



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
May 6, 2021  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- April 15, 2021

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. CDBG Grant Amendment - Community Kitchen's Improvements

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

1. Nomination  
Partner City Committee
2. Confirmation  
Assessor's Board

**C. COMMUNICATIONS**

1. Joseph Mirzoeff - Relating to the Wearing of Face Masks
2. Keene Music Festival - Request to Use City Property
3. Keene State College - Request to Discharge Fireworks
4. Keene Downtown Group - Request to Use City Property - Art Walk
5. Kiwanis Club - Request to Use City Property - Tree Lighting Ceremony

**D. REPORTS - COUNCIL COMMITTEES**

1. Kevin Leary – Request for Access to Property – Old Gilsum Road
2. Darren Humphrey/Trax Club – Request to Use City Property and Serve Alcohol – Sidewalk Café
3. Brewbakers Café – Request to Serve Alcohol on City Property – Sidewalk Café
4. Concerned Citizens of Cheshire County – Efficacy of Face Coverings
5. Acceptance of Donation - Fire Department
6. Acceptance of Donations to Library Renovation Project - Library Director
7. James Weatherly/Southwest Region Planning Commission - CDBG Grant Amendment - Community Kitchen's Improvements

8. Downtown to Trails Study - Parks, Recreation and Facilities Director
9. Deed Waiver - 2017 Tax Year - Revenue Collector
10. City of Keene Community Power Plan - ad hoc Community Power Committee
11. General Overview of Proposed Operating Budget - City Manager

**E. CITY MANAGER COMMENTS**

**F. REPORTS - CITY OFFICERS AND DEPARTMENTS**

**G. REPORTS - BOARDS AND COMMISSIONS**

1. Relating to O-2020-10A and the Proposed Land Development Code - Historic District Commission

**H. REPORTS - MORE TIME**

1. Danya Landis/Machina Arts – Requesting Permission to Erect a Parklet in Parallel Parking Spaces – Outdoor Dining
2. Discussion: Keene Ordinance – Wearing of Face Coverings
3. Relating to Land Development Code and Downtown Zoning
4. Relating to Chapter 46 Licenses and Permits – Social Service and Congregate Care Ordinance O-2021-04
5. Continued Discussion: Water and Sewer Methodology and Rates

**I. ORDINANCES FOR FIRST READING**

1. Relating to the Duties of the City Attorney  
Ordinance O-2021-06
2. Relating to the Powers and Duties of the Assessor's Board  
Ordinance O-2021-05
3. Relating to the Wearing of Face Coverings  
Ordinance O-2021-07

**J. ORDINANCES FOR SECOND READING**

1. Relating to Designated Loading Zones  
Ordinance O-2021-03

**K. RESOLUTIONS**

1. In Appreciation of James A. Cemorelis Upon His Retirement  
Resolution R-2021-10
2. Relating to the FY 2021-2022 Operating Budget  
Resolution R-2021-22
3. Petition to Acquire Property by Eminent Domain for Highway Purposes  
Resolution R-2021-19
4. Cheshire Rail Trail Phase III - Appropriation of Funds  
Resolution R-2021-24

5. Relating to Northern Border Regional Commission Grant Programs  
Resolution R-2021-23

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held on Thursday, April 15, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor 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. 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 were 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, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. The Mayor recognized the Assistant City Clerk who acknowledged a Scribner's error in the term expiration of Lena Kridlo to the Partner City Committee. The minutes were corrected to reflect December 31, 2021 as the term expiration date. A motion by Councilor Powers to accept the minutes from the April 1, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 15 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

#### PUBLIC HEARING – LAND DEVELOPMENT CODE

Mayor Hansel requested that the public hearing notice be read into the record. He then opened the public hearing and welcomed Community Development Department staff to present on the proposed Land Development Code. Tara Kessler, Senior Planner; Med Kopczynski, Director of Economic Development, Special Projects, & Initiatives; and Rhett Lamb, Community Development Director/Assistant City Manager. All three expressed excitement to present this proposal to Council. Staff would share background and a brief presentation on major changes proposed in the Land Development Code with these Ordinances.

Mr. Kopczynski recognized the many City Staff that had worked toward this effort over the last three years. This public hearing was a final opportunity for members of the public to comment. After this hearing, the draft Land Development Code would proceed back to the Planning, Licenses & Development Committee, where no public comment would be allowed. The final draft Code is presented to the Council based on the Committee's recommendation.

Mr. Kopczynski continued with some background, noting that Keene's various Land Development Codes and processes had not been updated comprehensively since 1970, making them outdated and unable to sufficiently address how the community works and functions today. While those regulations helped the City grow to where it is today, Mr. Kopczynski said that updating them would enhance economic opportunities while maintaining the City's unique character. He continued citing the City's 2010 Comprehensive Master Plan, in which one of the top strategies for implementation was to rewrite the City's Land Use and Zoning Regulations to achieve the community's vision proactively for the future. Despite numerous similar reports and directions to modernize these regulations over time to benefit the community, average citizens, and businesses' health, Mr. Kopczynski said that anyone trying to determine the steps to develop or work on their properties currently would report a myriad of unconcise, poorly written, and unorganized regulations to sift through. Mr. Kopczynski concluded by explaining the guiding principles for the proposed Land Development Code update was to make the Code simple, efficient, and thoughtful. To do so, the proposed regulations were intended to be easier to

navigate and provide graphics to outline more clearly the processes from start to finish. The updated structure was intended to provide a clear set of procedures for development queries and to create a more streamlined application process, eliminating the need to navigate multiple points of contact. Although the current regulations worked in the past, they could be outdated and confusing. For example, at one point there were 18 different places to look in Keene's various Codes to find Parking Regulations. Mr. Kopczynski said that this Land Development Code update would help guide Keene into the future, while protecting crucial elements that make Keene a great place to live, work, and play.

Next, Ms. Kessler explained what a Land Development Code is. She said that the proposed Code before City Council was the product of Stage Two, which was a review and direction from City Council on: The Code of Ordinances (Zoning, Public Improvement Standards, Natural Resources, Building Regulations, and Utilities), Planning Board Development Standards and Subdivision/Site Plan Review Regulations, and the Historic District Commission Regulations. She said Stage One was related to form-based zoning. She imagined that there could be a Stage Three to address issues or ideas unincorporated in the first two stages. Ultimately, the goal was to merge all land use regulations into one comprehensible document by removing outdated and inconsistent language to streamline the development process for users.

Next, Ms. Kessler explained the rationale for updating the downtown Zoning Regulations to encourage mixed and modern uses, accommodate density and height (where appropriate), address infill development, establish transition/buffer zones, focus on form and not architecture, and be complementary versus monotonous. In addition to the proposed Land Development Code, Ms. Kessler said that the Ordinances under review also proposed creating six new downtown zoning districts focused on ensuring that new development is consistent and compatible with the look and feel of areas like Main Street and its surrounding neighborhoods. These new districts would also expand areas that were created to be transition or buffer zones between the higher-intensity downtown land uses and the adjacent neighborhoods. She used maps to show a high-level overview of the existing downtown zoning regulations compared to a map of the six new districts proposed. These figures were available in the Council agenda packet at the website [www.KeeneBuildingBetter.com](http://www.KeeneBuildingBetter.com). The six new districts would focus more on the form and placement of buildings on a lot. The Land Development Code would incorporate more graphics and illustrations than the historic Code to aid the user better in understanding what certain dimensional requirements mean.

Ms. Kessler continued stating that one of the primary questions members of the public had expressed was how changes in the proposed Land Development Code would impact them. She said that largely, homeowners and residents should not notice any significant impacts from these proposed changes. Still, for residents and business owners, the new Code was intended to make the regulations easier to understand and would depict some changes to permitted uses and the downtown area. The existing "legally conforming" uses/lots would continue as allowed. Ms. Kessler said it was important to note that for developers, this Code would be more navigable and consistent, fostering redevelopment and new construction. She continued that businesses and homeowners could experience more user-friendly permitting processes and ideally, less confusion and frustration with these easier to read Code changes. Additionally, the streamlined Code would make the review and approval process clearer and easier to administer for City Boards, allowing time to serve constituents better.

Next, Ms. Kessler discussed the significant content changes proposed in the Land Development Code. She would not present on the predominant changes that were mostly reorganizations, but rather she would focus this presentation on the most noteworthy changes and specifically those for which there had been the greatest public comment. She reminded that City Staff had been working and presenting a fair amount of detail on all proposed changes through public workshop processes before the Joint Planning Board—Planning, Licenses & Development Committee during November 2020—February 2021 and all documents and videos from those workshops were available at [www.KeeneBuildingBetter.com](http://www.KeeneBuildingBetter.com). Some of the most significant changes included:

- **Permitted & Accessory Uses**

- Clarifies existing terms/uses and introduces new or updated terms/uses.
  - Ms. Kessler said one of the most significant updates to the Zoning Regulations was the introduction of new permitted uses.
- Establishes Conditional Use Permit (CUP) for Congregate Living & Social Service uses and Solar Energy System uses.
  - Ms. Kessler said that some of the proposed new permitted uses that have received the most attention include those regarding congregate living and social service uses including homeless shelters, residential care facilities, drug treatment facilities, and more. The proposed Land Development Code would establish a licensing process for the proposed Congregate Living and Social Service uses. Ordinances were introduced to City Council in 2019 to establish these uses and the licensing process.
  - The proposed Land Development Code would establish CUPs for these new uses that would be issued by the Planning Board as an additional layer of overview to ensure the new use would be compatible with the surrounding areas.
  - Ms. Kessler said it was important to note, regarding Solar Energy System uses, that letters had been submitted for the record questioning the limitation placed on solar in the Agricultural District. She said that solar energy was not proposed in the new Code as a primary use in the Agricultural District because it did not align with the intent of that Zoning District. She said that Staff heard a lot of public comment and concern about the outright expansion of solar in every Zoning District, which was Staff's initial proposal, so she thought there was opportunity for future consideration. She thought there was an opportunity for further public engagement on the issue in the future, but at this time, Staff thought the proposed Code provided direction for affording the opportunity for solar to occur everywhere in the City though it does not exist today.
  - In the current Code, solar energy systems were considered a primary use but not permitted outright, so Staff spent significant time trying to create the opportunity for that use and to expand the opportunity for accessory solar energy systems across the City.
- Permits mixed uses in all districts except residential.
- Removes 25% threshold for what is considered accessory and replaces it with criteria to be used by the Zoning Administrator for evaluation.

- **Parking Standards**
  - Provides more flexibility for onsite parking across the City but especially in the downtown, where currently exempt onsite parking in the Central Business District would expand to include other portions of the downtown.
  - Updates screening standards for parking lots.
  - Proposes to expand the area where onsite parking is not required downtown. Residential uses would be required to provide parking onsite.
- **Steep Slopes & Surface Waters**
  - Proposes to eliminate requirement that surface waters and steep slopes be deducted from the minimum lot size calculation.
- **SEED District**
  - Proposes to reduce the area of the existing SEED District.
- **Historic District**
  - Proposes to exempt buildings younger than 50 years from the Historic District Regulations.
- **Planning Board Development Standards**
  - Addresses known issues (e.g., lack of screening and noise standards).
  - Updates landscaping, lighting, screening, and noise standards and introduces more objective architectural standards.
- **Site Plan Review Thresholds**
  - Proposes to establish a Minor Project Review Committee to expedite review of minor/smaller impact site plan applications.
    - Ms. Kessler said these changes would expedite the development review process for smaller scale projects.
- **Zoning Board of Adjustment Variance & Special Exception Criteria**
  - Proposes to change existing criteria for deciding on a proposed variance to be aligned more closely with NH RSA 674:22,1 a (2).
  - Proposes to change the criteria for granting Special Exceptions.
    - Ms. Kessler said this should provide the Board with more guidance and criteria when evaluating Special Grant Exceptions.

Ms. Kessler noted that there were two Ordinances placed on more time for which Staff would recommend not adopting until finalized later at the time of City Council vote on the Land Development Code. Ms. Kessler was available to answer questions about those Ordinances.

Ms. Kessler concluded summarizing that many of the proposed changes she listed were in response to the project goals to create a simple, efficient, and thoughtful set of regulations, while trying to protect and balance quality development with the City's Master Plan goals.

Next, Mr. Kopczynski described outreach that had occurred to date to engage the public over the past three years: presentations to community groups and organizations, meetings with individuals and small groups, community forums, development community roundtable, neighborhood meetings, downtown storefronts open house, local media (radio, TV, newspaper, social media), project website, City Council presentations, Joint Planning Board/Planning Licenses and Development Committee presentations and public workshop phase, Ad Hoc Steering Committee presentations, direct mailers to more than 5,000 residents in 2019 and to all (more than 6,000) property owners in October 2020 and April 2021, exercises with the public to demonstrate how

zoning works, direct outreach to downtown businesses, many public hearings, and hundreds of visits and phone calls to individuals and groups by Mr. Kopczynski and Ms. Kessler. Mr. Kopczynski said that there was little doubt that the City Staff and City Council had done everything possible for the proposed Land Development Code and to share the proposed changes with as many people possible for commentary. The Community Development Department presentation concluded with the Mayor's thanks.

Mayor Hansel opened the hearing to public comment.

Tom Savastano of 75 Winter Street began by complimenting the Joint Committee and Community Development Department staff for the care they took in this process, stating his belief that they did excellent work reviewing this carefully, which he appreciated. After reviewing all the documents online, Mr. Savastano said he had one final concern, for which he requested Council attention, on the topic of the Special Exception Zoning changes in Article 25 Section 6.6. He sent a letter to all City Councilors and the Mayor on March 19, to which they could refer on the topic. He also cited concern with Article 20 Section 1.2 number five, which states that the purpose of the Site Development Standards is to protect abutters from unsightly hazards and nuisances that are detrimental to property values. Mr. Savastano believed that the same standard should apply to Special Exception cases in Article 25, which is something he did not address in his letter. He also felt that Article 25 should have a standard on property value.

June Churchill of 95 Old Walpole Road began stating that obviously the proposed Land Development Code did not impact her home particularly. However, she was just appointed to a leadership role at her church, which would be impacted by the changes to the Central Business District that would place the church now in the Downtown Limited District. She found and read all the proposed changes, but said she felt challenged finding the current standards for comparison. Mayor Hansel advised Ms. Churchill to contact the Community Development Department directly and a representative there would walk her through everything. Ms. Churchill concluded stating that she was very impressed with this meeting and that she was delighted with the user-friendly website setup, for which she thanked those who worked on the project.

Elsa Worth of 40 School Street said that downtown diversity brings new energy and economic growth to the City. She thought this project had been carried out very mindfully over these three years, with significant public input from diverse stakeholders, from eager entrepreneurs to struggling neighbors. She was impressed with those efforts to encourage and support new growth, movement, and change from the existing tangle of regulations. She supported this movement to update the Codes, which she said would increase the possibility for economic growth and development in Keene, while doing a better job and compassionately recognizing needs of those in the community with little voice. For those reasons, Ms. Worth thought the proposed Land Development Code would lead to a more compassionate and inclusive community and would therefore be a positive step in the community's common life. She commended the designers of this Land Development Code who worked so hard on clear communication to bring the codes into the 21<sup>st</sup> century, provided so many opportunities for people to share their input, and listened carefully to that input.

Joslin Kimball Frank of 104 West Street began by congratulating those who worked hard on what she called a wonderful update. In the proposed Land Development Code, her home would be in the Downtown Growth District, where her home is the only one remaining on the south side of West Street. She said she was concerned with developing "beyond us," whether green

spaces would be promoted to disperse building density, and whether there would be parking garages to clear some parking surfaces that take up a lot of useful space currently. She encouraged small parks in all the new Downtown Districts. Ms. Kimball Frank concluded that she was happy where she lived, but feared what would happen to her once rezoned in the Downtown Growth District.

Mayor Hansel read into the record a communication in objection to Zoom proceedings submitted for the record, dated April 15, 2021, from Peter Espiefs of 29 Middle Street that read:

*I OBJECT to your scheduled Zoom meeting to take up zoning matters, including those which will have serious consequences to property owners, including myself, who reside in and own real estate in this section of the City. As you know, early in these proceedings I, and other neighbors, had requested that the rezoning process be continued until the Pandemic was over, and the usual open "public" hearings could take place, because your Zoom presentations were truly not available to, nor a substitute for, real "public" participation. That request was not accepted by you. Since then you have been operating under some State administrative license that permitted Zoom proceedings. I do not believe the authority for such Zoom proceedings passes the Constitutional or Statutory test for "public" participation required in such proceedings. I object, and again request, that you postpone all zoning matters and deliberations that may affect the rights of property owners and the "public" until such time as public business can be conducted in the prescribed manner affording full public participation.*

In response to Mr. Espief's communication, Mayor Hansel said that there was discussion very early in this process and the City examined its ability and legal right to hold these proceedings to keep the Land Development Code update on track. He said that Staff had been listening to Mr. Espief's objections throughout this process and moved ahead in the way that was possible legally and tried to maximize public input and participation to the greatest extent throughout.

Amy Harmon of 14 Foster Street said that she lived three blocks from the proposed homeless shelter and expressed significant concern for her property value.

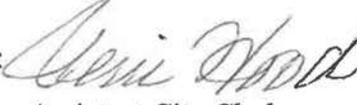
The Assistant City Clerk read into the record a communication submitted for the record, dated April 15, 2021, from Robert and Jeananne Farrar of 59 School Street that read:

*In the year 2000 the City of Keene, New Hampshire voted to form and support a Heritage commission and a Historic District Commission to protect and preserve our Main Street. It has long been known as one of "the most beautiful main streets in New England." That mandate also brought with it a charge to protect our gateways and other historic objects of "place." Our Main Street has done nothing but deteriorate since that time. It abounds with bars, tattoo parlors, and restaurants with little regard for the beauty of the area or other, other than the plantings. Presently, we are faced with the expansion of municipal zoning issues that will no longer serve as service as buffer zones, but will effectively destroy one of the most historical and beautiful neighborhoods in the City. This may mean a financial loss and, as well, a loss of homes. School Street was one of the earliest streets in this city during the 1700s, and was well traveled even back then. This will expand the core of the city into some of its most historic homes and buildings. Please don't do this. We do not believe a Zoom meeting represent a true public meeting and seriously doubt that it represents a majority of the 300+ properties involved. Many of us*

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*do not Zoom! Perhaps it would serve us all well to hold this meeting at a time when the public can attend more easily. We have lived at 59 School Street for well over 60 years. Our home is a historic home, and was built in 1842 as are many other homes in this neighborhood. We feel that moving the neighborhood buffer zone into a Downtown Transition Zone designation would be detrimental. Office buildings do not make good neighbors. Neither do surface parking lots. Oftentimes they are targets for criminal mischief. We are already dealing with the encroachment of the city on Summer Street; neighbors with parking meters outside their doors; changes driving patterns; increased traffic, etc. Do not undervalue the importance of good and historic neighborhoods! My question is: WHY are you doing this, and WHAT do you plan to gain by advancing this agenda? This issue needs more thought.*

With no further comments, Mayor Hansel closed the public Hearing at 7:41 PM. He advised that written comments would be accepted up to 4:00 PM the following Tuesday, April 20.

A true record, attest:   
Assistant City Clerk

#### CONFIRMATION

The Mayor submitted the following nomination: to the Energy & Climate Committee, Bryan Lake, with a term to expire December 31, 2021. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

#### NOMINATION

The Mayor submitted the following nomination: to the Assessor's Board, Jason Frost, with a term to expire December 31, 2023. Mayor Hansel tabled the nomination until the next regular meeting.

#### COMMUNICATION – BREWBAKERS CAFE – REQUEST TO SERVE ALCOHOL ON CITY PROPERTY – SIDEWALK CAFE

A communication was received from Jeff Murphy, the owner of Brewbakers Café, requesting permission to serve alcohol on City property associated with the administratively issued Sidewalk Café License for his location on Emerald Street. Mayor Hansel referred the communication to the Planning, Licenses & Development Committee.

#### COMMUNICATION – KEVIN LEARY – REQUEST FOR ACCESS TO PROPERTY – OLD GILSUM ROAD

A communication was received from Kevin Leary, with a new request for access to the Fontaine property through the Old Gilsum Road. Mayor Hansel referred the communication to the Municipal Services, Facilities & Infrastructure Committee.

COMMUNICATION – CONCERNED CITIZENS OF CHESHIRE COUNTY – EFFICACY OF FACE COVERINGS

A communication was received from three individuals identifying themselves as the “Concerned Citizens of Cheshire County,” requesting an opportunity to present to the City Council the “often ignored” science on the efficacy of face coverings. Mayor Hansel referred the communication to the Planning, Licenses & Development Committee.

COMMUNICATION – MINDY CAMBIAR/HUNDRED NIGHTS SHELTER – REQUEST TO USE CITY PROPERTY – PARKING OF COACH BUS

A communication was received from Mindy Cambiar, on behalf of Hundred Nights Shelter, requesting to use City property located at 350 Marlboro Street to store their coach bus. Mayor Hansel referred the communication to the City Clerk because the request can be dealt with under the General Use of City Property, which was an administrative license of the City Code.

COMMUNICATION – EDWARD COPPOLA/THE STONEWALL FARM BOARD – SOLAR RESTRICTIONS IN THE AGRICULTURAL ZONING DISTRICT AS CONTEMPLATED IN THE LAND DEVELOPMENT CODE

A communication was received from Edward Coppola and the Stonewall Farm Board, expressing concern over the prohibition of ground mounted solar arrays over 2,000 square feet in size within the Agricultural Zone as contemplated by the proposed Land Development Code. Mayor Hansel filed the letter as informational.

COMMUNICATION – PETER ESPIEFS – REGARDING THE CONGREGATE CARE AND SOCIAL SERVICE LICENSE – ORDINANCE O-2021-04

A communication was received from Peter Espiefs, expressing his concern with the proposed Congregate Care and Social Service License Ordinance. Mayor Hansel filed the communication as informational.

MSFI REPORT – REQUEST FOR EXCEPTION FROM THE PUBLIC IMPROVEMENT STANDARDS – CITY ENGINEER

A Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Council accept the oral report as informational. Mayor Hansel filed the report as informational.

MSFI REPORT – DENISE MEADOWS – REQUEST TO CONVERT LOADING ZONE SPACE ON RAILROAD STREET TO A MOBILE VENDOR SPACE

A Municipal Services, Facilities & Infrastructure Committee report read recommending that staff draft an amendment to the City Code to create the mobile vending spot. Mayor Hansel tabled this report until later in the agenda during the discussion of Ordinance O-2021-03.

FOP REPORT – DAVE KIRKPATRICK/CHESHIRE TV – REQUESTING AN OPPORTUNITY TO ADDRESS CITY COUNCILORS REGARDING THE CURRENT SITUATION WITH CHESHIRE TV

A Finance, Organization & Personnel Committee report read recommending to accept Mr. Kirkpatrick's Cheshire TV Presentation as informational. Councilor Filiault noted there is approximately one month left on the contract termination clause with Cheshire TV and he urged open communication between Cheshire TV and the City staff so that the Councilors stay abreast of this important issue. Mayor Hansel filed the report as informational.

FOP REPORT – AD HOC RACIAL JUSTICE AND COMMUNITY SAFETY COMMITTEE

A Finance, Organization & Personnel Committee report read recommending that the City Council accept the Ad Hoc Racial Justice and Community Safety report as informational. Mayor Hansel filed the report as informational and thanked the Committee members, including co-chairs Dr. Dottie Morris and Rick Van Wickler, as well IT Director/ACM Rebecca Landry and Councilor Catherine Workman. The Mayor said that the Committee should be proud of their hard work and report, which he appreciated.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION & FACILITIES DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$200 and that the money be used by the Parks, Recreation and Facilities Department. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF THE 2017 HOMELAND SECURITY GRAND AWARD – HAZMAT ALLOCATION – FIRE CHIEF

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$16,738 from the 2017 State of New Hampshire Homeland Security Program (SHSP) - HazMat Allocation. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – PANJANDRUM FOUNDATION GRANT – POLICE CHIEF

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a grant from the PANJANDRUM Foundation in the amount of \$5,000 to fund Ethics and Implicit Bias training for the Department. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – FAA CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATION ACT (CRRSAA) GRANT FOR AIRPORT – AIRPORT DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a grant for the amount of

\$23,000 from the Federal Aviation Administration as part of the FAA Coronavirus Response and Relief Supplemental Appropriation Act. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

#### FOP REPORT – AIRPORT RESTAURANT LEASE – AIRPORT DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Mama McDonough's Irish Pub to operate a restaurant in the airport terminal. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

#### FOP REPORT – CONTINUED DISCUSSION: WATER AND SEWER METHODOLOGY AND RATES

A Finance, Organization & Personnel Committee report read recommending that the City Council adopt the proposed sewer and water rate and charge structure for the users of the City's sewer and water systems and direct the City Manager to do all things necessary to implement them. Mayor Hansel referred the issue back to the FOP Committee while noting that he had personally heard from Councilors Ormerod and Bosley, who raised some good points regarding the proposed methodology.

#### FOP REPORT – AUTHORIZATION TO PROVIDE TESTIMONY – HB 111 – CITY ATTORNEY

A Finance, Organization & Personnel Committee report read recommending that a letter of opposition to HB 111 relative to Establishing a Cause of Action Against the State to Protect Individual Rights be sent to the Keene Legislative Delegation and the Governor and that the City Attorney be authorized to speak and testify on the City Council's behalf. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

Mayor Hansel said he was unsure why the City Attorney was singled-out in this way in terms of having to obtain the City Council's authorization to testify. The Mayor noted his intent would be to submit a communication to the City Council, with a request to remove that stipulation from City Code.

#### CITY MANAGER COMMENTS

The City Manager began addressing the Ad Hoc Racial Justice & Community Safety report. She said there should be no doubt that racism does exist right here in our community, our region, our state; intentional racist behavior as well as unintentional acts or comments that are insensitive toward those who are of a different race or ethnic background. She was very proud of our organization and this community, but said we can always do better and should continually strive to do so. She would be continuing her review of the recommendations in the report with our departments to determine what sort of improvements we might be able to make as an organization and an employer. Several recommendations were made to continue initiatives

already happening in departments, like the Keene Police Department, which she knew the Chief intended to continue and strengthen where possible. She planned to follow Chief's Russo's lead and engaged the Cohen Center to see if we can create ethics and bias training for all of our departments. In addition, she planned to investigate what partnership opportunities might be available for community outreach and education. There were other recommendations in the report related to City-wide hiring and recruitment practices that she would ask the HR Department to review and report back on. There was a recommendation related to the Library regarding expanding their collection on diversity that the Library was already pursuing. There was a recommendation regarding intentionally factoring diversity into community-driven development projects like the skate park, for which she would follow-up with Director Bohannon to discuss further. There was a brief discussion at our property and development meeting as to any other upcoming community projects that might present an opportunity for more diversity to be incorporated. The Manager noted she would continue to share progress with the Council.

During the most recent meeting with Keene's Legislative Delegation on April 14, the group discussed bills that survived to date and were about to cross over from the House to Senate and vice versa. Department heads provided a list of problematic bills and/or bills that they support. She combined all of the Departments' feedback into one document that she shared with our Delegation. She would also share this list with Council. Registering your support or opposition remained fairly easy using the online option as individuals did recently for the bills related to community power. If you review the list of bills and have questions, please feel to reach out to the City Manager. She was happy to report HB 266 regarding immigration laws opposed by the City had been tabled and so had HB 111 regarding qualified immunity, which were both very troubling bills.

She had also been meeting monthly with the Federal delegation offices of Ann Kuster and Jeanne Shaheen to strategize on funding sources that have become available at the Federal level. To date we have put forward a portion of the Heritage Trail project and Winchester Street project for consideration. We have also put forward letters of interest for potential projects that would qualify for Northern Borders funds (Beaver Street Bridge over Beaver Brook and work in Gilbo area to support realignment of Wilson St). We are currently monitoring additional transportation and broadband related projects that could become eligible for any funding approved in the President's proposed recovery plan. This work supports Council Goal Two.

The Manager continued that the Taste of Keene event was scheduled for Saturday, June 5, 12:00 PM-5:00 PM. This event was growing and would be our kick-off event for the summer. Please check-out the [www.TasteofKeene.com](http://www.TasteofKeene.com) for more information and share the excitement. All safety protocols required at that time would be in place. She was excited to welcome everyone to downtown Keene. This would be a great opportunity for people to sample dishes from a variety of our excellent restaurants and local breweries.

