



Due to the COVID-2019 State of Emergency, the City Council will be holding its meetings remotely using the web-based program, Zoom. City Councilors will be participating in this meeting remotely. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To view the City Council meeting, please navigate to www.zoom.us and enter the Meeting ID# 849 5347 8647. To listen via telephone call 877-853-5257 and enter the Meeting ID # 849 5347 8647.

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
March 18, 2021
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- March 4, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Election to Fill Ward Three Council Vacancy
2. Declaration of Vacancy and Nominations
Energy and Climate Committee
Airport Development and Marketing Committee
Partner City Committee
Ashuelot River Park Advisory Board

C. COMMUNICATIONS

1. Denise Thomas - Resignation - Energy and Climate Committee
2. Dave Kirkpatrick/Cheshire TV - Proposed Termination of Contract

D. REPORTS - COUNCIL COMMITTEES

1. Grant Application for Transportation Heritage Trail – City Engineer
2. Presentation on Hundred Nights
3. Farmer’s Market of Keene – Request to Use City Property and Requesting a Waiver or Reduction in Fees
4. Granite Roots Brewing – Requesting Permission to Sell Alcohol at the Farmer’s Market of Keene
5. Acceptance of Donation - Fire Chief
6. Laboratory Renovation Design Engineering Change Order - WWTP Operations Manager
7. Acceptance of Local Source Water Protection Grant - WWTP Operations Manager
8. Support for MAST Grant Application - Parks, Recreation and Facilities Director

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation of David Whaley - Ashuelot River Park Advisory Board
2. Request to Endorse Carbon Fee & Dividend - Energy and Climate Committee
3. Proposed Formation of the Greater Goose Pond Committee - Conservation Commission

H. REPORTS - MORE TIME

1. Kevin Leary – Amended Request for Property Access off the Old Gilsum Road Through City of Keene Utility Road
2. Representative Joe Schapiro – Urging the City of Keene to Take a Position on HB 266
3. Councilor Filiault – Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers, and the Committee Chairs

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Chapter 18 Building Regulations
Ordinance O-2021-01

K. RESOLUTIONS

1. Reallocation of Bond Funds - WWTP Permit
Resolution R-2021-14
2. In Appreciation of Michael A. Burke Upon His Retirement
Resolution R-2021-07

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held on Thursday, March 4, 2021. The Honorable Mayor George S. Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. Mayor Hansel then called the meeting to order at 7:02 PM. He continued that the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their online presence and whether there are others with them in the room. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. Ward Three Council seat vacant. A motion by Councilor Powers to accept the minutes from the February 18, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 14 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor recalled that the filing period for the Ward Three City Councilor Vacancy was still open and would extend until 4:30 PM on Tuesday, March 9, 2021. Election of the new Councilor by the City Council would occur at the March 18, 2021 regular meeting. The Mayor announced a Council workshop on the Keene Police Department CALEA accreditation on Tuesday, March 23, 2021 starting at 6:00 PM. Mayor Hansel said that the City Council's summer vacation schedule would start with cancelation of the August 5 Council meeting as well as the August 11 and August 12 Standing Committee meetings. The Council would return to its normal meeting schedule for the August 19 regular meeting.

The Mayor shared positive news that several new businesses would be opening Keene, stating it was a good sign that we are coming out of the Covid-19 pandemic. The downtown economy would benefit from planned festivals and the Sierra Trading Post opening March 20 on Winchester Street and announcement of a Chaos and Kindness store to open later this spring. Mayor Hansel hoped this momentum would continue, helping downtown to grow and do well coming out of the pandemic.

Finally, Mayor Hansel congratulated the Keene High School girls' hockey team for making it to the second round of the State tournament, which was a first for the team. The team would play the undefeated Bishop Guertin School on March 5 and the Mayor wished them good luck.

MINUTES

Referring to the minutes of the February 18, 2021 City Council meeting, a motion by Councilor Powers to accept the minutes as printed was seconded by Councilor Bosley. On roll call vote, 14 Councilors were present and voting in favor. Ward Three Council seat vacant.

CONFIRMATION

Referring to the nomination of Councilor Ormerod to the Energy and Climate Committee with a term to expire December 31, 2021; the Mayor called for the vote. On roll call vote, 14

Councilors were present and voting in favor. Nomination confirmed. Ward Three Council seat vacant.

COMMUNICATION – REPRESENTATIVE JOE SHAPIRO – URGING THE CITY OF KEENE TO TAKE A POSITION ON HB 266

A communication was received from Representative Joe Schapiro, urging the City of Keene to take a position on HB 266, relative to enforcement of immigration laws and prohibition of sanctuary policies. He is also requesting to have a relevant Staff member testify or otherwise communicate that position. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION – GRANITE ROOTS BREWING – REQUESTING PERMISSION TO SELL ALCOHOL AT THE FARMERS' MARKET OF KEENE

A communication was received from Fenella and Anthony Levick, of Granite Roots Brewing, with an annual request for permission to sell alcohol at the Farmers' Market of Keene for the 2021 season. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILOR ORMEROD – REGARDING IN-PERSON COMMITTEE MEETINGS

A communication was received from Councilor Raleigh Ormerod urging the return of in-person committee meetings. Mayor Hansel stated his intention to refer this communication to City Staff, but first he allowed Councilor Ormerod to address his communication.

Councilor Ormerod stated that the Councilors bring out the best in each other when meeting face-to-face, particularly for Standing Committee meetings. The Councilor referred to recent events that could have been changed perhaps if the Standing Committees were meeting in-person. He thought that being face-to-face again would give the Council the best chance to continue bringing out the best in each other for creative productivity. Mayor Hansel said that the City Manager was working to establish hybrid in-person Standing Committee meetings when safe. The Mayor referred the communication to City Staff.

COMMUNICATION – COUNCILOR FILIAULT – REQUESTING MINUTES BE KEPT OF MEETINGS BETWEEN THE MAYOR, THE CHARTER OFFICERS, AND THE COMMITTEE CHAIRS

A communication was received from Councilor Randy Filiault requesting that a minute taker be present at the bi-weekly meetings of City Staff and the Committee Chairs. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

MSFI REPORT – PRESENTATION – ANNUAL ESCO COST AVOIDANCE REPORT YEAR 8 – 2020

On a vote of 5 – 0, Municipal Services, Facilities and Infrastructure Committee report read recommending on a roll call vote of 5-0 that the City Council accept the presentation on the

annual ESCO Cost Avoidance Report as informational. Mayor Hansel filed the report as informational.

MSFI REPORT – INTRODUCING A NEW CITIZEN REPORTING SYSTEM – CITY ENGINEER

On a vote of 5 – 0, Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Council accept the report on the New Citizen Reporting System as informational. Mayor Hansel filed the report as informational.

PLD REPORT – NH RESOLUTION FOR FAIR NONPARTISAN REDISTRICTING

On a vote of 4 – 0, Planning, Licenses and Development Report read recommending that the Mayor submit a letter to the Governor, to Senator Kahn, and to the City of Keene Legislative Delegation in support of fair nonpartisan redistricting legislation pending before the State Legislature. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Bosley.

Councilor Ormerod agreed that this was a good idea but questioned whether this action was too late due to decisions made already; what could be done still about the redistricting process. Mayor Hansel replied that the Governor appointed a committee on statewide redistricting, to which he was unsure whether the communication in question would be relevant.

Councilor Johnsen recalled that when she was a State Representative a State committee led a meeting at the Library that she said people felt was fair. She was unsure what the process would be like this year but could not imagine it being vastly different.

Councilor Giacomo agreed that this was a great idea in principle, and critical to a fair democracy. Still, he questioned who determines what is fair, what nonpartisanship looks like, and how this would be enforced. He supported the premise but said it seemed, "a very pie in the sky idea." He wanted to see more quantitative language if a letter were drafted appealing to Senator Kahn.

Councilor Jones recalled that when Ms. Terri O’Rourke brought this idea to the PLD Committee, she was less concerned about Keene – where legislative districts align with Wards – and more so about supporting other NH towns with enough population for one legislative district that are divided due to gerrymandering. The motion passed unanimously on a roll call vote with 14 Councilor present and voting in favor. Ward Three Council seat vacant.

PLD REPORT – DOWNTOWN RE-OPENING COMMITTEE AND KEENE YOUNG PROFESSIONALS NETWORK – KEENE FOOD FESTIVAL – REQUEST TO USE CITY PROPERTY

On a vote of 4 – 0, Planning, Licenses and Development Report read recommending that the Keene Young Professionals Network be granted permission to use downtown City rights-of-ways including the Common on Saturday, June 5, 2021 to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- The Petitioner is responsible for compliance with the Governor's COVID-19 Pandemic Emergency and Executive orders and any City Ordinance that addresses the COVID-19 Pandemic Emergency that maybe in place at the time of the event;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated by the City Council to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 4, 2021 to Monday June 7, 2021, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 12:00 PM to 5:00 PM with the times for set up and clean up to be established with City Staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 4, 2021 to Monday June 7, 2021, and spaces within the event footprint on the day of the event;
- Other licenses issued or granted within the event foot print or in the downtown maybe suspended for the period of the event if determined appropriated by City Staff;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City Staff.

Mayor Hansel acknowledged a point of order from Councilor Remy, who stated that he and Councilor Giacomo were Board members of the Keene Young Professionals Network (KYPN) and while the KYPN and neither Councilor stood to gain anything financially from this event, he questioned whether the Council identified a conflict of interest with their participation in the vote. Councilor Greenwald saw no conflict but cited recent more aggressive conflict of interest policies on matters for which Councilors are board members of the organizations being voted on. Councilor Williams questioned whether recusal would bar the Councilors from conversation, stating that the Council could rely on their knowledge of the event. Mayor Hansel said that KYPN is the petitioner and so if a conflict were found the Councilors would be barred from conversation, but he continued that should not be a reason whether to recuse. Councilor Powers said that the FOP Committee did not find a conflict and requested the City Attorney's opinions.

The City Attorney explained that he commented on this issue at the FOP Committee meeting on this matter and said it was clear there was no direct pecuniary interest. While there was a new standard regarding fiduciary obligations, he said it was so attenuated that he did not see a conflict in this instance. He continued that there could be no money remaining at the end of the process.

Councilor Bosley said that she saw no conflict in Councilors Remy and Giacomo discussing and voting on this matter of the license; however, she did identify a conflict when requesting money from the City as members of an organization's board.

Councilor Greenwald clarified that he did not identify a true conflict in this instance, but thought that the new standards should be addressed by the City Attorney. The Councilor would not vote to recuse.

Mayor Hansel led a vote to recuse Councilors Remy and Giacomo from this agenda item's discussion and vote. Yay votes would support recusal and nay votes were to not recuse. On a roll call vote of 0 yay–14 nays, Councilor's Remy and Giacomo *were not* recused. Ward Three Council seat vacant.

A motion by Councilor Greenwald to carry out the intent of the PLD report was duly seconded by Councilor Bosley.

The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward Three Council seat vacant.

PLD REPORT – PRESENTATION – COMMISSION TO STUDY THE ENVIRONMENTAL AND HEALTH EFFECTS OF EVOLVING 5G TECHNOLOGY

On a vote of 3 – 1, Planning, Licenses and Development Report read recommending that the City Council accept the presentation from Commission to Study the Environmental and Health Effects of Evolving 5G Technology as informational. Councilor Johnsen was opposed. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF DONATION – BEE CITY APPLICATION

On a vote of 4 – 0, Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$200.00 from John and Claire Therriault for the purpose of submitting a City of Keene Bee City Resolution. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward Three Council seat vacant.

FOP REPORT – KEENE YOUNG PROFESSIONAL NETWORK SUMMER FOOD FESTIVAL FUNDING REQUEST

On a vote of 4 – 0, Finance, Organization and Personnel Committee report read recommending that unspent funds from the City's FY21 Community Event Budget be used for the cost of City services for the Keene Young Professional Network Downtown Summer Food Festival on June 5, 2021.

Mayor Hansel recognized Councilor Remy for a point of order identifying his and Councilor Giacomo's roles on the Keene Young Professional Network (KYPN) Board. Councilor Remy stated that the group was not asking the City for funds, but to not charge the KYPN for City services provided to the event.

Councilor Bosley believed that in-kind contributions were synonymous to monetary contributions and therefore she did identify a conflict of interest for the Councilors participating in this vote. Councilor Williams thought the point was well-taken and he agreed with Councilor Bosley in identifying a conflict. Councilor Filiault asked to hear from the City Attorney.

The City Attorney agreed that there was uncharted territory with the new rule established recently, but that the basic idea was how much fiduciary obligation an individual has. Therefore, he thought it was fairly attenuated. Still, like all votes on conflict of interest, the decision is the Council's. Overall, he thought this discussion illuminated the need to establish parameters on what that phrase means at this point.

Councilor Jones remembered changing bylaws due to the Mayor's place on the Monadnock Economic Development Corporation's (MEDC) Board, when that corporation was negotiating fiduciary contracts with the City. He thought the Mayor's situation was different than a non-profit board seeking community funding for an event. He thought the precedent was specific to the Mayor's situation and that Councilor's Remy and Giacomo did not need to recuse.

The Mayor said his situation that caused the change in bylaws was an uncomfortable one and he appreciated Councilor Greenwald's suggestion that clearer parameters would make these conversations easier moving forward.

Councilor Giacomo said that all proceeds from token sales – exchanged for cash – and public/private entities would at the end of the event have the total event cost subtracted and then any remaining proceeds would be distributed to all of the participating restaurants. He said there would be no possible way for KYPN to make money from this event because any proceeds remaining at the end would be distributed to participants, per the event's net-zero funding structure.

