



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 16, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 2, 2023
- November 9, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Zoning Board of Adjustment

C. COMMUNICATIONS

1. Frederick Parsells - Relating to Downtown Infrastructure Project -
Consideration for Safety and Traffic Calming Measures
2. Ian Matheson - In Support of Funding a Police Social Worker

D. REPORTS - COUNCIL COMMITTEES

1. Jared Goodell - Place of Assembly Permits - Recent Charge by Fire
Department
2. Acceptance of Cybersecurity Grant
3. Sale of City Property - 0 Off George Street
4. Council Policy on the Review and Release of Non-Public City Council
Minutes

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donation - Finance Director/Treasurer
2. Allegation of Fraud or Misconduct in Connection with the Municipal Election - Pursuant to Section 5 of the Keene City Charter - City Clerk
3. Rules Suspension - Back-Up Ambulance Services

G. REPORTS - BOARDS AND COMMISSIONS

1. Recommendations Regarding Lower Winchester Street Reconstruction Project - Energy & Climate Committee

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Purchasing
Ordinance O-2023-15

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for Safety Improvements on Woodbury Street
Resolution R-2023-37
2. Relating to the Use of Opioid Litigation Settlement Funds
Resolution R-2023-39

NON PUBLIC SESSION

ADJOURNMENT

11/02/2023

A regular meeting of the Keene City Council was held on Thursday, November 2, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Michael Giacomo, Kris E. Roberts, Raleigh C. Ormerod, and Bettina A. Chadbourne were absent. Ward Four Council seat vacant. Councilor Greenwald led the Pledge of Allegiance.

MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the October 19, 2023, meeting minutes was duly seconded by Councilor Bosley. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

ANNOUNCEMENTS

Mayor Hansel announced that he was tentatively scheduling a special meeting of the City Council for the purpose of having a non-public session on Thursday, November 9 at 5:30 PM. The Clerk will confirm the necessity of this special meeting as the date approaches. Mayor Hansel also reminded that there would be a special meeting of the City Council on Thursday, November 9 at 5:45 PM to canvass the votes cast at the Municipal General election. This will be a very brief meeting that will occur before the 6:00 PM start of the FOP Committee meeting. He shared another reminder that the Wednesday, November 22 MSFI meeting was moved to Tuesday, November 21; there are two issues that will require the MSFI Committee to meet this week. There will also likely be a need for the MSFI Committee to meet in December, so the December 27 MSFI meeting was rescheduled to Tuesday, December 12 at 6:00 PM. The FOP Committee meeting on December 28 is canceled.

PUBLIC HEARING – FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM – ACQUISITION AND RENOVATION OF PROPERTY AT 40 AVON STREET IN KEENE, NH TO SERVE AS THE CENTRALIZED BEHAVIORAL HEALTH FACILITY OF MONADNOCK FAMILY SERVICES (MFS)

Mayor Hansel opened the public hearing at 7:03 PM and the City Clerk read the public hearing notice. The Mayor welcomed Jack Ahern, Community Development Block Grant (CDBG) Administrator at Southwest Regional Planning Commission.

Mr. Ahern explained that the Federal CDBG program requires a public hearing while the project is underway to allow the public an opportunity to comment and ask questions. He provided an update on the Monadnock Family Services (MFS) relocation. The Housing and Public Facilities grant of \$500,000 in CDBG funds—less administrative costs—was sub-granted to the Monadnock Community Services Center to support the acquisition and renovation of the

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property at 40 Avon Street in Keene, NH. The property is to serve as the centralized Behavior Health Facility of MFS, a non-profit affiliate of Monadnock Community Services, Inc. The \$4,200,000 acquisition of the property was completed on June 29, 2022. MFS reported that the renovation is behind schedule due to the discovery of over one mile of heating and cooling pipes that required replacement due to corrosion. 95% of the pipes have been replaced thus far. Additional remaining work includes a rooftop chiller, replacement ceilings, carpeting, and minor painting. Installation of rooftop solar panels will begin in spring 2024. Total project completion is estimated to be at 85% and all CDBG funds for construction activities have been drawn down. Acquiring a Certificate of Occupancy is anticipated for early November 2023, which will not delay the closing of the grant by the scheduled date of June 30, 2024.

Hearing no comments or questions from the Council or the public, Mayor Hansel closed the public hearing at 7:06 PM.