The City Manager reported that Senator Kahn led meetings with a local group of providers to discuss issues around treating mental health and substance misuse. The Police Chief and Fire Chief attend on a regular basis and the City Manager attends when able. She attended the most recent meeting held on April 9 when Phil Wyzik, Executive Director for Monadnock Family Services, reported that the State was looking to create a statewide call center for psychiatric counseling and they were close to announcing the successful bidder for this project. In addition, they were moving to create more mobile crises units in the state and utilize organizations like

Monadnock Family Services. Over the past year, Police Chief Russo had been talking with Mr. Wyzik about similar support for police services. Mr. Wyzik shared at the meeting that the issue continues to be finding enough qualified staff wanting to do this kind of work. Further, he was worried that State would underfund the effort. As of July 1, the State was planning to require mental health service providers who receive State funding, like Monadnock Family Services, to provide this type of mobile crises support. The City Manager spoke to Mr. Wyzik last week reiterating Keene's support to build on the model the State was creating to support the City's emergency services if staffing and funding become available. Keene had a mental health crisis before Covid-19 and from what the City Manager heard it has only gotten worse. She would report as the State moves their plan forward. The City Manager added that at the same meeting, a comment was made by an employee at MAPS Counseling, stating that they were seeing the impacts of stress on their clients and she provided a nice reminder to us all. We have been operating under a great deal of stress since March 2020 and it is important that we all support each other in finding ways to care for ourselves so that we can continue to take care of others. The City Manager worries about our departments that have carried such a heavy load for an extended amount of time and said everyone must support and encourage them as individuals and as teams to find ways to care for themselves so they can continue to care for others.

Regarding the Chamber of Commerce branding effort, the City Manager said she attended a meeting on April 18, during which the Chamber provided an update on their branding project. It is likely that they will be awarded an EDA grant to assist with this project. They had sought \$500,000 but heard the maximum would likely be \$300,000, which would then be combined with the \$100,000 in donations/pledges that they have. Therefore, making the project a \$400,000 project versus the \$600,000 planned originally. The plan was for this to be a three-year project to brand the region that is made-up of 30-40 towns. Beyond the three years, the Chamber would be looking to create an ongoing commitment through fundraising to expend about \$200,000 per year to continue promoting the brand. Individual communities were encouraged to promote the regional brand once created and to create their own local brand to distinguish what makes them special in this region. For Keene, the City Manager had included some findings that she would share for Council review during the upcoming City Manager budget proposal.

The City Manager said all Councilors should have received the 2021 construction season update this week. In the next two or three weeks, Councilors would begin seeing crews working on City infrastructure projects, including some punch list work and final restoration on Blossom Street/Ridgewood Road in May. The Woodward Pond Dam rehabilitation work would also begin again, along with a list of other projects scheduled for this season, such for Roxbury Street.

The Public Works Department would be starting the water spring flushing program Sunday, April 18 and it would continue for the following five weeks. Public Works crews would be working between 10:00 PM and 7:00 AM. If a resident experiences discolored water, they should wait a few minutes and run cold water for five to eight minutes. If it does not clear, turn-off and wait 20 minutes and repeat the steps. If it persists, they can contact the Public Works Department at 352-6550. Residents could keep-up on the schedule through the Public Works Facebook and Twitter accounts.

This year's Green Up Keene would be Saturday, April 24. The Public Works Department would not be holding the traditional supply pickup at Railroad Square due to Covid-19 concerns, but were working on the possibility of a drive-thru supply pick-up at the Keene Public Works

Department on Saturday (more details to follow.) Groups were also welcome to pick-up their supplies the week leading to Green Up Keene at the Public Works Department by scheduling a time for contact-free pickup. If interested, please contact the Public Works Department.

Lastly, the City Manager provided her Covid-19 update from the partners meeting on April 14. The Governor had announced that all schools would go back to five days per week in-person learning by April 19. Our Superintendent, who had been moving in that direction, requested some relief to be able to return all schools to five days in person when they return from their April break and the request was granted. This week, the high school spring sports teams took to the fields once again and were very excited to do so. They had also started looking at plans for graduation at alumni field. The State's number of cases was around 500 per day, which we had not seen since November and the hospitalizations had increased by 20% in the State recently. Dr. Caruso shared his weekly testing numbers and locally, our positivity rate went up from 3.2% to 4.0%, but our local hospitalizations had remained stable. Dr. Caruso stated that we were in a third wave of Covid-19 for this region and the prediction was that the State would hit about 20% of the numbers we saw back in January. He shared some good news though that what they were seeing across NH in hospitals were patients much younger than they saw in January, and not as many ICU patients. While people are getting sick, not as many people are dying. He then shared a chart illustrating the percentage of people immunized in different age brackets as compared to what they were seeing in the hospital. 65-75% of people between the ages of 60-70 had been vaccinated fully and this correlated with the reduction in numbers of people in that age group seen at hospitals. Therefore, Dr. Caruso felt vaccinations were working and as younger individuals become vaccinated he would expect to see those hospital visits also decline.

Further on Covid-19, the City Manager reported that the Governor announced that he was letting the mask mandate expire on April 16. This would cause confusion because the City of Keene still had a local mask Ordinance that remains in place. This afternoon Staff pushed-out notices and social media to explain that while the State mandate would expire, the local Ordinance would remain in effect. Yesterday at her Covid-19 meeting, the City Manager requested some input from Dr. Caruso regarding the City's mask Ordinance; what measurement/data point makes sense for the City Council to consider when deciding the right time to remove the local Ordinance? We were anticipating the Governor's change prompting a discussion at the local level. Dartmouth themselves were no longer requiring masks when holding internal meetings because the majority of their staff were fully vaccinated. Dr. Caruso suggested that we utilize the statistics coming out of the Krif Road vaccination site when discussing the Ordinance. Using these statistics, we can determine when this region of the State would reach the 60-80% vaccination level needed for herd immunity. The site was vaccinating between 1,000 to a high this week of 1,900 people in one day. This site serves the Cheshire County region of 76,000 plus another town or two bringing us to about 100,000 people. Yesterday, Dr. Caruso stated he believed 43,000 had been vaccinated to date. She had hoped the Governor would renew his mandate for at least one more 21-day period to allow for more vaccinations. We could reach the 60% lower end of the range potentially at the end of those 21 days if the pace continued at Krif Road. The PLD Committee would be hearing from our health officer next week in regarding recommendations for the Council to consider as deciding the right time to sunset the Mask Ordinance. The Governor announced the "safer at home" and opening guidelines for businesses like restaurants would no longer be a mandate after May 7 and they would become universal best practices; things like distancing and barriers would become recommendations.

04/15/2021

AHCPC REPORT – CITY OF KEENE COMMUNITY POWER PLAN

An Ad Hoc Community Power Committee report read unanimously approving the City of Keene Community Power Plan as amended and recommending adoption to the City Council. The report was referred to the Finance, Organization & Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO DESIGNATED LOADING ZONES –  
ORDINANCE O-2021-03

Mayor Hansel brought forward tabled item D.2. A Municipal Services, Facilities & Infrastructure Committee report read recommending on a roll call vote that staff draft an amendment to the City Code to create the mobile vending spot. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. Discussion ensued. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

Mayor Hansel referred Ordinance O-2021-03 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO CHAPTER 46 LICENSES AND  
PERMITS – ORDINANCE O-2021-04

Mayor Hansel referred the memorandum from Senior Planner, Tara Kessler, and Ordinance O-2021-04 to the Planning, Licenses & Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO SEWER SERVICE AND  
INDUSTRIAL PRETREATMENT – ORDINANCE O-2021-02

A Municipal Services, Facilities & Infrastructure Committee report read recommending on a roll call vote of 5-0 the adoption of Ordinance O-2021-02. A motion by Councilor Manwaring to adopt Ordinance O-2021-02 was duly seconded by Councilor Giacomo. Councilor Manwaring yielded her report to Councilor Madison. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:37 PM.

A true record, attest:

  
Assistant City Clerk



## PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held on **May 6, 2021 at 7:00 p.m.** to discuss and hear public comment on a proposed application for funding by the City of Keene to the New Hampshire Community Development Finance Authority (NH CDFA) for federal Community Development Block Grant (CDBG) funds. CDBG funds are awarded to municipalities and counties on a competitive bases in New Hampshire for housing, public facilities and economic development projects which have primary benefit to low- and moderate-income individuals. The maximum grant award is \$500,000 for each eligible category. To provide additional funding for projects impacted by high construction costs due to the COVID-19 pandemic, NH CDFA has made an additional \$900,000 available statewide under the CDBG Gap Fund program for currently active CDBG projects.

The proposal to be discussed is for up to \$165,000 in federal CDBG funds through the CDBG Gap Fund program. If awarded, the funds would be subgranted, less administrative costs, to the Community Kitchen to support their ongoing project which will provide a rooftop solar array and other improvements to the Community Kitchen's facility located at 37 Mechanic Street in Keene, NH.

Due to the COVID-2019 State of Emergency, these hearings will be held remotely using the web-based platform Zoom. Members of the public will be able to access this public hearing by visiting <https://us02web.zoom.us/j/86152994353> or calling #1-877-853-5257 toll-free and entering the Meeting ID # 861 5299 4353. If you have trouble accessing the meeting, please call#1-603-757-0622 during the meeting.

Interested persons are invited to attend and provide comment. Please contact the City of Keene at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearings.



City of Keene, N.H.  
*Transmittal Form*

May 4, 2021

**TO:** Mayor and Keene City Council

**FROM:** Mayor George S. Hansel

**ITEM:** B.1.

**SUBJECT:** Nomination

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Tabled the nomination to the next regular meeting.

**RECOMMENDATION:**

I hereby nominate the following individual to serve on the designated board or commission:

Partner City Committee

Gregory Kleiner, slot 8  
119 Carroll Street Apt. 1

Term to expire Dec. 31, 2022

**ATTACHMENTS:**

Description

Background Kleiner

**From:** [Helpdesk](#)  
**To:** [Terri Hood](#)  
**Subject:** FW: Interested in serving on a City Board or Commission  
**Date:** Tuesday, May 4, 2021 4:06:41 PM

---

<p>Submitted on Wed, 04/14/2021 - 16:23</p>

<p>Submitted values are:</p>

**First Name:**

Gregory

**Last Name:**

Kleiner

**Address**

119 Carroll Street Apt 1  
Keene, NH 03431

**Email:**

[REDACTED]

**Cell Phone:**

[REDACTED]

**Please select the Boards or Commissions you would be interested in serving on:**

Partner City Committee

**Employer:**

Fenton Family Dealerships

**Occupation:**

Senior Accounting Associate

**Education:**

Bachelors of Science, Accounting. Masters, Finance.

**Have you ever served on a public body before?**

No

**Other Information/Relevant Experience:**

I spent my Junior year in College in Germany. I also have family in Germany so have been there many times throughout my life. I also would like to help broaden the relationship between our two cities.

**Please provide some references:**

Kaitlin Fenton

[KFenton@fentonautosales.com](mailto:KFenton@fentonautosales.com)

603-491-4042

**References #2:**

Donovan Fenton

[DFenton@fentonautosales.com](mailto:DFenton@fentonautosales.com)  
603-313-7991



City of Keene, N.H.  
*Transmittal Form*

April 12, 2021

**TO:** Mayor and Keene City Council

**FROM:** Mayor George S. Hansel

**ITEM:** B.2.

**SUBJECT:** Confirmation

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to confirm the nomination.

In City Council April 15, 2021.

Tabled the nomination to the next regular meeting.

**RECOMMENDATION:**

I hereby nominate the following individual to serve on the designated board or commission:

Assessor's Board

Jason Frost, slot 3

61 Hilltop Drive

Term to expire Dec. 31, 2023

**ATTACHMENTS:**

Description

Background\_Frost

## Patty Little

---

**From:** helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>  
**Sent:** Wednesday, March 24, 2021 2:35 PM  
**To:** Helen Mattson  
**Cc:** Patty Little; Terri Hood  
**Subject:** Interested in serving on a City Board or Commission

<p>Submitted on Wed, 03/24/2021 - 14:35</p>

<p>Submitted values are:</p>

**First Name:**

Jason

**Last Name:**

Frost

**Address**

61 Hilltop Drive

**Email:**

**Cell Phone:**

5083415931

**Please select the Boards or Commissions you would be interested in serving on:**

Assessor's Board, Planning Board, Zoning Board Adjustment

**Employer:**

Cheshire Home Inspections LLC

**Occupation:**

Home Inspector

**Education:**

BA from Nichols College

**Have you ever served on a public body before?**

No

**Please provide some references:**



City of Keene, N.H.  
*Transmittal Form*

May 4, 2021

**TO:** Mayor and Keene City Council

**FROM:** Joseph Mirzoeff

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.1.

**SUBJECT:** Joseph Mirzoeff - Relating to the Wearing of Face Masks

---

**COUNCIL ACTION:**

In City Council May 6, 2021.  
Communication filed into the record.

**BACKGROUND:**

Mr. Mirzoeff has submitted a communication in support of the rescission of the current City Ordinance relating to the wearing of face masks.



City of Keene, N.H.  
*Transmittal Form*

May 2, 2021

**TO:** Mayor and Keene City Council

**FROM:** Pablo Fleischmann, Keene Music Festival Director

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.2.

**SUBJECT:** Keene Music Festival - Request to Use City Property

---

**COUNCIL ACTION:**

In City Council May 6, 2021.  
Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Keene Music Festival

**BACKGROUND:**

Mr. Fleischmann is requesting the annual license to conduct the Keene Music Festival on Saturday, September 4, 2021.

*Keene Music Festival  
37 Roxbury Street  
Keene, NH 03431  
(603) 499-6656*



May 2, 2021

The Honorable Mayor and City Council  
Keene City Hall  
3 Washington Street  
Keene, NH 03431

Re: 2021 Annual Keene Music Festival

The Keene Music Festival wishes to sponsor this year's Annual Keene Music Festival on Saturday, September 4, 2021. The scheduled hours for performances and other activities are 10:00 AM until 10:30 PM; with performances ending by 10:00 PM.

With an understanding of the current Coronavirus situation, we have decided to keep the scale/scope of this year's Festival as we have in the past, with the understanding that we will likely reduce the overall footprints the date approaches, to avoid any chance of over-crowding. The traditional locations have been: The common area and bandstand in Central Square/Gazebo; Railroad Square; City Tire Company (124 Main Street); Lamson St./ Main Street; Miller Brothers "Alley"; The Monadnock Food Coop; Lindy's Diner; and, Toadstool Bookshop. We will likely reduce the footprint to the three larger areas: Gazebo, Railroad Square and City Tire, but want to make preliminary provisions for maintaining our pre-Covid Festival footprint.

We would like to request and reserve the use of parking metered space #'s: 164, 166, 168, 170, 172, and 174 on Main Street in front of the City Tire Company. The Main Street metered spaces are being requested to serve as a staging area to allow the sound crew to prepare equipment to be set up in the City Tire Company parking lot; and could be opened for use later in the day.

We are also proceeding with the understanding that should conditions in our overall community dictate a stricter than usual protocol (such as a flare-up in Coronavirus cases), we may cancel the event altogether.

While we do not request that Railroad Street, from Main Street to the parking garage be officially closed, we are asking that the Public Works Department please provide us with adequate barriers for that eventuality. If the Keene Police Department determines that there is a safety issue, we will close the street as needed.

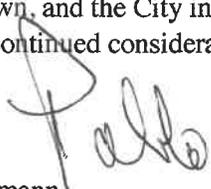
As with prior years, and in a manner consistent with community event protocol, we ask that the City please give due consideration to absorbing any additional cost of Police Officers, Public Works and Fire Department Personnel for the day. We are requesting that Police and Fire Department Personnel be detailed to the event between the hours of 11 :00 AM and 10:30 PM.

As required, we will provide a \$1 Million certificate of insurance to the City, and work closely with City staff to ensure that this is a safe and enjoyable event.

Our previous Music Festivals have always been a great success. There have been no public issues; the performances have been amazing, and the crowds' orderly. As in previous years, Keene Music Festival does not consider or accept outside vendor applications. We prefer to encourage our guests to explore local businesses and shops as they enjoy the musical well as the array of the current licensed Food Trucks, who will be invited to participate in the Downtown area.

Events such as this add to the vibrancy of our Downtown, and the City in general, helping Keene be the exceptional place that it is. We thank you in advance for your continued consideration and support.

Sincerely,

  
Pablo Fleischmann  
Keene Music Festival Director



City of Keene, N.H.  
*Transmittal Form*

April 23, 2021

**TO:** Mayor and Keene City Council

**FROM:** Jennifer L. Ferrell, Associate Vice President, Student Engagement

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.3.

**SUBJECT:** Keene State College - Request to Discharge Fireworks

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to Suspend the Rules of Order to act upon the request.

Voted unanimously to grant Keene State College permission for the discharge of fireworks on Saturday, May 15, 2021 and reserving a "rain date" of Sunday, May 16, 2021, subject to the following conditions: the signing of a revocable license and indemnification agreement; that Keene State College provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that a Class B fireworks permit be obtained; that the display occur no later than 10:00 pm; and, that Keene State College provide Campus Security to control the fireworks drop-zone. In addition, the petitioner agrees to comply with any recommendations of the Keene Fire Department and the Keene Police Department and agrees to absorb the charges for any City services provided.

**ATTACHMENTS:**

**Description**

KSC\_Letter

site map

Atlas Communication

**BACKGROUND:**

Keene State College is requesting permission to discharge fireworks on the KSC Joyce Athletic Practice Field on Saturday, May 15, 2021 as part of their end of year festivities.



Wisdom to make a difference.

Lloyd P. Young Student Center  
229 Main Street  
Keene, NH 03435-3003  
(603) 358-2662  
(603) 358-2875 fax  
keene.edu/young

April 23, 2021

Honorable Mayor and City Council,

I hope this letter finds you well. The 2021 Keene State College Senior Class Student Government Executive Board has been looking forward to the opportunities provided by the warmer spring weather to plan fun end-of-year COVID-safe activities for the members of their class and our soon-to-be graduates. In conjunction with other campus events for members of the class of 2021, and with respect to City Ordinance (KCO 42-61), I am requesting the ability to host a professional fireworks display on the Keene State College campus.

The details of the event are listed below:

**Date:** Saturday, May 15, 2021

**Time:** Begins shortly after full sunset, beginning sometime between 8:30-9:00 PM

**Duration:** Approximately 8-9 minutes

**Location:** Keene State College campus, Joyce Athletic Practice Fields (site diagram attached, 280' radius)

**Company Partner:** Atlas PyroVision Entertainment Group, Inc.

**Lead Licensed Technician:** Stephen Pelkey, Owner/CEO Atlas PyroVision Entertainment Group, Inc.

**Crew Arrival Time:** 4:00-4:30 PM

**Display Details:** The crew will be utilizing cakes, 3" shells and 4" shells. There is 300' of distance from any occupied building with 700' from the highway and the site of the display. The next morning, May 16, at first light/dawn, the technicians will recheck the site to reassure safety and good condition of the area.

Our partner Atlas PyroVision has already submitted the *Notification for Display of Permissible Fireworks*, and has received an approved and fully executed permit for the display. I have already been in communication with Captain John Bates, who is also supportive of this request. I will work directly with Captain Bates to ensure that the appropriate members of Keene Fire Department are on-call or on-site as he directs. Students will be able to view the display throughout campus along Appian Way, in front of and alongside Spaulding Gym, Elliott parking lot, etc., allowing for physical distancing both from the staging site as well as each other. In addition, Keene State College has specific COVID-safety requirements already in place that our company partners will follow for the duration of their time on campus including visitor/vendor attestations, required mask-wearing at all times, and physical distancing.

Please let me know if there is any information that you would like in addition to what is provided in this letter and the permit package. Thank you for your consideration of this request and your support of Keene State College and our students. It is greatly appreciated, especially as we reach the end of a challenging academic year and look forward to the bright futures for our graduates.

Sincerely,

Jennifer L. Ferrell  
Associate Vice President, Student Engagement

**Business Address:**  
229 Main St.  
Keene, NH 03435-3003

**Residential Address:**  
161 Marlboro St  
Keene, NH 03431

# Keene State College

Joyce Athletic Field

280' radius circle - 4" max 1.3g fireworks

Keene State Recreation Center and Spaulding Gym

## Legend

- 300' Pondsides 1
- 370' to Redfern Arts Center
- 700' to Route 12
- Recreation Center and Spaulding Gym
- Spectators

Ashuelot Rail Trail

Spectators

Brick Yard Pond

Appleton St





April 20, 2021

City of Keene  
Office of the Mayor  
Keene City Council  
3 Washington Street  
Keene, NH 03431

Re: Keene State College Senior Class Request for Fireworks – May 15, 2021

Dear Mayor Hansel and Members of the City Council,

On behalf of Keene State College, Atlas PyroVision Entertainment is requesting permission and approval to present a professional firework display in accordance with NH Saf-C 5000 and NFPA 1123 on May 15, 2021. The display will be fired from Spaulding Athletic Field indicated on the \*Site Diagram – A. The display will commence at 8:30pm, and last until 8:40pm. In the event of inclement weather, Keene State College has requested, Sunday, May 16<sup>th</sup> as a postponement date for the fireworks. This display is not being publicly announced as it will be part of the events for the KSC graduating Class of 2021. Additionally, we offer the City of Keene the NH State Application for Permit and insurance certificate for the event.

Thank you and we look forward to your favorable response.

Sincerely,

Stephen T. Pelkey, CEO  
Atlas PyroVision Entertainment Group



City of Keene, N.H.  
*Transmittal Form*

May 3, 2021

**TO:** Mayor and Keene City Council

**FROM:** Madeline Ullrich, Project Coordinator

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.4.

**SUBJECT:** Keene Downtown Group - Request to Use City Property - Art Walk

---

**COUNCIL ACTION:**

In City Council May 5, 2021.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Art Walk

**BACKGROUND:**

The Keene Downtown Group is requesting a Street Fair License to hold art demonstrations, sidewalk sales and other activities in the downtown area on Saturday, June 5th and Saturday, June 12th. They are also requesting free parking on these dates.

# ArtWalk

May 3, 2021

City of Keene  
3 Washington Street  
Keene, NH 03431

Dear Members of the City Council,

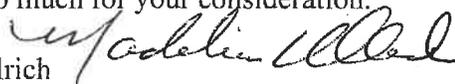
I am the program coordinator for the Keene Art Walk. We request the following for the two Saturdays during Art Walk from 10 a.m. to 5 p.m. on June 5<sup>th</sup> and June, 12<sup>th</sup>:

1. Sidewalk Sales Permit: This will benefit the downtown businesses, restaurants as well as the Art Walk artists.
  - a. Four 10 x 10 tents around the downtown area w/artist demonstrations.
  - b. Music performances
2. Free parking on Saturday June 5 and June 12.
  - a. A letter has already been sent in Keene City Council.
3. Use of Electricity as needed for the Artist Demos.
  - a. We are already permitted for Use of Railroad Square
  - b. Other locations
4. Artists painting in various areas in the Downtown Area

This is the 30<sup>th</sup> year of the Keene Art Walk. The Keene Art Walk works with the artists, the community, and the businesses to support and enhance arts in the region. This event brings to downtown Keene, NH local multigenerational visual artists to showcase their art in the windows of over 50 store businesses creating a walking art gallery.

This year we have added a new event to Keene Art Walk - *Artists Everywhere*. This event includes artist demonstrations and performing artists downtown on both Saturdays of Art Walk.

Thank you so much for your consideration.

  
Madeline Ullrich  
Project Coordinator  
KEENE ART WALK  
603-722-5445





City of Keene, N.H.  
*Transmittal Form*

May 3, 2021

**TO:** Mayor and Keene City Council

**FROM:** Peg Bruce, Secretary

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.5.

**SUBJECT:** Kiwanis Club - Request to Use City Property - Tree Lighting Ceremony

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Kiwanis

**BACKGROUND:**

Ms. Bruce has submitted the annual request for a license to conduct the Tree Lighting Ceremony on Central Square on November 26, 2021.



# Kiwaniis

CLUB OF KEENE

63 Emerald Street  
PMB 451  
Keene, NH 03431  
keenekiwaniis.org

**OFFICERS:**

Elizabeth Sayre  
*President*

Pete Southwell  
*President-Elect*

Art Trombly  
*Vice President*

Arthur Walker  
*Past President*

Donna Petersen  
*Treasurer*

Janet Genatt  
*Co-Treasurer*

Peg Bruce  
*Secretary*

**DIRECTORS:**

Carl Allen

David Ganio

Scott Olmstead

Diana Sommer

Patti Spears

Pamela Wilson

**PAST PRESIDENTS:**

Arthur Walker 2019-20

David Ganio 2018-19

Eli Rivera 2017-18

Paul Bothwell 2016-17

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Michael Haines 2010-11

Keene Kiwanis is a 501 (c) 3  
Organization: tax exempt  
number - 020458160.

May 3, 2021

Mayor Hansel and the Keene City Council  
3 Washington Street  
Keene, NH 03431

Re: 11/26/2021 Tree Lighting, Central Square, Keene, NH

Dear Mayor Hansel and the Keene City Council:

The Kiwanis Club of Keene requests a license to produce the 2021 Tree Lighting Event. The proposed date and time of the event is November 26, 2021, 5 p.m. to 8:30 p.m. This event continues to compliment the Kiwanis' mission of supporting our local youth.

This is the ninth year we are managing this event. We would once again like to decorate the Bandstand on Central Square with wreaths and lights and decorate the City tree on Central Square. If we are able to find a suitable tree, would like to place a tree on the roundabout at the intersection of Marlboro St, Main St. and Winchester St. Will use battery operated lights on this tree. We plan to do the decorating of Central Square and the roundabout on a Saturday in the month of November 2021 and take the decorations on Central Square and the roundabout down by the second week of February 2022. We plan to string bars of soap on the trees to continue to deter the squirrel population from damaging the light strings. We had no lights damaged the past several years.

Between 2013 and 2019 the event has been a great success. In 2021, we did a virtual event. The children have enjoyed the entertainment with the brass band and the choirs as well as the Christmas story. They really liked having the fire truck circle the square with Santa and Mrs. Claus. We give close to 600 Christmas bells to children and have had a very large crowd attend the event. The new road closure of Central Square is keeping the crowd very safe during the event. We plan to keep the event similar this year.

Feel free to contact Dave Ganio should there be any questions. He can be reached at 603-357-7700 or via email at [glmgt@myfairpoint.net](mailto:glmgt@myfairpoint.net).

Thank you for your consideration of this request.

Sincerely,

Peg Bruce, Secretary  
Kiwaniis Club of Keene  
63 Emerald Street, PMB 451  
Keene, NH 03431  
603-762-7276



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.1.

**SUBJECT:** Kevin Leary – Request for Access to Property – Old Gilsum Road

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a roll call vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends per Section 94-238 of the City Code of Ordinances, that Kevin Leary be permitted to use a motorized vehicle on the Class VI portion of the Old Gilsum Road for the purpose of transporting in and out of equipment one time each year until 2023 to the Fontaine Albert R Revocable Trust Property (218-009-00-000-000). This motorized access is to be coordinated with City staff with Mr. Leary abiding by all conditions set by staff.

**BACKGROUND:**

Chair Manwaring welcomed Kevin Leary of 27 Meetinghouse Road to speak about this new request. Mr. Leary said that since he was before this committee last, he met with City Staff from the Parks, Recreation & Facilities Department and Public Works Department to discuss in-depth the work he planned and decided it was best to present a new proposal to the City Council with more information. Mr. Leary continued stating that he obtained a legal lease granting him access to the Fontaine Property. He sought formal access to the property per the original right-of-way access, which is Old Gilsum Road. He requested to enter the property using a small tracked motorized machine to work with a licensed forester for property maintenance and improvements. Mr. Leary said this one-time annual entrance would be followed by the property work and would then require a one-time exit via Old Gilsum Road. This access would be scheduled always with the appropriate Staff in the Departments of Parks, Recreation & Facilities and Public Works to coordinate access through the locked gate to Old Gilsum Road. He requested this access once in 2021 and to then occur again every two or three years with the same Staff guidance.

Chair Manwaring welcomed the Director of Public Works/Emergency Management Director, Kurt Blomquist, who said that he and other Staff had robust discussions with Mr. Leary about his plans. Per Section 94-238 of the City Code, the Class VI Old Gilsum Road can be accessed by motor vehicles with Council permission. The Director of Public Works said that Staff were satisfied with the formal lease that Mr. Leary obtained for access to the property. If the City Council granted Mr. Leary this permission, the City would facilitate the appropriate legal documentation with Mr. Leary so that he could access the property in the fashion he described. The Director of Public Works said that this request met all requirements in the City Code. As such, Staff recommended that this Committee recommend to the City Council that Mr. Leary be given access to use a motorized vehicle on the Class VI portion of the Old Gilsum Road for the purpose of transporting in-and-out of equipment to the Fontaine Property one-time yearly until 2023 so long as this motorized access is

coordinated with City Staff and Mr. Leary abides all conditions set by staff.