Councilor Greenwald thought that most Councilors were on the board of one or more local non-profit organizations, which he thought spoke well for the Council. He did not think those affiliations presented personal self-interests and while Councilors could have slight bias on those respective organizations he did not think that should preclude them from speaking and voting. He said the case of the Mayor and MEDC negotiating with the City was different. Unless the result is some profit for the respective organizations, Councilor Greenwald did not think that

Councilors should be prohibited from speaking and voting on matters relating to those organizations. He said a stronger and clearer policy was needed. He saw no conflict in this case.

Councilor Bosley disagreed respectfully with Councilor Greenwald and stated that it was important for the Council to be alerted to Councilors' various affiliations as relevant matters are presented. While there was no personal gain to Councilors Remy and Giacomo in this instance, Councilor Bosley still saw a direct conflict of interest when an organization seeks funds from the City – even in-kind funds for services provided – to benefit their organization. During the budget process, she had seen Councilors advocate increased funds for the various boards they serve, which made her uncomfortable and she wanted to delve deeper into the matter. She agreed that it is important for Councilors to be engaged throughout the community but when there is a financial interest, she wanted the Council notified.

Councilor Ormerod recalled that he was the one Councilor who voted against the change to the conflict of interest rule. He shared his reasoning. He said the change was one in a group of very positive changes but his concern then was, "creating a fuzziness," by moving from the pecuniary to the fiduciary, which he thought was demonstrated in this meeting's conversation thus far. If the opportunity arose, he wanted to return to the clear-cut pecuniary. Councilor Ormerod said that he wanted to hear from Councilor Remy at this meeting and would therefore not vote to recuse.

Mayor Hansel agreed that this meeting highlighted the need for a follow-up conversation on changes to the bylaws but said that the focus should remain on this matter of recusal at hand.

Councilor Workman supported Councilor Bosley's position. While Councilor Workman wholeheartedly supported these funds going to KPYN, she did think Councilors Remy and Giacomo should be recused for the sake of transparency.

Councilor Filiault agreed with Councilor Workman, stating that this falls into a grey area and that the Council should vote on the side of caution. While this was not blatant, he thought caution was needed when discussing a new policy or rule of order. Despite believing that Councilors Remy and Giacomo should be recused, he applauded their efforts.

Councilor Chadbourne agreed with Councilors Bosley, Workman, and Filiault. Councilor Chadbourne said that public perception must always be considered and while it could be said that no money was being requested in this instance, she said that City services translate to money. She said that this could not be repackaged with different wording, this still came down to money. She said this presented a great opportunity for poor public misperception of Council. She would vote to recuse.

Councilor Giacomo said that all aforementioned points made sense and he too did not want a public perception of conflict, so he was happy to step aside as needed,

Mayor Hansel led a vote to recuse Councilors Remy and Giacomo from this agenda item's discussion and vote. Yay votes would support recusal and nay votes were to not recuse. On a roll call vote of 10 yays–4 nays, Councilor's Remy and Giacomo *were* recused. Nay votes were from Councilors Manwaring, Jones, Greenwald, and Powers. Ward Three Council seat vacant.

A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper.

Councilor Manwaring said that while the event sounded wonderful and she planned to attend, that there was a process for community event status, requiring that two successful events occur to achieve that status. She was concerned with setting a precedent for throwing out those rules. Mayor Hansel noted that the Council policy on funding “community events” does require that the event occur at least twice before requesting the City’s “community event” status. It was the Mayor’s understanding that KYPN was not asking for that status, but rather they were asking to use of surplus funds that resulted from other community events not being held this past year due to Covid-19. Mayor Hansel said that if KYPN wanted community event status moving forward, they would need to adhere to the aforementioned criteria. Councilor Manwaring said it seemed as if groups did not have to adhere to that criteria anymore. While there was leftover funding, Councilor Manwaring was concerned and could not support this when other groups have not had the same equal opportunities.

While she agreed with Councilor Manwaring about following the rules, Councilor Bosley stated that she understood this event came from the downtown reopening committee that was formed to bring vitality back to downtown after Covid-19, which Councilor Bosley thought provided some exception to the rules, and therefore she would support this.

Councilor Johnsen questioned whether there were back-up plans for the event should additional Covid-19 challenges arise in the community at the time. Mayor Hansel was aware of the possibility to move the date later in the summer if needed.

Councilor Jones said that this event came from a City committee that decided it better for the event to be sponsored by a non-profit. He said that Councilor Remy did well establishing KYPN as a sponsor, for which Councilor Jones was grateful and he looked forward to the event.

The City Manager agreed with Councilor Bosley’s points and requested that the Council consider supporting this event. The City Manager continued that a great group of Councilors, Staff, and residents had been involved in the committee seeking to revitalize downtown. She thanked the KYPN for this significant undertaking. She said that the KYPN would have to fundraise additional expenses for this event beyond the cost of City services for things like porta-potties and other equipment. Approximately \$16,000 were estimated for in-kind City services for this event and the community events budget had a balance of \$29,600.

The motion passed unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Manwaring opposed. Councilors Giacomo and Remy recused. Ward Three Council seat vacant.

FOP REPORT – SALE OF TAX DEEDED PROPERTY – 62 ELM STREET

On a vote of 4 – 0, Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to sell the following tax deeded

property by sealed bid: 62 Elm Street, Map 554 Lot 24. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward Three Council seat vacant.

CITY MANAGER'S COMMENTS

The City Manager began with an update on the effort to return to hybrid in-person and virtual meetings. Over the past year, the City utilized \$83,000 in GOEFFER grant funds to upgrade the audio and video equipment in the Council Chambers in order to improve the public's remote access to governmental meetings in response to the COVID-19 pandemic. Specifically, the following upgrades occurred:

- The analog robotic cameras in the ceiling were upgraded to hi-definition cameras, which would improve the video quality.
- The microphones were upgraded to wireless, which would improve the meeting setup and eliminate the need to lay out cabling to each microphone.
- The switchers in the control room were upgraded to be compatible with a digital signal.
- The PA system was upgraded to improve the quality of the sound and minimize any feedback issues.
- Two new monitors were installed to improve the viewing angle at the head dais table.
- New assisted listening devices were added to be compliant with American Disability Association standards.

The City Manager said that all of this work set the stage for hybrid meetings in which Councilors in the Council Chamber would be able to hear remote Councilors (and the public when unmuted) through the speakers in the ceiling; the cameras in the Council Chambers would feed into the Zoom webinar so that remote Councilors and the public would see Councilors physically in the Chambers and all the monitors in the Council Chambers would show what the Zoom participants see. She said this was a huge improvement from using solely the mobile Zoom room technology. There is one additional piece of equipment needed to move forward that has been ordered.

The City Manager said it was currently Staff's plan to begin a modified hybrid format for Council Standing Committees beginning in April. . Since Council Committees consist of only five Councilors, it is easier to provide social distance and manage both in-person and virtual participation versus a full Council meeting. To mitigate risk, public participants and staff members would be asked participate virtually still on Zoom. This remains an option as long as the Governor's emergency order is in place. Our ability to limit meeting size and the way in which we use virtual platforms would likely change once the Governor's emergency order is lifted, unless there is legislative change regarding public meetings.

The City Manager shared an update on mask donations and thanked Monadnock Ford, which generously donated another 22,800 (12 cases) of masks. She also thanked Councilor Filiault for his help facilitating this donation.

The City Manager said it was time to start thinking about outdoor patios and the expanded use of sidewalks. Last season, the City executed licenses that provided for temporary expanded use of the City's right-of-way to accommodate more outside dining. It was the City Manager's intent to execute licenses for the entire 2021 season authorizing this expanded use again, utilizing the flexibility provided to her while in the state of emergency. Once executed, these licenses would be good for the entire season even if the Governor's emergency declaration were removed sometime this year. In addition, she said a meeting occurred this week to discuss what minor revisions would be necessary to allow more flexibility beyond the emergency. She planned to bring forward some recommended changes for Council consideration in the next few months.

The City Manager continued providing Covid-19 updated. At the March 3 meeting with all of our partners, the hospital, schools, County, and Keene State College (KSC), the City Manager heard that hospital numbers still looked good overall and they were moving back to normal operations. The testing positivity rate did go up to 7% of the 644 people who were tested last week. Inpatient Covid-19 individuals average approximately four, which they said was up a little but was nothing concerning.

On Covid-19, the City Manager said that KSC reported having 50 active cases off-campus. When they did their contact tracing, they learned that the virus was spreading easily to others (1:1) through small gatherings of five or six people in off-campus units. So just this week they changed their protocols. Now, if one person tests positive in an off-campus rental, the entire house is put into quarantine and the landlords are notified. This helps prevent others in the house who have not tested positive yet from interacting with the rest of the community. In addition, one week before this meeting there was a gathering of 35 students without masks and those students were immediately sent home for 14 days. In addition, KSC implemented twice weekly mandatory testing. This is a very aggressive approach and the City Manager was personally grateful to Dr. Treadwell for her leadership throughout this pandemic, citing her efforts as the likely reason that KSC had not seen the large outbreaks that other NH colleges had.

The City Manager continued explaining the State of NH would host a by-appointment drive through mass COVID-19 vaccination super site on March 6, 7, and 8 at NH Motor Speedway in Loudon. They planned to vaccinate nearly 12,000 people over the course of three days. This site would focus on providing earlier appointments to those scheduled currently to receive their first dose in April. At this time they intended to use the Johnsen & Johnsen vaccine, which only requires one dose/appointment. The general hours for vaccine administration: 8:00 AM – 4:00 PM. This effort would require a significant amount of staffing and resource support. The City had executed an agreement with the State to provide support by allowing off-duty personnel to sign-up for shifts both for this initiative and the Krif Road vaccination site in Keene. The agreement also allowed for Police details at the Krif Site when requested. These would be treated similar to an outside detail that officers could sign up for. The City would record and pay these employees through our payroll system and then be reimbursed by the State per our agreement. Others working at the super site this weekend must be affiliated with a volunteer organization and/or vetted through www.nhresponds.org. Volunteers must have a clear criminal background, a valid NH clinical license (if applicable for the position they are filling), and must be added as

03/04/2021

emergency management workers for liability/workers comp, etc., coverage. Keene had been participating both Police and Fire employees through the State program, which allowed rapid Covid-19 screening of participating Police and Fire employees; this program is ending March 31.

The City Manager shared some good news. She recalled that Councilor Workman and others had asked about the addition of some lighted crosswalks as a part of the Winchester Street roundabout project. Staff heard back from both the Federal and State governments, who were providing 80% of the funding, and they had approved the addition of some lighted crosswalks, including one at the Key Road intersection, which was a concern because of the number of pedestrians crossing from a nearby housing development.

Finally, the City Manager good news that many had logged in to State's platform to oppose HB 315 during the hearing process. This bill, as written, would have made it nearly impossible for the City to move forward with its Community Power Plan. It looked like there may be some compromise language coming forward, which the City Manager said was a big win for the City. It was likely the City's timeline for actual implementation could still be pushed a few months but overall this was very encouraging news. She thanked all who took the time to comment, stating that legislators appreciate hearing from local elected officials.

MSFI REPORT – KEVIN LEARY – REQUEST FOR PROPERTY ACCESS – OLD GILSUM ROAD AND USE OF OLD GILSUM ROAD – PUBLIC WORKS DIRECTOR/EMERGENCY MANAGEMENT DIRECTOR

FOP REPORT – CONTINUED DISCUSSION – EVALUATION PROCESS FOR CHARTER EMPLOYEES

Mayor Hansel granted more time to these two issues.

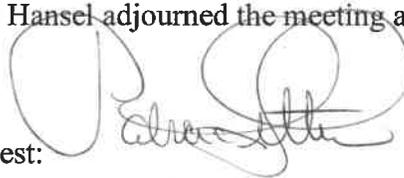
ORDINANCE FOR FIRST READING – RELATING TO CHAPTER 18 BUILDING REGULATIONS – ORDINANCE O-2021-01

Mayor Hansel referred Ordinance O-2021-01 to the Planning, Licenses and Development Committee for first reading.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:20 PM.

A true record, attest:



City Clerk



DECLARATION OF CANDIDACY
CITY COUNCIL VACANCY

Date: 24 February 2021

I, Bryan Lake, declare that I reside in the City of Keene, that I am a registered voter in Ward Three at the time of this filing and that I am a candidate for the office of Ward Three Councilor for an unexpired term ending December 31, 2021. I hereby request that my name be put before the City Council for the election to be held on March 18, 2021.

Signed: [Signature]
Address/Ward: 68 Timberlake Dr, Ward 3
Phone: 603-313-6774
Email: itsbryanlake@gmail.com
Social Media Handles: @itsbryanlake - Instagram

State of New Hampshire
County of Cheshire

The above named Bryan Lake personally known to me or satisfactorily proven appeared and subscribed to the above statement.

[Signature]
Justice of the Peace/Notary Public

Candidates may submit background information or a brief biography to accompany this declaration. This information will be provided to the City Council and posted to the public website. Please indicate below if you intend to provide additional information about yourself.

Yes, I will provide additional information about myself

No, I prefer not

Filing fee: \$2.00

Date Received: 2/24/2021 Time Received: 12:00pm

Any information provided on this document is a matter of public record. By signing above, candidate agrees to allow the City of Keene to share their contact information/social media handles/biographical information with members of the public.

Heather Fitz-Simon

From: Bryan Lake <itsbryanlake@gmail.com>
Sent: Wednesday, February 24, 2021 1:34 PM
To: Heather Fitz-Simon
Subject: City Council Additional Info

Good afternoon Heather!

Thank you for your assistance today. I'm emailing in regards to the additional information that candidates may provide as part of the submission process to City Council.