A true record, attest: 
City Clerk

CONFIRMATION – PARTNER CITY COMMITTEE

Mayor Hansel nominated Councilor Andrew Madison to fill an unexpired vacant term as a regular member of the Partner City Committee, with a term to expire December 31, 2024. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

NOMINATION – ZONING BOARD OF ADJUSTMENT

Mayor Hansel nominated David Weigle to serve as an alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2026. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION – STEPHEN BRAGDON AND CHERLY BELAIR – SAFETY ISSUES ASSOCIATED WITH THE DRIVEWAY AT 82 COURT STREET

A communication was received from Attorney Stephen Bragdon and Cheryl Belair, requesting that the City consider codifying an Ordinance amendment that would designate approximately 22 feet to the south of the 82 Court Street driveway entrance and an area 30 feet to the north of the driveway entrance as no parking due to visibility issues exiting the driveway. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

PLD REPORT – KIWANIS CLUB OF KEENE – REQUEST TO USE CITY PROPERTY –
2023 TREE LIGHTING CEREMONY

A Planning, Licenses, and Development Committee report read, recommending that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 24, 2023, to conduct the annual Tree Lighting Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Wednesday, November 23, 2023, to Monday, November 27, 2023, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 5:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during set-up activities; use of up to four spaces on Washington Street from Wednesday, November 23, 2023, to Monday November 27, 2023 for placement of materials; and spaces within the event footprint on the day of the event.

Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

PLD REPORT – KEENE SNO-RIDERS – REQUESTING PERMISSION TO RUN
SNOWMOBILES IN THE RIGHT-OF-WAY ALONG KRIF ROAD FROM THE ASHUELOT
RAIL TRAIL TO WINCHESTER STREET

A Planning, Licenses, and Development Committee report read, recommending that the Keene SnoRiders be granted permission to use the following locations on City property for a

snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2023, and expire on March 30, 2024, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured. In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

PLD REPORT – CHUCK REDFERN – CALL FOR ACTION – DRUG ABUSE IN PUBLIC SPACES

A Planning, Licenses, and Development Committee report read, recommending that the City Manager be authorized to submit a letter to Senator Fenton requesting that he initiate legislation that would expand the geographical area of a drug-free zone to include public parks, with emphasis on restorative rather than punitive justice. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. Discussion ensued.

Councilor Bosley was the dissenting vote at the PLD hearing. She read a statement to clarify her position. This request was for the City Council to support the City Manager submitting a letter to Senator Fenton to initiate legislation that would expand the geographical area of a drug free zone to include Keene’s public parks. Councilor Bosley thanked Mr. Redfern for bringing this matter

forward. Councilor Bosley saw the spirit of this request and recognized that Mr. Redfern was only trying to help move Keene in a direction that would create a better environment for its children and park patrons. There was a lot of conversation at the PLD Committee meeting concerning the effectiveness of Mr. Redfern's request. PLD heard testimony from NH Representative Newell and Councilor Williams that outlined some of Councilor Bosley's concerns. For example, Representative Newell explained in her own words that all of these challenges are compounded by the lack of available services and resources. So, if the law was enhanced, Representative Newell thought it would lead to further punitive penalties because mental health services are not readily available. Representative Newell also explained that the latest Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association says that addiction is pursuing substances despite negative consequences. So, enhanced punishments could have the opposite effect and not help individuals out of addiction. Councilor Williams also addressed criminology studies, which showed that the fear of increased consequences does not deter people from substance abuse. Because of these testimonies, the PLD Committee discussed whether someone misusing drugs would likely not care about posted signage—indicating a drug free zone—and whether the signs might create a false sense of safety for others in the community. There was a lot of conversation regarding whether the court system could require Mr. Redfern's suggestion of mandatory mental health services. Councilor Bosley stated her belief that those treatments are mostly successful when individuals have decided that they need the treatment, and she was unsure that forcing someone into treatment would result in the intended outcome. The Assistant City Attorney told the PLD Committee that she was unsure whether legislation exists that could be changed to expand mental health requirements with drug convictions. This matter is discussed in multiple sections of the law, and Councilor Bosley thought it would behoove the Council to review and understand the subtle nuances to get these enhanced penalties correct.