Chair Manwaring asked for certainty that Staff were satisfied with the lease Mr. Leary presented and the Director of Public Works replied in the affirmative, stating that it meets the intent of the City Code.

Vice Chair Giacomo thanked Mr. Leary and Staff for working out a mutually beneficial resolution to this issue.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a roll call vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends per Section 94-238 of the City Code of Ordinances, that Kevin Leary is permitted to use a motorized vehicle on the Class VI portion of the Old Gilsum Road for the purpose of transporting in and out of equipment one time each year until 2023 to the Fontaine Albert R Revocable Trust Property (218-009-00-000-000). This motorized access is to be coordinated with City staff with Mr. Leary abiding by all condition set by staff.



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** D.2.

**SUBJECT:** Darren Humphrey/Trax Club – Request to Use City Property and Serve Alcohol – Sidewalk Café

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 5 -0, the Planning, Licenses, and Development Committee recommends that the Trax Club be granted permission to place 6 tables and 36 chairs on City property adjacent to Railroad Square in conjunction with a sidewalk café license within the hours of Monday through Wednesday from 4:00 PM to 8:30 PM and Thursday through Sunday from 12:00 PM to 8:30 PM and that he be permitted to serve alcoholic beverages subject to submittal of a copy of their State of NH Liquor License. This permission is subject to the following: licensee agrees to place a smoking waste receptacle in the café area to minimize litter; licensee shall maintain the property and return it to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance; and that the licensee agrees to remove the tables and chairs when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Parks and Recreation Department. Further that this permission is subject to the execution of a revocable license and indemnification agreement and receipt of a certificate of liability insurance in the minimum amount of \$1,000,000 listing the City of Keene as an additional insured. Said license shall expire March 1, 2022.

**BACKGROUND:**

Chair Bosley asked to hear from City Staff.

Andy Bohannon, Parks, Recreation, and Facilities Director stated that staff met on site with Mr. Humphrey right after the last meeting to review his proposal. He continued that Mr. Humphrey did what was asked of him at the last meeting and met the criteria set forth. He provided a more detailed map with less tables, which would meet the codes he will be required to meet through the State and put forth those parameters related to time of use of that space. He was amenable to all of that. He worked with staff related to the setbacks on the grass area for the bike path. Given all of that, staff has before the PLD Committee tonight an agreement that could be put in place for this year.

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

Councilor Jones stated that he believes the ordinance only pertains to sidewalk cafes on Main St. and Central

Square. He asked if they need to change an ordinance in order to allow this request from Mr. Humphrey.

City Attorney Tom Mullins replied that it is true that this does not fall within the Sidewalk Café parameters because it is on Railroad Square. He continued that the City Council adopted a Resolution several years ago that allows this kind of activity to occur within parameters on Railroad Square. Chair Bosley asked if the City Attorney is saying they are covered. The City Attorney replied yes, the Resolution covers it.

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

Move to recommend that the Trax Club be granted permission to place 6 tables and 36 chairs on City property adjacent to Railroad Square in conjunction with a sidewalk café license and that they be permitted to serve alcoholic beverages subject to submittal of a copy of their State of NH Liquor License. This permission is subject to the following: licensee agrees to place a smoking waste receptacle in the café area to minimize litter; licensee shall maintain the property and return it to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance; and that the licensee agrees to remove the tables and chairs when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Parks and Recreation Department. Further that this permission is subject to the execution of a revocable license and indemnification agreement and receipt of a certificate of liability insurance in the minimum amount of \$1,000,000 listing the City of Keene as an additional insured. Said license shall expire March 1, 2022.

City Manager Elizabeth Dragon stated that there is a restriction on the time of day for the operation of this café license. She continued that it is different during the week versus on the weekend. She does not have the times in front of her, but it should be added to the motion.

Mr. Bohannon stated that said use is permitted Monday through Wednesday from 4:00 PM to 8:30 PM and Thursday through Sunday from 12:00 PM to 8:30 PM. Councilor Greenwald stated that he will include that in the motion he made. He asked if Councilor Jones is agreeable. Councilor Jones replied yes.

Chair Bosley asked if there were any further questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she called for a vote. The motion passed with a unanimous vote of 5-0.



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

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

**SUBJECT:** Brewbakers Café – Request to Serve Alcohol on City Property – Sidewalk Café

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 5 -0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to Brewbakers Café to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the following conditions: compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured, and the furnishing of a copy of their current State of New Hampshire liquor license. This license shall expire on March 1, 2022.

**BACKGROUND:**

Jeff Murphy stated that he submitted Brewbakers' Sidewalk Café License request to the City Clerk's Office. He continued that last year Brewbakers had outdoor seating toward the end of the season and because there was only a month or so left of palatable weather they did not have the alcohol aspect. Upon setting the new furniture out this year he set up areas around all of the tables and chairs outside in accordance to the Liquor Commission and was able to get permission granted through the Liquor Commission. He submitted his Café License to the City with the letter, insurance, and all proper documentation. They were granted temporary approval until this meeting.

Chair Bosley asked to hear from City staff.

Kürt Blomquist, Public Works Director stated that as Mr. Murphy said, Brewbakers has submitted all the proper paperwork. He continued that City Council policy has been any time a first time liquor permission on the City right-of-ways through the café it comes before the City Council. Once the City Council approves this, in the future, they proceed administratively per the City Council's guidance. Everything seems to be in order, with some finalizing done through John Rogers, and the Community Development Department and the Public Works Department will work with him if there are any issues with the sidewalk café. They are excited to have Mr. Murphy there as a new member of Emerald St. Staff recommends approving this.

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

Councilor Greenwald stated that as an owner of a property that directly abuts Brewbakers, he fully approves of and encourages this. Brewbakers has a great operation.

Chair Bosley 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.

Move to recommend that the City Council grant permission to Brewbakers Café to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the following conditions: compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured, and the furnishing of a copy of their current State of New Hampshire liquor license. This license shall expire on March 1, 2022.

Councilor Greenwald asked if this motion needs to have time limits stated as well. The City Attorney replied that there were not any time limits specifically proposed for this location because of the differences in the locations. The location on Railroad Square was fairly close to some residential areas. This is a question more for the City Manager or Public Works Director.

Chair Bosley asked if there were any further questions from the committee or public. Hearing none, she called for a vote. The motion passed with a unanimous vote of 5-0.



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** D.4.

**SUBJECT:** Concerned Citizens of Cheshire County – Efficacy of Face Coverings

---

**COUNCIL ACTION:**

In City Council May 6, 2021.  
Filed the report as informational.

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the acceptance of the communication from the Concerned Citizens of Cheshire County on the efficacy of face coverings as informational.

**BACKGROUND:**

Chair Bosley stated that there are two items on the agenda that are very closely related. She continued that with 4) there are Concerned Citizens who want to speak to the PLD Committee about face coverings. She will withhold public comment on 4) because they will be opening this up to a broader discussion when they address the topic of the Keene Mask Ordinance on 5). However, this is the opportunity for the people who sent the letter to speak. She asked to hear from Rebecca Montrone, Johanna Laurie, and John-Michael Dumais.

Rebecca Montrone stated that she, Ms. Laurie, and Mr. Dumais sent a letter that says:

*“It has been over a year since pandemic restrictions began, and is now going on 9 months or more of local and state restrictions, including mask-wearing.*

*Many other states and localities have suspended such restrictions, recognizing that the pandemic projections as well as the efficacy of restrictions were both wildly overstated and the dangers of such measures were overlooked.*

*As Keene City Council reconsiders its policies regarding the pandemic, we would like the opportunity to present before the Council for about 15 minutes, preferably in a public forum, to discuss the often-ignored science and the city's policy going forward.”*

Ms. Montrone stated that she would like to give Mr. Dumais an opportunity to speak about the data and the things that the three of them feel support the safety of reopening as soon as possible.

Mr. Dumais asked if it is okay for him to show a few slides. Chair Bosley replied that she believes he spoke with City staff earlier and that was permissible. The City Attorney asked if Mr. Dumais plans on showing anything that is copyrighted. Mr. Dumais replied no.

Mr. Dumais showed a graph and stated that they continue to see this kind of trend from areas where people are wearing masks versus areas where people are not wearing masks. He can show state after state, country after country, where the masks mandates were applied and did not have any effect on the transmission of the virus. Many people know the virus is a very small particle that can go through cloth. Masks available for sale say on the side of the box: "Will not protect you against COVID-19." (On the screen) is an example of Illinois, Minnesota, and Wisconsin, all of which had mask mandates and all of which saw similar types of rises and falls, based on the incidence of the virus moving through.

Mr. Dumais continued that everyone extolled the virtues of Japan and its 97% compliance rate for mask-wearing. Early on it seemed like we should all do that, but regardless of Japan's compliance rates, around December there was still a progression of the virus, which does not seem to care about masks at all. Sweden did not enforce mask mandates. There was a small amount of social distancing that people observed, but people were allowed to take care of themselves. They were widely criticized for doing so. We did not know at the beginning what would work, so some of that criticism was justified, but as time has gone on Sweden's curves have been similar to others' curves. A lot of this also seems to be related to how much death there was the previous year from respiratory diseases. In places where the deaths were light in 2019 they seemed to have extra in 2020 and vice versa. If they had a lot in 2019 their blip in 2020 was not much. In the case of the Czech Republic with great mask compliance - again, extolled as the virtue of how it should be done, in the press - it really did not make a difference. They ended up having a fairly large ingress of the virus because the virus does not respect cloth masks or geography. In NH we did pretty well, although not quite as well in the nursing homes.

Mr. Dumais stated that with his last slide he wanted to show some variation between states that did not have any mask mandate, versus states that have mask mandates that have not been lifted, versus states that have lifted the mask mandates. He continued that what he is showing with this graph is that the virus does not respect masks. The curves of these states are almost identical once the data from Johns Hopkins is considered. He encourages people to read the research that is available. It is unfortunately not what is being discussed on the mainstream media. On May 20, 2020, the CDC published a study of all the available evidence around mask-wearing for flu transmission, which is similar size and transmission type as SARS-CoV-2, and did not find support for mask-wearing for healthy people in community settings. Two large studies that came out more recently, one a meta-study in the Journal of American Medical Association looking at 54 different studies of asymptomatic transmission, only found a .7% risk from asymptomatic transmission, saying asymptomatic people are not the way this virus is being transmitted. Prior to 2020, people who were "asymptomatic" were called "healthy people." There was a study in the Journal of Nature in China that studied 10 million people and found zero evidence of asymptomatic transmission. On June 5, the WHO announced it had no direct evidence that masking healthy people prevents SARS-CoV-2 infection. Lastly, on December 1, the WHO admitted there was limited and inconsistent evidence for mask wearing. He is happy to share the primary references with anyone who wants them. Denmark ran the only large, randomized, controlled trial of SARS-CoV-2 and found that there was no statistically significant advantage for mask-wearers. They could not even find a place to publish this because it had become so politicized.

Mr. Dumais continued that he wants people know that it is safe to be alive, safe to breathe the air, and there are lots of nutrients and treatments that have been available and many of them have been suppressed or censored, and those are coming to light now. He encourages the City Council to consider all of the evidence that is available, and if they do decide to lift the mandate, the community needs to have conversations about reducing the levels of fear. He knows that the perception of the risk from SARS-CoV-2 has been out of proportion to the actual risk. Bill Barr's program revealed that about 50% of Democrats thought that if you got SARS-CoV-2 you would be in the hospital. The perception of the risk is not in line with the actual risk. There is a 99.8% survival rate in the worst areas of the world hit by SARS-CoV-2, and other areas that have access to things like hydroxychloroquine over the counter, like Africa, have miniscule impact from SARS-CoV-2.

Chair Bosley thanked Mr. Dumais and asked if Johanna Laurie wanted to add anything.

Ms. Laurie stated that she wanted to speak about the effects on the elderly and children, which concerns her, because she is a 79-year-old Keene resident and has five grandchildren, three in school. She continued that what worries her is that elderly people on the whole have difficulty breathing. Whether they are sick or well, they have restricted nasal passages, reduced heart function, and slower blood circulation. She and everyone she has talked to her age has a lot of trouble with masks, because they need to breathe. They need all the air they can get. She feels sorry for people struggling to breathe behind a mask and knows that hypoxia and a lack of oxygen increases CO<sub>2</sub> in the body. In the short-term there is dizziness and drowsiness, headache, and fatigue. In the longer-term there are more immune problems and a greater risk of infection. This affects people when they have to breathe in their own germs all the time. Social effects for elderly people are anxiety, isolation, depression, and likely, earlier demise.

Ms. Laurie stated that two of her school-age grandchildren have been home for most of the school year and are not going back to school. Her other grandchild has been wearing a mask all the time. A world-renowned German neurologist who talks about the problems for children says that the human brain, being as sensitive as it is, has certain neurons that cannot survive if they are without oxygen for three minutes. This neurologist says that if you have chronic oxygen deprivation, which you see in children who have to go to school with masks on all day long, you get used to it but your breathing is undersupplied with oxygen and if that continues to progress it will eventually cause neural dysfunction and brain damage. Neurodegenerative diseases take years to develop, but when you wear masks, something is happening there, which will turn up later and give you lots of problems. The neurologist also says that when neurological development is impaired, you cannot replace it. Those neurons will not redevelop. Down the road, you are looking at more dementia, and generations that will not have proper brain function. The neurologist says that for children and adolescents, masks are an absolute no-no. She was begging the German public to stop wearing masks.

Chair Bosley thanked Ms. Laurie, Mr. Dumais, and Ms. Montrone. She continued that it was very timely to receive their letter at a time when the State recently changed its policy and the City Council was wanting to reconsider the Mask Ordinance. She asked if the committee had any questions for the three.

Councilor Johnsen asked if the City Attorney had anything to add to the conversation at this time. The City Attorney replied no, other than this is a debate that is going on within the country and clearly within Keene and there are competing aspects to this and studies to this. You can find on the internet sites that say it is not true and competing sites that say it is true. He has his own opinion but it is really a policy decision at this point for the City Council to follow up on.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted the communication from the Concerned Citizens of Cheshire County on the efficacy of face coverings as informational.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.5.  
**SUBJECT:** Acceptance of Donation - Fire Department

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**COUNCIL ACTION:**

In City Council May 6, 2021.  
Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager do all things necessary to accept a donation of \$250.00.

**BACKGROUND:**

Fire Chief Mark Howard addressed the committee first regarding a donation of \$250 from Ms. Audrey Hancock for recent ambulance services that were provided. Ms. Hancock has asked the funds specifically be put toward ambulance services.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the City Manager do all things necessary to accept a donation of \$250.00.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

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

**SUBJECT:** Acceptance of Donations to Library Renovation Project - Library Director

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager do all things necessary to accept donations of \$9,047.04 as listed in the City of Keene Library Renovation Restricted Trust from January 25, 2020 – March 27, 2021 donor list to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

**BACKGROUND:**

Library Director Marti Fiske addressed the committee and stated she has \$9,047.04 in donations from the City of Keene Library Renovation Restricted Trust to be transferred towards payment of the bridge loan the trustees took out. She indicated this is one of the last batch of donations that will be forwarded from individuals. Ms. Fiske indicated this summer the trustees will be able to pay off the interim bridge loan for the renovations and expansion of the library.

Councilor Chadbourne noted this has been a large undertaking and a lot of people in the community were involved and expressed her appreciation. Ms. Fiske recognized Judy Putnam Treasurer of the Trustees who put in a lot of work to make this happen. Ms. Putnam stated over 450 people in Keene pledged more than \$5.1 million and there are outstanding pledges of nearly \$3,000 which means the city has received more than 99.9% of the money pledged.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend he City Manager to do all things necessary to accept donations of \$9,047.04 as listed in the City of Keene Library Renovation Restricted Trust from January 25, 2020 – March 27, 2021 donor list (see attached report) to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

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

**SUBJECT:** James Weatherly/Southwest Region Planning Commission - CDBG Grant Amendment - Community Kitchen's Improvements

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to carry out the intent of the report.

In City Council May 6, 2021.

Voted unanimously to authorize the submittal of the amendment to the Community Kitchen Improvements/CDBG Project requesting additional funds from the CDBG Gap Fund.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Council support the application for additional funds for the community kitchen's improvements at their facility at 37 Mechanic Street and request the Mayor set a public hearing for May 6 at 7 pm.

**BACKGROUND:**

James Weatherly of South West Regional Planning Commission was the next speaker. He indicated this is a project that has already been approved by the city. He noted the city was awarded \$500,000 from federal community development block grant funds, which were granted to the Community Kitchen. The aim of the project is to make some vital building improvements to the Kitchen's facility that includes the installation of rooftop solar array, roof improvements to allow for that installation as well as upgrades to the bathroom, upgrades to the office space, and HVAC improvements, which is a major part of the project. In general, the project is aiming to reduce the community kitchen's energy costs to ensure a long term sustainability and cost savings for the organization. Mr. Weatherly stated due to the pandemic, construction costs over the past winter has skyrocketed. In response the state agency who manages these funds, the Community Development Finance Authority has made available \$900,000 statewide and Keene would like to request \$157,500.

The City Manager explained what is happening tonight is obtaining support from this committee for this application and then there will be a request to the council to hold the actual public hearing on May 6 at which meeting rules will be suspended to take a vote on the matter. The Mayor will be requested to set a public hearing at that time.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee moves to support the application for

additional funds for the community kitchen's improvements at their facility at 37 Mechanic Street and request the Mayor set a public hearing for May 6 at 7 pm.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.8.

**SUBJECT:** Downtown to Trails Study - Parks, Recreation and Facilities Director

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding with the UNH Cooperative Extension for a Downtown to Trails study.

**BACKGROUND:**

Parks, Recreation and Facilities Director, Andy Bohannon addressed the committee next regarding a recommendation for the City Manager to sign a Memorandum of Agreement with the UNH Cooperative Extension for a downtown trails study.

Mr. Bohannon stated in 2019, prior to Covid, staff was looking at different examples as to how our trails were impacting the city. The Cooperative Extension had released a new program after exploring other parts of the country; they looked at different areas to help communities build their rail trails to create a more vibrant scene within the downtown and then making that connection.

In 2018, the Town of Bristol, New Hampshire took the maiden voyage with the Cooperative and had great results. However, due to Covid the program stalled.

The State of New Hampshire, recently has started working with the UNH extension office for their statewide trails program and Keene was one of those sites. Staff reached out to the extension office and everyone is in agreement that Keene is right for this type of study.

Keene has a lot infrastructure, a vibrant downtown, a bike pack which people are coming from all over the region to use. Mr. Bohannon stated he learned this week there is a company that uses Keene as a destination for bike tours, where people pay \$2,300 to stay in Keene and ride in the area. Mr. Bohannon stated people are already doing this and Keene needs to capture this market.

The purpose of this training, is to train a select group of individuals, most of whom are already established with the Bicycle Pedestrian Pathways Advisory Committee, there will be a few others from the Pathways for Keene, as well as some downtown business representation to obtain data. This will be a six to eight month process, which will begin in the fall. The training will help the city understand the outdoor recreational opportunities and be able put some focus and look at some branding initiatives. Mr. Bohannon stated there is \$3,000 in their

budget to be used for this purpose. The Bicycle Pedestrian Pathways Advisory Committee voted unanimously at their last meeting to support this recommendation.

Councilor Hooper extended his appreciation to Mr. Bohannon for finding creative ways to get support not only the bike trails but also for the parks. He agreed Keene is truly a destination city for bike trails and this will help bring even more interest and revenue to the city. Councilor Chadbourne talked about wanting to travel to Montreal because of their bike trails or to Vancouver to enjoy their gardens. People make such decisions because of what a city has to offer and stated she is excited about this proposal.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding with the UNH Cooperative Extension for a Downtown to Trails study.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.9.  
**SUBJECT:** Deed Waiver - 2017 Tax Year - Revenue Collector

---

**COUNCIL ACTION:**

In City Council May 6, 2021.  
Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to instruct the Revenue Collector to waive tax deeding of the below listed properties until June 11, 2021.

<b>Owner</b>	<b>Address</b>	<b>Map &amp; Lot</b>	<b>Property Type</b>
Tsohonis Michele Walker Parks	71 Oriole Ave.	219001000069000	Manufactured Housing
Ollikkala Glenda	14 Schult St.	242008000214000	Manufactured Housing
Nuzzo Diane	329 Park Ave.	539087000000000	Single Family
Lortie Leonard M & Lisa A	163 Island St.	592025000000000	Single Family

**BACKGROUND:**

Revenue Collector Mary Alther was the next speaker. Ms. Alther stated the city had 15 properties in November for which it granted deed waivers for their 2017 taxes, the extension was granted through February. At this time there are four properties left for which staff is requesting waivers through June 11. These properties have payment plans and should have the 2017 taxes paid by that time.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to instruct the Revenue Collector to waive tax deeding of the below listed properties until June 11, 2021.

<b>Owner</b>	<b>Address</b>	<b>Map &amp; Lot</b>	<b>Property Type</b>
Tsohonis Michele Walker Parks	71 Oriole Ave.	219001000069000	Manufactured Housing
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City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.10.

**SUBJECT:** City of Keene Community Power Plan - ad hoc Community Power Committee

---

**COUNCIL ACTION:**

In City Council May 6, 2021.  
Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of the City of Keene Community Power Plan.

**BACKGROUND:**

Planner Mary Brunner addressed the committee and began by introducing Assistant City Manager and Community Development Director, Rhett Lamb, Peter Hansel, Chair of the of the Community Power Committee, as well as representatives from the consultant team, Patrick Roche from Good Energy and Bob Hayden from Standard Power.

Ms. Brunner noted, staff first came before this committee in June 2020 to discuss community power and to request the establishment of a community power committee.

At that time, community power was identified as the top priority strategy to reach the city's transition to 100% renewable energy by 2030, which is part of the Sustainable Energy Resolution which the City Council adopted. In addition, identified it as an opportunity to help residents and businesses save money on their electricity bills.

In September of 2020, staff came before council to get authorization to negotiate and execute a contract for community power services with Standard Power and Good Energy. Since that time, the community power committee, the consultant team and staff have been working on getting input from the public; a draft community power plan has been put together.

Ms. Brunner noted, the city has conducted four different public information sessions via zoom, and launched a community power survey from about 130 residents.

She noted the plan that's before the committee today has gone through several rounds of edits. Ms. Brunner then brought in Patrick Hansel then turned the presentation for his comments.

Mr. Hansel stated the Energy and Climate committee was pretty much focusing on a number of things and one of those has been when do we go forward with a community power plan, for it to be a value to the community both in terms of economic value and environmental value and its impact on the city's goal of 100% renewable

energy.

He noted, if the city wasn't providing economic value, it would have hard time convincing residents to join this group. He noted there is an opt-out process for customers.

The committee also recognized that with the economy with the technology in electrical energy changing so rapidly we wanted to have something that was going to be flexible. Mr. Hansel noted when this process started it was with a full understanding that it was a law that was passed in 2019 at the state level, that the Public Utilities Commission (PUC) was going to draft rules that would allow the matter to go forward, but there was a hold up because the PUC had not drafted the rules and in the process some laws were introduced into the legislature that would have made it difficult for the city to move forward.

There are still rules to be made by the PUC and those are not going to be finished before the end of summer. Hence, the city might not be able to go forward with its plan until those rules are in place, but the city is going to be working with them not only through staff and committee members but through the consultants who are working on this item.

Mr. Hansel went on to say, because Keene has been a leader in the past in regard to energy and greenhouse gas emissions goals, starting back 21 years ago when the Cities for Climate Protection Committee was formed. Keene has led the state in what it has done with environmental issues, in particular with energy issues. Keene is farther ahead than any other community in New Hampshire as to being able to start a community power program.

Keene is going to lead the way and learn as we do but we want to make sure people can follow us. He indicated they are not leaving out any plan or program they can go forward with. They have already had discussions with communities within the county and have learned from those communities and hence this is much of a collaborative effort. Mr. Hansel then turned the presentation over to Patrick Roche.

Mr. Roche stated this program will have four different options. The idea is to provide a range of options that meet people's needs for using renewable energy and for cost. These products are going to meet the state's minimum renewable portfolio standard or the minimum renewable energy that has to be in every supply.

Mr. Roche with help of a slide presentation explained, the first product on the left is the default product; the one eligible participants would be automatically enrolled in if they do nothing. The other products would be optional ones that you would have to elect to choose; those have to be proactively elected. The goal with the default product is the city would include some extra renewable energy above the state minimums, while also trying to maintain a competitive rate compared to the utility.

The goal is to be cost competitive - for the average person the rate is a little cheaper. Then you get the optional products. The first is the basic which would just meet the state minimum renewable portfolio standard. Then there are two products for those people who want to use a lot of extra renewable energy. The default would have 10% extra renewable energy in that product. Keene's 50% and 100% would be added on top of the renewable portfolio standard of 100% usage of renewable energy matching 100% of your usage or 50% of your usage.

Mr. Roche noted one term that would be seen in the presentation is the term "local". What does local mean - renewable energy that is either located on our electric grid, or from New England, or can be imported in, which means it would be coming from places like New York or Eastern Canada. Once electricity is generated and it goes on to the grid, all the electrons look the same, whether it came from a fossil fuel or whether it came from a wind farm. To track renewable energy the system that has been developed is that every time some renewable energy is generated those electrons go into the grid and there is a certificate called the renewable energy certificate that is created. This is in contrast to some of the offers you might get in your mail that promises 100% renewable energy

cheaper than utility rate. These entities are generally sourcing their renewable energy certificates from places like Texas where it is incredibly cheap. The problem is that this does not support the growth of renewable energy in our region or support jobs in our region and that power cannot get on to our grid.

Program Enrollment - This is an automatic enrollment program. It is open to any electricity customer. Customers who are using Eversource as their supplier today are eligible for automatic enrollment, once the program is rolled out, on the Eversource bill the supplier section will say Keene Community Power.

Ahead of the program launch, once the city has procured electricity supply and have a start date, a comprehensive marketing and education campaign will be put in place and information will be sent to customers by mail with an automatic postage paid envelope for them to return to be able to enroll. Customers will be given 30 days before the program starts.

The city will participate in a press releases and will work with local media to get the word out. The program will also have a website and information will also be available on the city website.

Mr. Roche stressed customers can always opt out without any penalty.

Organizational Structure - The Council will oversee the plan and any amendments that need to be made to the plan would need to be approved by the council and would also need to be approved by the PUC. The city manager will oversee the day to day execution of the plan with her staff and they will be giving direction to the consultants. Consultants will cover costs for things like education and outreach so there is no direct cost to the city for this. Consultant services are recouped within the cost and the electricity supply.

Procurement – The consultants will work with the Manager to bid for power supply and to negotiate the contract. The consultant will be looking at where the market prices are for renewable energy when they go out to bid to see exactly how much the city can afford. The city is also under no obligation to sign or to pick a product so the consultants will look for advantageous opportunities. If the price is not right they will wait and go back out to bid again until they can find something satisfactory. This concluded Mr. Roche's presentation.

The City Manager addressed the committee next. Ms. Dragon stated she is very excited about this product there has been a lot of work and a lot of outreach and the plan before the committee tonight provides maximum flexibility to the city. She indicated this is very similar to when the city goes out to bid for the city's purchase of power – the consultant will go out to bid and the city will examine the price to make sure that it is competitive with the Eversource price and make sure the city is meeting the goals of the plan. She noted unlike how it is when the city goes out to bid for its purchase where there is volatility in the utility market, this plan gives the city maximum ability to be able to take advantage of timing and make sure that the city is getting competitive prices. This plan also allows the city the opportunity to gradually increase the renewable option and move towards the 100% renewable goal for the city.

The Manager explained what the city is doing is bringing together all electric customers in the city, whether commercial or residential and aggregating them into this one power pool and then going out to bid for them. The manager stressed the city is not starting its own power company, nor is it adding another department to the city, the city is simply aggregating power, and the city has hired a consultant to go out and be its broker for that power. For the customer, it's just that change to the supplier on their Eversource bill and the customer always has to option to opt out.

The Manager went on to say, there are a lot of other towns and cities looking at this and Keene will be the first to get a power plan in front of the PUC – there is one other community that is not far behind Keene.

Councilor Hooper asked what the process would be for amending this program. The Manager stated to amend the actual plan, the city would need to come back before the City Council. Staff will evaluate after they go out

for first bid to see what the pricing structure looks like in a 24 or 48 month period of time, which will tell them a lot of what the market looks like.

Councilor Ormerod asked why having local support for renewable power is so important. Ms. Dragon stated one of the benefits of supporting local renewable option is to encourage more people to build local renewable facilities within the city and become more reliable on their local renewable energy. By sourcing it locally it will help to spur the market.

