Sports Education Foundation for the relocation and placement of fill

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 an agreement with Cheshire County Shooting Sports Education Foundation for the placement by the City of clean fill excavated in association with the Woodland Cemetery Wetland Restoration Project onto the property at 19 Ferry Brook Road for no fee.

Background:

In 2012, the City of Keene received a $277,707 grant from the NH Department of Environmental Services Aquatic Resource Mitigation Fund to restore approximately 1-acre of a historically filled wetland in Woodland Cemetery. Construction on this project is anticipated to begin this July and will involve the excavation and removal of approximately 8,850 tons of fill from the site. Of this amount, approximately 400 tons have been identified to be solid waste, and approximately 160 tons have been identified to be minimally impacted by contaminants. The contractor selected by the City to perform the construction phase of this project will be responsible for removing these 560 tons of fill from the site and transporting it to the appropriate facility for disposal.

The City's contractor will screen the remaining 8,290 tons (3,700 cubic yards) of fill and conduct laboratory analysis of samples to confirm soil quality before transporting this clean fill off-site to the Cheshire County Shooting Sports Education Facility (CCSSEF) at 19 Ferry Brook Road, Keene, NH. "Clean" refers both to a negligible amount of physical contaminants, such as plastic, and to the lack of chemical contaminants that might pose a hazard to plants or animals.

The CCSSEF has agreed to accept this fill at no fee to the City. The City's contractor will be responsible for transporting these materials to the CCSSEF property. Once the fill has been transported to 19 Ferry Brook Road, the recipient will assume all responsibility for this material. that might pose a hazard to plants or animals.

On April 20, 2016, the City issued a bid for the construction phase of this project. Three bid proposals were received, and staff are in the process of reviewing these proposals. It is anticipated that a selection will be made in the coming week.

CITY OF KEENE
NEW HAMPSHIRE

AGREEMENT FOR
THE RELOCATION & PLACMENT OF FILL MATERIAL

THIS Agreement made and entered into this _____ day of _____________ 2016, by and between the **CITY OF KEENE**, a New Hampshire municipal corporation, with the principal address of 3 Washington Street, Keene, New Hampshire 03431 (hereinafter referred to as the "CITY") and **CHESHIRE COUNTY SHOOTING SPORTS EDUCATION FOUNDATION**, a 501(c)(3) non-profit organization, with its principal address at 19 Ferry Brook Road, Keene, New Hampshire 03431 (hereinafter referred to as "RECIPIENT").

WHEREAS the City has requested, and the Recipient has agreed, to the placement by the City of clean fill material (hereinafter referred to as "Fill") excavated in association with the Woodland Wetland Cemetery Restoration Project (hereinafter referred to as "Project Site") onto the Recipient's property located at 19 Ferry Brook Road, Keene, New Hampshire 03431, Tax Parcel Number 904-02-001 (hereinafter referred to as the "Premises") subject to the terms and conditions set forth below. "Clean" refers both to a negligible amount of physical contaminants, such as plastic, and to the lack of chemical contaminants that might pose a hazard to plants or animals.

NOW, THEREFORE, it is agreed that:

1. The City and or its agents shall transport approximately 8,300 tons of Fill from the Project Site located at 300 North Lincoln Street Tax Parcel Number 907-18-019 to the Premises.

2. The City and/or its agents shall screen all Fill and shall perform confirmatory soil testing prior to transporting Fill to the Premises. The City shall provide the results of such testing to recipient upon request.

3. The City shall transport and place only Fill that is determined by confirmatory soil testing to be clean and clear of debris consisting of asphalt, trash, metal, wood, concrete, and/or stone larger than 3 inches.

4. The City shall be responsible for all costs and expenses of screening, testing and transporting Fill from the Project Site to the Premises.

5. The Recipient shall accept all Fill material subject to all terms and conditions contained herein and at no cost to the City for the Fill material.

6. At the time of transport, all Fill placed on the Premises shall meet all federal, state and local regulations concerning the proper handling and disposal of such materials

and shall be delivered to the Premises in licensed vehicles. The placement of the Fill on the Premises shall constitute an acceptance by Recipient that the Fill is in compliance with all federal, state and local laws, rules and regulations at the time of the placement.