Since we will be given 5 minutes to talk to the Council directly, I'll keep this part concise. Please see below for my submission for additional information to the Council. If you find that this is too long or too short or if there are other concerns or issues, please let me know and I'll address accordingly.

Born here in 1990, I've always called Keene my home. I went through the entire Keene school system starting from Jonathan Daniels Elementary and culminating in a Bachelor of Science in Chemistry from Keene State. I'm currently an Analyst for C&S Wholesale Grocers and have been with the organization since 2015. I'm an active member of the Keene Disc Golf Club for which I serve as the captain of the local disc golf team that travels across New England for 6 months in the fall & winter. Although I may not have the same political experience as others who may be seeking this position, I believe that I can bring a hard work ethic, eagerness to learn, and a love for our great city that will make me a great asset to have on the Council. I look forward to the opportunity to serve not only my family and friends who reside in Ward 3 but all of the citizens of Keene.

Thank you for your time,
Bryan Lake
68 Timberlane Dr.



DECLARATION OF CANDIDACY
CITY COUNCIL VACANCY

Date: March 3, 2021

I, Andrew M Madison, declare that I reside in the City of Keene, that I am a registered voter in Ward Three at the time of this filing and that I am a candidate for the office of Ward Three Councilor for an unexpired term ending December 31, 2021. I hereby request that my name be put before the City Council for the election to be held on March 18, 2021.

Signed: *Andrew M Madison*

Address/Ward: 14 Carroll St, Apt 2. Ward 3

Phone: 603-892-0679

Email: Andrewm1022@gmail.com

Social Media Handles: _____

State of New Hampshire
County of Cheshire

JENNIFER L. CLARK, Notary Public
State of New Hampshire
My Commission Expires February 19, 2025

The above named Andrew M Madison personally known to me or satisfactorily proven appeared and subscribed to the above statement.

Jennifer L. Clark
Justice of the Peace/Notary Public

Candidates may submit background information or a brief biography to accompany this declaration. This information will be provided to the City Council and posted to the public website. Please indicate below if you intend to provide additional information about yourself.

Yes, I will provide additional information about myself

No, I prefer not

Filing fee: \$2.00

Date Received: 3/8/21 Time Received: 11:45 AM

Any information provided on this document is a matter of public record. By signing above, candidate agrees to allow the City of Keene to share their contact information/social media handles/biographical information with members of the public.

My name is Andrew Madison and I am declaring my candidacy for Keene's Ward 3 City Council seat. I have been a Ward 3 resident for approximately seven years, currently work for the State of New Hampshire as an Environmental Scientist, and serve on the City of Keene's Conservation Commission. I hold a Master's Degree in Environmental Science from Indiana University, and a Bachelor's Degree in Geography from Salem State University. In 2017, I participated in the Greater Keene and Peterborough Chamber of Commerce's Leadership Monadnock program, and that same year I received a Trendsetter Award from the Business Journal of Greater Keene, Brattleboro, and Peterborough. My career experience is almost evenly split between State/Federal Government, and the non-profit sectors, working on issues related to drinking water quality in Massachusetts, Colorado, Indiana, and here in New Hampshire.

I'm running for City Council because I feel this ward, and the people who call it home, need a voice in their local government. This city has faced unforeseen and unprecedented challenges over the last year, yet the people of this city have risen to the occasion to lift our neighbors up, keep our small businesses afloat, and protect our city's most vulnerable residents. Meanwhile, our city has an opportunity to emerge as a more resilient, prosperous, and inclusive community, ready to set an example for other New Hampshire cities. I believe our city can continue to meet its challenges, and plan for its future through smart policy driven by science and data. I believe we can provide affordable housing while still addressing climate change, we can fight COVID while saving our small businesses, that we're better as a community when everyone in our city has an equal and fair chance to succeed and live their best life, and that we can develop economically while still maintaining Keene's unique charm. If you would like to know more about me, or have any questions for me, I encourage you to reach out by sending me an email to Andrewm1022@gmail.com.



City of Keene, N.H.
Transmittal Form

March 11, 2021

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.2.

SUBJECT: Declaration of Vacancy and Nominations

ATTACHMENTS:

Description

Background_Butcher

Background_Florenz

Background_Kridlo

Background_Zullo

BACKGROUND:

I hereby declare a vacancy on the Airport Development and Marketing Committee for a term previously held by Cory Watkins. Mr. Watkins has moved out of the City of Keene and has verbally notified the City Clerk of his desire to resign the position.

In addition, I hereby nominate the following individuals to serve on the designated Board or Commission:

Energy & Climate Committee

Suzanne Butcher, slot 9
44 Felt Road

Term to expire Dec. 31, 2023

Airport Development and Marketing Committee

Alona Florenz, slot 4
183 Arch Street

Term to expire Dec. 31, 2023

Partner City Committee

Lena Kridlo, slot 7
10 Homer Avenue

Term to expire Dec. 31, 2023

Ashuelot River Park Advisory Board

Ruzzel Zullo, slot 2
37 Kelleher Street

Term to expire Dec 31, 2022

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, February 3, 2021 10:26 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 02/03/2021 - 10:26</p>
<p>Submitted values are:</p>

First Name:
Suzanne

Last Name:
Butcher

Address
44 Felt Rd
Keene, NH 03431

Email:
[REDACTED]

Cell Phone:
603-313-5773

Please select the Boards or Commissions you would be interested in serving on:
Energy and Climate Committee

Employer:
retired

Occupation:
retired Foreign Service officer

Education:

M.A., Stanford

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

represented Keene in the NH House 2004-2010

Other Information/Relevant Experience:

Active in Keene's Clean Energy Team, submitted the proposal in 2019 to City Council for the 100% clean energy goal. Now I'll help work on getting us there!

While at the U.S. State Department, in 1986-1989 I coordinated development of the U.S. government position on protecting the ozone layer and creating the IPCC, so have experience working with industry, environmental groups and scientists to shape workable plans to achieve environmental goals.

Please provide some references:

Ann Shedd

[REDACTED]

603-759-0077

References #2:

Nancy Gillard

[REDACTED]

603-357-0213

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Friday, March 5, 2021 3:20 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 03/05/2021 - 15:20</p>
<p>Submitted values are:</p>

First Name:
Alona

Last Name:
Florenz

Address
183 Arch Street

Email: [REDACTED]

Cell Phone:
6177772938

Home Phone:
6033523198

Please select the Boards or Commissions you would be interested in serving on:
Airport Development & Marketing Committee

Employer:
C&S

Occupation:
SVP, Corporate Development & FP&A

Education:
MBA

Have you ever served on a public body before?
No

Other Information/Relevant Experience:

Resident of Keene since 2009
Employed at C&S since 2008.

My current role involves providing financial analytics for business decisions at C&S (such as customer contract renewals).

Please provide some references:

Mike Remy

mremy@cswg.com

6039035481

References #2:

Curt Hansen

6033570532

December 15, 2020

Dear Mayor Hansel,

I was born in Frankfurt, Germany and grew up in Bad Homburg, just outside of Frankfurt. I graduated High School in Germany in 2006 and moved shortly after to Fairbanks, Alaska where I attended the University of Alaska, Fairbanks and also worked at KeyBank. After 4 years in Alaska I moved to El Paso, Texas where I attended Park University. In 2011 I moved back to Germany for 2 years and moved to Keene in 2013. In 2014 I graduated from Park University with a Bachelor of Science in Business Management, focused on Human Resources and International Business Relations. I received my US citizenship in 2012 and have been a dual citizen of Germany and the United States since.

My son and I live in our house in west Keene and we absolutely fell in love with the close-knit, friendly and helpful community. Noah attended the Montessori School on Railroad Street and is now attending Surry Village Charter School. I served on the Montessori board and have been active in the school's parents council. I started working for Wells Fargo Advisors as an account manager in 2014. In 2016, my team decided to leave Wells Fargo Advisors and opened a new office under Steward Partners Global Advisory at 34 West Street.

One of the first things I noticed when I moved to Keene was the sign "Partnerstadt Einbeck". It is very obvious that Keene and Einbeck have a strong relationship and I believe I could be of value to the city considering my German background. I have lived in the US for almost 14 year and in Keene for 7 years. Knowing both cultures could be a great asset to the partnercity committee, along with assisting in translations. I have family and friends in Germany and travel frequently (when there is no global pandemic of course), if there was ever a need for a personal visit to Einbeck by a committee representative, I would be more than happy to do so on my travels. Furthermore, I would welcome the opportunity to learn more about Keene, the committee and the city's work in the community.

I hope this answers some of your questions, I am more than happy to write a formal resume. Please let me know what else you may need.

Respectfully,
Lena Kridlo

10 Homer Ave
Keene, NH 03431

603 290 9828

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Monday, December 28, 2020 12:01 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 12/28/2020 - 12:01 </p>
<p>Submitted values are:</p>

First Name:
Ruzzel

Last Name:
Zullo

Address
37 Kelleher St.
Keene, NH 03431

Email:
[REDACTED]

Cell Phone:
6038522980

Home Phone:
6038522980

Please select the Boards or Commissions you would be interested in serving on:
Ashuelot River Park Advisory Board

Employer:
Monadnock Developmental Services

Occupation:

Adult Service Coordinator

Education:

Associate Degree in Creative Writing

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

I currently sit on the Board of Directors for the Monadnock International Film Festival

Other Information/Relevant Experience:

I attended The New Hampshire Institute of Art for a creative writing degree with a specific interest in screenwriting. I work for Monadnock Developmental Services in New Hampshire. I sit on the board of the Monadnock international film Festival and brings experience with the proper behavior of a nonprofit board member. As a member of the board for the Monadnock international film Festival, I have great community connections that I can bring to the table.

Please provide some references:

Travis Rowe

[REDACTED]

603-903-8938

References #2:

Nancy Little

nancyvl@mds-nh.org

603-540-9188



City of Keene, N.H.
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Denise Thomas

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Denise Thomas - Resignation - Energy and Climate Committee

ATTACHMENTS:

Description

Communication_Thomas

BACKGROUND:

Denise Thomas is resigning her position on the Energy and Climate Committee. Ms. Thomas was recently confirmed to the Committee.

February 22, 2021

To the Mayor, City Council, and to whom it may concern,

Please accept my resignation from the Keene Energy & Climate Committee, effective immediately.

I am still in favor of and support the good work you are doing, but the timing and time commitment just doesn't work for my schedule.

Please keep me in mind when you get to the implementation portion of the process. I'd be happy to help get the word out.

Thank you for the opportunity.

Warmly,



Denise Thomas, Realtor



City of Keene, N.H.
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Dave Kirkpatrick, Executive Director of Cheshire TV

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Dave Kirkpatrick/Cheshire TV - Proposed Termination of Contract

ATTACHMENTS:

Description

Communication_Cheshire TV

BACKGROUND:

Dave Kirkpatrick, the Executive Director of Cheshire TV is requesting a public hearing be scheduled on the proposed termination of the contract between the City of Keene and Cheshire TV.

Dave Kirkpatrick

76 Winter Street
PO Box 903
Keene, NH 03431
(603) 283-6621
dkirkpatrick@cheshiretv.org

September 15, 2021

City of Keene

Mayor George Hansel
3 Washington Street
Keene, NH 03431

Dear Mr. Hansel,

I'm writing to request that a public hearing be held to discuss the proposed termination of the contract between the City Of Keene and Cheshire TV.

I and the Board of Directors believe that this drastic action is not in the best interest of The City, its citizens, or Cheshire TV. Further, reasonable alternatives exist to address any ongoing concerns that should be discussed by and with representatives of all parties involved.

We further believe that not all of the relevant information has been available to city staff, therefore City Councilors are missing critical information as well. Having all information available and the ability to discuss it in a public forum is necessary in order to let the Councilors, who were elected to represent the interests of the people of Keene, make sound decisions about how public money is being used or withheld, and the impact it will have on those who use and provide valuable services to the community.

I look forward to an opportunity to present this information to The City at the earliest opportunity.

Sincerely,

Dave Kirkpatrick





City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council
FROM: Municipal Services, Facilities & Infrastructure Committee
ITEM: D.1.
SUBJECT: Grant Application for Transportation Heritage Trail – City Engineer

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Manager be authorized to do all things necessary to apply for a Transportation Alternatives Program grant for the Transportation Heritage Trail; and further, that the City Council forward a support letter, signed by the Mayor, to the New Hampshire Department of Transportation on the project.

BACKGROUND:

Chair Manwaring welcomed the City Engineer, Don Lussier, who was present to request Council authority to submit a grant application for the Transportation Heritage Trail. The City Engineer recalled that the fiscal year (FY) 2021 Capital Improvement Program includes this project as the City's next iteration of the trail development program. The City first began investing in trail properties in 1998, demonstrating a long series of investments and commitments to developing the trail network since. This FY21 phase is the first in a long term vision to extend the trail from existing Rail Trail parking at Eastern Avenue and eventually connecting to trails improved already in Swanzey. This grant application for phase one focuses on the section from Eastern Avenue to RT-101, ending there for now with signage about the coming trail features, including a historic bridge installation to connect this network over RT-101 to the Stone Arch Bridge. Phase one would also include addition of needed trail amenities and connecting the trail to neighborhoods off of Chapman Road and Marlboro Street using City owned property that was the old Chapman Road. City Staff requested that the City Council grant authority to submit the grant application and requested that the Mayor sign a letter on behalf of the City Council expressing the legislative body's support for this project.

Councilor Williams asked when the final connections were projected. Mr. Lussier said that completion is planned for FY27, though he said much of that is driven by the need to seek outside grant funding to continue pursuing the project's conclusion.