Councilor Chadbourne asked if someone opts out whether there is any penalty to join back. The manager stated there is no penalty to opt in or out.

Mr. Bob King of 42 Hurricane Road, President of Ashuelot River Hydro addressed the committee next. He stated one thing that has not been mentioned in this plan is that as funds permit and as the mechanisms permit this will promote energy efficiency which is always the cheapest and easiest form of energy to come up with. Mr. King stated he participated in this process as a citizen and as a potential supplier of energy and thanked all the committee members who worked on it and noted it is an excellent plan.

Mr. King noted within 30 miles of Central Square he has his company which has three hydro plants, which could supply 7% to 8% of the city's total load and another plant built 98 years ago in Marlboro ready to supply Keene if they wish to take advantage of same.

Councilor Ormerod stated he heard mentioned that it will take the PUC some time to make the rules and wasn't sure why it was important for this item to be approved today. Mr. Roche stated they have a very good idea of where the rules are headed as they participated in the stakeholder process with PUC. He stated to help accelerate the process by having an approved plan to provide to the PUC would be helpful. He noted the Governor really wants to see community power move forward. Having an official city plan ready to go will be helpful. Mr. Bob Hayden stated they wholeheartedly want to push the process along. He noted himself, Mr. Roche and city representatives have played an integral part in the rulemaking process and the work sessions associated with HB 315, and hence have a clear knowledge and expectation of what the rules will look like when the PUC has completed their rule making. Hence, the plan is ready to accommodate what the rules will look like when complete. He stated, he shares the same sentiment as the manager to be the first, to be best, to be greenest and to push the process' timing, as much as possible and asked the committee to vote in favor of this item tonight.

The Manager added, one additional aspect is that at the present time she is not getting the best pricing for the city's municipal energy contract as she is not looking at longer term contracts because she is planning to roll into the community power plan.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of the City of Keene Community Power Plan.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.11.

**SUBJECT:** General Overview of Proposed Operating Budget - City Manager

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Filed the report as informational.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting the general overview of the proposed Operating Budget provided by the City Manager as informational.

**BACKGROUND:**

City Manager referred to a grant submitted to Annie Kuster's Office for \$681,000 towards the Cheshire Rail Trail is to try to accomplish a portion of the Heritage Trail project in CIP and the other was for George Street bridge for \$626,000, both if awarded would require a match. Several projects were submitted but they took the ones that would be most competitive.

With respect to the budget, on May 6 all budget books will be sent to Council and there are several meetings scheduled for month of May before the FOP Committee. June 3 is the regular council meeting which is scheduled for our budget hearing, June 17 is the actual vote on the budget, and then July 1 starts the new budget year.

The Manager stated she used a flat valuation number. She noted there are not enough in terms of new permits that would give her any sort of security the overall assessment would increase.

Per the Council's fiscal policy guidelines, staff used the CPI and calculated the three year average for November 2018 November 2019 and 2020 that provided a 1.9% calculation.

Per fiscal policy, staff was allowed to increase the amount of taxes to be raised by 1.97 of the \$26 million number which provides \$520,000. The Manager noted she did not use this because there was already increases in the New Hampshire retirement and the debt numbers that were driving up the tax rate which was not going to be acceptable to the council or to the community.

Staff made a lot of adjustments both for the revenue and budget, as well as the revenue and expenses, until staff got the percent increase in the overall municipal portion of the tax rate to a 1.69% increase.

The fire department overtime lines have not been changed since fiscal 2016, the reason for that is there have been open positions for a number of years. However, they have been full staff for a while which has created overages and adjustment have been made. The Manager explained

she has looked at the five year average for fire department overtime which requires a \$205,000 adjustment, which was too much to do in one year, so that has been split over two years with a \$100,000 adjustment, with a plan to look at it again next year and see if we can tweaked for fiscal year 2023.

The Manager stated the city is fortunate this year for Covid funding that has covered some of the FY 21 costs for PPE expenses, building modifications, upgrade of equipment and reimburse overtime lines for fire and police.

The Manager noted the State of New Hampshire retirement system rates were excruciating this year and were difficult to roll into the budget; it was about a \$700,000 increase. The city's health insurance started with a 6.2% guaranteed maximum increase but fortunately that number dropped to 2.5%.

Airport has also have been accepting Covid funds which was used for wages and also helped offset the fiscal 22 budget.

Personnel changes in the Managers budget proposal - Assistant City Attorney position returning to the budget. The person would be located at the police department and assume a big portion of the right to know processing responsibilities. There is also an additional maintenance position (request was for two). This has to do with the city's fields and cemeteries, this has been a request for many years.

There are reductions in other departments - reduction in the Community Development Department – there was a retirement and that position is not being filled. In the Assessing Department there was also a retirement and that position is also not being filled. This helped offset some of the increase for the new positions.

The city is in the second year of the CIP process. There are some slight adjustments. The biggest changes is the addition of \$400,000 for the Pat Russell Park, this is an appropriation because the city is anticipating the Land Water Conservation Fund grant for that amount.

There is also the Taxi Way A reconstruction project, funded at 100%.

Changes in water sewer to allow the sledge drier feasibility study to move forward and take advantage of the opportunities provided by the solar project. The Manager noted this makes financial sense. If the city is going to build a solar project and the cost of disposal of sledge is increasing moving up the sledge dryer which is an electric sledge dryer makes a lot of sense.

Hence, the feasibility study has been moved up a year.

There were several revenue shortfalls that had to be offset - there's a general fund revenue shortfall of 350,000. There were some temporary state municipal aid that was coming to towns and cities for fiscal 2020 and 2021 for approximately \$380,000 over those two years and only for those two years. The parking fund saw a deficit of 108,000, which was expected and was able to offset in its fund balance. Even though the city was getting the gopher money from the state, the city was not allowed to offset any lost revenue due to covid. However, the American Rescue Plan does specifically say it can be used to offset lost revenue due to covid. The manager stated she has put in the budget on offsetting those two revenue accounts for the upcoming year. If that was not done it would have been an additional 19 cents on the tax rate.

On May 12 there will be a Sidewalk Asset Management Plan coming up for conversation, it is a start of a conversation.

Staff is going after federal funding when it becomes available and meet with the federal delegation monthly to take advantage of any money that becomes available.

When the budget review begins, staff should have the Treasury Guidance in regards to the \$2 million dollars coming to the city, portion of these funds have been considered for the FY22 budget but more discussion is up coming.

The consensus of the Committee was to accept the general overview of the proposed Operating Budget provided by the City Manager as informational.



City of Keene, N.H.  
*Transmittal Form*

April 29, 2021

**TO:** Mayor and Keene City Council

**FROM:** Tara Kessler, Senior Planner

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** G.1.

**SUBJECT:** Relating to O-2020-10A and the Proposed Land Development Code - Historic District Commission

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

To refer this item to the Planning, Licenses and Development Committee for their review and consideration.

**ATTACHMENTS:**

Description

HDC Memo on Proposed Amendments to Land Development Code

**BACKGROUND:**

This memorandum relates to proposed amendments to the Land Development Code for the consideration of the PLD at their May 12, 2021 meeting. Ordinance O-2020-10A, which proposes to establish the City of Keene Land Development Code, is currently on more time with the Planning Licenses and Development Committee. City staff will present on these proposed amendments before the PLD on May 12, and will be recommending that the PLD incorporate these amendments into a B-version of the O-2020-10A.

Following a public hearing on April 21, the Historic District Commission voted to incorporate amendments to its regulations into the proposed Land Development Code. Per NH RSA 674:46-a, the Historic District Commission has the authority to amend its regulations. Some of the changes voted on by the Historic District Commission at its meeting are not reflected in the most current draft of the Land Development Code. For these amendments to be reflected in the proposed Land Development Code, a B-version of O-2020-10A will need to be established. The attached memorandum provides an overview of the changes that are proposed to be incorporated into the Land Development Code.

In addition to amendments proposed to the Historic District Regulations, City staff will be sharing minor changes it is proposing to language related to application submission requirements in Article 25 of the proposed Land Development. These minor changes are intended to provide greater clarity to the application process for certain development permits.

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**MEMORANDUM**

Date: April 14, 2021

To: Historic District Commission

From: Tara Kessler, Senior Planner

Re: Proposed changes to the Historic District Regulations

At the Historic District Commission public hearing on March 17 City staff gave an overview of amendments proposed to the Historic District Regulations, which are part of a larger, multi-year effort to establish a Land Development Code for the City of Keene (see Ordinances O-2020-10A and O-2020-11A). The majority of these amendments are changes that had previously been reviewed and discussed with the Commission prior to incorporation into a draft of the City's proposed Land Development Code. Based on the feedback and comments received at the meeting, City staff have made further amendments to the changes that were reviewed at the March meeting, and have included these changes below for your review and consideration in advance of the April 21, 2021 meeting.

Staff will facilitate a discussion on the amendments included in this memorandum at the meeting; however, if any Commission member has questions or feedback that they would prefer to share in advance of the meeting, they may do so by reaching out to City staff directly. Staff will share any comments received with the full Commission on April 21.

- **Review of New Building Construction:** At the March meeting, there was concern expressed for the proposal to exempt buildings younger than 50 years from the Historic District Regulations. While staff have addressed questions related to this proposal in a separate memorandum included in this agenda packet, we are proposing the following amendment as a potential option to ensure that the Historic District Commission still has a degree of input on proposals for new construction within the District boundaries.
  - The construction of new buildings or additions to buildings younger than 50 years old in the Historic District that require Major Site Plan Review by the Planning Board would require a recommendation from the Historic District Commission prior to Planning Board decision on the application. Such recommendation would be advisory, and would not require a Historic District Commission public hearing.

Please note, the changes proposed above would need to be incorporated into the Planning Board's regulations. As the Planning Board recently amended these regulations in February and voted to incorporate them into the proposed Land Development Code (O-2020-10A and O-2020-11A), which has been submitted to City Council for a public hearing on April 15, 2021, it will not be possible for this amendment to be reviewed and acted on by the Planning Board prior to the City Council vote on the proposed Land Development Code. These proposed changes may be considered and potentially incorporated by the Planning Board post adoption of the Land Development Code (if it is adopted by the City Council).

- **Fence Standards:** A question was raised at the March meeting about the applicability of the proposed amendment to prohibit new fences that are made of chain link fencing or chain link fencing with slats. It was noted that some site features may require chain link fencing for security purposes such as propane tanks. In response to this comment, staff are proposing to add the following to the list of exemptions in Section 21.3 of the proposed Historic District Commission Regulations: “**Security fencing required per the building, fire or life safety codes.**”
- **Mural Standards:** Some members of the Commission questioned whether Section 21.6.1.B.5.c of the proposed Art standards in the proposed Land Development Code should be removed. This section states that murals in the Historic District shall “showcase images of local places, people, and/or products that have historic significance to Keene and/or the surrounding region.” Staff are proposing the following amendments to Section 21.6.1.B for the Commission to consider.

“21.6.1.B. Art

1. Artwork shall not conceal or result in the removal of character-defining details or architectural features.
  2. Wall-mounted art, such as murals, mosaics or metal installations, shall be located to avoid areas that are important to the overall design or architectural rhythm of the building.
  3. The art installation shall be installed in such a manner that it can be removed and not damage the associated historic building, structure, or site.
  4. Accessories to the artwork, such as mounting hardware or lighting, should be unobtrusive and screened from view as much as possible. If visible, colors of equipment and accessories shall either be muted or shall match nearby materials and colors.
  5. Murals proposed for unpainted brick or stone masonry surfaces on a building or structure shall meet all of the following criteria.
    - a) The mural will enhance or complement the historic or architectural features of the structure or site.
    - b) The mural will enhance or complement the historic character or context of the surrounding area.
    - ~~e) The mural will showcase images of local places, people, and/or products that have historic significance to Keene and/or the surrounding region.~~
    - d) The mural will be designed by a professional mural artist or sign painter.
    - e) The mural is not located on a ~~the~~ primary elevation of a Primary or Contributing Resource.
    - f) The mural will not cover more than 40% of the surface area of a ~~building or structure facade facade of a building or structure.~~
    - g) Surface treatments that are appropriate for historic brick or stone masonry materials shall be used.
      - i. Waterproof coatings are prohibited.”
- **Window Standards:** Staff introduced amendments proposed to the window standards (Section XV.B.5 of the Historic District Regulations) for consideration by the Commission at the meeting. Based on the feedback received at the March meeting, staff are proposing the following amendments to the existing Window Standard. Text that is bolded and underlined is proposed new language, and text that is stricken through is proposed to be removed.

“2. Any ~~windows which are approved for replacement shall~~ **historic or architecturally significant window that is proposed for replacement shall be replaced with a window**

**that** conveys the same visual appearance in terms of overall dimensions and shape, size of glazed areas, muntin arrangement, and other design details as the windows to be replaced. In addition, **they it** shall have clear-paned, non-tinted glass (except to replace historic stained or other types of translucent or opaque glass); true divided lights or a permanently affixed muntin grid on the exterior of the window. In either instance, the muntin shall have a raised trapezoidal profile. Snap-in or between-glass muntin grids are **not allowed prohibited**.

- a. **Windows shall be considered historic or architecturally significant if they are either original to the building; reflect the original design intent of the building; reflect changes to the building resulting from major periods or events; or are examples of exceptional craftsmanship or design. The Commission shall evaluate the significance of windows proposed for replacement on a case-by-case basis.**
  - b. If the historic **or architecturally significant** window to be replaced is wood, the replacement window shall also be wood, or wood clad with aluminum or a material of equal quality and approved by the Historic District Commission.
3. **Where the building has been altered to have several types of windows of differing age and character, any window that is proposed for replacement should be consistent with either the predominant window design (e.g. overall dimensions and shape, size of glazed areas, muntin arrangement, and other design details) of the building or the original historic windows.**
  4. **If more than 50% of the existing windows on a primary elevation are proposed for replacement, the replacement windows shall be consistent with the historic windows based on physical, documentary, or pictorial evidence.**
    - a) **If such evidence of the historic windows is not available, the applicant may propose a style and pattern of window that is appropriate to the architectural style and period of the building.**
- **Other Edits:** In addition to the proposed amendments described above, staff are proposing the following edits to standards related to building rehabilitation and construction of new additions. The section references provided below refer to the numbering of the Historic District Regulations within the proposed Land Development Code.
    - Add the following language to Section 21.6.3.A which is related to specific standards for building rehabilitation of Primary and Contributing Resources:  
**“4. Alterations shall not disrupt or detract from the established historic architectural character of the surrounding area, nor to the relationship of any existing historical resources, including site features, on the site.”**
    - Add the following language to Section 21.8.1 which is related to standards for construction of new additions to Primary and Contributing Resources:  
**“i. Additions shall reflect the context of surrounding historic buildings or structures and not detract from the overall character of the Historic District.”**



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** H.1.

**SUBJECT:** Danya Landis/Machina Arts – Requesting Permission to Erect a Parklet in Parallel Parking Spaces – Outdoor Dining

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**COUNCIL ACTION:**

In City Council May 6, 2021.

More time granted.

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses, and Development Committee placed the request from Machina Arts for the erection of a parklet in the parallel parking spaces in front of their establishment on more time to allow further review by City staff. Councilor Greenwald abstained.

**BACKGROUND:**

Chair Bosley asked to hear from Danya Landis.

Danya Landis stated that she is co-founder and partner of Machina Kitchen and ArtBar and her husband Walker Landis is with her, speaking on behalf of Landis Carpentry and will reply to any building-related questions. She continued that they are asking for a Patio Permit that will allow them to serve alcohol as well build a parklet in three parking spots in the front of their space on 9 Court St. A parklet is a concept that has been utilized in many cities, big and small, throughout the country. They allow restaurants that are in tight spots the opportunity to expand into parking spots parallel to the building. They have also been used to add green space or benches in urban areas. Parklets usually have a deck built flush to the curb or sidewalk and walls that surround it, which make the space feel like an intimate dining experience. During the pandemic, outdoor seating has been pivotal for the vitality of the industry. They were lucky that the City acted so quickly to help them find a temporary solution last season and this season so they could provide this to customers. She does not know where they would be today if they had not had that, so she thanks the City.

Ms. Landis continued that as restrictions loosen, people are still going to be in favor of outdoor dining, so it is imperative to Machina Kitchen and ArtBar's health that they offer this. They are in a unique situation. The sidewalk is narrow and has trees and poles that make it challenging for them to put tables against the building without blocking public walking space. With the tables up against parking spots like they are now, they need the spots to be unused by cars, because if folks parked in those spots they would hit their car doors onto the tables. They believe that building a parklet is the solution. Since they already require parking spots, why not use them? Currently they are using four parking spots and they have a temporary permit through the Emergency Order. They would like to have a long-term permit that allows them to serve alcohol as well as use three parking spots to build this seasonal parklet.

Ms. Landis continued that they would build a wooden deck that would be flush to the curb and a fence that sits on nine inches of heavy pressure-treated wood. The fence would extend four feet high and the posts would extend eight feet. They would be dressed with LED lighting, surrounding the nine tables. They plan to use heavy cement planters outside the end facing Main St. but they are open to other suggestions and ideas from City staff and Councilors. This structure would be built and taken down and put up each season. They know this is a new concept for Keene and they are grateful for the outreach and support they have received from the City staff, City Council, and Mayor. They are looking forward to investing in making Keene an even more vibrant place to live and thrive.

Chair Bosley thanked Ms. Landis and asked to hear from Mr. Blomquist.

Mr. Blomquist stated that City staff are looking forward to working with Ms. Landis. He continued that the parklet concept has also been on other business's minds throughout the downtown. As he mentioned to Ms. Landis earlier today, she is sort of the "firstborn child" so the City gets to learn with her as they work through this process. Staff recommends that this topic go on more time, because they need to work through a few issues. One of the primary issues is safety, because as Ms. Landis indicated, this is on the edge of the travel way on Court St., both north- and south-bound, so they will need to work through to see who is going to be providing the barriers to protect the patrons from any errant vehicle on Court St. But City staff are looking forward to doing this and the City Manager and Med Kopczynski, Economic Development Director, are also excited, because this will add another flavor potentially for the downtown and other areas.

Chair Bosley stated that part of the request included a request to serve alcohol. She asked the City Manager if the current, temporary license allows them to serve alcohol. The City Manager replied yes, they are currently eligible to serve alcohol; however, they will need to go through this process so that it will just become administrative in the future. She approved a temporary license for them for this year, for the entire season, but next year hopefully we will not be under an Emergency Order and they will need their official permit.

Chair Bosley asked if there were any questions from the committee. Councilor Jones stated that as he told Ms. Landis during his phone call with her, he thinks there is a set price for leasing parking spaces. He continued that he does not know what it is. But he thinks that would be part of the issue of the permit and asked if that is correct.

The City Manager replied that she does not know off the top of her head, but that is one of the things they will have to talk through. That is typically something any vendor pays for is use of the parking space during the time that it is in use. She continued that Ms. Landis and Mr. Blomquist did a great job explaining, and she is very excited about this. It is a new concept and will take staff a bit of work to figure it all out so they can make sure that Machina Kitchen and ArtBar is able to operate and that people are safe, but it is exciting that Ms. Landis is bringing forward this idea and she thinks others will be interested as well. Staff just wants to go through the process appropriately and bring forward some recommendations for the PLD Committee.

Chair Bosley replied that she thinks that is accurate; they are sort of paving the way with this new concept and it is important to do it properly.

Councilor Greenwald stated that he has on file a statement of conflict of interest. He continued that there are many issues that involve the Central Square block in which The Stage restaurant is located. He is the property manager and he knows the owner of the property has some questions and issues that she wants to voice. He will be speaking as a member of the public and not voting on this issue, when this comes off of more time.

Councilor Jones stated that when he was talking with Ms. Landis he told her he saw a beautiful way parklets are done in Plattsburgh, NY and was going to send her some photos, which he is still looking for. He continued that he will get those to her as soon as he finds them.

Councilor Workman stated that she knows they are looking for a long-term Patio Permit, but currently, through the State of Emergency, those parking spots are currently not permissible for parking anyway, correct? Mr. Blomquist replied that is correct. The City Manager replied that they are currently blocked but they are not utilized for seating.

Councilor Johnsen stated that she had a good visit today with Ms. Landis and was excited to hear about what she is planning, and she looks forward to seeing these kinds of things happen in our little city to help Keene's small businesses get back on the road. She continued that she looks forward to this coming back for a vote next time and she certainly supports it.

Chair Bosley stated that she thanks Ms. Landis for submitting the drawings and images, because that was very helpful in visualizing what she is asking from the City. She continued that again, this could be something they see other businesses following suit with, so it is exciting.

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

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

On a vote of 4-0, the Planning, Licenses, and Development Committee placed the request from Machina Arts for the erection of a parklet in the parallel parking spaces in front of their establishment on more time to allow further review by City staff. Councilor Greenwald abstained.



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** H.2.

**SUBJECT:** Discussion: Keene Ordinance – Wearing of Face Coverings

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**COUNCIL ACTION:**

In City Council May 6, 2021.  
More time granted.

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses, and Development Committee placed the item on more time.

**BACKGROUND:**

Chair Bosley stated that this is the discussion on the Wearing of Face Coverings Ordinance in the City of Keene. She continued that they will begin by hearing from John Rogers, Keene's Department of Health Director.

Mr. Rogers stated that certainly, masks are not 100% preventive of transmitting or contracting this virus, but along with the masks, vaccines, social distancing, and hand-washing are some of the most effective ways to try and end this pandemic. Face coverings help prevent the spread of COVID-19 in a couple of ways. He continued that first, face coverings help prevent infectious individuals from spreading the respiratory droplets, and second, face coverings can help, probably at a much lower percentage, as a barrier by preventing respiratory droplets from entering the wearer's nose and mouth. As the Health Officer, he has some concerns with the Governor's mask mandate not being renewed last week, along with the Governor's statement that the current re-opening guidelines that are in place for many businesses will be removed May 7. By removing this, it removes a lot of other tools that they have, as far as the social distancing. These will be replaced with just a universal guideline and they will only contain recommendations for protocol. This will remove three out of four of the main tools the City has to try and combat this virus.

Mr. Rogers stated that last week, between April 14 to 20, there were an average of 360 cases per day [in the state], which is an 18% decrease from the week before. That trend seems to be continuing with only 280 new cases reported yesterday. That being said, with an incubation period of 2 to 14 days for the virus, we really do not know what the effect will be of the Governor ending the mask mandate and what effect that will have on the positivity rate for another week and a half.

Mr. Rogers continued that while NH is at the top of the list for the number of people who have received their first shot, about 50%, much of the state's younger population is still really low on the percentage. They are in a later phase of the vaccine roll-out. According to John Hopkins Medicine, the younger population might not be as high of a risk from the virus or hospitalization or death, but they can still develop severe and long-lasting

symptoms, particularly if they have underlying health issues, and can most certainly transmit the virus to others. Many of the students currently in town attending Keene State College (KSC) are from out of state and had not been able to register for the vaccine until this past Monday. With the Johnson & Johnson vaccine on hold this means that the earliest they would be considered fully vaccinated would be the end of May. Many of the younger population work within the city's service industry, such as retail, restaurants, bars, schools, and childcare. They are at much higher risk of exposure dealing with the public in those different sectors.

Mr. Rogers continued that without a Mask Ordinance with our reopening guidelines in place we certainly would be putting many of our local businesses at risk. We have all seen the different businesses that have had to close for weeks due to an employee testing positive and other employees being considered close contacts and having to go into self-isolation to help prevent the spread of this virus. Another change that is the local SAU will be having students back in classrooms starting next week. While citizens, local businesses, KSC, the school system, the hospital, and the local health network in the city have been doing the best job possible during this difficult time, we need to continue to use the best practices possible to help end this pandemic and wearing masks is a large part of that effort. As the City's Health Official he recommends that this current Mask Ordinance stay in place until June 1, especially with all these other changes that are happening.

Chair Bosley asked to hear from Melinda Treadwell.

Melinda Treadwell, KSC President, stated that she has slides to show, with data to help the PLD Committee. The City Attorney asked if she will be showing any slides of copyrighted material. Dr. Treadwell replied no.

Dr. Treadwell stated that she offers her thanks and appreciation to the City, to the downtown merchants, employers of KSC students, and to the entire community. KSC's goal was to open the college, knowing they would increase the city's population about 10%, and to operate fully and get back to economic vitality, without compromising the public health of the city. She believes they have done a remarkable job through partnership together, to get through the months that we have gotten through. She thanks the community for the support the college has felt.

Dr. Treadwell continued that she has some information to share that hopefully will inform the PLD Committee's deliberations. She opens with a request, consistent with what was just offered by the lead Public Health professional for the City: that the City Council maintain the current ordinance through June 1. KSC was surprised by the Governor's announcement to move to reopening the state. KSC delayed their opening for the spring semester by approximately three weeks to allow the peak incidents in the January timeframe to pass, so their semester will not end until late May. The University of New Hampshire (UNH) and Plymouth State will be ending in the first week of May; they both have had operational interruptions this spring. KSC has not had those operational interruptions. Not only has the college been able to perform with full business operations but they are seeing high success and high economic performance at the downtown restaurants during this past month. Thus, they ask that the City consider extending the Mask Ordinance through June 1. There are a number of concurrent situations that would encourage the continuation of the mask use and the distancing requirements.

Dr. Treadwell continued that she will speak specifically about KSC's experiences this year. KSC has conducted approximately 100,000 COVID-19 tests. They are doing weekly surveillance of 97% of KSC's population and conducting wastewater screenings, so they have a robust data set and they have an active response tracking system, so they know quite a bit about disease transmission at the college over the past full year. In those 100,000 tests what they are aware of is that their stringent mask use requirement at all times on campus and the distancing spacing requirements in the classrooms has meant that they have no documented cases of transfer within the campus community where they are adhering to these requirements. Where they are seeing transmissions from students to other students, from staff from their family members predominantly, is when they are in environments at home without mask usage and exposed to a positive COVID-19 case or in environments where the masks are off and people are speaking loudly, such as apartment-style living. When

KSC is working through their response tracing, if masks are not in use, and there is an individual with COVID-19, they are seeing a 25-50% increase in transfer to individuals who are not wearing masks in those spaces. The mask usage, as a source control method, has made a tremendous difference.

Dr. Treadwell continued that her research was originally in particulate toxicology which is why she has been asked to be part of the COVID-19 Planning Team for the system, and what they do know within the scientific community is multi-layered masks or tight-fitting surgical masks do provide protection for airborne droplets of 10 microns and above and the protection factor can range from 50-80% to block droplets from an individual who may be carrying or infected with COVID-19 from transmitting. She thinks that is where they are seeing the reduction in the potential transfer when students are wearing masks on campus. They are not seeing, as they look through the data and are working with their population, impacts on oxygen levels throughout the days of using masks, and that includes the more senior faculty as well. Although these are not concerns with the style of multi-layer or surgical-style masks they can get up to 80% protection and they are seeing it having a very positive impact on controlling transmission in the campus population, and they are not seeing impacts on oxygen rates or health in anyone who has been wearing masks during the past year.

Dr. Treadwell continued that as Mr. Rogers has stated, vaccine rates at this point are not reaching a level where they can relax their transmission control, which is the use of masks and spacing. The college and City have done an exceptional job. She has data to show what KSC's case rates have looked like. She provided testimony when the City Council was considering this ordinance in the fall. KSC students share the Main St. and work in Keene restaurants and in downtown merchants. KSC students are very concerned that they have made it this far through the year, and if they are in a quarantine or isolation protocol they will not be able to complete the semester. KSC may have an interruption in its operations, and students are concerned with making it through what is the end of a very long year with lots of requirements if we begin to have mixed standards, some on campus and some downtown. Thus, part of her request is to help support consistency in the types of requirements they are asking of the students, whether they are on campus or on Main St. or workplaces downtown. To this point, KSC has not had an interruption to its operations. They have been able to function. Even with the Mask Ordinance and the requirements they have seen economic vitality and the ability for them to persist during a pandemic, and she is proud of that, and proud of the city for it.

Showing a slide of KSC's COVID-19 data review, Dr. Treadwell continued that since July of 2020 there have been a total of 271 cases at KSC. Compared to the number of cases at UNH and Plymouth State, KSC has done exceptionally well, and that is because they have worked well with the City and have had a consistency of requirements and the students have leaned in and done what has been asked of them. KSC's positivity rate has been low even though they have seen increases in the community transmission rate around them. They plot on their dashboard that is published each week, and these are the data going back to February 15, just prior to their opening. These are the case rates between the county, the city, and the college, and these data reflect case counts up through last week. They will plot new data for this week. They are starting to see an increase in both the city and continued increase at the county level right now. These are known, new positive cases. We are not at a level where case rates are dropping and mitigation methods like masks and distancing can be relaxed.