7. All Fill placed at the Premises shall be in strict accordance with the limitations set forth in paragraphs 3 and 5 above.

8. The Recipient agrees to grant the City and/or its agents, temporary access to enter upon the Premises and to place Fill onto a location designated by the Recipient at the Premises. Other than the placement of the Fill at the designated location, the City shall have no further responsibility with respect to moving or grading the Fill.

9. All Fill shall be transported by the City and/or its agents and received at the Premises by the Recipient during the normal working hours of Monday through Friday 7:00 a.m. to 6:00 p.m., or such other hours as agreed upon by the City and Recipient.

10. The Recipient shall assume full responsibility for Fill after delivery to the Premises and agrees to comply with all applicable federal, state, and local regulations related to the Fill once the Fill is placed on the Premises.

11. In the event that either the City or Recipient has concerns or disagreements regarding the implementation or interpretation of this Agreement, the City or Recipient, through their respective representatives or their successors, will discuss and implement resolutions.

12. This Agreement shall be binding on the City and Recipient and their successors, transferors and assigns, and shall not be modified or amended except in writing upon the mutual agreement and execution by the City and Recipient.

13. It is anticipated that transport and delivery of the Fill will occur beginning _________________, 2016, and will continue until such time as all Fill is delivered to the Premises.

14. This Agreement shall be construed in accordance with the laws of the State of New Hampshire. If any one or more provisions of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable for any reason, the Agreement shall be construed as if such invalid or unenforceable provision had not been contained herein.

15. Each party to this Agreement agrees to indemnify, defend and hold harmless each other party from any claim or cause of action for any liability, damages, costs or expenses, including attorneys' fee which may be asserted against a party, arising from or related to the negligence of the indemnifying party, including their agents

and/or employees, in connection with the excavation, transportation and placement of Fill on the Premises. In addition, upon the placement of the Fill onto the Premises, Recipient shall be deemed to be the owner of the Fill and shall thereafter indemnify, defend and hold the City harmless from any costs, expenses, damages or liability arising from the Fill.

Paragraphs 10, 11, 12, 14 and 15 shall survive the termination of this Agreement.

IN WITNESS WHEREOF, The parties have signed this Agreement as of the day and year first written above.

CITY OF KEENE, NEW HAMPSHIRE

____________________ By:________________________________

Witness Medard Kopcynzski, City Manager
Duly authorized

CHESHIRE COUNTY SHOOTING SPORTS
EDUCATION FOUNDATION

____________________ By:________________________________

Witness Michael Hagan, Board of Directors Chair
Duly authorized

CITY OF KEENE
NEW HAMPSHIRE

DATE: June 2, 2016

TO: Finance, Organization, and Personnel Committee

THROUGH: Medard Kopczynski, City Manager
Kürt Blomquist, P.E., Public Works Director

FROM: Aaron Costa, Operations Manager
Donna Hanscom, Assistant Public Works Director

SUBJECT: Consulting Services for the Roaring Brook Watershed Management Plan.

Recommendation

The Finance, Organization, and Personnel committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with VHB to perform the Roaring Brook Watershed Management Plan for an amount not to exceed $67,500.

Background

The City of Keene owns and protects approximately 2,500 acres of watershed land located in the towns of Roxbury, Nelson, and Harrisville, collectively, the Roaring Brook Watershed. The area contains Woodward Pond and Babbidge Reservoir which, together, form the City's main water supply. Woodward Pond stores approximately 490 million gallons of water and Babbidge Reservoir stores about 180 million gallons of water.

Development on and around the watershed is limited. The Roaring Brook Watershed land is accessible via class V and VI roadways, most of which are gated off to avoid unwanted traffic; the watershed is not protected by fencing. The New Hampshire Department of Environmental Services has rules that place restrictions on activities on the land. Sections 38 and 58 of the City Code also restrict activities on all City-owned land.

Tensions associated with owning and restricting use of undeveloped land outside of Keene have been ongoing. The area has seen damage by recreational vehicles, evidence of camping, horseback riding and dog walking, continued destruction of gates, and disregard of existing signage. The City has limited security but has recently contracted with Roxbury law enforcement to provide minimal patrol services to enforce landowner rules. The presence of existing Class V and VI roads provide attractive access to trespassers.