Vice Chair Giacomo asked about the plan for a crossing at Eastern Avenue, noting that the other Rail Trail crossings are bold, and recalling recent discussion of pedestrian challenges on that thoroughfare. Mr. Lussier admitted there was no plan at present and that concepts were under discussion in advance of concrete recommendations that would arise from the formal design phase. At this time, Mr. Lussier imagined a mid-block crossing with a rapidly flashing beacon similar to the one at Keene State College on Main Street. Pedestrians always have the right-of-way and such street features make drivers aware of unique conditions.

Vice Chair Giacomo referenced the stone buttress at the end of Eastern Avenue, where the trail used to end, and asked whether this phase of the trail would go around that. Mr. Lussier said that stone abutment was a part of the spur that diverged from the Cheshire branch at that location, carrying the privately owned railroad to a

quarry in Roxbury. The Transportation Heritage Trail would not follow that same line but rather stay south, or right if facing the abutment. Mr. Lussier continued that the Rail Trail bed is flat to that end of Marlboro Street. He added that there is also a stone abutment at RT-101, opposite the Stone Arch Bridge, where a steel mechanism that carried cars over RT-101 was taken down because it was too low for modern trucking. In later phases of this project, the historic Robert Cross Bridge would be relocated there to carry the Transportation Heritage Trail over that section of RT-101.

Councilor Williams said he would love to see the Eastern Avenue crossing be an opportunity for a raised speed table in addition to the beacons to help mitigate citizen expressed speed issues there as a safer practice for pedestrians. Councilor Williams complimented the project and hoped it would be funded and working as soon as possible. He said the Transportation Heritage Trail was not only important for recreation and bringing tourists to Keene but also as a potential commuter artery with economic benefits if it is easier to arrive from Swanzey, especially with increased use of electric bikes.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded. On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Manager be authorized to do all things necessary to apply for a Transportation Alternatives Program grant for the Transportation Heritage Trail; and further, that the City Council forward a support letter, signed by the Mayor, to the New Hampshire Department of Transportation on the project.



March 10, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: D.2.

SUBJECT: Presentation on Hundred Nights

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City Council accept the presentation on Hundred Nights as informational.

BACKGROUND:

Chair Manwaring welcomed Jan Peterson and Nikki Sauber. Ms. Peterson had served on the Hundred Nights Board since 2017 and acted as its Chair for approximately one and one half years; she was retired from 24 years as a public defender for Sullivan and Cheshire Counties and as such, she was experienced in poverty law. Ms. Sauber was a member of the Hundred Nights Board of Directors and Chair of the Hundred Nights Advocacy Committee; she had been engaged with the organization since she was a student in Antioch University New England's Advocacy and Social Justice Program followed by her work for the Monadnock United Way, for which she still served on the Board.

Ms. Peterson said that when Hundred Nights began in 2010, it was founded on the mission that still drives their work with guests daily: respect, dignity, and compassion. When Hundred Nights opened, it was to serve needs of the most vulnerable populations during the 100 coldest nights of the year. Since then, the shelter has evolved into a year-round emergency shelter. Hundred Nights had evolved to meet the community needs over the last decade, beginning with year-round emergency shelter for families when there was a shortage of beds throughout the state. Hundred Nights collaborates with Southwestern Community Services (SWCS) Center for Violence Prevention and welcomes people that other shelters would not accept, because Hundred Nights has trauma-informed care. Ms. Peterson said that Hundred Nights would continue surviving through partnerships between the City, County, State, grant writers, and community members who donate their expertise pro bono.

Ms. Sauber continued by explaining that the Hundred Nights emergency shelter on Lamson Street accommodates 24 beds, with 24 additional offsite beds for winter overflow. Hundred Nights provides basic needs services to guests including personal care products, basic sanitation needs, and access to phones and computers. Hundred Nights also helps guests make vital connections to other service providers in the community that help guests transition from the shelter to more stable ground. These additional case management services – for which a full-time employee was hired last year – help guests with needs such as getting birth certificates or rides to appointments. Ms. Sauber said that Hundred Nights had evolved over time to fill gaps in existing services for the populations they aid, and such an evolution continues to be possible only due to taking advantage of partnership opportunities to stay relevant over time. Ms. Peterson added that there are basic needs so many of us take for granted and Hundred Nights tries to help people get started with those needs when they sometimes show up with nothing. Hundred Nights wants homelessness to be in the rear view mirror for each guest.

Ms. Peterson continued explaining how Hundred Nights had adapted to the challenges of Covid-19. St. James Church and the United Church of Christ typically provide 24 overflow beds but both locations were forced to close this past winter due to Covid-19, which put pressure on Hundred Nights. With creative and professional contributions from community members, services were provided that Hundred Nights could not afford otherwise – a pro bono lawyer who helped with the Zoning Boards of Adjustment, donations from C&S Grocers, and more. A community member determined how to acquire a bus for overflow, which Ms. Peterson called creative but said it was not popular with some. The Lamson Street location is now adapted to CDC guidelines thanks to grant funds and there is now overflow at the Holiday Inn. Reverend Elsa helped provide access to the closed St. James Thrift Store for more socially distant space.

Ms. Sauber discussed the people Hundred Nights served in 2020. The populations that Hundred Nights and SWCS serve are some of the most vulnerable in the community, including those with disabilities, mental illnesses, and no income or incredibly low income only from social service funding. The number of people seeking to access Hundred Nights had increased 176% since 2016, which Ms. Sauber said could not be ignored. Homelessness is also increasing statewide – 27% in since 2016 – and 35% of people experiencing homelessness in NH are families with children under 18 years old. Housing rates had been increasing statewide (slightly lower in Cheshire County) and there was a lack of affordable housing for vulnerable populations whose numbers are not decreasing. Ms. Sauber said that Hundred Nights was in a challenging position trying to work with the community to figure out how to meet every increasing needs.

Ms. Peterson discussed underlying causes of homelessness. She said there is a local focus on workforce housing but many employees in Keene and the Monadnock region cannot afford to rent here. Unemployment during Covid-19 brought eviction to the surface and there were still great risks despite some of the government preventions. Hundred Nights serves a diverse populations coping with mental illness, substance use disorders, domestic violence, catastrophic illnesses when people are discharged from the hospital with nowhere to go, other crises, and natural disasters. She said that everyone has a story and needs. The Police Department is also aware of the potential for challenges with guests. Staff and volunteers work hard with guests on skill developments that help their track toward long-term housing. Still, there would always be need for an emergency shelter. Being operationally nimble and providing this continuum of services allows Hundred Nights to help such diverse populations. She said that Staff and volunteers are invested emotionally and do their best day and night. She reminded everyone that some in our community have fallen on hard times but that a smile and conversation go far.

Ms. Sauber said the Hundred Nights looked forward to securing a new building to meet the community's needs safely and adequately so that case management services could be incorporated more to help people transition to housing and beyond. Securing funding is a consistent sustainability factor and Hundred Nights cannot accomplish this work alone. They were grateful for the opportunity to educate the community on what Hundred Nights does, why it is important, and how the community can partner together. Ms. Peterson ended with a quote from a guest: "Hundred Nights has provided me a safe, secure place to go when I needed protection from a former boyfriend. I had a court protection order and did not know what state of mind he would be in after being released from jail. Mindy, Jeff, and all the Staff gave me help and support. Hundred Nights is a great place of support for people like me. I've never, ever had this type of protection."

Chair Manwaring said she shared Ms. Peterson's and Ms. Sauber's passion.

Councilor Chadbourne noticed that vision services were listed on one slide but she did not see dental, which she thought would be important if guests were in pain. Ms. Peterson said that dental was not a service at present due to Covid-19 but efforts were underway to restore that and other services truncated due to Covid-19.

Councilor Williams thanked those involved for their great work for the people of Keene who need help. He was

impressed with the operation and hoped they received the support needed. There were no public comments. Chair Manwaring is on the Board of Directors for Hundred Nights but because this was not a vote on finances, no Committee members expressed a need for her recusal.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded. On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Council accept the presentation on Hundred Nights as informational.



City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses, and Development Committee
ITEM: D.3.

SUBJECT: Farmer's Market of Keene – Request to Use City Property and Requesting a Waiver or Reduction in Fees

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends granting the motion according to the dates and terms indicated, with the financial matters to be discussed by the Finance, Organization, and Personnel Committee.

BACKGROUND:

Bruce Bickford of Walpole stated that this is the Farmer's Market's annual request for the continued use of parking spaces on Gilbo Ave. and a portion of the Commercial Street Parking Lot that they have been using for the past three or four years, from April to the end of October.

Chair Bosley asked if there are changes to the request this year from prior years. Mr. Bickford replied no, except he might have put the start date too early; he thinks Saturday, April 17 should really be Saturday, April 24 to coincide with the Earth Day celebrations.

Chair Bosley asked to hear from staff. Kürt Blomquist, Public Works Director/Emergency Management Director, stated that as Mr. Bickford indicated, this is the annual request from the Keene Farmer's Market for use of parking spaces along the south side of Gilbo Ave. from approximately the transportation center down to the entrance into the Commercial St. lot. They are also looking for the use of spaces in the Commercial St. lot along the north/opposite side. He continued that as Mr. Bickford indicated, typically the Farmer's Market is there Saturdays and Tuesdays. There is no significant change to the Petitioner's request. Staff recommends the standard conditions they have had in the past, including permitting a sandwich board sign. They will also continue with the condition related to the current State of Emergency. The Farmer's Market is looking for potential relief from the fees. Staff recommends that be sent to the Finance, Organization, and Personnel (FOP) Committee for discussion, due to the condition of the Parking Fund.

Chair Bosley asked if anyone on the committee had questions. She noted that Councilor Johnsen has arrived (at 7:06 PM). She continued that the reduction or elimination of the fee would impact the Parking Fund and that it was her thought that this is a conversation that should be before the Finance Committee for their recommendation.

Med Kopczyński, Economic Development Director, stated that he would be happy to answer any questions about the Parking Fund. Chair Bosley stated that her opinion is that they should let this conversation slide over to the FOP Committee, if there is not any hesitation from the rest of the committee. Hearing none, she asked if there were questions or comments from the public. Hearing none, she asked for a motion.

Mr. Blomquist stated that the recommended motion has April 17 as the start date, but that can be changed to April 24, per Mr. Bickford's statement.

Councilor Greenwald stated that he cannot find the full recommended motion that was drafted, and so, he made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends granting the motion according to the dates and terms indicated, with the financial matters to be discussed by the Finance, Organization, and Personnel Committee.



City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council

FROM: Planning, Licenses, and Development Committee

ITEM: D.4.

SUBJECT: Granite Roots Brewing – Requesting Permission to Sell Alcohol at the Farmer’s Market of Keene

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that Granite Roots Brewing be granted permission to sell alcohol at the 2021 Keene Farmers’ Market on City property licensed to the Farmers’ Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmers’ Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws.

During and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (COVID-19) and as amended, Granite Roots Brewing shall be subject to, and shall comply with the licensing conditions applied to all vendors participating in the Farmers’ Market of Keene; provided, however, that the City Manager is authorized to allow Granite Roots Brewing to offer individual product samples to patrons in accordance with the requirements of the State Liquor Commission, either at the conclusion of the State of Emergency as declared by the Governor, or at such time thereafter as determined to be appropriate by the City Manager.

BACKGROUND:

Fenella Levick, of 545 West Hill Rd., Troy, stated that this is an annual request that the New Hampshire Liquor Commission asks Granite Roots Brewing to do. She continued that they are requesting permission to sell beer at the Farmer’s Market. They are not requesting permission for sampling, due to COVID-19 constraints. They will just be selling 16-ounce cans of beer.

Chair Bosley stated that she recalls that the committee heard this request last year, too. She asked if the committee had any questions. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald stated that he found the full, recommended motion regarding the Farmer’s Market, and asked if he should read it into the record now. City Clerk Patricia Little stated that they can amend the motion on the floor at the next City Council meeting.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that Granite Roots Brewing be granted permission to sell alcohol at the 2021 Keene Farmers’ Market on City property licensed to the Farmers’ Market of Keene. Said permission is contingent on the following: submittal of a signed letter of

permission from the Farmers' Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws.

During and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (COVID-19) and as amended, Granite Roots Brewing shall be subject to, and shall comply with the licensing conditions applied to all vendors participating in the Farmers' Market of Keene; provided, however, that the City Manager is authorized to allow Granite Roots Brewing to offer individual product samples to patrons in accordance with the requirements of the State Liquor Commission, either at the conclusion of the State of Emergency as declared by the Governor, or at such time thereafter as determined to be appropriate by the City Manager.



City of Keene, N.H.
Transmittal Form

March 11, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: Acceptance of Donation - Fire Chief

RECOMMENDATION:

On 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 a donation of \$500.00 from Dr. Daniel Rath.

BACKGROUND:

Fire Chief Mark Howard addressed the committee first and stated a donation was received from Dr. Daniel Rath in the amount of \$500. He indicated the Department had been contacted for their assistance with the Special Olympics which had canceled their regular event due to Covid. That event included the penguin plunge. The Fire Department was able to offer a water containment tank, which was set up at Keene High School for approximately 25 people to be able to dunk in this tank as a replacement for the penguin plunge fundraiser. Chief Howard stated this event was a success and this donation is in appreciation of those efforts.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$500.00 from Dr. Daniel Rath.



City of Keene, N.H.
Transmittal Form

March 11, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.6.

SUBJECT: Laboratory Renovation Design Engineering Change Order - WWTP Operations Manager

RECOMMENDATION:

On 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 to contract 04-21-22 with Underwood Engineers for engineering and technical services for upgrades to the existing heating and ventilation system in the Laboratory for an amount not to exceed \$4,400.

BACKGROUND:

WWTP Operations Manager Aaron Costa was the next speaker. Mr. Costa began by noting that the Treatment Plant came online in 1985. The Laboratory Facilities of Public Works is located at the Treatment Plant and is original to the plant. He indicated there is a CIP project to renovate this lab. Change order 1, which is before the Committee is to address the needed modification to the ventilation and heating system which was not included in the original design contract.