She showed slides of the wastewater data, from approximately February 8 to the most recent sampling on April 7. She continued that they are working in partnership with the City to sample an air shed that brings up some of the congregate living, elder care facilities, and the college, as well as the baseline well in the city. What these data show are actual COVID mRNA counts in the wastewater. High wastewater counts tend to precede case counts in the city. People shed virus in their waste prior to actually being able to test positive and KSC is seeing high levels of continuing wastewater levels of COVID-19, which again emphasizes that we are not through even a plateauing of case counts yet.

Dr. Treadwell showed the operational dashboard for KSC, published on a daily and weekly basis. She continued that they are operating red, green, and yellow and they have a series of metrics both at the State and County level. KSC this week tripped into yellow for wastewater and red for the City of Keene and Cheshire

County for the number of cases. They are approaching a level where the case count increase may actually result in some operational interruption at KSC. The campus has been operating at green or yellow. They typically see between 10-16 cases a week. This week they are up to 20. These case counts show that we are on the edge. Her hope is that the college can complete its semester and students present no risk; that has been her promise to the city. She implores the PLD Committee to consider extending the precaution that has been afforded with the Mask Ordinance and the physical distancing requirements for at least one more month as we move into June, so the semester can be completed and the students can have consistent experiences and the city will see where the virus goes in the next few weeks. We are not through at this point.

Chair Bosley thanked Dr. Treadwell for collecting and sharing that information. She asked if the committee had any questions.

Councilor Workman stated that she agreed with everything Mr. Rogers said about the variables he is concerned about, specifically about May and children returning classrooms full time and the industry-specific guidelines changing to universal recommendations as of May 7. She continued that her question is how the June 1 date was determined, because her only additional concern that she did not hear Mr. Rogers mention is Memorial Day Weekend. She would like the date to be mid-June to accommodate for any potential increase in positive cases as a result of the Memorial Day gatherings.

Mr. Rogers replied that June 1 was sort of chosen based on the vaccines. The State of NH has done an outstanding job, being first with the percentage of the population that has had at least their first shot, and based off of that, right around the end of May or beginning of June the percentage rates (for vaccinations) should be pretty high and that is why they initially picked June 1. But he agrees with Councilor Workman's concern about Memorial Day weekend possibly being a high-transmission time.

Chair Bosley asked the City Manager to go over the data presented to the City Council last week, regarding Dr. Caruso's opinion about herd immunity in Cheshire County and vaccinations happening at Krif Rd.

The City Manager replied that Dr. Caruso talked about how the vaccination rate at Krif Rd. is a good measure in regards to this ordinance and other protective measures in the community. She continued that Dr. Caruso shared that that site is serving about 100,000 people. It is serving Cheshire County and a few other communities and reaching between 60-80%, Dr. Caruso felt, would be reaching herd immunity for our region. At this time they have administered about 50,000 vaccines, but that is one vaccine. There are probably about 25,000 people fully vaccinated with two shots from Krif Rd. In addition, pharmacies and other places like nursing homes and long-term care facilities have administered vaccines, so that is at least another 6,000 people at this time. That is about 31,000 people who have been vaccinated. She talked with Cheshire Medical Center's representative Tricia Zahn, and they are administering about 1,000 shots per day on average and sometimes reaching 1,900 shots in a day. They are open seven days a week. Every week the State puts out a call for municipalities and during that call they indicated that the Krif Rd. site would likely be looking to close down or pull back at the end of May because at that time they believe everyone will have had an opportunity to receive both their first and second shots. That is how City staff came to the conclusion of June 1 being a good point at which people will have had the opportunity to be fully vaccinated to get close to herd immunity. That, and in addition the graduation at KSC being later in the month of May. That was the information they used to come up with the June 1 date. In addition, they learned today that soon children will be offered the vaccine and that is another reason why they will be moving to hospitals and primary care physicians to provide the vaccine for children. The City is asking to be kept updated weekly, regarding the percentage of people being vaccinated in the region, and she would be happy to report that out to the City Council.

Councilor Jones asked Dr. Treadwell if KSC has found any cases of the African or Brazilian COVID-19 variants. Dr. Treadwell replied that UNH has been conducting phenotyping of the variant mix within their positive samples and they are seeing a strong emergence of the UK variant at this point. They have, to her knowledge, not seen the Brazilian variant. KSC has been sampling and phenotyping the septic waste stream

samples and they have not seen the UK or Brazilian variant yet. The State is also tracking and phenotyping and they are seeing some incidence of the UK variant at the statewide level and are beginning to see, they believe, some emergence of the Brazilian variant in neighboring states and some concern that NH will start to pick that up soon. UNH has seen the UK variant and approximately 14 or 15 other variants that have been moving, as you watch the genetic phenotyping of the positive samples.

Councilor Greenwald asked the City Attorney: what is the timetable and process for the potential rescinding of a City Ordinance? The City Attorney replied that if the committee votes on it this evening, staff suggests that the committee recommend to the City Council that the Mask Ordinance in place be repealed as of a date certain. The next cycle will be early May, because this is a month with a fifth week. Staff would submit it to the City Council if the committee recommendation happens. Depending on how the City Council wants to proceed, and the City Manager, they could potentially submit it for a first read at the first City Council meeting in May. It would have an effective date, unlike most of the ordinances, which are effective upon passage. The repeal would be effective at whatever that date is that the committee recommends, if the committee does make that recommendation and if it is accepted by the City Council.

Councilor Greenwald asked if there is a second reading with this. The City Attorney replied yes, there is always a second reading. Councilor Greenwald replied that in that case, even if they did want to push this forward, they would not be rescinding prior to June 1 anyway. The City Attorney replied that it would be the end of May. Chair Bosley stated that it looks like the earliest date would be May 20. The City Attorney replied that if they did it direct, which they have sometimes done in the past, and submit it on May 6, then it would go back to the committee on May 12 and act on May 20. Councilor Greenwald stated that he is not saying that is what he wants to do, but he wants to make it clear to the public that even if they decide that masks are yesterday's news, it still is going to be deep into May when the ordinance is repealed, and by that time, the Emergency Order might be over. He asked if anyone knows when that will end. The City Manager replied that in the Governor's last press conference he stated that he intends to keep the Emergency Order in place until the end of the year for other reasons, related to use of resources and access to funds.

Councilor Greenwald stated that his thoughts on the Mask Ordinance are: he is not sure what the philosophical reasoning is, but if wearing a mask works, it is a good thing. If not wearing a mask is a bad thing, or if not wearing a mask does not make a difference anyway, it strikes him that continuing the Mask Ordinance basically does no harm. His opinion is that they should continue it until the science says that there is enough herd immunity makes it reasonable to not wear masks. If someone does not want to wear a mask, they are not wearing a mask. If a business wants to require their patrons to wear masks, at least the City Council would be giving them some backup to be able to say "If you want to do business the City wants you wear a mask." If a business does not want to enforce the Mask Ordinance they are not doing it anyway. Thus, he thinks the City Council should continue the Mask Ordinance and he is not in favor of an early repeal. He hopes that the science catches up with all of the inoculations and all the hand-washing and everything else. We are so close to the finish line. It feels short-sighted to pull the plug prematurely. Also, the logic coming from Dr. Treadwell could not be expressed better. They need to support KSC, if nothing else, and keep the Mask Ordinance in place.

Councilor Jones stated that he wants to speak as well but will wait until after hearing public input, because something might change his mind.

Chair Bosley asked if any other committee members would like to speak at this time. Hearing none, she asked for public comment. She explained the procedures for participation.

Tiffany Matthews of 85 Nims Rd. stated that she is a Health Educator at KSC and suggests that the City keep the Mask Ordinance until the end of June when schools are out and more people who live or work in Keene are fully vaccinated. She continued that the City Manager was talking about numbers and data in regards to how many people have been vaccinated and the numbers they are seeing at Krif Rd. She wants everyone to

remember that NH residents have been able to go or required to go all over the state to get their first or second vaccine. On Monday the State opened it up to people age 16 or over, regardless of residency, to get their first shot. Also, there has been a delay in the Johnson & Johnson supply. Thus, she hopes they keep the Mask Ordinance.

Marie Duggan of 330 Hurricane Rd. stated that she has two children in the public schools, ages 14 and 18. She continued that she has learned this year that no matter how hard she tries, she cannot protect her family by herself. She needs the community to make rules that will protect her family. She believes that when we wear masks, we protect our neighbors. She loves all of her neighbors. She has many students who did not believe in the masks and many of them had parents get very ill last March. She teaches many students from Connecticut and New Jersey, and they did not realize the virus could actually harm their loved ones, and it really did. She has students whose parents died. She thinks we need to take the virus seriously. She would feel disappointed if she was asked to send her 14-year-old into school without a solid Mask Ordinance. She has read that it is safe to send children to school in the pandemic, as long as there is a really solid line on masks. If the whole community agrees to wear masks and to teach children to do that, then we can pull it off. But if we do not, and are wishy-washy and say, "Well, I don't think so; I won't cover my nose," then of course her child will not be protected no matter how hard she tries.

Ms. Duggan continued that her partner is a vendor at a local farmer's market and her 14-year-old runs the stand in the summer. It was very hard last year for her to have to tell people to put a mask on. It is a much easier for a person who is selling something to just be kind to the customer and have the City Councilors tell everyone that they have to wear a mask. Then her 14-year-old would not be put in the position of having to confront people twice her age and twice her size. She has also seen this with some of her neighbors who run small businesses. For example, a store was filling up with ten people from out of state and you could feel the owners getting nervous when people took off the masks. Her wish is for people to fight this together. She had to learn to teach students through the little screen, and that was really hard. Wearing a mask is actually not so hard, and everyone around her has learned to do it. Sure, people gripe about it, herself included, but we can do it, and we should keep the Mask Ordinance in place until schools are out and until 70% of the local population is vaccinated.

Natasha Athens, of Keene, stated that she believes the problem is an attempted power theft from City staff and Keene State staff as they try to dictate for the whole state what is good for everyone. She continued that they do not seem to care about the loss of business and people's rights. She believes that if you give government a reason to create an emergency they always are going to, to steal freedom and power. Businesses should sell customers their items and let them proceed on their way, instead of telling their customers what to do. Businesses and schools are not allowed to discriminate. Ms. Athens continued that she believes the government is never going to end the mask mandate and that no one on the City Council is actually considering anything for the rights and freedoms of businesses and people. She was heartbroken to hear a health professional talk about how (masks cause the) suppression of oxygen over the long term, when (the Mask Ordinance) has been in place for over a year. She is looking for the City Council to rescind the Mask Ordinance and leave it up to choice, like it always should have been.

John-Michael Dumais of 10 Foster St. asked if he could direct a question to Dr. Treadwell. Chair Bosley replied yes. Mr. Dumais asked how cases are being determined.

Dr. Treadwell replied that KSC does weekly surveillance in partnership with Cheshire Medical Center and they are working with The Broad Institute, an affiliate of MIT. The confirmatory test is the RT-PCR test that has been used for COVID-19 detection.

Mr. Dumais asked if she knows the cycle threshold being used for that test. Dr. Treadwell replied that she does not know the cycle threshold, but they evaluated the three vendors they looked at and in the RT-PCR methodology they looked at the sensitivity and the false positive rates.

Mr. Dumais asked if there is clinical confirmation of illness when the tests are being done, in order for KSC to count them as cases. Dr. Treadwell replied that the clinical confirmation is confirmed in accordance with CDC guidelines with a positive test. She continued that they do a false positive/false negative screen in the analysis itself. The Broad Institute has both false positives and false negatives and they run any non-confirmatory tests through a second cycle. They are not doing clinical diagnostic beyond that, because the clinical diagnostic would be the same method with a nasopharyngeal swab and they are not going to that level based on their work with the Infectious Disease lead at Dartmouth Hitchcock Medical Center (DHMC). KSC was informed that their method, approach, and false positive/false negative screening from The Broad Institute met all clinical diagnosis criteria that they would use, so they have been using that.

Mr. Dumais stated that according to the WHO, last year they were supporting the idea of PCR tests as being confirmatory and has released new guidance suggesting that there has to be additional clinical confirmation of symptomology and perhaps other blood testing, the way it normally used to be done before people could say it is a positive test. Children under 20 are 99.997% recovered from COVID-19 so they are not major spreaders or major illness or death risks from this. He encourages people to consider additional confirmatory means for positive diagnosis.

Janet Sinclair from Shelburne Falls, MA, stated that she works in downtown Keene as an acupuncturist, in an office building. She continued that most of her patients are disabled veterans or elderly, and are extremely vulnerable. She has to operate under strict guidelines from the State, including taking precautions similar to the ones dentists need to take. She does not own the building. When her patients come to her office they are hoping and assuming that she is able to create a safe atmosphere for them, which she can do in her own office, but there is a shared hallway and shared bathrooms. It took the landlord a year to put a sign on the building's door saying "Masks required," and until then, people were coming into the building not wearing masks. There are still tenants who refuse to wear masks in shared spaces while her patients are there. She is doing everything she can to protect her patients. If this mask requirement goes away she is concerned about what will happen. Is she supposed to not go to work because she cannot protect her patients? Are her patients not supposed to come see her, because they are not protected in the building? If any City Councilors have advice about how to get the Mask Ordinance enforced in her office building, she welcomes that.

John Schmidt of 31 Green Acres Rd. stated that he does not believe any scientists have proven that COVID-19 exists and he does not believe the pandemic exists and the PCR tests are faulty and worthless. He continued that he is a retired firefighter and worked with all kinds of real protective equipment, and believes these flimsy masks people are required to wear are worthless, regardless of what the medical establishment says. He believes the real virus is the government and the media spreading fear and lies. It is especially wrong to force young children to wear masks. In the Live Free or Die state, he believes people have the right to Breathe Free or Die. He asks the City Council to end the Mask Ordinance as soon as possible. He knows government bureaucracy means they cannot do anything quickly and it will take months, but they should end this ordinance whenever they can.

Rebecca Montrone of Winter St. stated that she is a holistic health practitioner and has a business in Keene and has not followed the Mask Ordinance at all, nor have her clients, although they can wear masks if they want to. She continued that she goes to a church in Swanzey where people do not wear masks, and they share a microphone, sing, and hug, and there has been no COVID-19 outbreak. She does not believe COVID-19 is a real threat. In 1957 the Asian Flu was huge, including in the United States, but the United States did not shut things down. It was over in three months. She assumes most people here tonight have not even heard of that Asian Flu, because it went by. There will always be germs, and we should keep ourselves strong and just get on with life. The fear people in the community have of this virus is more devastating than the virus.

Joseph Mirzoeff of 641 Clark Ave. stated that recently a citizen has charged the Governor with a criminal complaint under RSA 638-14, Unlawful Simulation Of the Legal Process. He feels that the Governor has

overstepped, and many people think there is law when there was not. He is worried that this ordinance that the City has done is very similar to what the Governor has done. He would like to know from the City Attorney if there is an RSA that entitles the City to do an ordinance like this and have it apply to business owners and the citizens.

The City Attorney replied that he is not going to debate this tonight. He continued that this debate happened when the ordinance was adopted by the City Council last summer and it is all public record.

Mr. Mirzoeff stated that the difference then was there was no legislature in session. He continued that the City Attorney gets his rights from the legislature. That is the case with the Nashua case, also. The judge deferred to the Governor because there was no legislature. Moving on to something else, people tonight have talked about herd immunity, but no one has talked about natural immunity. In early 2020 he thinks he probably had COVID-19 and now probably has natural immunity. Also, we do not know what effect the experimental vaccine has, because it has only been approved for emergency authorization use. Last year there were seven deaths in Cheshire County and there was no vaccine. This year in 3.5 months there have been 26 deaths and 12 were on Court St. a month after a vaccine clinic. The evidence nearby is that this has not been successful.

Sandra Van De Kauter of 38 Felt Rd. stated that even if the mechanics of process results in the actual date of repeal not being until several weeks after any vote that the committee takes, there is a cohort which will stop wearing masks as soon as the repeal is announced and will start challenging anyone seeking to enforce the requirement which is still technically in existence. That is something to take into consideration when the City Council decides the date at which repeal will eventually occur. In the meantime, she encourages people to keep their masks on.

Dr. John Walter of 38 Felt Rd. stated that he is dismayed to hear from all of the people who claim to know more than epidemiologists, who have made their whole career with public health problems and pandemics. He continued that there is a lot of misinformation being spread and a lot of conspiracy thinking. He is dismayed that many people who are anti-mask are also anti-vaccine, as if everything about this disease is made up. He strongly urges the City Council to continue the Mask Ordinance and to follow the directions from the NH State Medical Society, which recently recommended that mask mandates be kept until 70% or more of people in the community are vaccinated and also until there are less than 50 new cases per 100,000 people over the course of the previous 14 days. He encourages the City to follow the real medical experts.

Dr. Nora Traviss of Marlboro St. stated that she is an Environmental Health scientist and teaches at KSC and is a co-founder of the NH Science Public Health Task Force. She continued that everyone is tired of the pandemic and she concurs. Dr. Treadwell has put out the facts very clearly that we are close to the finish line. The active case rate, which she just looked up on the NH Department of Health website, is at 75 in Keene. We are not at a place where we should be repealing the Mask Ordinance. It is critical to get to warmer weather so people can get outside in the fresh air where the ventilation is 100%. When the virus spreads, it occurs indoors in close contact. There are over 50 peer-reviewed studies on the effectiveness of masks to reduce the spread of the virus, and there is history as far back as the 1918 pandemic on the effectiveness of masks, and we are so close. Dr. Treadwell gave what she considers excellent updates about hanging in there until KSC students graduate. Something not highlighted, which should be, is the college has done a census by testing everyone twice a week. They have very good knowledge of how the virus spreads and the effect of ventilation and other mitigation practices such as masks have reduced the spread. When 10% of the population exits Keene that will take a huge load off. Members of her family have not been able to get a vaccine at Krif Rd. She thinks we are a little ways away from herd immunity. Remember, anyone can come to Keene and get a vaccine; they do not have to be Keene or Cheshire County residents. Memorial Day weekend, based on all of the science she has read, and based on math and exponential growth, they will be in a much stronger place, and she urges the City Council to keep the Mask Ordinance in place until then.

Rebecca Montrone stated that she disagrees with this kind of decision being left up to the Keene City Council.

She continued that she does not think they know very much about this. Ms. Montrone spoke more.

Chair Bosley reminded members of the public to refrain from questioning other members of the public who have spoken tonight and to refrain from personal attacks on their neighbors.

Ms. Montrone spoke of how she feels like fear of COVID-19 has taken over many people's lives, and wearing masks is a way to show that. She continued that they seem to believe that COVID-19 is all that matters, not diabetes, cancer, or COPD. She believes the COVID-19 vaccines are not immunizations and were never tested to see if they could prevent people from contracting or transmitting COVID-19. They are experimental and put people at risk and she will never get one.

Tim Condon of 28 Lee St. stated that he urges the City Council to maintain the Mask Ordinance at least through mid-July, which includes the 4<sup>th</sup> of July holiday and graduation. He continued that he thinks they need to follow the science and the Governor did a great disservice by recommending that masks be eliminated. He has seen several people in the past few days go into businesses without masks, and scream and swear when they were told they need to wear masks. Then the people said "We're not going to do business with you." Any business that wants people to wear masks should put a sign on the door saying "No mask, no service." He will not go into any business that does not require masks. He thinks employees need to be protected. He used to be an Educator and knows children in school have a hard time staying six or more feet apart. No one likes having to wear a mask, but it is like during World War II when we all had to sacrifice a little bit for the common good, with the rationing, which should be taken into account. He wants to commend Dr. Treadwell and KSC staff for the amazing job they have been doing, along with Cheshire Medical Center and the National Guard at Krif Rd. He has had his two shots and is proud of that. It is his body and his choice and he also chooses to wear a mask. He thinks the Governor's actions are inviting people from other states to come to NH because they know they do not have to wear a mask here. NH was the last state to have a mask mandate and the first state to un-mask. He thinks that needs to be corrected. He urges the City to maintain the Mask Ordinance at least until mid-July.

Tiffany Matthews stated that she is a proud resident of Keene and is happy to be part of a community where people care for each other. She continued that the community cares for people who live, work, and go to school here, looking out for families and individuals. She thanks the City Council for giving time and space to the public to call in. Everyone is doing what they can, and people should look out for each other and try to support each other through this difficult time. We are almost at the end of the tunnel. People can check out the Healthy Monadnock Alliance and its social media pages, which promote a Mask Up Monadnock campaign. We can do this together.

Natasha Athens stated that she believes the City Councilors need to be replaced because they do not represent the people. She continued that she does not believe the City Council has a legal right to create the Mask Ordinance or to renew it. She believes the City Council will never end the Mask Ordinance because they receive money for keeping it and for keeping the state locked down. She believes this meeting is rigged. She believes John Rogers is not a health expert, and that government cannot be in charge of people's health, and each person is in charge of their own health. No one should tell people to get the vaccine; it needs to be up to each person to decide. She is concerned that people will try to continue the Mask Ordinance into September since there will be new students coming into Keene who might have come from other states, and then they will never end the Mask Ordinance because of the money she believes is behind it.

Joseph Mirzoeff stated that he believes hanging herd immunity out there as a carrot is a form of coercion. He continued that this is an experimental vaccine. The Nuremberg [Code] says that the choice has to be free. They say "We can do such-and-such as soon as there is herd immunity," but to get herd immunity people need to get the vaccines and not get immunity naturally, so that is coercing people into having vaccines, which is against the Nuremberg Code. The Nuremberg Code also says you cannot do a medical experiment if there are alternatives. In the country and this state, the alternatives were frozen out. An order from HHS said you could

not use a combination of medications that were proven elsewhere to be viable. The emergency authorization use would not have happened if there were alternatives. There is no evidence that masks give protection, because COVID-19 spread does not decrease with mask mandates. Masks can help in certain situations, such as when you are tending to an older person or are in the operating room, but mask mandates actually slightly increase the spread of the virus. Also, masks inhibit communication. People who rely on lip-reading and facial expressions to understand people struggle. Masks create more isolation. In NH, 65% of people who died from COVID-19 are over 80 years old, and those are normal ages where people die. The response to COVID-19 is killing young people. National public health officials have given misguided advice.

Tammy Adams of 39 Wright St. stated that she is a Registered Nurse and echoes Dr. John Walter. She continued that we need to seek guidance from the Department of Public Health and the State epidemiologists who are keeping track of the numbers. She continued that she believes in the numbers and the evidence is there. She asks the City Council to please keep the Mask Ordinance.

John Schmidt stated that he agrees with the people who have said the government and the medical industrial complex want to keep the [mask mandate] going forever, and keep pushing the carrot out further and further. He continued that he believes the virus, its variants, and the PCR test kits are all fake and the government's goal is to force yearly vaccinations on everyone and control the population with microchips.

Councilor Greenwald asked for public comment to stay on the topic of what Keene should do about its Mask Ordinance. Chair Bosley noted that it is past 9:30 PM and they do need to wrap this conversation up. She asked if there was anyone else wanting to speak before she closed public comment. Hearing none, she asked for PLD Committee discussion. They have heard a lot of input. She has some questions. One of the points that was brought up was, when they were talking about the data from Krif Rd., she is aware of some residents who went out of the area to receive the Johnson & Johnson vaccine. Someone also brought up natural immunity for people who have had positive COVID-19 tests themselves. Does the City Manager or Mr. Rogers know what the cumulative positive test for Cheshire County has been, to add to the numbers?

The City Manager replied that from what we understand, a positive COVID-19 test means that you may have immunity for three months. She continued that regarding the other question, she asked Krif Rd. if they have any data about people who might have gone to another location to get their vaccine, and unfortunately, we do not have access to that. She has a correction to make: people have to be from this region, Cheshire County or another couple towns, to get vaccinated at the Krif Rd. site. That is why they were so focused on getting data from that site, knowing that the Walgreens and nursing homes were also get people vaccinated and adding those numbers to what they were hearing from Krif Rd., as the best local information they have.

Chair Bosley replied yes, being in healthcare herself, she is aware that there have been many private vaccination clinics posted through facilities, organizations, and non-profit agencies to vaccinate their clientele and staff, so that adds to the numbers as well.

Councilor Johnsen stated that she wants to thank Dr. Treadwell and Mr. Rogers and other people who have called with medical information. She knows Dr. Treadwell was given this task for the entire university system, and she appreciates all of the work. It has given her, as a senior citizen, and other senior citizens in her ward, guidance. She also thanks Professor Duggan, because yes, our teenaged children still need us, and parents and grandparents need to have something other than "I told you so." When the City helps them, it helps everyone.

Chair Bosley stated that she wants to point out that the SAU has a mask policy that is independent from the City's mask policy. She continued that she thinks they were asking for masks to be worn in schools prior to the City's Mask Ordinance. She does not know that a change in the City's Ordinance would necessarily result in a change in SAU policy.

Chair Bosley stated that the PLD Committee needs to get into the meat of the question, regarding what they

want to see accomplished here. She knows some citizens are concerned that this will never end and this is a “no light at the end of the tunnel” ordinance that they could extend until the end of the year or into the following year. She does think that there is science-based evidence that there is a natural tendency for the spread of COVID-19 to decline in the summer, and the holiday gatherings they are talking about mostly happen outdoors, where you see a lower spread of the virus anyway, and that they are coupling this with vaccinations, which they are encouraging people to receive, under the premise that it will get us back to some semblance of normalcy. Thus, she hopes they can have a candid conversation tonight about an appropriate time to sunset this ordinance. She asked if anyone has input along those lines.

Councilor Jones stated that he moved here 28 years ago and went to high school and college in NJ. He continued that he lost six friends due to COVID-19. He travels during the day for work, and he cannot explain what it is like to go to NY or CT and see, behind hospitals, refrigerated trailers because the hospital has no room for all of the dead people. It is wrong to say that this virus does not exist. People need to wake up and see what is going on around them. We in NH have been very lucky. He is concerned about the variants. Right now the virus they are dealing with is an “open-envelope” virus, which is much easier to deal with than a “closed-envelope” one, such as tuberculosis, which is very hard to disinfect or sanitize. Not being able to know about the variants scares him. He thinks they need to wait until the spread rate is less than the vaccination rate and wait until there is herd immunity. It is still scary. Part of the City Council’s job is the health and well-being of the community. Why do people think the City Council is in charge of the Police Department and the Fire Department? The City Council is here for the health and well-being of the community, and that is why they need to take the lead.

Councilor Jones continued that the only thing he would ask is: the present ordinance has a sunset clause in section L., and he does not know that is necessary. Right now it is dependent on someone else, for the City Council to sunset this ordinance. He thinks if they create a new ordinance, it should be up to them and what they hear from their health professionals. Right now it is sunsetting when the Emergency Order from the NH Governor is over, and he thinks the City Council should be able to sunset it when the professionals tell them it is time. That is something to take into consideration if they ask the City Manager to submit a new ordinance. He asked if taking no action means this ordinance stays on the books.

Chair Bosley replied that she does not think the discussion was about changing this ordinance or submitting a new one, it was about the possibility of sunsetting or repealing this particular ordinance. Instead of waiting for the Governor to end the Emergency Order and having the Mask Ordinance dissolve with that, they would be choosing to go by the recommendations of the City’s health officials. The question is whether the PLD Committee feels they have received sufficient information in order to choose an appropriate date.

Councilor Jones replied that his answer would be “no.” He continued that he knows Dr. Treadwell suggested a date, but that is because it is a date that fits the college’s needs. He thinks the PLD Committee should rely on the professionals. When the professionals tell them the spread rate is less than the vaccination rate and the community is close to herd immunity, then they should address this.

Chair Bosley replied that Dr. Caruso reaching out and suggesting that the community would be reaching herd immunity at some point during May was the impetus behind this coming before the PLD Committee tonight. That is the question. The professionals are here, and they are that saying they think sometime in late May or the beginning of June is appropriate.

Councilor Jones replied that in that case, they can leave this open, and address it at the time, or in September. Chair Bosley replied they could, but the question is who are the health professionals, if not the local health Director?

Councilor Jones replied that the PLD Committee should not state who the health professionals are. He continued that he believes it is up to each of the 15 City Councilors who they are listening to.

Councilor Workman stated that she agrees with Councilor Jones. She continued that her concern with putting any date on it – say, June 1 - is they are then tied to that June 1 repeal date no matter what, even if COVID-19 cases skyrocket. She is very hesitant to put any date on it. She would like to table the decision until they have more statistics and look at it either on a month to month basis based off of statistics such as hospitalization rates, death rates, positivity rates, and vaccination rates. They have to look at the numbers and make decisions as they move forward. They can project that herd immunity would be around June 1, but that is projection. She would like to table it until mid-June and then look at the numbers and see where they are as a County.