The City received five responses to a February 2016 Request for Proposals. A review team consisting of Aaron Costa, Operations Manager, Donna Hanscom, Assistant Public Works Director, Ben Crowder, Drinking Water Treatment Facility Manager, Andy Bohannon, Parks and Recreations Director and Eric Swope, Industrial Pre-Treatment Coordinator independently rated the initial proposals. For this phase of the review, the firms were rated on criteria including their understanding of the project, project approach, experience of firm and assigned personnel, budget, and overall quality of the submission.

Four firms were invited to Public Works for an interview with the proposal review team. Each firm was given an opportunity to discuss seven talking points that were identified by the review team to be important aspects of the project.

The firms were rated based upon the following seven talking points: Public Outreach, education and relations, experience with watershed management plans, security, revenue, recreation, pitfalls to avoid that may negatively impact water quality and the most important piece of the project in their opinion. Each interviewer ranked the firms one through four based on their numeric score, with 1 being the highest rank. The ranking numbers were added together to reach the firms' interview scores, with a lower number indicating a higher ranking. For example, a score of 4 would indicate that each team member rated the firm number one. The following table summarizes the interview teams' composite scores.

Firm Name	Interview Score
VHB	7
Woodard & Curran	8
Tighe & Bond	17
Comprehensive Environmental Inc.	18

VHB was judged by the interview team to be the best qualified for this work based on their experience with watershed management plans, expertise in security, sub-consultant qualifications and overall project approach. Tighe & Bond did have the lowest proposed budget, but their project approach was not complete and did not include a forestry services evaluation in its base budget.

The Finance, Organization, and Personnel committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with VHB to perform the Roaring Brook Watershed Management Plan for an amount not to exceed $67,500. If the City Manager cannot satisfactory reach an agreement, the City Manager is authorized to negotiate with the next ranked firm. Funding for this evaluation was approved in the FY15 capital improvements budget.

CITY OF KEENE
NEW HAMPSHIRE

DATE: May 26, 2016

TO: Finance, Organization, and Personnel Committee

THROUGH: Med Kopczynski, City Manager
Kürt Blomquist, Public Works Director

FROM: Donna Hanscom, Assistant Public Works Director

SUBJECT: Professional Services Contract for Wastewater Permitting Assistance

Recommendation

The Finance, Organization, and Personnel Committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a contract with Weston and Sampson Engineers for an amount not to exceed $95,000.

Background

The City of Keene's wastewater collection and treatment systems operate under a National Pollution Discharge Elimination System (NPDES) permit issued by the Environmental Protection Agency (EPA) and certified by the State of New Hampshire. The permit contains general operating requirements for wastewater treatment collection and treatment systems and specific pollutant limits that effectively determine the level of treatment required before the wastewater can be discharged to the Ashuelot River.

The City has had three NPDES permits since the Wastewater Treatment Plant (WWTP) became active in 1985. Each permit has contained progressively stricter discharge limits, pushing the limits of the active treatment process. The first permit, issued in the mid-1980's, contained ammonia and oxygen demand limits the WWTP was not designed to meet, the next permit received in 1994 contained strict limits for metals, and the most recent permit in 2007 contained a limit for phosphorus that resulted in an Administrative Order for compliance and physical treatment changes at the WWTP.

The NPDES permits expire after five years, but their conditions and limits remain in effect until the one is renewed. The City's current permit expired in 2012 and a renewal application was submitted, but EPA has not issued a new permit. New permits issued by EPA in other New Hampshire municipalities include limits for nitrogen and even lower limits for metals.

To prepare for the next permit, staff issued a Request for Proposals (RFP) to solicit professional services to assist the City through the permitting process. Four responses were received and reviewed by Kürt Blomquist, Public Works Director, Tom Mullins, City Attorney, Don Lussier, City Engineer, Aaron Costa, Operations Manager, and me, Donna Hanscom, Assistant Public Works Director. The group selected two firms to interview, Wright-Pierce Engineers and Weston & Sampson Engineers. The proposers were given 45 minutes to discuss their general experience and specific expertise in dealing with environmental permitting through EPA and the State of New Hampshire.