Mr. Costa stated the scope of the additional engineering services includes addressing deficiencies with the laboratory fume hood, the relocation of the air intake, and bringing the system up to current building code requirements. The cost of the change order exceeds the City Manager's 10% authority, as the original contract was for \$20,500 and this change order is in an amount not to exceed \$4,400. Mr. Costa referred to renderings to explain the design. Councilor Ormerod asked why this system was originally designed in this manner. Mr. Costa stated this was before his time and hence was not sure.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute Change Order 1 to contract 04-21-22 with Underwood Engineers for engineering and technical services for upgrades to the existing heating and ventilation system in the Laboratory for an amount not to exceed \$4,400.



City of Keene, N.H.
Transmittal Form

March 11, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.7.

SUBJECT: Acceptance of Local Source Water Protection Grant - WWTP Operations Manager

RECOMMENDATION:

On 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 execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$8,500 for the installation of security fencing at Babbidge Reservoir.

BACKGROUND:

Mr. Costa addressed the committee again and stated last year he was before the committee to request acceptance of a \$20,000 Local Source Water Protection grant for security and fencing at Babbidge Dam. This \$8,500 grant will be used to install 400 feet of fence around portions of Babbidge Reservoir. The purpose of this fencing is to keep unauthorized vehicles from getting close to the dam in an effort to enhance security and for the protection of the water quality. He added last year 650 feet of chain link fence was added around the dam. Mr. Costa referred to a map and noted where the fencing will be located.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$8,500 for the installation of security fencing at Babbidge Reservoir.



City of Keene, N.H.
Transmittal Form

March 11, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Support for MAST Grant Application - Parks, Recreation and Facilities Director

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to sign a letter of support of the staff's submission of a Monadnock Alliance for Sustainable Transportation (MAST) Grant.

BACKGROUND:

Parks, Recreation and Facilities Director Andrew Bohannon began by thanking the Fire Chief for his assistance for the water plunge event referred to in item one; he stated this was one of their top fund raisers of the Special Olympic program.

Mr. Bohannon stated this item in reference to a grant application the City has been working on with Monadnock Regional Rail Trail Collaborative, where the City of Keene and the Town of Swanzey work together to look at how to better promote the trail system. The goal is to get people from out of the area to come into Keene and Swanzey. This group is also looking to create some trail signage to help with navigation.

Mr. Bohannon stated Chuck Redfern from Pathways for Keene who is a great supporter of the trail system introduced the City to this grant. Mr. Bohannon called the committee's attention to the signs included in the committee packet and noted to the QR Code which takes people directly to the City's trail page. The other QR Code is for the Monadnock Regional Trails Collaborative which will provide a regional map of the trail system. Mr. Bohannon stated because of Pathways of Keene's assistance with this funding source, the suggestion is to locate their logo in the middle of the sign as well. The total grant is for \$19,000 of which Keene's portion is \$4,075 which covers Keene's cost for the signage. Each town has submitted a letter of interest.

Councilor Hooper commended the efforts with this signage work.

Councilor Ormerod asked for clarification as to how the signs were going to be designed. Mr. Bohannon stated the examples in the packet are signs intended for the Town of Swanzey; the ones for Keene will have the logo for Pathways for Keene in the center of the sign.

Mr. Chuck Redfern of Pathways for Keene stated this item is something they have been working on for a while and felt using this grant for signage was a great idea. Mr. Redfern extended his appreciation for everything Mr. Bohannon has done for the trail system. He suggested if there was room on the sign to add a URL for Pathways for Keene where people could donate funds towards the amenities of the trail system. Mr. Bohannon agreed with the idea regarding the location of a URL for Pathways for Keene.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to sign a letter of support of the staff's submission of a Monadnock Alliance for Sustainable Transportation (MAST) Grant.



City of Keene, N.H.
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Andy Bohannon, Parks, Recreation and Facilities Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: G.1.

SUBJECT: Resignation of David Whaley - Ashuelot River Park Advisory Board

RECOMMENDATION:

To accept the resignation of David Whaley from the Ashuelot River Park Advisory Board with regret and appreciation for service.

ATTACHMENTS:

Description

David Whaley resignation from ARPAB

BACKGROUND:

David Whaley has served on the Ashuelot River Park Advisory Board for three years. He has provided great insight and time into the betterment of the park. His service has been greatly appreciated and will be missed.

To: Honorable Mayor George Hansel
Fr: Dave Whaley
Re: Ashuelot River Park Advisory Board
Dt: March 11, 2021

Please accept this letter as notification of my withdrawal from the Ashuelot River Park Advisory Board. I've enjoyed my time with the Advisory Board for about three years. During my time with the Board, I've found the other members to be enjoyable, knowledgeable, and dedicated to the beauty, sustainability, and development of the park as a resource for the citizens of Keene.

With kind regards,

Dave Whaley
70 Dickinson Road,
Keene, NH 03431
954-235-7210



City of Keene, N.H.
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Energy and Climate Committee

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: G.2.

SUBJECT: Request to Endorse Carbon Fee & Dividend - Energy and Climate Committee

RECOMMENDATION:

Mr. Oursler moved that the City Council adopt the resolution from the Clean Energy Team with reference to the City of Keene's Sustainable Energy Plan's goals, Vice Chair Gaunt seconded, and the motion was passed by unanimous vote.

ATTACHMENTS:

Description

Draft resolution

BACKGROUND:

At the March 3, 2021 meeting of the Energy and Climate Committee, the committee voted to request that City Council endorse "Carbon Fee and Dividend." Included below is an excerpt from the meeting minutes where this item was discussed. The draft resolution language provided by the Clean Energy Team is included as an attachment.

"Chair Hansel stated that the committee sponsored an educational program about this a month ago. He asked if members of the public would like to speak to this request. Ms. Jones explained that Carbon Fee and Dividend entails charging a fee at the source and the money is returned to households rather than the government as it is revenue neutral and not market based, she stated that there can be deductions in emissions at the scale and speed that is needed. Studies show that the lowest income households come out ahead which makes it especially fair and viable politically. She said even the American Petroleum Institute is coming out in favor of carbon pricing and it also has support from many businesses; however, to make it attractive politically on a bipartisan level, the package of the fee and the dividend is attractive. She stated it would create a context for the City where prices reflect the cost of carbon pollution rather than individual mandates and regulations. Ms. Jones said she hopes that the City of Keene will join other cities across the country and twenty-eight NH towns that have endorsed carbon fee and dividend as there will be action in Congress soon, and this would be the most helpful effort to reach one hundred percent clean energy. Ms. Jones asked that the City Council pass a resolution and the Mayor write a letter to the President, the Governor and State representatives.

Chair Hansel asked if members have questions about the request before drafting a motion. Ms. Gillard added that the carbon fee and dividend is very consistent with the Sustainable Energy Plan

and all the work the City is doing to reduce greenhouse gas emissions. She said it makes a lot of sense for the City to endorse the carbon fee and dividend and urged the committee's consideration of it. Chair Hansel asked how many communities in NH have already passed the resolution. Ms. Gillard replied that there are twenty-eight that have endorsed it at town meetings as well as the City of Portsmouth. She said in Cheshire County there are also six townships that have passed it, and four have it on their radar after receiving enough community support. Ms. Jones said that the County Commissioners are also considering the resolution. She said that the County drafted their own resolution, however, the ones from the town meetings are modeled on the Carbon Cashback Coalition and the one they are suggesting today is along those lines as well.

Ms. Brunner stated that the committee can make a recommendation today or wait until their April meeting. She said the recommendation would go to City Council and then the Mayor would most likely refer it to one of the City Council committees. She stated someone from ECC would probably be asked to explain their reasoning for making the recommendation along with members of the public and that committee would then refer the recommendation back to City Council and they would vote on it at their next regular meeting. Chair Hansel asked Ms. Jones and Ms. Gillard what the timeframe is for a recommendation from the City to the State government. Ms. Jones stated that climate is one of the big packages coming forward after the stimulus package within Congress, therefore it would be most effective to make the recommendation soon to add to the public expression of wanting carbon fee and dividend. She stated that once the package is put forward there will be a lengthy process in congressional committees. However, the most important need right now is to make sure this is part of the initial package so it would be most effective to make the recommendation in the next month or so.

Mr. Lamb shared that City involvement in state law development and statute amendments is a well-trodden path, however, in the past the City Council has taken a different view of its role with respect to providing input on federal law and rulemaking. He said he is not suggesting that ECC does not make the recommendation to City Council; however, the Council may question what their role is in the federal lawmaking. He wanted to make sure the committee was aware of this difference.

Vice Chair Gaunt said that carbon fee and dividend is a very effective way to enact the type of change that is required at the state and federal scale in the timely fashion that it requires. She proposed that they write the endorsement and state how it will assist the City of Keene in achieving their own climate goals. Mr. Lamb said that regardless of what City Council choose to do, it provides an opportunity to create awareness and community involvement which is paramount. Chair Hansel said the recommendation does not specifically mention the Sustainable Energy Plan so that is something that can be added. He asked what members' thoughts are on endorsement. Vice Chair Gaunt added that the recommendation states that the City of Keene has been a leader in climate and energy issues and proposed that they include a statement about the adoption of the Sustainable Energy Plan and tie it into the City's goals. Mr. Nuru stated that the ultimate goal as an energy committee is to see these policies take effect, this is a move in the right direction.

Mr. Oursler moved that the City Council adopt the resolution from the Clean Energy Team with reference to the City of Keene's Sustainable Energy Plan's goals, Vice Chair Gaunt seconded, and the motion was passed by unanimous vote."

Draft 2/22/21

Resolution Endorsing National Legislation to Reduce the Costs of Climate Change

WHEREAS: destabilized weather patterns, rising sea levels and extreme weather events pose a substantial threat to the health, prosperity, and security of Americans; and

WHEREAS: climate change costs are real, growing and already burdening businesses, taxpayers, and municipal budgets, placing our economy, infrastructure and public safety directly at risk; and

WHEREAS: prudent action now will be far less costly than the consequences of delayed response and will create a more stable business environment for our nation; and

WHEREAS: the City of Keene has been a leader in addressing the challenges of climate change for over 20 years; and

WHEREAS: 3500 economists view carbon pricing as the most cost-effective approach for reducing carbon emissions at the scale and speed needed; and

WHEREAS: Carbon Fee and Dividend (also known as Carbon Cash-Back) will place a fee on fossil fuels at the source, steadily increasing until emissions reductions goals are met; and

WHEREAS: Carbon Fee and Dividend will distribute all revenue collected to American households equally and directly; and

WHEREAS: Carbon Fee and Dividend is market-based and revenue neutral, sending a clear price signal to entrepreneurs to invest in a local clean-energy economy.

NOW, THEREFORE BE IT RESOLVED that the City of Keene hereby endorses Carbon Fee and Dividend legislation to reduce the costs of climate change to the citizens of Keene, our state, and our country.



City of Keene, N.H.
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Rhett Lamb, ACM/Community Development Director on behalf of Conservation Commission

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: G.3.

SUBJECT: Proposed Formation of the Greater Goose Pond Committee - Conservation Commission

RECOMMENDATION:

Chair Von Plinsky made the following motion, which Mr. Bergman seconded, and the motion passed with a unanimous roll call vote in favor.

The Conservation Commission unanimously recommended that the City Council establish a Greater Goose Pond Forest Land Stewardship Committee with the charge to advise the City Council and other City boards and commissions regarding implementation of the 2019 Greater Goose Pond Forest Land Stewardship Plan including the stewardship of natural resources, preservation of wildlife habitat and forest ecology, and promotion of recreational and educational opportunities; and, that the committee should be comprised of members representing the following areas of expertise and interest: a representative from the Conservation Commission, a person with professional experience as an ecologist/biologist/naturalist, a professional forester, an abutter to the property or a resident of the nearby neighborhood, a representative of the New England Mountain Bike Association, a member of the community who is an active park user, a person with experience in community education and outreach, and a student representative from Keene State College or Antioch University New England.

BACKGROUND:

At the February 16, 2021 Conservation Commission meeting, the Commission voted to recommend that City Council form a Greater Goose Pond Committee. Included below is an excerpt from the meeting minutes where this item was discussed.

“b. Continued Discussion – Greater Goose Pond Forest Management Plan Stewardship Committee

Mr. Lamb and Mr. Bohannon shared a draft motion to City Council recommending the formation of a Greater Goose Pond Forest Land Stewardship Committee, its composition, and its charge or purpose. He recalled that the Greater Goose Pond Forest Management Plan established a set of actions to occur in the forest over a certain number of years. Several locations in the plan recommend forming a Stewardship Committee as a forum for the public to provide unique and specific advice to Council as the forest projects move forward from recreation, to habitat preservation, to active timber management, and more. Mr. Lamb shared the draft motion and charge that was developed based on previous Commission discussions:

Move to recommend that: City Council establish a “Greater Goose Pond Forest Land Stewardship

Committee” with the charge to advise the City Council and other City boards and commissions regarding implementation of the 2019 Greater Goose Pond Forest Land Stewardship Plan including the stewardship of natural resources, preservation of wildlife habitat and forest ecology, and promotion of recreational and educational opportunities; and, That the committee should be comprised of members representing the following areas of expertise and interest: a representative from the Conservation Commission, a person with professional experience as an ecologist/biologist/naturalist, a professional forester, an abutter to the property or a resident of the nearby neighborhood, a representative of a local mountain biking club, a person with experience in community education and outreach, a student representative from Keene State College or Antioch University New England.

Mr. Lamb said he received input from various City Staff to identify the New England Mountain Bike Association (NEMBA) instead of referencing a generic mountain biking club because the organization's work history in the forest.