Councilor Greenwald stated that coming into the meeting he was thinking of a strategy, thinking that even if they push this forward it was still going to take the whole cycle, and that is why he asked the City Attorney what the procedure was. They could stall the final rescinding of the ordinance right up until the last minute. But the more conversation he has heard, he has heard there are people who think COVID-19 is a fraud, and/or that masks are useless, while others have said that it is a deadly situation and masks are essential, and he goes back to his earlier logic: leave it alone. If someone does not want to wear a mask, they are not going to. If a business does not want patrons to wear masks, they will not enforce anything. He has not seen or heard anything about the Police getting aggressive with businesses that are not following the Mask Ordinance. He thinks it is better to err on the side of caution and leave the ordinance alone. He agrees with Councilor Workman and does not want to put a date on it at this point. He wants to hear experts from all the different media networks saying “Okay, the mask ordinance is over.” What he is hearing more is experts saying that states revoking the mask ordinance are making a big mistake and they are playing with people’s lives. He thinks they should accept this discussion as informational. Then, all it takes is a memo from a Councilor or two to bring this up again.

Chair Bosley asked if it would be reasonable to place this on more time. Councilor Greenwald replied yes, it is the same thing.

Councilor Johnsen stated that she thanks Chair Bosley for her leadership and patience. She continued that she thinks they should just leave it. They were given the direction of when the college ends, and that is a good majority of people, so they might want to follow that, but she is with the other three Councilors who have spoken and thinks they should give this some more time.

Chair Bosley stated that she would like to leave this on more time and wants to see it sitting on the bottom of the agendas so they do not forget about it. This is something important to a lot of residents. She continued that she can respect the fact that we are still at a tipping point and they want to see data that supports this decision before they move forward.

The City Manager stated that she wants to make it clear that the City is enforcing the Mask Ordinance. She continued that it will be harder now that the Governor has lifted his mask mandate. That will create more friction between the KPD and the public. To be very clear: certainly the KPD and Mr. Rogers cannot be everywhere at once where there are people without masks, but in the beginning of this ordinance they received quite a few complaints and both Mr. Rogers and the KPD responded often to both re-opening guidelines concerns and mask concerns. She wants the PLD Committee to realize that the decision does have some impact. There will be increased friction between the KPD and the public. The other reason she wanted to bring this Mask Ordinance topic up tonight is because it takes about a month to change an ordinance and is not something that can be done in a week or two. They were trying to project ahead as best they could, and she agrees that June 1 could be an optimistic date. If they are looking at vaccinating the public as being the way to return to some sort of normal life again, then that should be a very important part of the reason to lift the Mask Ordinance. The best way to do that is to look at the numbers for our region and at how many people are fully vaccinated. It is very difficult to get exact numbers, because people are going to those super-sites and may have gotten the Johnson & Johnson one shot, so it is hard to track exactly how many people are fully vaccinated. But they gather that information as best they can, so the City Council can make informed

decisions. Placing this on more time is a good compromise. She can work with the Krif Rd. site to see if they can get more information as best they can, as well as tracking information from the State. She also wants anyone listening to know that the City is enforcing the Mask Ordinance and will continue to do so.

Chair Bosley stated that she thinks it is important for the City Manager to continually update the City Council on the guidance from Dr. Caruso and the data from KSC and what they are hearing from Krif Rd.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee placed the item on more time.



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** H.3.  
**SUBJECT:** Relating to Land Development Code and Downtown Zoning

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**COUNCIL ACTION:**

In City Council May 6, 2021.  
More time granted.

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses, and Development Committee placed Ordinances O-2020-10-A and O-2020-11-A on more time to allow final revision by the HDC and the preparation of a “B” version.

**BACKGROUND:**

Tara Kessler, Senior Planner stated that first, she wants to thank the PLD Committee for their significant involvement and contributions over the past two years, through an extensive public workshop process and other public information sessions to establish and review this proposed Land Development Code. Regulations, especially Zoning regulations, can be challenging and intimidating subjects, and the focus of this project is to make the regulations easier to navigate, but that does not mean the process to get there has been easy. Thus, she thanks the PLD Committee and the countless others who have contributed along the way, including residents and neighborhood groups. Staff appreciates the community involvement and input.

Ms. Kessler stated that staff is hopeful that these ordinances, if adopted, will establish and improve Code that is easier to navigate and more closely aligned with the Master Plan goals and ideally will build a foundation for making more routine improvements to the regulations over time. Last week at the City Council meeting there was a public hearing on the ordinances and staff provided a presentation, giving an overview of what is proposed to change. She will not do that this evening, but she is happy to answer questions about what was shared or about things that have come up since the public hearing.

Ms. Kessler stated that the next steps in the process are: earlier this evening the Historic District Commission (HDC) voted on amendments to their regulations and to incorporate the regulations into the Land Development Code, so there will be a communication through the City Council that would be referred to the PLD committee for their meeting on May 12. That would be proposing a B. version of the ordinance to accommodate that change. Also, there is another item on the PLD Committee agenda tonight for reviewing an ordinance for establishing a licensing process for congregate living and social services uses. That ordinance that is next on the agenda, as well as two others introduced in 2019, along with the ordinances they are talking about right now which establish the Land Development Code, all need to be voted on and go together. Since there is a B. version that would need to be reviewed and voted on by this committee on May 12, staff anticipates that all of those items would need to go together before they would leave the PLD Committee with a vote to the City

Council.

Rhett Lamb, Community Development Director stated that he wants to remind the committee that in that process after the public hearing in front of the City Council, the adoption process for the amendments to Chapters 1 and 2 of Zoning does not allow public comment after that public hearing has taken place. He continued that the PLD Committee has received all of the comment that they could, at least from the public, and it is really up for deliberation by the committee at this point. That is only for the Land Use Code Ordinances, item 6) on the PLD Committee's agenda. Item 7) on their agenda is the Congregate Living and Social Service Ordinance, and for that one, they can continue to take public comment, or at least, the rules do allow it if the committee is inclined to do so.

Chair Bosley asked if Ms. Kessler has a timeline to give them. Ms. Kessler replied that staff will have a B. version of the Land Development Code, in draft form, based on the amendments made tonight by the HDC, for the PLD Committee to look at for their May 12 meeting. She continued that if the PLD Committee is prepared to do so they can vote on it then to make a recommendation to the City Council about those ordinances. Those are O-2020-10-B and O-2020-11-B. Then item 7) on tonight's agenda is O-2021-04, which proposes to establish a licensing process for congregate living and social services uses. That ordinance is directly connected with the Land Development Code, so those would need to be voted on together by the City Council ultimately. Staff anticipates that depending on what the PLD Committee chooses to do with these ordinances, ultimately they need to be sent together for action by the City Council, which could be by the May 20 meeting at the earliest. There would still be one more meeting with the PLD Committee on May 12.

Chair Bosley stated that tonight they are looking at placing the A versions on more time to allow the B version more time to catch up with them and then placing Chapter 46 revisions on more time potentially in order for it to follow the B version. She asked if the committee had any questions on what they are trying to accomplish. 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 placed Ordinances O-2020-10-A and O-2020-11-A on more time to allow final revision by the HDC and the preparation of a "B" version.



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** H.4.

**SUBJECT:** Relating to Chapter 46 Licenses and Permits – Social Service and Congregate Care Ordinance O-2021-04

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**COUNCIL ACTION:**

In City Council May 6, 2021.

More time granted.

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses, and Development Committee placed Ordinance O-2021-04 on more time in order to coordinate its adoption with the Land Use Code Ordinances.

**BACKGROUND:**

Chair Bosley stated that she thinks they discussed a lot of the merits of what they want to accomplish tonight. They are trying to line this back up with the B. version of the Land Development Code. Ms. Kessler replied that is correct.

Chair Bosley asked if there is anything else to add or discuss tonight, related to this. Ms. Kessler replied that she is happy to provide some background if needed. She continued that the ordinance that is before the committee tonight formalizes and puts more context to the process that was discussed at the committee's March 24 meeting on a congregate living and social services license. The only content change would be the dates that are proposed for renewal of licenses for those uses. Staff made changes based on feedback from the Fire Department, which does annual inspections on some of these uses today and also feedback provided by members of the committee at the March meeting, regarding the timing of when licenses would be up for renewal. Other than that, she believes everything that was presented at the March meeting related to content, and also previous meetings to the Joint Committee in the public workshop process, has been brought into this ordinance that is before the PLD Committee tonight.

Chair Bosley asked if the committee had any questions. She asked if everyone recalls the content of that original ordinance they discussed. Hearing no questions, she asked if members of the public had any questions or comments. 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 placed Ordinance O-2021-04 on more time in order to coordinate its adoption with the Land Use Code Ordinances.



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** H.5.

**SUBJECT:** Continued Discussion: Water and Sewer Methodology and Rates

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**COUNCIL ACTION:**

In City Council May 6, 2021.  
More time granted.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing this item on more time.

**BACKGROUND:**

Public Works Director/Emergency Management Director Kurt Blomquist addressed the committee next. Mr. Blomquist stated staff is back before the committee regarding the proposed water and sewer rates. He noted 90% of the city's customers are of residential type. The city has total customers of approximately 6,400 of which 5,800 have 5/8<sup>th</sup> inch meters which are utilized by residential types of activities and primarily single family homes. There are some multi-family home that do utilize the 5/8<sup>th</sup> inch meters, but those are older multi-families, typically larger homes that might have been converted to one or two additional living spaces.

When you start moving up into the one inch meters, those are potentially large commercial activities and those would include larger multi-families for example like Washington Heights.

Even though 98% of accounts are residential, they represent almost 50% of the water consumed. The remainder of the water is consumed by commercial and industrial activities.

Mr. Blomquist noted the current rate structure has been in place since approximately 2006 when when the council did a review of the rates. Today the city has fixed charge based on meter size and a volumetric charge for both water and sewer. Starting at 1000 cubic feet, a customer pays the same price for 100 cubic feet. From about the mid 1980s up to 2006, the city had a fixed charge plus 1000 cubic feet. So basically the customer didn't pay anything more for if they use 1000 cubic feet or less - they paid the one fixed charge. Once they went over water the 1000 cubic feet, they began paying the volumetric rate. The quantity of water varied with the size of meter. Prior to 1980, the council had a declining balance system, which meant the rate structure was the more water you use the less you pay per gallon. At that particular time the council goal was to support and increase industrial types of activities within the city so they provided that incentive to try to get in large water using industries.

The water and sewer rates have not been raised in three years and the council made a decision rightfully to not

increase the rates during the pandemic period. However, what has happened is, the city has fallen behind and operating costs have increased and there is increasing needs in the capital program for the waterside but on the sewer side, those needs have leveled off, significant work has been done over the last decade.

At the present time, the city is looking at approximately 20% increase in revenues, to be able to support the current water fund and the needs that have been identified and approximately 6% increase in the overall revenue for sewer.

Mr. Blomquist noted, one of the goals of council is to support infrastructure and the other is to way to try to make those services the city provides affordable. What the city would always like to encourage is water wise use - to make sure people are using water wisely, fixing any leaky faucets etc.

Mr. Blomquist then explained their proposal - the fixed charge is not being changed, the fixed charge will be continued based on meter size. The only real change is within the residential area primarily those 5/8<sup>th</sup> inch and 3/4 inch meters; a lifeline. A lifeline rate is being utilized throughout a number of different industries. The proposal is for 600 cubic feet - about 4,000 gallons be at a slightly lower volumetric rate than people who use above that rate. \$3.38 for the first 600 cubic feet and \$5.07 cents above.

On the wastewater side, there really is no way to control how much wastewater is being discharged. Hence, the proposal is to stay within a single volumetric charge for wastewater for all customers. At the last council meeting, there was approval for industrial pretreatment coordinator rules; the city's industrial customers have some additional surcharges depending on the strength and types of wastewater they discharge. Some of those customer, pay an additional premium on top of their normal volumetric charge because of the type and strength of wastewater they discharge; there are only a very few of those customers.

Mr. Blomquist referred to a chart next:

Low usage residential customer who uses 600 cubic feet or less for about 4,500 gallons, calculation for that customer would be 6 times \$3.38 cents = \$28.68 cents for that quarter, plus the \$7.29 fixed charge and hence the total of water bill for that customer who is using 600 cubic feet would be \$35.97.

For sewer the calculation would be the same; there is the fixed charge plus \$7.19 cents multiplied by 6 = \$31.00 per month, and the quarter would be \$121.29 with an annual bill at \$487.16.

Compared that to the FY22 rate, the customer would pay \$43.30 cents based on the new rates, they would pay \$77.09 for wastewater with the new rates, for total of \$120.39.

If someone stayed at the single volumetric rate, residential customer with the 600 cubic would be \$130.53, \$10 difference in their quarterly bill compared to using the lifeline rate.

The Manager added when we are talking about the difference of \$1.40 that is with the 20% increase in water charges and 6% increase for sewer. These increases are not because of the new rate structure it is because of changes that are happening; the increase in cost is happening because staff is comparing the current bill to next year's bill, based on next year's budget, under the new rate structure. Regardless if someone is a low, medium or high usage customer the lifeline rate is beneficial. The reason the numbers are different is because they're using more water. The Manager stated there was a lot of confusion after the last meeting - the rate structure is charging everyone the same volumetric rate, the lifeline rate is applied to the first 600 cubic feet of water and everything above that is applied at the exact same volumetric rate structure.

All residential customers would pay more without the lifeline right. The reason it is being done this way is because 90% of the city's customers are residential and 90% of customers are on either a 5/8 or 3/4 inch meter and using the lifeline rate benefits all those customers.

Mr. Blomquist went on with his presentation – for the medium usage customer, a customer who is using 9,000,

gallons or about 1200 cubic feet in a quarter at the current rates, the customer's bill would be \$180.33 per quarter for both water and sewer. If the proposed rate structure is applied to this same customer, the new fixed rate at \$23.02, this customer is also getting the lifeline rate for up to 600 cubic feet (\$20.38) but because they're using another 600 gallons above it, they are now going to get that additional charge of the \$5.38 to the remaining 600 cubic feet for the quarter under the current rate it will be \$180.33. With the revised rate the cost would be \$193.71 an increase of about \$14 for the quarter. If the lifeline rate is used, it would be \$204 per quarter or it would be a \$10 increase on top of the using lifeline rate or a \$24 per quarter increase between their current.

For the high usage residential customer, with the current rate they would be around 242, with the proposed rates, if the lifeline rate is used they would be a 267 for a difference of 24. He stressed the lifeline rate benefits all residential customers.

Mr. Blomquist then referred to commercial customer - larger meters (two inch meters) who uses about 20,000 gallons per quarter would be paying about \$889 per quarter. Under the new structure, their bill would go down. So they're actually going to be paying less between water and sewer.

Medium users - 75,000 gallons (10,000 cubic feet) under the current structure is about 1,636 and per quarter, and under the new rate structure will be paying about 1,681 which is about a \$50 increase per quarter or \$10 per month. Very large meters (there are not too many of those) 4-inch meters will see about \$1,500 dollars from the current rate structure. This concluded Mr. Blomquist's presentation.

Councilor Powers clarified the lifeline rate applies to all consumption, because the consultant had stated it will only be for 5/8<sup>th</sup> and 3/4 inch meters. Mr. Blomquist agreed it is only for residential. All residential customers for their 600 cubic feet will get the lifeline rate. If a residential customer goes above the 600, then the higher rate does apply.

Chair Powers noted it is really based upon consumption - if you don't use a lot of water, your rates are going to be consistent.

Councilor Remy felt the lifeline rate is cost efficient for smaller users but doesn't help for example a two unit or three unit older homes which still have 5/8<sup>th</sup> inch meters. Mr. Blomquist agreed some of these older multi-family homes only have one meter that goes into the property. He added even if the city was to credit that property owner in some manner, the city has no control over how that property would be providing that credit to their tenants. He noted the increase for these medium users is not going to be that high, it will be about \$40 per quarter. He talked about his experience living in an apartment complex next to a family of four where his usage was much lower but the higher cost was perhaps triggered by the larger family living in the same complex.

Councilor Remy asked whether there was a way to figure out how many units are in a certain building to figure out how many examples there are for the scenario Mr. Blomquist provided above. Mr. Blomquist the issue is the single meter for a 134 unit complex, and such a complex is likely to use 600 cubic feet on the first day. He stated the city has about 140 properties that have three or more units and indicated the system is not designed to provide the 600 cubic feet discount.

Mr. Blomquist referred to a customer data slide – when you refer to the larger units, you are talking about one inch and above, these can be a combination of restaurants, hotels etc. He noted for example Central Housing Terrace uses a three inch meter, Century Apartments, use a two inch meter, Cleveland Place uses a two inch meter, Washington Street Apartments is a three inch meter.

Councilor Ormerod stated he would like to see actual user data; renters versus residential homes. He also asked how many 600 cubic per quarter customers the city currently has. Mr. Blomquist stated those are numbers he could obtain for the councilor.

The Manager reiterated, everyone gets a reduced rate for the first 600 cubic feet (residential). The question is whether this works in terms of affordability, if that doesn't work, the easiest way to adjust this is a straight volumetric rate, without the lifeline and the rate will drop from approximately \$ 5.07 to \$4.70 and apply it across the board. She noted this is something that could be figured into the system but was concerned about trying to get into any sort of complicated program which would have staff having to enter numbers manually.

The Manager stated staff doesn't have a preference one way or another, staff is trying to be creative in terms of giving council an option for affordability for residential units. However, if the council feels the straight volumetric rate at a slightly lesser rate is the way to do that, staff can move forward with that option.

Councilor Ormerod stated he is not sure how many people the lifeline rate is actually going to help, he felt perhaps the lifeline rate could be raised and amount recalculated – to help those people who need it most.

Councilor Chadbourne stated she agrees with Councilor Ormerod, the committee does not have enough information to go with one option or the other.

Councilor Remy stated he would like to know how many residential properties 5/8<sup>th</sup> and 3/4<sup>th</sup> inch meters use over 3,200 cubic feet because that seems to be the number where the two plans meet to go with a flat rate.

Councilor Ormerod further stated the report also recommends going with monthly billing which will give high volume users immediate feedback and then take steps to correct it. Whereas if it is quarterly billing it is hard to be conservative. He felt there are many things that we can do to make it more affordable and raise the visibility of water usage in our community.

Mr. Blomquist stated as a department they have talked about doing monthly billings for many years. One of the challenges is that staff reads about 2000 meters a month which task is assigned to two and a half people. Some do estimates for two months and then they read the third and adjust the amount, which doesn't meet the goal of telling somebody if they have a leaky pipe.

He indicated if this is something council is interested, staff can come back through the budget process for a separate discussion. Much of this will have to do with staff time - reading 6000 accounts on a monthly basis.

Councilor Ormerod made a motion to explore raising the lifeline volume from 600 cubic feet to 1,800 cubic feet.

Councilor Remy clarified up to 1,800 cubic feet the rate will be \$3.38 after that it will move to the higher rate

Attorney Mullins clarified what is being referred to is usage as the rate structure has not been determined yet.

The Manager asked this item be put on more time so that a breakeven number could be arrived at and to determine when it would be beneficial to have a volumetric rate versus a lifeline rate.

Councilor Ormerod withdrew his motion in favor of what the Manager stated.

Councilor Chadbourne stated she is confused about that 90% figure for residential customers, then it talks about the non-residential which is small including multifamily. She stated for her the 90% residential would include the multifamily but when you look at pie chart, it had non residential multifamily for one inch plus meters.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing this item on

more time.



City of Keene, N.H.  
*Transmittal Form*

April 30, 2021

**TO:** Mayor and Keene City Council

**FROM:** Mayor George S. Hansel

**ITEM:** I.1.

**SUBJECT:** Relating to the Duties of the City Attorney

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Finance, Organization, and Personnel Committee.

**RECOMMENDATION:**

That Ordinance O-2021-06 be introduced for first reading and referred to the Finance, Organization and Personnel Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2021-06

**BACKGROUND:**

Currently there is a restriction in the City Code that prevents the City Attorney from testifying before the State Legislature without specific direction from the City Council. This restriction has been codified since 1957 and was originally applied to the position of the City Solicitor. In 1970, when the full-time position of City Attorney was created, this section of the City Code was carried forward under a new title "City Attorney."

The City Council's legislative policy encourages City officials and administrative staff to testify on legislative areas within their professional expertise. It does not serve the interest of the City to have this restriction placed on the position of City Attorney and it creates an unnecessary challenge in an already challenging legislative environment where often little notice is provided in terms of hearing dates.



# CITY OF KEENE

Ordinance O-2021-06

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

AN ORDINANCE Relating to Functions and Powers of the City Attorney

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

That the City Code of the City of Keene, as amended, is hereby further amended by deleting the stricken text in Section 2-143 "Functions and Powers" of Division 3 "City Attorney" of Article III "Charter Officers" of Chapter 2 entitled "Administration" as follows:

Sec. 2-143. - Functions and powers.

Functions and powers of the city attorney shall be as provided in this section. The city attorney shall:

- (1) Represent the city in all matters in which the city has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the city council.
- (2) Call to the attention of the city manager all matters of law affecting the city.
- (3) Render all legal opinions in writing, insofar as practicable, and maintain an indexed record of the opinions.
- (4) Advise the city council, mayor, city manager, department heads, boards and commissions, in all cases when a legal opinion is required or requested, in writing, insofar as practicable.
- (5) Examine and approve all deeds, leases, contracts and other legal instruments tendered to the city prior to their acceptance.
- (6) Draft or be responsible for the drafting of all bonds, deeds, obligations, contracts, leases, conveyances, agreements, and other legal instruments of whatever nature which may be required of him by any ordinance or order of the city council or which may be requisite to be done and made by the city and any person contracting with the city in its corporate capacity and which, by law, usage and agreement, the city is to bear the expense of drawing.
- (7) Commence and prosecute all actions and suits to be commenced by the city of any of its officers in his official capacity before any tribunal, whether in law or equity.
- (8) Appear in, defend and advocate the rights or interests of the city in any suit or prosecution, wherein any estate, right, privilege, ordinance or act of the city government or any breach of any statute or ordinance may be brought into question.
- (9) Commence and prosecute before the district court of the city any suit or complaint that may be brought by the city before the district court, for the violation of any statute.
- (10) Appear ~~when directed by the city council~~ before the state legislature or before any committee thereof, whether for either or both branches of the legislature, and there, in behalf of the city, represent, answer for, and defend and advocate the interests and welfare of the city.
- (11) Aid the city clerk to keep current and up to date this Code, and in this respect the city clerk shall furnish the city attorney with copies of all ordinances upon passage by the city council.

- (12) Do all and every professional act incident to the office of the city attorney which may be required of him by the city council.
- (13) Account for and pay over to the city treasurer all monies received from adverse parties, when the city shall recover the monies.
- (14) Review and resolve any contradictions and inconsistencies in city ordinances during the amending process and as otherwise required.

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George S. Hansel, Mayor

In City Council May 6, 2021.  
Referred to the Finance, Organization,  
and Personnel Committee.

  
Patricia Castle  
City Clerk



City of Keene, N.H.  
*Transmittal Form*

May 4, 2021

**TO:** Mayor and Keene City Council

**FROM:** Dan Langille, City Assessor

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** I.2.

**SUBJECT:** Relating to the Powers and Duties of the Assessor's Board

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Finance, Organization, and Personnel Committee.

**RECOMMENDATION:**

That the attached Ordinance O-2021-05, be referred to the Finance, Organization and Personnel Committee for consideration and recommendation back to City Council.

**ATTACHMENTS:**

Description

Ordinance O-2021-05

**BACKGROUND:**

The current powers, duties and guidelines of the Assessor's Board dates back to at least the early 1970s. Since this time there have been a number of changes made to assessing practices in the state improving the transparency, accuracy and oversight of assessment work. These changes along with the current practices of the board should be considered in order to update and clarify the responsibilities of the Assessor's board.

The following are some of the important aspects of today's assessing profession: The NH Department of Revenue has strict oversight and certification responsibilities of assessing personnel and practices; there is a statewide Assessing Standards Board, assessing departments are audited on a cyclical basis, and assessments are both verified and certified annually to meet statistical standards. Additionally, there remains a number of appeal options both at the local level as well as through the courts should there be any disagreements between property owners and their assessment. And finally, the City of Keene maintains a certified assessing department with the City Assessor reporting directly to the City Manager.



# CITY OF KEENE

Ordinance O-2021-05

Twenty-one

In the Year of Our Lord Two Thousand and .....

AN ORDINANCE ..... Relating to Powers and Duties of Assessor's Board .....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bolded text in Section 2-684 "Powers, Duties and Guidelines" of Division 4 "Assessor's Board" of Article 5 "Boards and Commissions" of Chapter 2 entitled "Administration" as follows:

## **DIVISION 4. - ASSESSOR'S BOARD**

### **Sec. 2-681. - Membership.**

The assessor's board shall consist of three voting public members and the city assessor, who shall act as a permanent, nonvoting, ex officio chair and chief clerk of the board. In determining each member's qualifications, the mayor shall take into consideration an appointee's professional experience in real estate, assessing, property appraisal, and banking; as well as a background in financing, statistics, math, real estate development/management. Members must be Keene residents.

### **Sec. 2-682. - Terms.**

Each public member of the assessor's board shall have a three-year term. Terms of public board members shall be staggered, and one public board member shall be appointed by the mayor in January of each year.

### **Sec. 2-683. - Relation to department head.**

The assessor's board may give advice to the city assessor on the operations of his office and on matters within the board's functional jurisdiction.

**Sec. 2-684. - Powers, duties and guidelines.**

In accordance with the provisions of applicable law, ~~the powers, duties and guidelines in this section are established for the conduct of the assessor's board. The board shall:~~ **the City Assessor is authorized and responsible for all activities related to the fair and equitable taxation of real property in the City. In carrying out the duties of the Assessing Department the City Assessor is to act in an impartial manner. The Assessor's Board has been established as an advisory board to the City Assessor and specifically for the following purposes:**

**Assist the City Assessor in building and maintaining the public's trust by ensuring transparent assessing practices.**

**Act as a publicizing agent bringing assessing programs and projects to the notice of the public.**

**Review property tax abatement applications and assessing department recommendations to advise City Assessor on whether to grant or approve abatement requests.**

**Provide an opportunity for property owner(s) to speak to the board on behalf of their abatement request.**

**Review and advise City Assessor regarding the NH Department of Revenue Assessment Review Audit.**

- ~~(1) — Ensure that property of all types in the city is valued fairly, impartially, and equitably in relationship to all other property, so that no taxpayer pays more than his fair share nor less than his fair share of property taxes.~~
- ~~(2) — Assess taxes and grant abatements in accordance with the provisions of applicable law.~~
- ~~(3) — Hear citizen comments on the performance of the department of assessment.~~
- ~~(4) — Assist the city assessor in maintaining a high state of morale and readiness in the department of assessment by encouraging the training and professional development of the assessor.~~
- ~~(5) — Advise the city assessor on the problems and policies of the department of assessment.~~
- ~~(6) — Furnish information concerning any of the work, conduct, affairs and activities of the office to the city council on request. The board shall prepare an annual report which shall be filed not later than December 1 with the city clerk and shall show the total appraised valuation of all real estate in the city assessed thereon, the real estate and other property not publicly owned but exempted from taxation, the value of publicly owned real estate in the city, and other information which is deemed of interest to the city council and taxpayers of the~~

city. The annual report shall also show the total amount of taxes upon property or polls that has been abated during the period covered by the report and shall state briefly the reasons therefor and shall include any additional information requested by the council.

- ~~(7) Advise the city council and city manager on procedural matters concerned with tax assessment.~~
- ~~(8) Seek ways of improving the performance of the functions of the board.~~
- ~~(9) Advise the city council, city manager, city assessor, and director of finance on the application of the tax assessment and abatement laws and ways to improve the laws.~~
- ~~(10) Exercise its best efforts by every allowable means to promote and perpetuate the growth, responsiveness, and the usefulness of the assessor functions of the city.~~
- ~~(11) Act as a publicizing agent bringing all types of assessor programs and problems to the notice of the public.~~
- ~~(12) Inform itself thoroughly of the assessor's activities contemplated for improvements of the function.~~
- ~~(13) Designate a member of the board to appear before other boards or city council committees to testify on matters of concern to the board.~~
- ~~(14) Develop active regional cooperation with other committees and levels of government.~~
- ~~(15) Study and recommend methods of financing proposed improvements in assessor operations.~~
- ~~(16) Appear before state and federal agencies to request financial assistance for assessor programs or to advocate changes in the state laws and federal regulations as they affect the ability of the city to carry out its function.~~
- ~~(17) Recommend for the city manager's consideration matters concerned with program or policy expansion, contraction, or deletion.~~
- ~~(18) Request the city manager to require his subordinates to furnish to the assessors' board, within a reasonable period of time, such available information as it may properly require for its work.~~
- ~~(19) Perform such other related functions as required by the city council or requested by the city manager.~~

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George S. Hansel, Mayor

In City Council May 6, 2021.  
Referred to the Finance, Organization,  
and Personnel Committee.