The review team selected Weston & Sampson as the best fit for the NPDES permitting assistance project based on their understanding of the City's permitting challenges, thoughts for working through the metals' permitting technical points, and experience with permitting and appeals. The Weston & Sampson team also includes a scientist from EA Engineering with excellent experience dealing with all of EPA's 10 regions and who was involved with reviewing EPA's toxicity documents and standards. His grasp of the technical issues and ability to work with the regulatory agencies was confirmed through conversations with previous clients.

Because the permitting process is likely to require legal services in addition to technical ones, the City Attorney was included in the proposal review. He indicated that outside counsel would be appropriate for this work, so the proposal review team interviewed and recommends attorneys Matthew Upton and Joanna Tourangeau of Drummond Woodsum Attorneys at Law, the law firm used by the City Attorney's office for outside legal counsel. Procurement of outside legal assistance is coordinated through the City Attorney's office and will be funded by the sewer rate payers.

Although a draft permit has not yet been received, Weston & Sampson will begin work identifying gaps in the supporting analytical documentation for the City to address and will establish a collaborative relationship with EPA and DES to work through the permit details prior to its draft release. The work schedule will be directed by City staff and most will occur after a draft permit is received. If the permitting process is not as complex as anticipated, the full budget may not be required. Unspent funds will remain in the Sewer Fund balance.

The review team recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with Weston & Sampson at a cost not to exceed $95,000 for a scope of services that will include:

- Technical review of existing permit documentation and background information, and identification of areas of specific compliance concern and strategies for dealing with them.
- Work with the City to develop a strategy for permit re-issuance, including meetings with staff, EPA, and DES as appropriate.
- Review Draft Permit documents and identify areas of concern to protect the legal record.
- Participate in permit negotiation with EPA and DES.
- Present status updates to staff and council.
- As necessary, develop and pursue permit challenges as directed by the City.

Funding for this work is available in the NPDES Permits capital project, funded in FY15 and FY16.

City of Keene
New Hampshire

Finance Department

DATE:	**June 7, 2016**
MEMO TO:	**Finance, Organization, and Personnel Committee**
FROM:	**Steve Thornton, Finance Director**
THROUGH:	**Medard Kopczynski, City Manager**
RE:	**Financial Audit Services**

RECOMMENDATION:
That the Finance, Organization, and Personnel Committee authorize the City Manager to sign a professional services contract for audit services with the firm of Melanson Heath for a term of five years, with two optional years, for a total amount of $259,000, to include the preparation of a comprehensive annual financial report(CAFR).

BACKGROUND:
The Finance Department issued RFP 02-16-08 in April, 2016, requesting proposals from qualified firms to provide financial audit services for the fiscal years ending June 30, 2016-2020. The RFP was noticed by purchasing, and sent to several audit firms engaged in municipal audit services, and also advertised in the Keene Sentinel and Manchester Union Leader.

Three firms submitted fixed cost proposals for the base contract term of five years, plus two option years, and also an annual additional proposal to substitute the preparation of a CAFR rather than Basic Financial Statements, which is the current practice. A CAFR contains additional comparative and statistical information when compared with basic financial statements.

Each of the bidding firms is well qualified in municipal accounting. Melanson Heath and Vachon Clukay and Company, have many NH communities as clients. The City of Keene has worked successfully with each of these firms over the last twenty years. Ron Beaulieu & Company, based in Portland, Me., has a smaller, but growing NH presence.

The low bidder was the firm of Melanson Heath (the firm) over the proposed five year period, as well as inclusive of the two option years. Melanson Heath has been the City's auditor since 2009, and they have a good working relationship with the City. The cost of the FY 2015 audit was $33,000.