In response to the Chairman, Mr. Lamb said that the draft language was sufficiently clear that the Conservation Commission is not an intermediary for this new Committee, but rather that this would amend Chapter Two of the City Code on Boards and Commissions, establishing this as an advisory board to City Council and not to the Conservation Commission.

Vice Chair Clark asked whether two members of the Conservation Commission could serve on the Committee if they fulfilled those functions listed and Mr. Lamb thought that was possible, stating that this list provided to Council would be a suggestion and not absolute. In his experience, fulfilling the goal credentials is not always possible, which results in problems.

Mr. Reilly asked the process to identify potential members from a list like this and once those individuals are found, who assigns them to the Committee and for how long. Mr. Lamb said that the Mayor nominates Committee members to the City Council, which ultimately votes to appoint. Members of this Commission could recommend potential members to Staff and to the Mayor's Office to ensure the nomination occurs. Terms are always three years, staggered for the first terms so that all members' terms do not expire at the same time. Mr. Reilly asked whether the recommended list should include alternates to ensure quorum. Mr. Lamb said that if the Council agrees with this recommendation then the new Committee would be written into City Code, at which time the number of alternates, frequency of meetings, etc., would be established.

Mr. Bergman asked, from the City Council's perspective, whether it would be better to recommend a range of seven to 10 members. Mr. Lamb said such a range could be recommended in the memo transmitting the recommendation, but typically an odd number is used for the sake of voting and in his experience, anything over seven becomes unwieldy.

Chair Von Plinsky said he felt comfortable with the recommendation. The Chairman had contacted Keene State College (KSC) and Antioch University New England, the latter of which thought the Committee was a good idea and the information was distributed to professors to gauge student interest. The Chair's only other concern was whether the Committee should include slots for regular Keene citizen users of the park; Mr. A. Madison suggested something like an at-large position. Chapter Two of the City Code, as written, requires that membership of boards and committees reside in Keene unless there is a special call for outside residents due to regional subject matter or expertise, for example. Mr. Lamb did not think it necessary to establish at-large positions, stating that there was enough room in the recommendation to apply a more general standard to include an eligible user of the park. Instead of an abutter or resident of adjacent neighborhoods, the Chairman suggested stating a citizen with stake in the property; he wanted a more general statement so that an active forest user citizen of Ward One, for example, is not precluded from participation because they do not abut. Instead of merging one slot to state an abutter or nearby resident, Mr. Lamb thought it more prudent to maintain the category for an abutter and create a new category for an active public user of the park.

On replacing the language referencing a local mountain biking club to identify NEMBA, Councilor Williams expressed concern for 15 years from now when that group might not exist any longer as a reason to keep the language generic. Mr. Bohannon said that the City has an existing relationship and memorandum of understanding with NEMBA that outlines clearly their scope of possible work with him. While the group could divide in the future, Mr. Bohannon thought it was in the best interest of that established relationship to state their name. Mr. Lamb noted that NEMBA is already engaged fully in trails management in the Goose Pond Forest.

Chair Von Plinsky made the following motion, which Mr. Bergman seconded, and the motion passed with a unanimous roll call vote in favor.

The Conservation Commission unanimously recommended that the City Council establish a Greater Goose Pond Forest Land Stewardship Committee with the charge to advise the City Council and other City boards and commissions regarding implementation of the 2019 Greater Goose Pond Forest Land Stewardship Plan including the stewardship of natural resources, preservation of wildlife habitat and forest ecology, and promotion of recreational and educational opportunities; and, that the committee should be comprised of members representing the following areas of expertise and interest: a representative from the Conservation Commission, a person with professional experience as an ecologist/biologist/naturalist, a professional forester, an abutter to the property or a resident of the nearby neighborhood, a representative of the New England Mountain Bike Association, a member of the community who is an active park user, a person with experience in community education and outreach, and a student representative from Keene State College or Antioch University New England.”



City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: H.1.

SUBJECT: Kevin Leary – Amended Request for Property Access off the Old Gilsum Road Through City of Keene Utility Road

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended placing the request on more time for one cycle.

BACKGROUND:

Chair Manwaring welcomed Mr. Leary, who addressed the amendment to his February 6, 2021 request. With this amendment, Mr. Leary now sought permission to use a gated utility road maintained by the Public Works Department that abuts the Fontaine property, which he has permission from the owner to access for recreation. The utility road leads to a City water tower. This request is to allow his motor vehicle on that utility road so that he can access the Fontaine property without interfering with recreation on Old Gilsum Road, which was an expressed concern with his original request.

Vice Chair Giacomo said he received questions from constituents about the type of activities Mr. Leary would be engaging in on the property; would there be hunting, trapping, or potential impacts to the general area and not just Old Gilsum Road. While Mr. Leary was not obligated legally to reply, the Vice Chair asked. Mr. Leary replied that his activities would be strictly recreational, creating trails for utility work by ATV, and his means of preserving the land.

Chair Manwaring requested comments from the Director of Parks, Recreation & Facilities, Andy Bohannon. Mr. Bohannon said that this request had pivoted since the last meeting's discussion about concerns for recreation on Old Gilsum Road. The Greater Goose Pond Forest conservation easement signed by the City Council in 2009 is held by the Society for Preservation of NH Forests. Mr. Leary seeks to access the lot, where the water tower is located. At present, Mr. Bohannon was unsure whether the conservation easement would limit the City's ability to grant access over that parcel; he thought such access would be likely limited but Staff were still researching and gathering information from Society for Preservation of NH Forests. Mr. Bohannon requested that the Committee place the matter on more time to allow Staff to learn more, gain input from the City Attorney, and return with a full understanding.

Chair Manwaring welcomed public comment.

Robert Shalit of 350 Water Street recalled that Mr. Leary's original request was to access the property two or three times annually and now the request was to access the parcel three or four times annually with a four-wheel vehicle, which Mr. Shalit said looked large. Mr. Leary said he would only be accessing with an ATV. Mr. Shalit requested more detail on the activities Mr. Leary intended to pursue on the property; would he be hunting,

shooting, or trapping? Mr. Leary said that there might be hunting on that property. Mr. Shalit asked if Mr. Leary was aware of the pervasive hiking and biking trails surrounding that property. Mr. Leary said that was the case for most hunting roads and private properties that abut recreational areas. Mr. Leary said that hunting is a recreational sport. Mr. Shalit asked if Mr. Leary was aware of how heavily the surrounding area is used for recreation. Mr. Leary replied in the affirmative, adding that he hikes the Old Gilsum Road area daily. Mr. Shalit continued that the recreational trails surrounding this property are used by all people – snowshoeing, horseback riding, cycling, and more. Despite changing his request to access via the water tower road, Mr. Shalit asked whether Mr. Leary would still be accessing the same gate that opens to Old Gilsum Road. Mr. Leary replied no, with the amended request, his activities would never touch Old Gilsum Road; he would use a gate at the top of the neighborhood property that connects to the water tower utility road.

Chair Manwaring asked Mr. Bohannon to comment on gate access and he said that at the top of the Meetinghouse Road cul-de-sac there is an access road to the City's water tower, which is where Mr. Leary sought to access.

Chair Manwaring took final comments from Mr. Shalit, who asked whether Mr. Leary was comfortable hunting on the property despite it being surrounded by trails used actively, adding that he had never experienced anything like this and that the area had always been off-limits to motor vehicles. Mr. Leary replied that this was simply a matter of his personal recreation choices, which include hunting, on a private parcel where he has permission to engage in these activities. Mr. Leary concluded that many private lots surrounding this one in question were hunted long before he moved into the Drummer Hill Homeowners Association and he suspected the same was true for public lands not in conservation easement where the activity is allowed. Mr. Shalit said he would comment further at the next hearing.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded. On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended placing the request on more time for one cycle.



City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses, and Development Committee
ITEM: H.2.

SUBJECT: Representative Joe Schapiro – Urging the City of Keene to Take a Position on HB 266

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the communication from Representative Shapiro be placed on more time until the next cycle.

BACKGROUND:

Chair Bosley stated that the PLD Committee does not have staff present tonight to discuss this agenda item in the detail that it needs to have.

Chair Bosley made a motion to place this request on more time for one more cycle. Councilor Greenwald seconded the motion.

Councilor Johnsen asked when this is coming up for a vote. Chair Bosley replied that this whole item will come back before the PLD Committee in two weeks. Councilor Johnsen asked when HB 266 is coming up in Concord. Chair Bosley replied that she is not sure; she believes there has already been some movement on it in Concord. Councilor Johnsen replied that she thought so, too. She continued that she is not sure if they are too late. Chair Bosley replied that there is an element of timing that she is not sure about, but they should still hear from the Petitioner, and they want to hear from some members of staff who are on vacation this week.

Chair Bosley recognized Representative Joe Schapiro. Rep. Schapiro stated that he is surprised to hear this is going to be delayed, because no one communicated that to him. He continued that there is an issue of timeliness in terms of this Bill and the Mayor and the City Council taking a position on it. Chair Bosley stated that she saw an email sent from the City Clerk's Office. She asked to hear from the City Clerk.

The City Clerk stated that she did communicate the information that the City Manager and the City Attorney are on vacation and it was decided that they really needed to be present for this discussion to continue. Rep. Schapiro stated that he did not see that. He asked when that was sent. Chair Bosley replied she thinks Tuesday.

Rep. Schapiro stated that this Bill has already been voted out of committee and it will go to the House in a few weeks. He continued that he knows that with the way the Keene City Council works it has already been three or four weeks since he submitted the letter at the suggestion of the City Attorney. There will be ample time to take a stand on this because it will have to go before the whole House and will have to go before the Senate if it passes the House, and will have to go before the Governor for a signature if it passes both Houses. He is disappointed that it is not happening tonight, but he thinks it is worthwhile doing it at the next meeting.

Chair Bosley stated that she appreciated Rep. Schapiro sending a copy of the City's Resolution. She continued that she had spoken with the City Clerk about that as well, because she thinks it is important to notice that when they have this conversation.

Chair Bosley asked if there were any further questions from the committee or public.

Councilor Greenwald stated that he would like to ask Rep. Schapiro to please not read this as anything negative, regarding his letter or the intent. He continued that he is fully supportive with Rep. Schapiro. He just wants to hear what the City Attorney has to say, and since it is not, as he understands it, so time sensitive that it has to get pushed through tonight, he wants to let the process run.

Councilor Johnsen stated that to tag on to Councilor Greenwald's comments, she is very happy to see Rep. Schapiro and appreciates what he is doing, and regarding the timing issues, sometimes these things happen.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the communication from Representative Shapiro be placed on more time until the next cycle.



City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: H.3.

SUBJECT: Councilor Filiault – Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers, and the Committee Chairs

RECOMMENDATION:

On a vote of 3 to 2, the communication from Councilor Filiault was placed on more time.

BACKGROUND:

Chair Bosley asked to hear from Councilor Filiault.

Councilor Filiault stated that he tried to bring this to the committee last year, but it got stalled on the City Council floor and did not make it this far. He continued that a few things have happened in the last couple of weeks and he decided to bring this up again, because he thinks it is important. He is looking for a Minute-taker (for the meetings between the Mayor, the Charter Officers, and the Committee Chairs) just for transparency. That is all. There is no political reason behind the scenes. Every other committee or City Council meeting that is scheduled has a Minute-taker. Last time there was an argument of “That means we’ll have to have a Minute-taker for every impromptu meeting that comes along,” and that is not the case.

Councilor Filiault stated that to make a comparison: at committee meetings like tonight’s, there is a Minute-taker. That ensures that the other 10 City Council members not part of the committee, if they are not present, can read the meeting minutes and get an idea of what was discussed. The meetings between committee chairs and staff – which, by the way, are fairly new, something started under former Mayor Lane – have become regularly scheduled bi-weekly. If the other 12 City Councilors who are not part of those meetings want to read any meeting minutes or background notes of what happened at these meetings, there are none. All 15 City Councilors are elected and all 15 should have access to the same information, the way it is at City Council meetings and committee meetings. He is just looking for a Minute-taker, and it does not matter to him if it is someone on staff or someone else who takes decent minutes so that the 12 City Councilors not in attendance can have a transparent, legal notification of what happened at the meeting.

Chair Bosley asked if the City Clerk wants to speak to what the process would be for this to happen.

The City Clerk stated that she is here to give some background and some understanding of the level of information that is shared at these meetings. She continued that the purpose of the meetings is to review the draft agendas, which are in draft form on Monday morning. At these meetings she goes through the agenda and indicates who has responded to invitations, who will be attending, who on staff will be presenting, whether any PowerPoint presentations are expected, and other administrative considerations. She continued the City Manager might share an understanding of staff’s position and whether staff will need more time. The chairs are given an opportunity to indicate any change in the order of the items on the agenda or ask for any background

information to be included in the agenda packet. The chairs can also ask that a “more time” item to be brought up for a future agenda. These meetings are administrative in nature and they are intended to make certain that the actual committee meeting runs smoothly and that the committee has all the information and resources they need to make a recommendation. The City Clerk continued there is no information shared with the committee of any substantive nature. These meetings were started several years ago, as Councilor Filiault said, by the former City Manager John MacLean, who previously would call the committee chairs individually and review their agendas. At some point it was decided – and she thinks there was a discussion between the City Manager and the Mayor – that it would be more efficient for everyone if it was a scheduled meeting of the three chairs. In addition to the Mayor, the committee chairs, the Charter Officers, the Assistant City Managers are also included, as their assistance may be requested during the meeting and it is important that they stay abreast of the agenda items.