**City Clerk**



City of Keene, N.H.  
*Transmittal Form*

May 4, 2021

**TO:** Mayor and Keene City Council

**FROM:** Mayor George S. Hansel

**ITEM:** I.3.

**SUBJECT:** Relating to the Wearing of Face Coverings

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

Refer to the Planning, Licenses and Development Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2021-07



# CITY OF KEENE

Ordinance O-2021-07

In the Year of Our Lord Two Thousand and **Twenty-one** .....

AN ORDINANCE ..... **Relating to the Wearing of Face Coverings** .....

*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 deleting the stricken text and adding the bolded text to Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

Section 66-170. Statement and Intent.

- a) COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and
- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties **within the business premises**, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any **enclosed indoor** business for any purpose, ~~including any outdoor area where business is conducted,~~ are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated at a restaurant table.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators (“Common Areas”) unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
- d) As used herein, “business” is defined as any place, premises, or location within a premises (“Premises”), operated either for profit or not for profit, which is generally open to, or accessible to the public, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, fitness centers, personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that “business” shall not include any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein “face covering” means a covering made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials. The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
- f) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.

- g) A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health or safety. The individual shall not be required to produce documentation or other evidence to verify the condition.
- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.
- l) This Ordinance shall automatically and immediately terminate, without the necessity of further action by the City Council for the City of Keene, upon the termination of the COVID-19 State of Emergency by the Governor of the State of New Hampshire.
- m) Businesses owners in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at [www.keenesafe.com](http://www.keenesafe.com).

In City Council May 6, 2021.  
Referred to the Planning, Licenses  
and Development Committee.

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George S. Hansel, Mayor

  
City Clerk



City of Keene, N.H.  
*Transmittal Form*

April 21, 2021

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** J.1.

**SUBJECT:** Relating to Designated Loading Zones

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Filed the report.

Voted unanimously to adopt Ordinance O-2021-03.

**RECOMMENDATION:**

On a roll call vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2021-03.

**ATTACHMENTS:**

Description

Ordinance O-2021-03

**BACKGROUND:**

Chair Manwaring welcomed Med Kopczynski, Director of Economic Development, Special Projects, and Initiatives, who recalled that at the last meeting Charcoal Charlie presented a request to this Committee related to the loading zone on Railroad Street. At the previous meeting, Staff recommended that the loading zone should be reconverted to a vendor space, which is different than other loading zones on Main Street. He was working with the City Clerk on this change. Mr. Kopczynski reminded the Committee that Council had already read this Ordinance once, which he said was crafted to preserve the loading zone characteristics of the spot used by most local trucks (too small for 55' trailers), recognizing that the spot would act as a vendor space from 10:00 AM to 3:00 PM and otherwise be available as a typical loading zone. Mr. Kopczynski concluded that City Staff recommended adopting Ordinance O-2021-03.

Chair Manwaring asked whether this was a new Code. Mr. Kopczynski said no, this would essentially restore the zone to what it was previously. The language in this Ordinance would preserve the loading zone features during certain hours. If adopted, he would work with the City Clerk to restore this space as the sixth vendor space in the downtown.

Chair Manwaring welcomed Denise Meadows. Ms. Meadows thanked City Council and Staff for their hard work, adding that she looked forward to being downtown again.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a roll call vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the

adoption of Ordinance O-2021-03.



# CITY OF KEENE

Ordinance O-2021-03

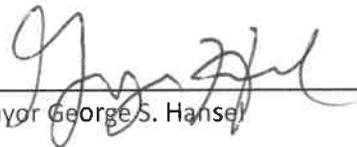
In the Year of Our Lord Two Thousand and ..... Twenty-one .....

AN ORDINANCE ..... RELATING TO DESIGNATED LOADING ZONES .....

*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 adding the bolded italic text to the following provisions of Article III, "Parking". Division 2, Section 94-92 "Designated Loading Zones", as follows:

Railroad Street, south side, an indented parallel space 145 feet easterly from the curb line of Main Street ***from 6AM till 10AM Monday-Friday.***

  
\_\_\_\_\_  
Mayor George S. Hansel

In City Council April 15, 2021.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.

  
Assistant City Clerk

PASSED May 6, 2021

A true copy;

Attest:



City Clerk



City of Keene, N.H.  
*Transmittal Form*

April 19, 2021

**TO:** Mayor and Keene City Council

**FROM:** Beth Fox, ACM/Human Resources Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** K.1.

**SUBJECT:** In Appreciation of James A. Cemorelis Upon His Retirement

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Voted unanimously to adopt Resolution R-2021-10.

**RECOMMENDATION:**

That Resolution R-2021-10 be adopted by the City Council.

**ATTACHMENTS:**

Description

Resolution R-2021-10

**BACKGROUND:**

Mr. Cemorelis retired from the Keene Police Department effective February 28, 2021, with approximately 23 years of service.



# CITY OF KEENE

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

A RESOLUTION .....In Appreciation of James A. Cemorelis Upon His Retirement.....

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

WHEREAS: James A. Cemorelis began his Keene Police Department career 13 April 1998 as an Officer; was assigned to the Investigations Bureau in December 2000; served as Acting Lieutenant there from December 2005 to May 2006; was promoted from Detective to Corporal in December 2006; served as Police Prosecutor for nearly four years beginning 1 July 2011; and returned to the Field Operations Division 25 May 2014; and

WHEREAS: Extremely familiar in detail with City Ordinances, State Statutes, and associated court rulings, Jim used his knowledge of the law to ensure aggressively that statutory obligations—especially in the areas of crimes against persons—were honored; and he provided the department with annual legal updates of current case law, as well as annual statutory changes; and

WHEREAS: He brought enthusiasm, sound judgment, and competence to his duties as Prosecutor—despite ever-increasing caseloads—and maintained exceptional control over managing them, which included reviewing all cases, arraignments, motor vehicle pre-trial hearings, and administrative license suspension hearings; and

WHEREAS: As a senior firearms instructor and a member of the Tactical Team for many years, Jim kept up with training philosophies and case laws requiring firearms training, played a huge role in planning department range use, and helped keep the department current with required equipment; and

WHEREAS: With an even-keeled, pleasant demeanor in every situation from mundane, day-to-day issues to the most stressful of situations, he never seemed to get upset—exhibiting concern for the welfare of all those with whom he came in contact and having a calming effect on people with whom he came in contact—victims, witnesses, suspects, and those involved in the judicial system; and

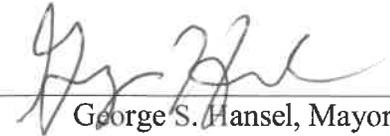
WHEREAS: He was a valuable asset to the department—he brought a vast range of experience; he loved almost every aspect of his job; and he was proud to be a Keene Police Department member; and

WHEREAS: Jim retired from the City of Keene 28 February 2021 with approximately 23 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to James A. Cemorelis for his dedicated service and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of his Resolution, properly engrossed, be presented to Jim in appreciation for his many years of assistance to the residents of Keene and the Monadnock Region.

PASSED May 6, 2021

  
George S. Hansel, Mayor

A true copy;  
Attest;   
City Clerk



City of Keene, N.H.  
*Transmittal Form*

May 1, 2021

**TO:** Mayor and Keene City Council

**FROM:** Elizabeth A. Dragon, City Manager

**ITEM:** K.2.

**SUBJECT:** Relating to the FY 2021-2022 Operating Budget

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Finance, Organization and Personnel Committee.

Public Hearing set for June 3, 2021 at 7:00 PM.

**RECOMMENDATION:**

That Resolution R-2021-22 relating to the FY 2021-2022 budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 3, 2021.

**ATTACHMENTS:**

**Description**

Resolution R-2021-22

Budget Review Schedule

**BACKGROUND:**

Resolution R-2021-22 summarizes the budget document that has been prepared for FY 2021-2022.

The detailed budget document has been distributed to the Mayor and City Council. The document, in its entirety, has been posted on the City's website. For user convenience, the table of contents throughout the book have been linked to the appropriated pages. A Citizen's Budget Guide will also be available that summarizes the General Fund Proposed Budget, explains the City Budget process, and the role of the Comprehensive Master Plan in that effort.

Any bond resolutions associated with projects recommended for funding in the next fiscal year will be presented under separate cover memos.

The remaining steps in the budget process are outlined in the attached schedule.



# CITY OF KEENE

Resolution R-2021-22

Twenty-one

In the Year of Our Lord Two Thousand and .....  
Relating to the 2021/2022 fiscal year budget

A RESOLUTION .....

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

That the sum of \$27,045,542 be raised by taxation during the current year which together with \$36,349,154 for estimated operating revenues aggregating \$63,394,696 is hereby appropriated for the use of the several departments of the City Government, and further that the sum of \$6,293,363 be appropriated for capital expenditures and capital reserve appropriations in the city proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2021, as attached hereto and made a part thereof.

\_\_\_\_\_  
George S. Hansel, Mayor

In City Council May 6, 2021.  
Referred to the Finance, Organization  
and Personnel Committee.  
Public Hearing set for June 3, 2021 at 7:00 PM.

  
City Clerk

2021/2022 Annual Operating Budget

R-2021-22

<b>General Fund Revenue &amp; Other Financing Sources:</b>	<i>Adopted</i>	<b>General Fund Appropriations:</b>	<i>Adopted</i>
Property Tax Revenue	\$27,045,542	Elected & Appointed Officials	\$2,964,182
Use of Surplus	850,000	Capital Projects	4,103,149
Other Taxes	1,131,000	Administrative Services	4,896,022
Tax Increment Financing	840,892	Community Services	21,399,740
Licenses, Permits & Fees	3,857,571	Municipal Development Services	7,021,505
Intergovernmental	2,639,916	Debt Service	4,539,979
Charges for Services	2,329,606		
Fines & Forfeits	56,951		
Miscellaneous	1,330,499		
Other Financing Sources	4,842,600		
<b>NET GENERAL FUND OPERATING REVENUES</b>	<b>\$44,924,577</b>	<b>NET GENERAL FUND OPERATING APPROPRIATIONS</b>	<b>\$44,924,577</b>
<b>TOTAL PARKING METER FUND REVENUES</b>	<b>\$1,403,426</b>	<b>TOTAL PARKING METER FUND APPROPRIATION</b>	<b>\$1,403,426</b>
<b>TOTAL PC REPLACEMENT FUND REVENUES</b>	<b>\$63,560</b>	<b>TOTAL PC REPLACEMENT FUND APPROPRIATIONS</b>	<b>\$63,560</b>
<b>TOTAL SOLID WASTE FUND REVENUES</b>	<b>\$4,355,075</b>	<b>TOTAL SOLID WASTE FUND APPROPRIATIONS</b>	<b>\$4,355,075</b>
<b>TOTAL SEWER FUND REVENUES</b>	<b>\$5,986,146</b>	<b>TOTAL SEWER FUND APPROPRIATIONS</b>	<b>\$5,986,146</b>
<b>TOTAL WATER FUND REVENUES</b>	<b>\$4,153,857</b>	<b>TOTAL WATER FUND APPROPRIATIONS</b>	<b>\$4,153,857</b>
<b>TOTAL EQUIPMENT FUND REVENUES</b>	<b>\$2,508,055</b>	<b>TOTAL EQUIPMENT FUND APPROPRIATIONS</b>	<b>\$2,508,055</b>
<b>TOTAL OPERATING REVENUES - ALL FUNDS</b>	<b>\$63,394,696</b>	<b>TOTAL OPERATING APPROPRIATIONS - ALL FUNDS</b>	<b>\$63,394,696</b>
<b>CAPITAL:</b>			
PARKING FUND CAPITAL FUNDING	\$206,361	PARKING FUND CAPITAL APPROPRIATIONS	\$206,361
SOLID WASTE FUND CAPITAL FUNDING	\$152,000	SOLID WASTE FUND CAPITAL APPROPRIATIONS	\$152,000
SEWER FUND CAPITAL FUNDING	\$2,085,782	SEWER FUND CAPITAL APPROPRIATIONS	\$2,085,782
WATER FUND CAPITAL FUNDING	\$2,275,888	WATER FUND CAPITAL APPROPRIATIONS	\$2,275,888
EQUIPMENT FUND CAPITAL FUNDING	\$1,573,332	EQUIPMENT FUND CAPITAL APPROPRIATIONS	\$1,573,332
<b>TOTAL CAPITAL FUNDING - OTHER FUNDS</b>	<b>\$6,293,363</b>	<b>TOTAL CAPITAL APPROPRIATIONS - OTHER FUNDS</b>	<b>\$6,293,363</b>

DATE(S)	DAY	TIME	DESCRIPTION
May 6, 2021	Thursday	7:00 PM	<b>Regular Council Meeting</b> - budget resolution first reading - referred to FOP Committee
May 11, 2021	Tuesday	5:30 PM	<b>Special FOP Meeting</b> - Budget review - Overview, General Fund Revenues & Expenditures, Debt Service, Mayor & City Council, Outside Agencies, Unclassified Items, Capital Appropriations, Employee Benefits, Risk Management, City Manager, City Attorney, City Clerk, Assessment, Finance, Human Resources, Information Technology, PC Replacement Fund
May 13, 2021	Thursday	5:30 PM	<b>Regular FOP Meeting (start 5:30 PM)</b> - Budget Review - Fire, Library, Parks, Recreation & Facilities, Police, Airport, Community Development
May 17, 2021	Monday	5:30 PM	<b>Special FOP Meeting</b> -Budget Review - Public Works, Parking Fund, Solid Waste Fund, Sewer Fund, Water Fund, Equipment (Fleet Fund)
May 19, 2021	Wednesday	5:30 PM	<b>Special FOP Meeting</b> - Budget Review
May 20, 2021	Thursday	7:00 PM	<b>Regular Council Meeting</b> - Introduce bond resolutions; introduce salary ordinance
May 27, 2021	Thursday	6:30 PM	<b>Regular FOP Meeting</b> -Make recommendation on budget, salary ordinance, bond resolutions
June 3, 2021	Thursday	7:00 PM	<b>Regular Council Meeting</b> - Public Hearing
June 17, 2021	Thursday	7:00 PM	<b>Regular Council Meeting</b> - Vote on budget, salary ordinance, bond resolutions
July 1, 2021	Thursday		Start of FY 2022



City of Keene, N.H.  
*Transmittal Form*

April 26, 2021

**TO:** Mayor and Keene City Council

**FROM:** Donald R. Lussier, P.E., City Engineer

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** K.3.

**SUBJECT:** Petition to Acquire Property by Eminent Domain for Highway Purposes

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**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred the Resolution to the Finance, Organization and Personnel Committee.

Site Visit set for June 17, 2021 at 5:30 PM.

Public Hearing set for June 17, 2021 at 7:00 PM.

**RECOMMENDATION:**

Move that the City Council accept a Petition to Acquire Property by Eminent Domain for Highway Purposes, submitted by the Public Works Director and refer said Petition to the Finance, Organization and Personnel Committee, and;

That the Mayor schedule a public hearing for June 17, 2021 and that the City Clerk cause written notice of the time and place of such public hearing to be given to the Petitioner and affected property owners no fewer than thirty (30) days prior to such public hearing, and;

That Resolution R-2021-19, Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project, be tabled until such time as a public hearing on the matter has been conducted.

**ATTACHMENTS:**

**Description**

Petition

Resolution R-2021-19

ROW Plans

**BACKGROUND:**

In 2012, the Keene City Council adopted the FY13-FY19 Capital Improvement Program, which contemplated improvements to Winchester Street corridor, between Rt. 101 and the Pearl St. / Island St. intersection as part of the State Bypass Improvement Program. Additional funds were appropriated to this project through the FY14, FY19 and FY20 Capital Improvement Programs.

On October 2, 2014, the City Council voted to approve a contract with McFarland Johnson for the design of these improvements. On July 7, 2016, Mayor Kendall Lane appointed an ad-hoc steering committee to provide

planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation. The committee held several meetings between August 2, 2016 and December 13, 2016. The Committee's work culminated with a presentation and recommendations to the Municipal Services, Facilities and Infrastructure Committee (MSFI).

On January 25, 2017, MSFI reviewed alternatives for the reconstruction of the corridor, including rebuilding the Key Road and Pearl/Island intersections with traffic signals or creating roundabouts. MSFI voted to recommend that the City Council select the roundabout option. The committee also recommended that the City Manager be authorized to do all things necessary to implement this design. The City Council voted to approve the recommendations on February 2, 2017.

Pursuant to this authority the City Manager, acting through the City's consultant and staff, entered into negotiations with the owners of twelve (12) parcels of land impacted by the project. The parcels and impacts are more particularly described in a plan prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled "Right of Way Plan of a portion of Winchester St. in Keene, NH" (copy attached). Negotiation prior to beginning the formal condemnation process is required in accordance with RSA 498-A:4, II(c).

Six of the above-listed acquisitions were deemed to be "simple and un-complicated" and proceeded using a simplified acquisition process approved by the Federal Highway Administration. The remaining six parcels were evaluated using the more detailed "Before and After" appraisal method. To date, the owners of eight parcels have either provided or indicated their intention to voluntarily provide the necessary property rights to the City. Three parcels were acquired through eminent domain following passage of Resolution R-2020-36-A.

Despite the City Manager's reasonable efforts to negotiate, the owner of the final parcel has indicated that they are unable to voluntarily provide the necessary property rights due to mortgage and lease restrictions.

In order for the project to be advertised for construction, it is necessary to begin the condemnation process at this time.

In compliance with state law (RSA 498-A:4, III(a)), the governmental entity with authority to condemn must vote to acquire the property in question. The City Council's authority to take land required for public use is found in RSA 31:92. In exercising the authority to condemn property for public use, the City follows procedures described in RSA 231 for the layout of highways, including receipt of a petition, providing notice, conducting a site visit and holding a public hearing.

Should the City Council ultimately vote to acquire the property by condemnation, the affected property owners will be given a formal "Notice of Offer" per RSA 498-A:4, III. The notice of offer describes the public purpose for the acquisition, a description of the property to be taken as well as the basis for and amount of compensation. The owner has 30 days from the service of notice to consider and accept the City's offer. Only after the 30 days have elapsed can the city file a Declaration of Taking with the Board of Tax and Land Appeals and record the condemnation with the Cheshire County Registry of deeds. These filings will result in the title to the property in question passing to the City. After the declaration has been filed, the affected owner has an additional 30 days to raise objections. Preliminary objections may relate to the amount of the offer, the procedures used or the necessity and public use of the acquisition.

April 26, 2021

The Honorable Mayor and City Council  
City of Keene  
3 Washington  
Keene, NH 03431

***Re: Petition to Acquire Property by Eminent Domain for Highway Purposes  
Winchester Streets Reconstruction Project***

Dear Honorable Mayor and City Council:

Now comes the City of Keene Public Works Director, Kiirt Blomquist, to petition the Keene City Council to find that there is public necessity to take land for a public purpose, said purpose being the reconstruction of Winchester Street, between State Route 101 and the Winchester Street bridge over the Ashuelot River, including the Winchester St / Island Street / Pearl Str et intersection and replaceipent of the Island Street btldge, in order to improve vehicular and pedestrian safety and !to allow for a more efficient flow of traffic through the corridor. In support of this Petition to Acquire Property by Eminent Domain for Highway Purposes, the undersigned states as follows:

In 2012, the Keene City Council adopted the FY13-FY19 Capital Improvement Program, which contemplated improvements to Winchester Street corridor, between Rt. 101 and the Pearl St. / Island St. intersection as part of the State Bypass Improvement Program. Additional funds were appropriated to this project through the FY14, FY19 and FY20 Capital Improvement Programs.

On October 2, 2014, the City Council voted to approve a contract with McFarland Johnson for the design of these improvements. On July 7, 2016, Mayor Kendall Lane appointed an ad-hoc steering committee to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation. The committee held several meetings between August 2, 2016 and December 13, 2016. The Committee's work culminated with a presentation and recommendations to the Municipal Services, Facilities and Infrastructure Committee (MSFI).

On January 25, 2017, MSFI reviewed alternatives for the reconstruction of the corridor, including rebuilding the Key Road and Pearl/Island intersections with traffic signals or creating roundabouts. MSFI voted to recommend that the City Council select the roundabout option. The committee also recommended that the City Manager be authorized to do all things necessary to implement this design. The City Council voted to approve the recommendations on February 2, 2017.

Pursuant to this authority the City Manager, acting through the City's consultant; and City staff entered into negotiations with the owners of twelve (12) parcels of land impacted by the project. The parcels and impacts are more particularly described in a plan

prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled "Right of Way Plan of a portion of Winchester St. in Keene, NH". A copy of these plans is enclosed for your reference and a summary of affected parcels is as follows:

Map/Block No.	Address	Owner	Permanent Acquisition Size(l)(SF)	Temporary Easement Size (SF)
111/001	332 Winchester St.	University System of NH	12,360	6,810
111/002	0 Winchester St.	Granite Bank	3,049	
<b>111/004</b>	<b>346-354 Winchester St.</b>	<b>Riverside Improvements, LLC</b>	<b>740</b>	<b>14,605</b>
111/026	345 Winchester St.	A.R. Sandri Trust, LLC	55	605
111/027	345 Winchester St.	A.R. Sandri Trust, LLC	1,005	3,155
111/028	333 Winchester St	Keene Retail, LLC	605	735
111/029	329 Winchester St.	256 Investment Assoc., LLC	0	435
592/0018	0 Winchester St.	Public Services of NH	2,700	3,440
592/022	199 Island St.	Timothy J. Carbone, Rev. Trust	120	0
592/024	169 Island St.	Robert J. Bass	0	655
592/029	158 Island St.	158 Island St. Invest., LLC	340	380
593/001	311 Winchester St.	McDonalds Corp.	0	230
			<b>18,635</b>	<b>31,075</b>

Six of the above-listed acquisitions were deemed to be " simple and un-complicated" and proceeded using a simplified acquisition process approved by the Federal Highway Administration. The remaining six parcels were evaluated using the more detailed appraisal method.

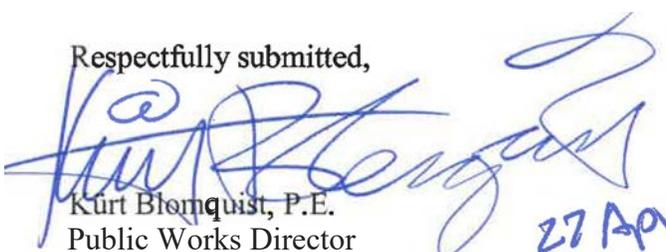
To date, the owners of eight parcels have either provided or indicated their intention to voluntarily provide the necessary property rights to the City. Three parcels were acquired through eminent domain following passage of Resolution R-2020-36-A. Despite the City

Manager's reasonable efforts to negotiate, the owner of the final parcel (indicated with **bold** font in the table above) has indicated that they are unable to voluntarily provide the necessary property rights due to mortgage and lease restrictions.

Based on the foregoing, I respectfully request as follows:

1. That the Mayor schedule a public hearing of the Keene City Council on June 17, 2021, in order to hear testimony :from interested parties· relative to whether there exists the necessity to acquire the aforementioned property rights by condemnation for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and
2. That, pursuant to RSA 231:9, the City Clerk's office cause notice in writing of the time and place of such public hearing to be given to the petitioner and affected property owners not less than thirty (30) days prior to the June 17, 2021, hearing; and
3. Should the Council find that a necessity exists to acquire the aforementioned property rights by condemnation for highway purposes, that the City Manager be authorized to do all things necessary to carry out the eminent domain proceedings in accordance with RSA 498-A, et seq.

Respectfully submitted,

  
Kurt Blomquist, P.E.  
Public Works Director

27 Apr 2021

Encl.



# CITY OF KEENE

R-2021-19

In the Year of Our Lord Two Thousand and .....Nineteen.....

A RESOLUTION .....Authorizing the Condemnation of Land for the Winchester Street  
.....Reconstruction Project.....

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

WHEREAS, the Keene City Council has determined that Winchester Street, between New Hampshire Route 10/12/101 and the Winchester Street bridge over the Ashuelot River, including the intersection with Pearl Street and Island Street and the Island Street bridge over the Ashuelot River, is in need of improvement; and

WHEREAS, Mayor Kendall Lane nominated, and the Council accepted, an ad-hoc steering committee on July 7, 2016 to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation; and

WHEREAS, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee conducted several public meetings between August 2, 2016 and December 13, 2016 to obtain public input, review the design consultant’s work product and develop a recommendation to the City Council; and

WHEREAS, on December 13, 2016, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee voted unanimously to recommend a roundabout alternative as the preferred method of reconstructing the Key Road and Island Street / Pearl Street intersections; and

WHEREAS, the Keene City Council and the Council Standing Committees known as the Municipal Service, Facilities and Infrastructure Committee, met on several occasions between January 19, 2017 and February 2, 2017 in order to review and hold public discussion on the reconstruction of the Winchester Street; and

WHEREAS, as a result of such review and discussion on February 2, 2017, the Keene City Council voted to select roundabouts as the appropriate design to provide the necessary improvement to Winchester Street, and authorized the City Manager to do all things necessary for the implementation of that design; and

Whereas, a necessity exists to acquire land for the reconstruction of Winchester Street, as designed; and

WHEREAS, pursuant to such authority the City Manager, acting through the City’s consultant, entered into negotiations with the owners of twelve (12) parcels of land impacted by the project, said parcels and impacts being more particularly described in a plan prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled “Right of Way Plan of a portion of Winchester St. in Keene, NH”, a copy of which is attached hereto; and

PASSED

WHEREAS, as a result of said negotiations, the City Manager has acquired, or has been informed of the property owner's intent to provide, the necessary property rights from the owners of eight (8) of the twelve impacted parcels; and

WHEREAS, the required property rights over portions of the following properties were acquired through the Eminent Domain procedure pursuant to Resolution R-2020-36:

Owner	Parcel No	Required Property Rights
A.R. Sandri Trust, LLC	111/026	55 square feet (permanent) 605 square feet (temporary)
A.R. Sandri Trust, LLC	111/027	1,005 square feet (permanent) 3,155 square feet (temporary)
Keene Retail, LLC	111/028	605 square feet (permanent) 735 square feet (temporary)

and;

WHEREAS, the City Manager made every reasonable effort to negotiate with the remaining property owner; however, the owner of the final parcel has indicated that they are unable to voluntarily sell the required property rights due to lease and mortgage restrictions; and

WHEREAS, the design of the reconstruction project makes it necessary to acquire said property rights from the remaining property in order to complete the project without increasing the overall impacts on adjacent property owners; and

WHEREAS, on May 6, 2021, the Keene City Council, at its regularly scheduled meeting, received a Petition to Acquire Property by Eminent Domain for Highway Purposes; and

WHEREAS, on May 6, 2021, the Mayor scheduled a public hearing of the Keene City Council to be held on June 17, 2021, in order to hear testimony of interested parties relative to whether the Keene City Council shall exercise its authority to acquire the necessary property rights by condemnation for highway purposes, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231.

WHEREAS, the Keene City Council held a duly noticed public hearing on June 17, 2021, at the site of the proposed condemnation and at City Hall, 3 Washington Street, Keene, New Hampshire, in order to hear testimony from interested parties relative to whether there exists the necessity to acquire property rights by condemnation, if necessary, for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, the Keene City Council heard testimony from interested parties at the public hearing; and

WHEREAS, based upon the testimony received at the June 17, 2021 public hearing, the Petition to Acquire Property by Eminent Domain for Highway Purposes, and the prior and subsequent review and public discussion regarding the reconstruction of the Winchester Street, the Keene City Council has voted to find that necessity exists to acquire land by condemnation,

for the above-stated purpose, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, based upon the testimony received at the June 17, 2021 public hearing, the aforementioned Petition, and the prior and subsequent review and public discussion regarding the reconstruction of Winchester Street, the Keene City Council has also voted to find that the property rights to be so acquired, and the improvements to be constructed thereon, constitute a public use and provide a net public benefit;

NOW, THEREFORE, BE IT RESOLVED by the Keene City Council:

- a. That there is a necessity to take portions of the above-referenced land for a public purpose; and
- b. That the taking of portions of the above referenced land will provide a net-public benefit; and
- c. That the City Manager has made reasonable efforts to negotiate with owners of said parcels for the voluntary acquisition of said property rights; and
- d. That the City Manager is hereby authorized to initiate eminent domain proceedings pursuant to RSA 498-A, and under the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231, in order to condemn portions of the above-listed parcels for the reconstruction of Winchester Street; and
- e. That, in exercising the authority herein granted, the City Manager is directed to:
  1. Follow the procedure defined in RSA 498-A:4 thru 7, effecting the acquisition of land, including, but not limited to, RSA 498-A:4, III(b); and
  2. Cause a Declaration of Taking to be filed with the New Hampshire Board of Tax and Land Appeals and a Notice of Condemnation to be filed in the Cheshire County Registry of Deeds; and
  3. Do all things necessary in accordance with RSA 498-A in order to perfect the acquisition of the aforementioned property by eminent domain, unless the Condemnees shall, prior to such filings, consent to the voluntary transfer of said property rights by suitable conveyance to the City of Keene.