Cost Comparison : RFP 02-16-08 - Audit Services

Financial Audit Services and Preparation of Basic Financial Statements

	Melanson Heath	Ron L. Beaulieu & Company	Vachon, Clukay, & Co.
2016	33,000	35,000	39,000
2017	33,500	35,000	39,000
2018	34,000	35,000	39,900
2019	34,500	35,000	39,900
2020	35,000	35,000	40,500
Subtotal: Base Contract	*170,000*	*175,000*	*198,300*
2021	35,500	35,000	41,300
2022	36,000	35,000	41,300
Subtotal: Option Years	*71,500*	*70,000*	*82,600*
Base Contract Proposal	**241,500**	**245,000**	**280,900**

Add On - Preparation of Comprehensive Annual Financial Report (CAFR)

	Melanson Heath	Ron L. Beaulieu & Company	Vachon, Clukay, & Co.
2016	2,500	5,000	2,950
2017	2,500	5,000	2,000
2018	2,500	5,000	2,000
2019	2,500	5,000	2,000
2020	2,500	5,000	2,100
Subtotal: CAFR	*12,500*	*25,000*	*11,050*
2021	2,500	5,000	2,100
2022	2,500	5,000	2,100
Subtotal: Option Years	*5,000*	*10,000*	*4,200*
Total: Seven Year Cost	**17,500**	**35,000**	**15,250**
SUMMARY			
Base Contract with CAFR	182,500	200,000	209,350
Option Years with CAFR	76,500	80,000	86,800
Total Proposal	**259,000**	**280,000**	**296,150**

In City Council June 2, 2016.
Voted with 11 in favor and 4 opposed
to carry out the intent of the report.

City Clerk

3A3

City of Keene
NEW HAMPSHIRE

May 25, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **ORAL UPDATE: Removal of Granite Curbing – West Side of Central Square**

On a vote of 3-2, the Municipal Services, Facilities, and Infrastructure Committee recommend the approval of the request for curbing improvements on the west side of Central Square. Chair Manwaring and Councilor Lamoureux were opposed.

Chairman/Designee

Background:

Mr. Blomquist distributed copies of drawings depicting the area of Central Square. Mr. Lussier stated that two cycles ago the MSFI Committee directed staff to meet with the property owner regarding her request to determine what could be done at the least cost to accommodate her request and return with a different option than the options they presented previously. He continued that the graphic that he brought shows existing and proposed conditions for the 'least cost option.' He met with the property owner, Dorrie O'Meara. They went down the block looking at what they could do and where they could save some money. He thinks they came up with an option that allows the outdoor seating for the least cost. The option will replace the existing vegetative island with concrete in front of the Ingenuity storefront and the Pour House and Pedraza's with an exception of a 15 to 20 foot section where the existing tree and irrigation control system is located, to eliminate the cost of removing the tree. He had a chance to meet again this week with Ms. O'Meara to go over the plan and they made some minor revisions. He thinks this plan represents what she is looking for to accommodate the seating. They estimate that the cost for this plan would be about $16,600.

Chair Manwaring invited Ms. O'Meara to speak. Dorrie O'Meara, of 326 Matthews Road in Swanzey, stated that staff members were out there several times. She continued that they measured, documented, and worked with her to come up with something that would work for the proposed tenant for the Ingenuity space and for her storefront. She thinks it is a great plan and is less expensive.

Chair Manwaring asked how much money Ms. O'Meara is contributing to this. Ms. O'Meara replied that she owns millions of dollars' worth of real estate in the City and she pays taxes and should not have to pay for the sidewalk. She continued that she does her share for the City. She takes great pride in her properties and she does what is best for the City and herself.

Councilor Lamoureux stated that the last time they spoke one thing the City Attorney brought up was that utilizing funds acquired through payment of a property tax had to be shown to be for the public good. They understand that she is looking for extra seating for her businesses. How is this for the public good?

Ms. O'Meara replied that part of the Comprehensive Master Plan (CMP) states that the City would like more outdoor seating and dining. She continued that it is not just for her, it is what the community wants. Pedraza's is not asking for additional seating. Pedraza's has nothing to do with this. The Pour House has no outdoor seating. The Ingenuity space would have potential for a fantastic restaurant tenant if there was outdoor seating. She guesses that it would be about $300,000 or $400,000 of renovations. They will pay taxes, have employees, and bring income to the City. She could rent this space to a retail store with only two employees. There is a difference between that and having the opportunity to bring in a restaurant business with 20 to 25 employees. She could come up with 25 businesses that have left Keene in recent years. The City needs to do something to get businesses here. If $16,000 in cement does it, she is all for it, and thinks the City Council should be, too.