The City Clerk continued that generally speaking, she always has a concern going beyond RSA 91-A, the Right to Know law, not only in our ability to support the process long-term, but for the potential that this could lead to an expectation of meeting minutes being created of other administrative conversations in the organization. This group comprised of the three Standing Chairs, the Mayor, the Charter Officers, and the Assistant City Managers, is not a public body, and they are not required to keep minutes. As a more practical matter, she could not assign a Minute-taker to this grouping of people because this is not a public body and there is an administrative directive that you need to be a public body to have the assistance of a professional Minute-taker assigned to your group. If she were assigned the task, she would be concerned with having to give this function a priority, when her attention is really needed in creating the actual agenda packet and dealing with all of the other administrative details that need to occur before the meetings occur.

The City Clerk continued that actually, all Councilors do receive a roll-up of much of what is discussed at these meetings with the Charter Officers and committee chairs. That roll-up is contained in the email they receive on the Wednesdays of the Committee meetings. That email tells you all of the agenda items, who is expected to be there, what staff members are presenting on the issue, and whether there is any PowerPoint presentation. In addition, the City Clerk’s Office shares with all the Councilors all the proposed motions that are being offered to the committee for their consideration.

Councilor Filiault stated that he agrees with most of what the City Clerk said and what a couple other Councilors have said. He continued that they are saying “It’s pretty mundane stuff being spoken about at these meetings; it is nothing all that exciting; it is just routine.” He has not heard any good reason to not have a minute-taker. It is all about transparency. If they are concerned that a minute-taker would cause too much of a ruckus, then they should eliminate these meetings. Take them off the table like they were several years ago before then-Mayor Lane put them on. He is a stickler for transparency and has heard no logical reason not to have a minute-taker, other than it is a slight inconvenience. He will stick to his guns and say: it is only about transparency. He has chaired all of the committees of the City Council over the last 20 years at one point or another, and he would have never accepted the fact that he was going to be a committee chair at a meeting at which there was not a minute-taker. He would not have allowed it.

Councilor Greenwald stated that having been a participant in these meetings over many years, he can say yes, it is an agenda review. The people at the meeting go through the agenda to see what is coming up and ask clarifying questions. It is a helpful tool for the chair. He continued that it is not about gossip or topics off the agenda. Maybe as a compromise between nothing and everything, the agenda can be sent as a “pre-agenda” and maybe that gives the transparency of having a minute-taker without having full minutes. Regarding the phrase “high-level minute-taking” – it does not have to have a lot of detail, just “a discussion about [this] item,” “a discussion about [that] item.” Then the rest of the City Council would know what is going on at these meetings. The meetings are very helpful to the chairs. As Councilor Filiault knows, as a previous chair, and as he and Chair Bosley know, it is not easy being the chair, and you need some preparation going into the meeting. This is the one bit of preparation, which is very helpful. He does not want to see it discontinued, but he agrees with what Councilor Filiault is saying. If it takes a little more transparency so they know what the discussion is or what is going on, it does not have need to be lots of long paragraphs like the minutes of the actual City

Council committee meetings; just writing “a discussion about this” would satisfy everyone.

Chair Bosley stated that she has been thinking about this since she saw this letter come to the committee, and she and Councilor Filiault discussed this the last time he brought this up. She continued that she is a relatively new Councilor and a new chair in this last year. Without these (agenda review) meetings, she would not have made it. It would have been sink or swim, and she probably would have sunk. These meetings have given her an opportunity to review the agendas prior to the committee meetings and to ask questions about previous City Council decisions, and to ask the City Clerk to include items in the agenda packets, so that there is additional reference material for new Councilors on the committee. It is a basic agenda review. It is also her understanding that if they do have a Minute-taker there is a five-day window for the meeting minutes to be produced after a meeting.

The City Clerk replied yes, by statute, a Minute-taker is given five (business) days to prepare and submit a set of draft minutes. Chair Bosley replied that in that case, they would actually be holding the committee meeting before the minutes from the agenda review meeting would be required to be turned in. It starts to get complicated. She continued that she also feels like they are looking at creating a public body of three chairs that do not create a quorum of anything. She understands that the rebuttal to that is that these are regularly-scheduled meetings, and she does hear that, but she gets concerned about the fact that they want to say three random Councilors having a meeting now generates a quorum of some sort of public body. She asked to hear from the Mayor.

Mayor George Hansel stated that the purpose of these meetings is expediency. He continued that it saves him, the City Manager, and the City Clerk from having three separate conversations and he values that immensely, given the number of meetings that they all have to do. He does not know what would be contained in these minutes if they were to have minutes, other than just going down the agenda and saying “This agenda item was discussed, and this is who is going to speak.” Like the City Clerk said, Councilors are basically getting the minutes now, with the emails they are getting. This is not a public body, and he really hopes they do not make it a public body, because it just triples the amount of work for the Mayor and the City Manager to communicate some of this information. He works very hard, as the person running the meeting, to make sure that it stays to the agenda. There have been times when it has started to stray off and they have brought it right back. These are very purposeful meetings, and they are administrative in nature. Creating an extra amount of work and a level of detail here is unnecessary and would be of no value to the other Councilors. He hopes they do not go down this road; it would likely lead to just more work and more time for some people, which they do not have.

Councilor Workman stated that she understands the position of City staff and the Mayor, and she understands the merits and the purpose of the meetings, and she thinks they are critical. She continued that she also has to agree with Councilor Filiault. She does not see the harm in having added transparency, and she understands it may not be a formal quorum, but there are Councilors who, by position as being identified as Chairs, have access to information a day earlier than the other 12 Councilors. For example, Chair Bosley is in those meetings and has access to Municipal Services, Facilities, and Infrastructure Committee and Finance, Organization, and Personnel Committee information that the other Councilors get a day later. People might say, “It is just a day; what’s the big deal?”, but it makes it so that the Councilors are not all on an equal playing field. It would not have to be high-level minute-taking; she agrees with Councilor Greenwald. Maybe they can come to a compromise without making it a public body. She does see the importance of having a minute-taker and having that added layer of transparency.

Councilor Jones stated that he is concerned about option two of the recommended motions. He continued that it sounds like they would be making this an official meeting under RSA 91-A(2), which means they would have to pay for the public notice. Also, he wonders who the meeting minutes would go to. He remembers that years ago the City Council was asking for the minutes of the meetings of the City’s Department Heads, because that is where a lot of things are discussed. That was denied, because of the same issues – it was not a quorum of the City Council. If you open it up, these types of things happen through RSA 91-A:2. People have to write to

ask for copies of the minutes. And who would approve the minutes? There would be meetings talking about upcoming committee meetings, and then the committee meetings would happen a few days later and no one would have approved the minutes in between. He would not want there to be minutes, or to have something called minutes. If they want to call something a “summary” and send it out, that is fine. He chaired the PLD Committee for 15 years and the MSFI Committee for two years, and in the past, they invited Councilors to come to the meetings if they wanted to, as long as there was not a quorum of one committee or a quorum of the City Council. They could do that. There are ways around this. He just does not want to open a can of worms and start asking for minutes of other meetings, such as the Department Head meetings, which is where a lot of items are discussed that later go to the City Council.

Chair Bosley stated that Councilor Jones brings up another point that she would like to clarify: if those meetings are publically noticed, she thinks it also opens public participation. She asked if that is correct. The City Clerk replied that a public body does require notice to the public for the public to listen, not to have any sort of conversation, and the public and other Councilors could join a Zoom meeting if it were in that format, or if they return to face-to-face meetings, members of the public could actually come into the meeting space. Chair Bosley stated that she thinks that really complicates things.

Councilor Johnsen stated that she appreciates where Councilor Filiault is coming from, but having served in a leadership role on many organizations, there are very appropriate times when the leadership meets separately from the general membership. It is just a time for the administration to make sure everything is in order. With all due respect, she does not think it is the Councilors’ purpose to go into these meetings and she will not be voting in favor of this, with apologies to Councilor Filiault.

Councilor Filiault stated that to top off what Councilor Greenwald and Councilor Jones said, if they had some type of summary that would work, because what he wants is transparency. If they do not want to call a person a “minute-taker” but someone is there taking a summary, so the next day the other 12 Councilors have a summary of what was discussed, that is fine. They can call it what they want.

The Mayor stated that he wants to put out there for the Councilors’ consideration: the Mayor and the City Manager have the responsibility of managing this process of how information comes into the City Council, setting the agendas, and so on and so forth. If they take this too far it is inhibiting the Mayor and the City Manager’s ability to do their job. It is a bit of an overstep, he believes, on the part of the City Council. He and the City Manager try to run these meetings efficiently and they are always thinking about transparency, and this is an administrative function. He cautions the City Council against taking this step. Sure, it is a bit of a gray area, but he thinks it is not in the City Council’s purview.

Councilor Filiault stated that the Mayor just said it – it is a gray area. He continued that when it is a gray area, you err on the side of transparency. Councilor Filiault stated the Mayor made his exact point.

Chair Bosley stated that she disagrees; she does not think this is a gray area. She continued that she thinks it has been made very clear which meetings require minutes and which do not, and they are creating a gray area by getting into this conversation.

Chair Bosley asked if members of the public had any questions.

Councilor Powers stated that he perceives the meetings in question to be staff meetings, and they have been going on for at least seven years, if John MacLean started them. He continued that he has only been involved for about a year, since he became a chair, and to him they are staff meetings. He would rather focus on what is practical. If they had a Minute-taker, the Minute-taker would get the minutes out in five days. On Friday, you would get a draft set of minutes of what transpired during a conversation on Monday about a draft agenda (such as which staff members are lined up for the meetings and who will be coming in to the meeting), and by the time Wednesday and Thursday come about it is probably totally different, because somebody cannot make

it at this time or that time. Another week later, the body will approve those minutes, which are now official but two weeks stale and most of the work has already been done. He does not understand the process as being functional and beneficial to the organization. He did not recall, until City Clerk mentioned it tonight, that the Councilors do get this new email. The new email gives information on everything that has made it to the agendas and was talked about at the agenda review meeting. All of that information is there in a timely fashion, because these emails go out before the meetings. He does not think anyone/anything in the City would benefit from them adding another layer that will not do much for them in terms of information.

Chair Bosley stated that she received a text message from Councilor Manwaring, who is not able to attend tonight. She read the text into the record:

“Unfortunately I had a library meeting right after MSFI. Could you please say that I texted you that the chairs and charters meetings are purely administrative for me. It tells me the staff person talking to the item, options for motions, and in my case, whether we can handle the item in hour. If there are any complications on an item I would alert my committee members ahead of time as I did today.”

Chair Bosley stated that she agrees with Councilor Manwaring. She continued that she hopes that PLD Committee members understand that if there was some sort of process issue she reaches out to all of them, and keeps them in the loop on any complicated process and what options they have, identifying what they need to be prepared to discuss. Also, they receive those emails from the City Clerk, which identify the speakers, and there is also an opportunity for the committee members to reach out to staff individually, between the time they receive those committee meeting agendas, to get any additional information that they might require that the chairs might not have thought to ask for or had not known to ask for at the agenda review meeting. She feels like the process works right now.

Chair Bosley asked if members of the public had any questions. Hearing none, she recognized Councilor Filiault.

Councilor Filiault stated that he did notice that all three committee chairs are against what he is saying, because they say “Everything’s fine, and we do the best that we can.” For him, that does not cut it. He continued that his personal experience is that when he was a committee chair, he could not say that, because what he told committee members about what was said at the agenda review meetings would be his opinion. At least if there were a set of meeting minutes or something to show what was said, from a neutral source, that is transparency. He is glad the three committee chairs think it works well and that they are providing enough information, and in their opinions, they probably are. But unless the other 12 Councilors can see the exact same thing, it does not cut it for him.

Councilor Greenwald stated that to throw out a potential, easy compromise, there is a loose agenda for the agenda review meetings, which could be made available to any Councilor who wants to see it. He continued that maybe that would put the issue to rest. Then any Councilor will know what was discussed and then they could dig further. He agrees that “administrative” is a good way to put it, but it is preparation for the meeting. It is not gossip or secret information, and a good committee chair is going to make available to their committee members anything that went on at the “top secret” meeting.

Chair Bosley asked if Councilor Greenwald is suggesting the City Clerk send out a copy of the draft agendas to the entire City Council, prior to the meeting for committee chairs. Councilor Greenwald replied that maybe it could be made available. He continued that he thinks that out of the 15 Councilors there will only be a few who will be interested, and if they are, they can go see the City Clerk to get a copy.

Councilor Workman stated that she personally does not think that there is gossip or any wrong-doing being done behind closed doors or during these meetings, but having transparency and having all Councilors have the same access to information at the same time is fair. Yes, they get the information on Tuesday, but it is still 24

hours after that meeting. The committee chairs do have a 24-hour advantage, of being able to process the agenda, think about questions ahead of time, and so on and so forth. She does not like option one or option two [of the recommended motions]. She would like a third option, not calling it a “minute-taker” and avoiding RSA-91(A) and avoiding the public body. There has to be a third option somehow.

Chair Bosley stated that she thinks that having an official Minute-taker would not give what Councilor Workman is looking for anyway, because minutes would be produced five days later and then would need time to get approved, and they certainly would not have those minutes in time to have any sort of review or understanding of what is going on in the agenda review meeting prior to Tuesday when the agendas are released. She asked Councilor Workman: if copies of the draft agendas were available to committee members, so Councilors could ask questions on Monday when they receive them, would that give her sufficient comfort? She continued that committee chairs do not receive background information; they just receive a draft agenda. They might have questions or comments. For example, regarding tonight’s agenda item about HB 266, she recalled that there was a Resolution in a previous year relating to that and asked the City Clerk about it and asked for it to be included in the agenda packet. The City Clerk identified the Resolution because she was not present when it was drafted. Sometimes she, as an individual, might know a little bit but not enough to have all the history that, say, Councilor Jones might have. The City Clerk has been here a long time and has that institutional knowledge, so she is always a good person to ask.