In City Council May 6, 2021.

Referred to the Finance, Organization and Personnel Committee. Site Visit set for June 17, 2021 at 5:30 PM. Public Hearing set for June 17, 2021 at 7:00 PM.

  
City Clerk

\_\_\_\_\_  
George Hansel, Mayor

# WINCHESTER STREET

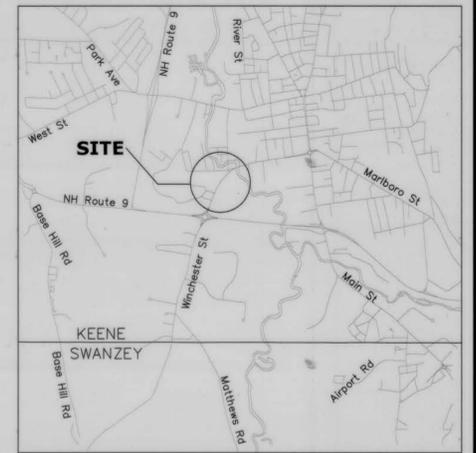
## CITY OF KEENE STATE OF NEW HAMPSHIRE COUNTY OF CHESHIRE RIGHT-OF-WAY PLANS

**PLAN INTENT:**

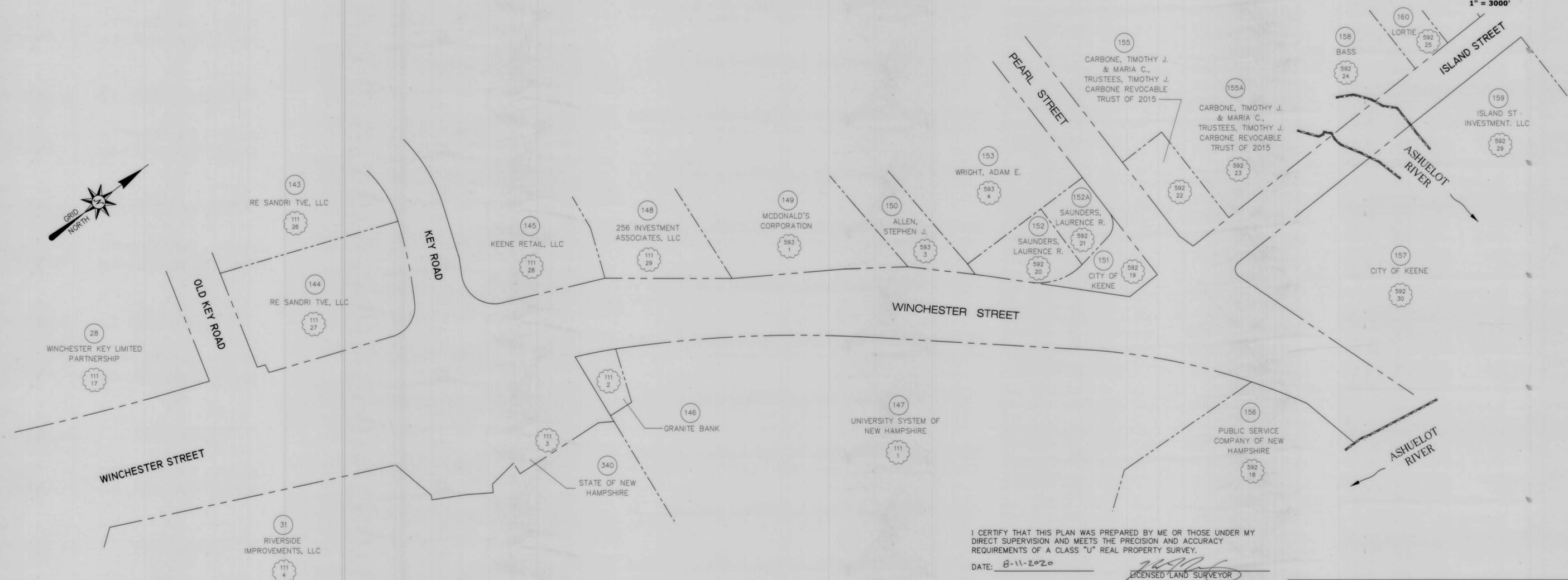
THE PURPOSE AND INTENT OF THESE PLANS IS TO DOCUMENT THE ACQUISITIONS AND EASEMENTS NECESSARY FOR THE PROPOSED IMPROVEMENTS WITHIN THE PROJECT LIMITS.

**NOTES:**

- 1.) THIS SURVEY IS A RESULT OF AN ACTUAL ON-THE-GROUND SURVEY COMPLETED BY THIS OFFICE BETWEEN DECEMBER 2015 AND OCTOBER OF 2018.
- 2.) THE HORIZONTAL AND VERTICAL DATUMS REFERENCED ARE NAD83(2011) (RTN RTK DERIVED) AND NAVD88 (NHDPW DISK 237 0340 HELD FOR VERTICAL).
- 3.) THE PLANIMETRIC FEATURES SHOWN ON THIS SURVEY ARE FEATURES EXISTING AT THE TIME OF THE SURVEY. NO PROPOSED IMPROVEMENTS ARE SHOWN.
- 4.) NO MONUMENTATION HAS BEEN SET AS PART OF THIS SURVEY. THE MONUMENTATION SHOWN HEREON IS EXISTING AND SET BY OTHERS.
- 5.) CONTROL TRAVERSE WAS RUN WITH A CLOSURE BETTER THAN 1:15,000.
- 6.) ALL UNDERGROUND UTILITIES AND FACILITIES SHOWN ARE APPROXIMATE AND NOT NECESSARILY COMPLETE. CALL DIGSAFE BEFORE ANY EXCAVATION.
- 7.) UNWRITTEN RIGHTS IN LAND, THOUGH THEY MAY EXIST, ARE NOT SHOWN ON THIS SURVEY.



LOCUS  
1" = 3000'



**LEGEND:**

#	PROJECT SPECIFIC PARCEL DESIGNATION	---	EXISTING PUBLIC RIGHT-OF-WAY
⊕	TAX MAP AND BLOCK NUMBER	---	EXISTING PRIVATE BOUNDARY LINE
⊙	UTILITY POLE	---	FENCE
⊙	GUY WIRE ANCHOR	+	PROPOSED TEMPORARY EASEMENT
⊙	TRAFFIC SIGNAL	⊗	PROPOSED ACQUISITION

I CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND MEETS THE PRECISION AND ACCURACY REQUIREMENTS OF A CLASS "U" REAL PROPERTY SURVEY.  
DATE: 8-11-2020  
[Signature]  
LICENSED LAND SURVEYOR

RSA 676.18 III "I" CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"  
DATE: 8-11-2020  
[Signature]  
LICENSED LAND SURVEYOR

NO.	REVISIONS

NOT VALID UNLESS SIGNED  
GRAPHIC SCALE 1" = 60'  
0' 60' 120' 180' 240'

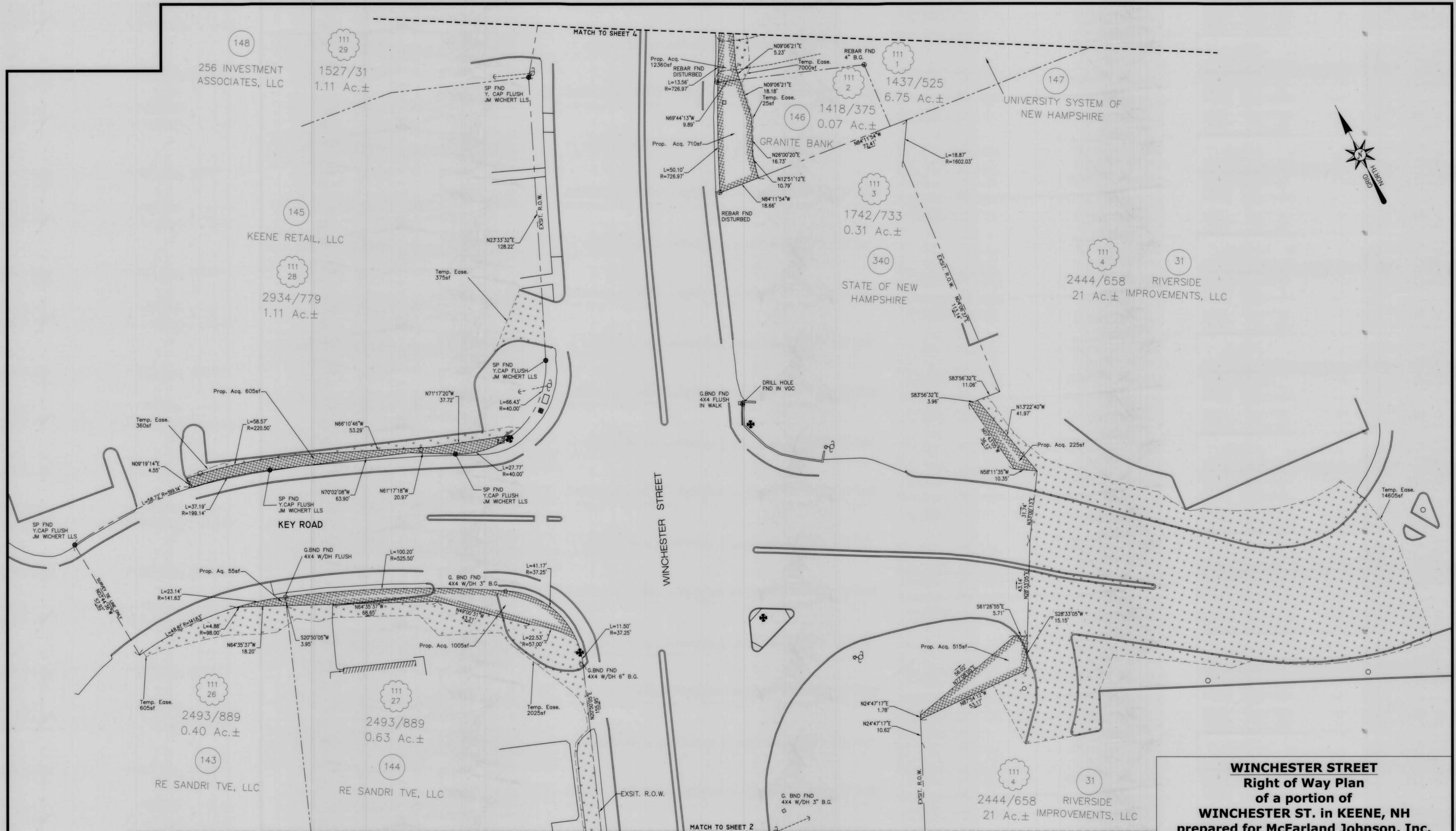


**WINCHESTER STREET**  
Right of Way Plan  
of a portion of  
**WINCHESTER ST. in KEENE, NH**  
prepared for **McFarland Johnson, Inc.**  
Owner of Record: **State of N.H.**

JOB NO.: 40289.00  
SCALE: 1"=60'  
DATE: 7/8/2020  
SHEET: 1 OF 5

GM2 Associates, Inc.  
197 Loudon Road, Suite 310  
Concord, NH 03301  
Tel: 603-856-7854  
Fax: 603-856-7855





**WINCHESTER STREET**  
**Right of Way Plan**  
**of a portion of**  
**WINCHESTER ST. in KEENE, NH**  
**prepared for McFarland Johnson, Inc.**  
**Owner of Record: State of N.H.**

JOB NO.: 40289.00		GM2 Associates, Inc. 197 Loudon Road, Suite 310 Concord, NH 03301
SCALE: 1"=20'		Tel: 603-856-7854
DATE: 7/8/2020		Fax: 603-856-7855
SHEET: 3 OF 5		

RSA 676.18 III "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"

DATE: 8-11-2020

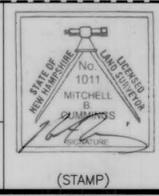
*[Signature]*  
 LICENSED LAND SURVEYOR

NO.	DESCRIPTION	DATE

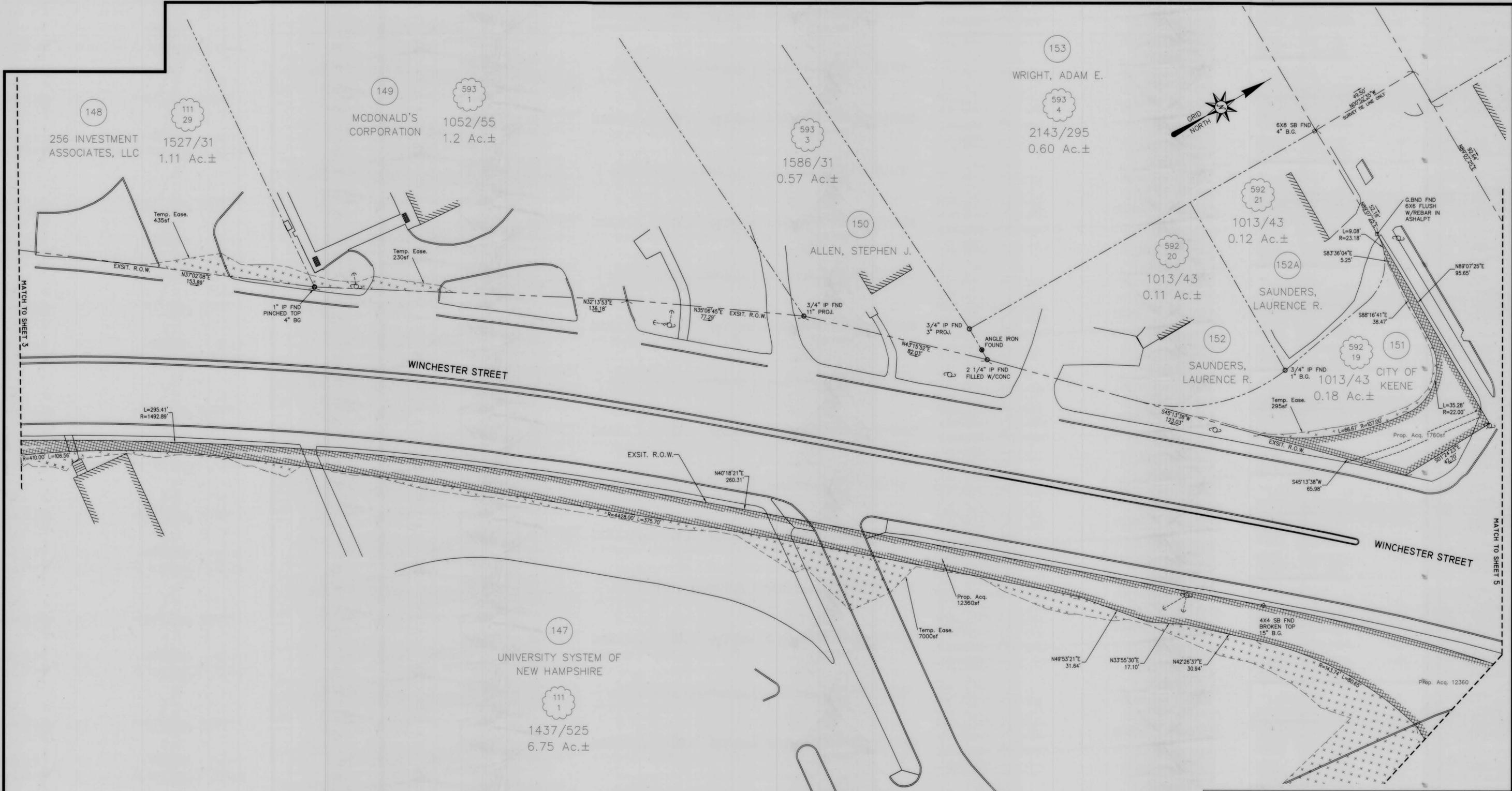
*[Signature]* LL5#1011

NOT VALID UNLESS SIGNED

GRAPHIC SCALE 1" = 20'



(STAMP)



**WINCHESTER STREET**  
**Right of Way Plan**  
 of a portion of  
**WINCHESTER ST. in KEENE, NH**  
 prepared for McFarland Johnson, Inc.  
 Owner of Record: State of N.H.

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DATE: 8-11-2020

*[Signature]*  
 LICENSED LAND SURVEYOR

NO.	DATE	DESCRIPTION

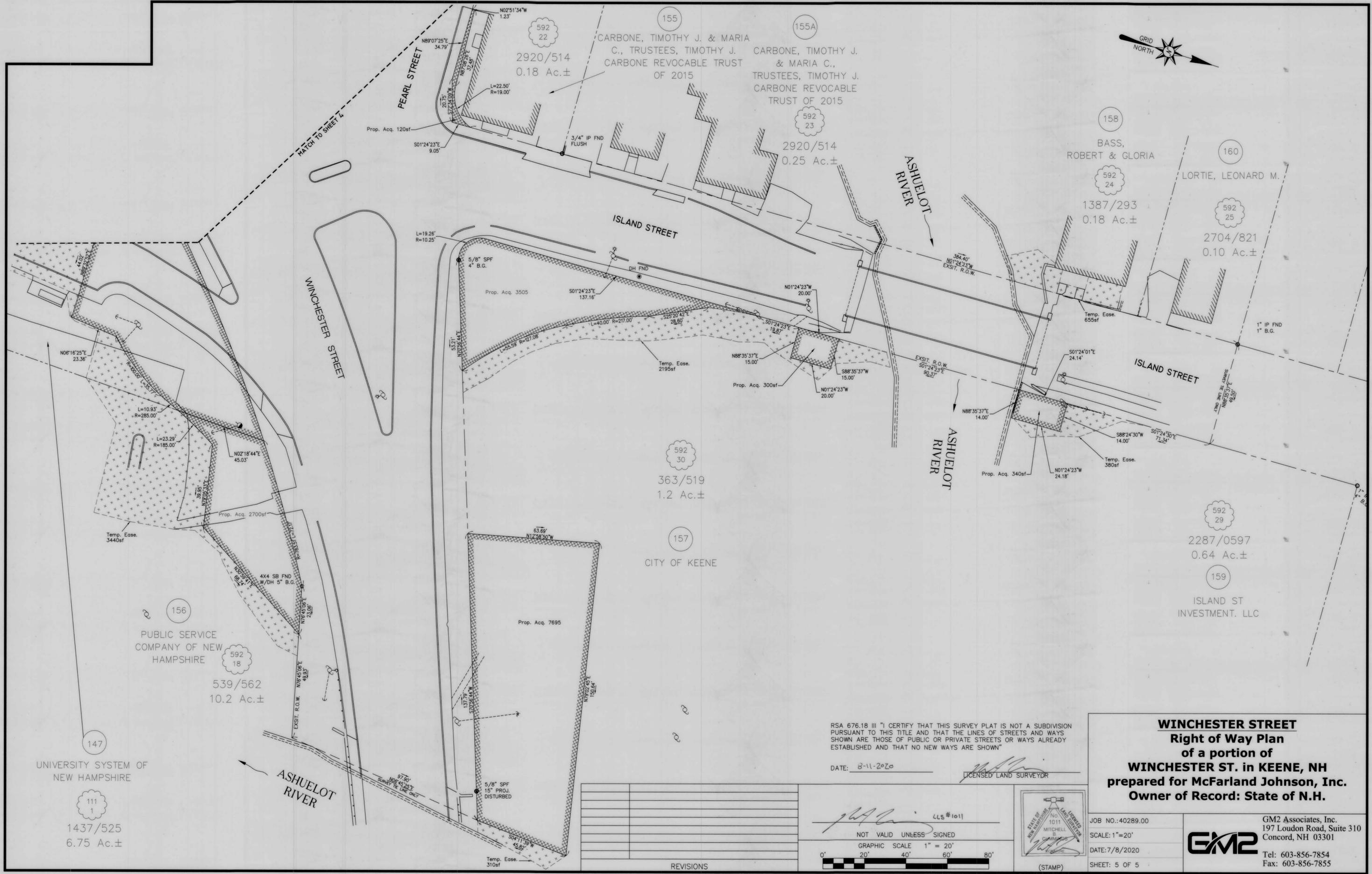
*[Signature]* LL5#1011  
 NOT VALID UNLESS SIGNED  
 GRAPHIC SCALE 1" = 20'  
 0' 20' 40' 60' 80'



JOB NO.: 40289.00  
 SCALE: 1"=20'  
 DATE: 7/8/2020  
 SHEET: 4 OF 5



GM2 Associates, Inc.  
 197 Loudon Road, Suite 310  
 Concord, NH 03301  
 Tel: 603-856-7854  
 Fax: 603-856-7855



147  
UNIVERSITY SYSTEM OF  
NEW HAMPSHIRE  
111  
1  
1437/525  
6.75 Ac.±

156  
PUBLIC SERVICE  
COMPANY OF NEW  
HAMPSHIRE  
592  
18  
539/562  
10.2 Ac.±

592  
22  
2920/514  
0.18 Ac.±  
CARBONE, TIMOTHY J. & MARIA  
C., TRUSTEES, TIMOTHY J.  
CARBONE REVOCABLE TRUST  
OF 2015  
155  
155A  
CARBONE, TIMOTHY J.  
& MARIA C.,  
TRUSTEES, TIMOTHY J.  
CARBONE REVOCABLE  
TRUST OF 2015  
592  
23  
2920/514  
0.25 Ac.±

ISLAND STREET  
ASHUELOT RIVER  
5/8" SPF  
4" B.G.  
Prop. Acq. 3505  
S01'24'23"E  
137.16'  
N01'24'23"W  
20.00'  
S25'20'42"E  
78.80'  
L=40.00' R=217.00'  
Temp. Ease.  
2195sf  
N88'35'37"E  
15.00'  
S88'35'37"W  
15.00'  
Prop. Acq. 300sf  
N01'24'23"W  
20.00'  
EXSIT. R.O.W.  
S01'24'23"E  
90.37'

158  
BASS,  
ROBERT & GLORIA  
592  
24  
1387/293  
0.18 Ac.±  
160  
LORTIE, LEONARD M.  
592  
25  
2704/821  
0.10 Ac.±

592  
30  
363/519  
1.2 Ac.±  
157  
CITY OF KEENE

Prop. Acq. 7695  
5/8" SPF  
15" PROJ.  
DISTURBED  
Temp. Ease.  
310sf  
N01'24'23"W  
45.82'  
S04'11'39"W  
45.82'

ASHUELOT RIVER  
ISLAND STREET  
Temp. Ease.  
655sf  
S01'24'01"E  
24.14'  
S01'24'23"E  
24.14'  
N88'35'37"E  
14.00'  
S88'24'30"W  
14.00'  
Temp. Ease.  
380sf  
Prop. Acq. 340sf  
N01'24'23"W  
24.18'  
S01'24'01"E  
24.14'  
S01'24'23"E  
71.34'  
Temp. Ease.  
380sf  
592  
29  
2287/0597  
0.64 Ac.±  
159  
ISLAND ST  
INVESTMENT, LLC

RSA 676.18 III "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"

DATE: 8-11-2020  
LICENSED LAND SURVEYOR

NO.	DATE	DESCRIPTION

NOT VALID UNLESS SIGNED  
GRAPHIC SCALE 1" = 20'  
0' 20' 40' 60' 80'



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JOB NO.: 40289.00  
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SHEET: 5 OF 5

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City of Keene, N.H.  
*Transmittal Form*

May 3, 2021

**TO:** Mayor and Keene City Council

**FROM:** Donald R. Lussier, P.E., City Engineer

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** K.4.

**SUBJECT:** Cheshire Rail Trail Phase III - Appropriation of Funds

---

**COUNCIL ACTION:**

In City Council May 6, 2021.

Referred to the Finance, Organization and Personnel Committee.

**RECOMMENDATION:**

Move that Resolution R-2021-24 be referred to the Finance, Organization and Personnel Committee for consideration and a recommendation.

**ATTACHMENTS:**

Description

Resolution R-2021-24

**BACKGROUND:**

On April 8, 2021 the City received bids for the construction of the Cheshire Rail Trail (CRT) Phase III Project. This project is funded with a Federal Highway Administration (FHWA) "Transportation Alternative Program" (TAP) Grant. Under the TAP Grant program, the federal government reimburses 80% of eligible project costs. The City is responsible for the remaining 20% of eligible costs.

With the receipt of the bids and based on the low-bid price for construction, all cost incurred to date and estimated expenses for construction administration services and project contingency the total project cost is estimated to be approximately \$700,000. This would require a match of \$140,000.

In the FY16 Capital Improvement Program, the City Council appropriated \$50,000 from Capital Reserves for this project. The Project received donations of \$30,000 from Pathways for Keene and \$15,000 from the Monadnock Conservancy for a total of \$95,000. Based on the estimated total project cost there is a shortfall of \$45,000.

To meet the match shortfall the Public Works Department is recommending that \$23,591 remaining in the

Cheshire Rail Trail Phase II Project, which is completed, be reallocated to the CRT Phase III project. This particular action will be submitted under a separate memorandum. The Department recommends that the remaining \$21,500 be appropriated from the Transportation Improvement Capital Reserve (620) for the Cheshire Rail Trail Project, Phase III (90057-F).



# CITY OF KEENE

R-2021-24

Twenty-one

In the Year of Our Lord Two Thousand and .....  
Relating to the Appropriation of Funds for the Cheshire Rail Trail Phase III

A RESOLUTION .....construction project.....

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

That the sum of Twenty One Thousand, five hundred Dollars and no cents (\$21,500) be appropriated from the Transportation Improvements Capital Reserve (620) for the Cheshire Rail Trail Phase III project (90057-F).

\_\_\_\_\_  
George S. Hansel, Mayor

In City Council May 6, 2021.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk



City of Keene, N.H.  
*Transmittal Form*

April 22, 2021

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** K.5.

**SUBJECT:** Relating to Northern Border Regional Commission Grant Programs

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**COUNCIL ACTION:**

In City Council May 6, 2021.  
Filed the report.  
Voted unanimously to adopt Resolution R-2021-23.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2021-23, Relating to Northern Border Regional Commission Grant Programs.

**ATTACHMENTS:**

Description

Resolution R-2021-23

**BACKGROUND:**

Mr. Blomquist stated this item is for the Council to pass a Resolution to authorize the city manager to apply for, sign and execute grants from the Northern Border Regional Commission. The Northern Border and Regional Commission is a federal state organization that provides funding for economic and infrastructure projects for economically distressed counties in Maine, New York, Vermont and New Hampshire.

Two years ago Cheshire County was added to the list of counties that met the criteria.

This grant program can provide up to 75% grants, for eligible projects. Projects can range from transportation, public infrastructure, water, sewer, broadband, telecommunication, projects for workforce development, basic healthcare, and resource conservation. This will give the manager authority to respond on a short deadline.

The Manager noted she already applies for grants but there are some grants that require legislative approval, which is the council. What is being requested is authority to apply for the grants, staff stills need to come back to the council to accept the grant. This is just authority to be able to get in the grant timelines quickly and react quickly and apply for any funds that become available.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2021-23, Relating to Northern Border Regional Commission Grant Programs.



# CITY OF KEENE

Twenty-one

In the Year of Our Lord Two Thousand and .....  
Relating to Northern Border Regional Commission Grant Programs

A RESOLUTION .....

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

WHEREAS: The Northern Border Regional Commission is a Federal-State partnership for economic and community development within the most distressed counties of Maine, New Hampshire, Vermont, and New York, and

WHEREAS: Northern Border Regional Commission has established State Economic and Infrastructure Development Investment Programs to reimburse communities up to seventy-five (75%) percent of eligible projects, and

WHEREAS: It is the intent of the City of Keene to apply for all eligible projects, and

NOW, THEREFORE, BE IT RESOLVED by the Keene City Council that the City Manager is hereby authorized to do all things necessary to apply for, sign, and execute Northern Border Regional Commission State Economic and Infrastructure Development Investment Program applications and grants for all eligible projects.

\_\_\_\_\_  
George S. Hansel, Mayor

A true copy;  
Attest:   
City Clerk