Councilor Jacobs asked why Ms. O'Meara wants the granite curbing removed in front of Pedraza's if they do not need additional seating. Ms. O'Meara replied that she has expressed concerns before about the green area/walkway being a complete hazard. She continued saying on May 25, 2016, she videotaped a person with a disability trying to make it over that green area. It is in the way and completely useless. The bark is dead. She sweeps and leaf blows the sidewalk. She put plants there. She wants the restaurant to look beautiful. The green area looks horrible there and adds nothing. If they make it flat, the Pour House could get seating. If you just take out a little piece in front of the Pour House it will be a hazard again. People will need to go over the hump to get to Pedraza's. Making the sidewalk flat will make it symmetrical on both sides.

Councilor Hooper stated that from the get-go he wants this to happen. He continued that his initial vote was to keep this moving forward to come up with plans that would work for Ms. O'Meara and the City. He continued that there is one caveat that he is hearing from constituents – even though Ms. O'Meara pays a good portion of taxes, from a public relations standpoint, if the City is putting forward money to get this done and it is indeed for the public good and would revitalize that part of town and bring in business, it might be good for her to offer a little contribution to the plan. He knows she probably does not agree with that suggestion but it might be worthy. There needs to be a balance between what the City does to support business owners and what a business owner does. That would help move away from the feeling that it benefits the business owner more than the public.

Councilor Filiault stated that he thinks they are getting close and thanked everyone involved. He continued stating that his comment at the beginning was that what the City proposed was massive overkill and not what Ms. O'Meara was asking for. There are many areas of Keene with plenty of room for outdoor seating with no request needed. The City helped other businesses have outdoor seating. The City put the curbing there. It has not always been there. Now it has become cumbersome. The curbing was installed when the downtown area was more retail than social. There used to be no outdoor seating and then the City spent money to put curbing up. In hindsight, that was a mistake. All that is being requested is removing curbing. This is not a complex project. He wants to remind the City Council that in this time in the City's history, there are more vacancies on Main Street than he can ever remember. New businesses are not coming in. The Toadstool Bookstore will fill a huge hole in the downtown, but its departure will leave a big hole in the Colony Mill. It is like they are getting shuffleboard but not getting new businesses in. If someone comes in two weeks and wants to put a restaurant where the Kitchen Store was but needs the curbing removed, the City should do it. Downtown has become a social downtown. All that is being request is moving some curbing and dirt and putting down a little concrete. . The City could get another request from a downtown business and the City should be prepared to help. Elected officials should think about what they can do to make this happen, rather than just saying no. This request is just reversing something that does not work.

Chair Manwaring asked if any members of the public had questions or comments.

Ms. O'Meara stated that regarding Councilor Jacobs's question about why to put cement in front of Pedraza's. She does not want to be misunderstood. She will not ask for more tables at Pedraza's, but will ask for those tables to be pushed back so there is more room to walk.

Councilor Hooper stated that he thinks when they weigh what is happening downtown, with some businesses moving out, it is important to the public good to keep downtown business vital. He is leaning towards what Councilor Filiault said, wanting to try to help business owners so they can bring in more business to revitalize the Central Square area and the downtown in general. He supports this move but still asks Ms. O'Meara to reconsider making a donation to this project as a good faith gesture as to having this move forward with a lot of planning and work by the City. He thinks her donating would go over better in the long run for her as a business owner.

Councilor Filiault stated that he wonders if relocating the electric pedestal, which is stated in the plan, is necessary. He continued that The Stage has tables that go right around meters and trees and the electrical pedestal. Are there items like this in the proposed plan that they could eliminate to save even more money?

Mr. Lussier replied that what they are showing on the plan is really what they think is the least cost option. He continued that the ground is getting dug up there. That pedestal will be relocated as part of this plan. Whether it gets relocated horizontally or vertically, it will be disturbed as part of this work. They can put it closer to the light to make more room for tables. In a more broad way of answering the question: there are many items in this plan that in order to cut costs have been they eliminated. For example, they will not touch the lighting. They will see the 6 or 8 inches sticking out of the concrete. The previous plan had addressed aesthetic concerns more. This plan does not address trees at all. The tree in the center will remain in place. Previously they had talked about rounding off the ends of the vegetative islands to keep it more consistent, whereas this plan calls for square granite curbing, cut flush.