Councilor Filiault stated that he likes some of the comments being made. He continued that once again, for him it is about transparency. If the word “minute-taker” is not working, he is hearing a mutual consensus. He has no problem with the PLD Committee placing this item on more time and discussing it over the next couple weeks. For him this is about transparency; there is not some big political agenda he is trying to force down anyone’s throats. He just wants the process to be more open. If they place this on more time he will get together with City staff and try to come up with some amicable solution so everyone is getting the same information. Whatever word they want to call it is fine.

Councilor Johnsen stated that when she was in an administrative role she appreciated having just the administrators, so when she got to the meeting she was very clear and things came through. This explains to her why Chair Bosley comes in here [to the PLD Committee meetings] and clearly knows what is going on. If she (Councilor Johnsen) were chairing one of these committees she would be sitting at that administrative meeting asking questions and it would seem like just one more thing she had to do. She really appreciates having the space for administrators to just do their thinking out loud, not discussing anything else. She has noticed that the City Council meetings go right on the button. Everything goes click, click, click, click. That is where she sees the purpose of the agenda review meetings.

The Mayor stated that he advises against draft agendas. He continued that there are definitely times when things get moved around; items get pulled off or put on at certain points. He does not want to get another set of agendas out there to confuse people. You never know what kind of issues that could have. If they pull an item or push it back and then that person talks to a Councilor before the meeting they may show up when they do not have to. Putting out a draft agenda and a regular one is something he cautions against, and he does not see the value. There is maybe a time element to it, but he does not want to send out two sets of agendas for these meetings. That does not make sense. He also wants to correct what he said before: he does not think this is a gray area. He should have said that Councilor Filiault is arguing that it is a gray area, but it is not. This is not a public body and they do not meet the requirements for public bodies. The City Council cannot direct the Mayor regarding who the Mayor can and cannot meet with. He understands what Councilor Filiault is talking about but thinks he is making a much bigger deal of this. [The agenda review meetings as they currently occur are done for expediency and he could have these individual conversations with any individual Councilor if he wanted to, without any issues. He hopes the City Council does not cause this to become a problem, because it is an administrative thing. They are doing these meetings to save time. They are not doing these meetings to conceal information from the City Council.

Councilor Workman stated that she understands the perspective of the City staff, the Mayor, and the chairs. She continued that if it is all about time and efficiency, if everyone agrees to an audio recording that can be started immediately at the beginning of the meeting and no one has to edit it and it could be dispersed amongst the Councilors. She is just trying to think of another compromise. It does not sound like they will come to a resolution on it tonight, and the City Attorney is not present, so she does not know the legalities of that. She is trying to think of a compromise that would avoid minute-takers and the lengthy process. Audio recordings are something to consider.

Councilor Greenwald stated that he was thinking about Councilor Filiault's suggestion to put the matter on more time, and that this would be discussed at the next meeting, and it seems like running the dog around after its tail. Chair Bosley replied that she thinks they will have a robust conversation about this on the City Council floor. She continued that she is ready for a motion.

Councilor Greenwald made a motion to place this item on more time. Councilor Jones seconded the motion.

Chair Bosley stated that she does not believe they should be placing this item on more time. She continued that she would like to amend this motion, to deny this request to have minutes prepared for meetings between the Mayor and the Charter Officers and standing committee chairs. She thinks they should put one of these motions before the full City Council and find out what the City Council has to say about it. Councilor Johnsen seconded the amendment.

Councilor Filiault stated that as a point of order, that is not an amended motion; it is a totally separate motion. Councilor Jones stated that there is already a motion on the floor. Councilor Filiault stated that the motion on the floor was for more time, and Chair Bosley made a separate motion before that motion had been voted on.

The City Clerk stated that the City Attorney is present as an attendee and can speak to whether that was an appropriate amendment. Chair Bosley noted that the City Attorney is calling in from his vacation.

Thomas Mullins, City Attorney, stated that there is a motion on the floor, and any motion is subject to an amendment. He continued that if this were a motion at a Town Meeting you could not change the subject matter entirely but if there is a motion to amend and then a second and the motion to amend is to change the substance of the motion that is permissible.

Chair Bosley asked what the path forward is. Do they vote on the amended motion? The City Attorney replied yes, there is an amendment on the floor that has been seconded; it would be a vote on that amendment. Chair Bosley stated that they are voting to amend the motion and then they would vote to pass or deny the amended motion. The City Attorney replied that is correct.

Chair Bosley stated that the motion is to amend the motion for more time to an official motion that would move this forward to the City Council. She asked if there were any questions from the committee or the public.

Councilor Greenwald stated that he deems this to be an unfriendly amendment. He continued that he is not going to argue with the City Attorney, but he is opposed to this amendment and thinks the item should go on more time. He does not want to make a statement on the subject at this time.

Councilor Jones stated that he thinks that in all his years on the City Council, any time a Petitioner has asked to have their item placed on more time the City Council has done it for them, no matter what the reason is. Thus, he thinks they should stick with more time.

Chair Bosley stated that her concern is that she is not sure what they will get out of waiting two more weeks, except another conversation like this. She continued that she would like to hear how the full City Council feels about this. That was her reasoning behind pushing this through. If they want to talk about this again in two

weeks, they can. She is just not sure what new information would come forward.

Chair Bosley asked for a vote on the amendment only. The motion to amend the motion failed with a vote of 2-3. Councilor Workman, Councilor Greenwald, and Councilor Jones were opposed.

On a vote of 3 to 2, the communication from Councilor Filiault was placed on more time. Chair Bosley and Councilor Johnsen were opposed.



City of Keene, N.H.
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses, and Development Committee
ITEM: J.1.
SUBJECT: Relating to Chapter 18 Building Regulations

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends adoption of Ordinance O-2021-01.

ATTACHMENTS:

Description

Ordinance O-2021-01

BACKGROUND:

Chair Bosley asked to hear from Tara Kessler and Rhett Lamb.

Tara Kessler, Senior Planner, stated that this Ordinance relates to the proposed Land Development Code, which staff anticipates will come before the City Council for a public hearing in April. She continued that if the proposed Land Development Code is adopted, staff would recommend it not take effect until July 1, or, if for some reason this process is elongated through the City Council's public hearing phase, at a point a few months after the Land Development Code is voted on by the City Council. The reason for that spacing between when it is voted on and when it becomes effective is to give the community, including boards and staff, time to get up to speed with the changes in the Code, since it is a very substantial update to the regulations. The section of Chapter 18, which is proposed to be removed in the Ordinance that was submitted, today essentially prevents permits from being issued once a public hearing for a proposed Zoning or City Code Ordinance has been noticed for public hearing and if the proposed work that is involved in that permit would be in conflict with any of the changes proposed through that Zoning or Code change. Typically, the timeframe between when a City Council public hearing is noticed and when the City Council would act is only a matter of a few weeks. In the event of Land Development Code, they anticipate that the timeframe between the notice of a public hearing for it and when it would take effect would potentially be a few months. Staff feels that would be burdensome for people seeking permits and also for staff who are trying to get up to speed with the vast amount of changes that are proposed in this Code. Thus, the Ordinance essentially proposes to eliminate that section of Chapter 18 that talks about permits not being able to be issued once a Code change or Zoning change is publically noticed if it is going to be a conflict with that change. Staff does, however, recommend that after the Land Development Code takes effect, staff would come forward to reinstate that language since it is important for the City. Essentially it is a temporary removal of it but the cleanest way to do it would be to, at this point in time, strike it from the City Code, and then after the take-effect date of the Land Development Code they would come back and reinstate that language.

Rhett Lamb, Community Development Director stated that all he wants to add is: as Ms. Kessler has pointed out, this is unique to the Land Use Code. He continued that as part of the Land Use Code, creating an “effective date” is not something they do very often. Under the circumstances, the Chapter 18 provision sort of conflicts with what they are trying to achieve with the public information/education piece associated with the Land Use Code. That is why they are making this change, and also the suggestion that staff come back to the PLD Committee after the Land Use Code’s effective date is passed to ask the City Council to put it back in.

Chair Bosley asked if there were any questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends adoption of Ordinance O-2021-01.



CITY OF KEENE

Ordinance O-2021-01

Twenty One

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to Chapter 18 Building Regulations**

Be it ordained by the City Council of the City of Keene, as follows:

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by removing the text that is bolded and stricken below from Section 18-27(a) "Permits Required."

Section 18-27(a) "*Permits Required*. Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. ~~Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.~~"

George S. Hansel, Mayor

In City Council March 4, 2021.
Referred to the Planning, Licenses,
and Development Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

March 12, 2021

TO: Mayor and Keene City Council

FROM: Aaron Costa, Operations Manager & Kurt D. Blomquist, P.E., Public Works Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.1.

SUBJECT: Reallocation of Bond Funds - WWTP Permit

RECOMMENDATION:

Refer Resolution R-2021-14 to the Finance, Organization, and Personnel Committee.

ATTACHMENTS:

Description

R-2021-14

BACKGROUND:

The City's Wastewater Treatment Plant is permitted by the Environmental Protection Agency (EPA) to discharge treated wastewater into the Ashuelot River. The City's current National Pollution Discharge Elimination System (NPDES) permit expired in 2012. The City through the CIP process funded a project for legal and permitting assistance. The City executed a contract with Weston and Sampson Engineers in 2016 for \$95,000 to assist with the permitting process and Drummond & Woodsum Attorneys at Law have been providing legal services.

On May 20, 2020 the City received its draft NPDES permit and determined that there is a need to appeal and negotiate with EPA on the various requirements. In August 2020, the City executed Amendment 1 with Weston and Sampson for additional technical assistance at a cost not to exceed \$25,000. Those funds have been spent.

Due ongoing negotiations with the EPA extra funds are needed for engineering and legal assistance. Previous funding through the CIP process and operating budget carryover requests are no longer available.

Staff is requesting reallocation of bond funds from the Wastewater Treatment Plant's Advanced Treatment II Project (08046) to the Wastewater Treatment Plant NPDES Permitting Assistance Project (08012). The project is complete and funding is no longer required.

Weston and Sampson has provided a scope for Amendment 2 for an amount not to exceed \$25,000 to for the additional work which includes the following.

- Continue meetings with Public Works Staff, City Manager and outside legal council
- Develop comments/prepare for final appeal as appropriate
- Utilize their Engineering expertise for specific technical issues as appropriate.

The remaining funds will be used for any legal and additional technical services needed to negotiate and complete the permitting process.



CITY OF KEENE

R-2021-14

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to the Reallocation of Bond Proceeds from the Wastewater Treatment
A RESOLUTION Plant's Advanced Treatment II (08046) to the Wastewater Treatment Plant
NPDES Permitting Assistance Project (08012).

Resolved by the City Council of the City of Keene, as follows:

That the sum of seventy three thousand and seventy five dollars and 48 cents (\$73,075.48) of bond proceeds be reallocated from the Wastewater Treatment Plant's Advanced Treatment II project (08046) to the Wastewater Treatment Plant NPDES Permitting Assistance project (08012).

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

March 15, 2021

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.2.

SUBJECT: In Appreciation of Michael A. Burke Upon His Retirement

RECOMMENDATION:

That Resolution R-2021-07 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2021-07

BACKGROUND:

Mr. Burke retired from the Fire Department effective January 30, 2021, with over 28 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and ~~.....Twenty-One.....~~

A RESOLUTION In Appreciation of Michael A. Burke Upon His Retirement

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Michael A. Burke started his Keene Fire Department career 5 April 1993 as a Firefighter/Emergency Medical Technician; was appointed Fire Lieutenant 4 February 1999 serving B Shift; and was promoted to Captain and C Shift Commander 13 January 2002; and

WHEREAS: Possessing a high awareness during critical situations, Mike performed well in any command staff function—quickly and calmly assessing scenes, formulating and executing a plan of action, gaining and maintaining control in all situations, correcting safety problems, optimizing resources and assets appropriately, delegating effectively with clear orders to mitigate or resolve any situation, and communicating a clear picture of the scene and actions being taken—and was respected for his sound, logical and rational decisions and the support he provided everyone when working any incident; and

WHEREAS: A strong, consistent, and effective leader, he served his shift members and the department as a whole by remaining focused on their mission; diligently using face-to-face communications at both stations to disseminate information; challenging his crew with training so they didn't become complacent; serving as a good role model; being responsive to their needs, interests, and concerns, and using his sense of humor make a point—earning their respect and trust and building a strong, professional team for his shift; and

WHEREAS: Committed to facing daily challenges while wanting the department to become a better organization, Mike's grasp of the big picture and ability to think ahead made him an excellent resource who was trusted to consider all aspects of a situation in an unbiased manner and to share his valuable feedback, to promote management's philosophy to his co-workers, and to continually volunteer to assist above and beyond his duties; and he served as a positive influence on many changes made in the department over the years; and

WHEREAS: Some of the Mike's contributions for which he is appreciated include participating in the Fire Department Reorganization Committee, the Central Station replacement and Station 2 improvements projects, the department's Emergency Response Guideline development, and the Call Company reorganization; securing and managing equipment grants in excess of \$73,700; being a Hazardous Materials Response Team member throughout his career; serving as a Deputy Forest Fire Warden for Keene; managing the department's fleet; participating in Lieutenant promotional and Firefighter hiring processes; being a State-certified Fire Instructor and a Leadership Monadnock graduate; and

WHEREAS: Mike retired 30 January 2021 as the senior-most member of the department, two months shy of 28 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Michael A. Burke for his dedication to the City of Keene and the Monadnock Region and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Mike in appreciation of his years of service to the City of Keene.

PASSED

George S. Hansel, Mayor