Councilor Lamoureux stated that he understands the importance of the downtown, as he was a liaison to the downtown merchants for two years. He continued saying that the downtown business owners work very hard and he understands that. He has heard comments about the area not being up to snuff. City staff works hard downtown to keep the area maintained and looking good. Working with the City staff for two years, they upgraded the downtown, correcting safety issues and improving aesthetics. He has not heard how this work would benefit more than the three businesses. When he got elected to the City Council he understood that it was their responsibility to use City money to benefit the whole community. He is having a hard time differentiating between the private entity and the public good. He sticks with the fact that they have a plan in place to revitalize the whole of downtown and he will vote against this project.

Councilor O'Connor asked where the $16,000 would be coming from. Mr. Lussier replied that there is nothing currently allocated or designated for this work. If it is approved the next step is for the Finance, Organization, and Personnel Committee to choose where money will be allocated.

Councilor Filiault replied that they would go through the FOP Committee and let them determine the funding source. He continued that he appreciates Councilor Lamoureux's perspective as a former staff member. His perspective is as a former downtown business owner. They need to look at this from the business owner's perspective, too. He does not take $16,000 for granted but he has seen other funds allocated easily for other projects. He does not think it requires a $70,000 study. The holes downtown will not be filled by retail.

Ms. O'Meara stated that she thinks the MSFI Committee would want to be part of the growth in Keene. She continued that if you were to walk out of City Hall and see a beautiful, vibrant restaurant across the street, with people sitting outside and spending money and tipping servers and cooks, it would be great for downtown. She still does not understand why this has gone this far. She owns the majority of that side of Central Square, and she takes care of the whole block. It would benefit the City and give 20+ local people jobs. It would bring in visitors who spend money, buy gas here, and stay in hotels. What we all want is more people downtown.

Councilor Hooper stated that he saw her wonderful decorations for Halloween and thought they were fantastic. He continued that they have to think in terms of the bigger picture and bringing businesses to Keene and the passion of business owners who are invested in improving Keene. Putting up those decorations shows that Ms. O'Meara has the best interest of the City and public in mind. Now that they are down to $16,000, he thinks it is important to make these changes now. The revitalization plan is coming up but there is critical work to do now to maintain the vitality. This is a short term measure. If Ms. O'Meara contributes financially to the project that gesture would be wonderful.

Councilor Filiault stated that at the airport the City spent thousands of dollars for one business owner. Downtown probably affects more people than the Airport does. That project just went through without a whisper. Why is this different? Chair Manwaring replied that that is different because the Flight Deck (restaurant at the airport) will be paying rent to the City.

Ms. O'Meara stated that the City paid for work in front of Luca's (market/restaurant). She asked if that was because they pay rent to the City. Chair Manwaring replied that her understanding is that there were safety concerns that prompted the work.

Mr. Blomquist stated the recent work outside of City Hall did not remove any curbing. He continued that the steps were deteriorating and the Code Enforcement Department determined that it was a safety issue. They also replaced the concrete because it was a safety issue. All of that was maintenance, not a reconfiguration.

Councilor Filiault stated that he has a technical question. He asked if this goes through, they need to find out where the funds are coming from, so should a motion be made to approve this or should they put it on more time to determine where the funding would come from? The City Attorney replied that the MSFI Committee has jurisdiction with whether or not to recommend that the work be performed, and to refer the matter to the City Council/FOP Committee for funding consideration. Councilor Filiault asked if the motion would go to the City Council or the FOP Committee. The City Attorney replied to the full City Council and if the recommendation is approved it then goes to the FOP Committee.

Councilor Filiault made the following motion, which was seconded by Councilor Hooper.

On a vote of 3-2, the Municipal Services, Facilities, and Infrastructure Committee recommend the approval of the request for curbing improvements on the west side of Central Square. Chair Manwaring and Councilor Lamoureux were opposed.