Councilor Bosley continued, explaining that Police Chief Stewart said that the only places designated currently as drug free zones are within 1,000 feet of schools and that he could not recall ever seeing an enhanced penalty provision triggered during his tenure. The Chief also said that "drug free zones" can be a misleading term and someone under the influence of drugs would most likely not be prosecuted. The Chief thought that it would be hard and not cost effective to try to prove if someone was under the influence. So, Councilor Bosley imagined that this would only be an in-possession offense. The PLD Committee also discussed the current process of our drug court system as an option when an individual is being seen for substance abuse issues; those opportunities are slowly being increased under our current system. The Councilor thought the bigger discussion that needed to happen was about how to be clear on what the Council is asking Senator Fenton for in this change. If the goal is to be effective for drug users, it seemed to Councilor Bosley that the City needs to use the resources it already has, such as the current policing systems, drug court systems, and active community groups to push forward ideas that will have an impact on the real nature of the problem. She thought that was at the heart of Mr. Redfern's request. To create clean, safe parks and provide mental health care and substance use therapies to individuals who are ready to access them, Councilor Bosley urged attracting those organizations to Keene and creating a more robust mental health care community. This is why

Councilor Bosley voted in opposition of the letter despite fully supporting this Council working toward a holistic resolution to this problem.

Councilor Williams echoed Councilor Bosley's comments. Councilor Williams agreed that Mr. Redfern's suggestion was in a positive spirit that the Councilor appreciated. Ultimately, Councilor Williams thought more discussion was needed before designing legislation. He would not support sending the letter.

Councilor Madison supported the positions of Councilors Bosley and Williams. Councilor Madison did not think this was an issue that Keene could "jail its way out of." He agreed that Mr. Redfern's suggestion was in the best faith to address a problem that is devastating this community. Still, Councilor Madison did not support sending this letter.

Councilor Workman thanked Mr. Redfern for bringing this matter to the Council. That said, Councilor Workman was concerned about how these drug free zones would be implemented and enforced. She thought this issue was bigger than the municipality and required involvement of the state and nation. She said there were questions to answer, like why our population seeks drug use to begin with. She thought that there were insufficient mental health resources to treat the underlying problem and that the drug court system needed expansion. Councilor Workman supported working with Senator Fenton to move things forward, but she did not support this specific initiative and thought more work was needed.

Councilor Remy said he would be supportive if the letter was phrased in a way that allowed the municipality to define its own drug free zones to establish some local control. He thought that saying all public parks would become drug free zones would take some control from the City. Councilor Remy could not support this initiative but appreciated the thought that went into it.

Councilor Jones voted in favor of this letter at the PLD meeting in an effort to bring this full discussion to the Council. Since the PLD meeting, he talked with some law makers and lobbyists in Concord, where many were working toward things that Councilors Bosley and Williams mentioned, with a focus on restorative versus punitive justice. Councilor Jones recalled that technically, the whole City and state are drug free zones; the difference is that within 1,000 feet of schools, there is a higher punishment, and the City should not be demanding more punishment. He did not think this was the right time for this kind of bill. While he appreciated Mr. Redfern's intent, Councilor Jones would not support this letter.

Councilor Filiault said that while he could see where the votes were leaning, he thought that doing nothing was not an acceptable option. He considered a motion to send this back to the PLD Committee so they could discuss it further because this is too important an issue. Mayor Hansel noted that the legislative deadline had passed. The City Manager agreed, explaining that the opportunity to submit legislation to both the House and Senate had passed, but she talked to Senator Fenton in advance of those deadlines, and he created a confidential placeholder (without a name) until after this Council meeting, so the City Manager could determine if there was

Council interest in moving forward changing the drug free zone. Councilor Bosley addressed Councilor Filiault's concerns. Councilor Bosley said the PLD Committee discussed that this is an issue that demands further focus. There was discussion of an ad hoc committee, but that Staff time was demanded a lot recently for ad hoc committees, and that process would take time. The City Manager added that there are several local groups working on this regularly: the City Manager's Task Force comprised of City Department heads, the Homeless Coalition of regional partners that meets monthly, and the Housing Stability ad hoc committee also made recommendations.

Councilor Bosley added that while this is an issue the east Keene neighbors have been bringing forward, this is an issue facing everyone in the City that is not going away and is related to issues like homelessness and mental health care. She said there are community partners, and she did not think this conversation would end at this meeting. Councilor Bosley was clear in urging forward progress to the City Manager, and all community partners (e.g., Serenity Center and Monadnock Family Services) need to be discussing these issues together (e.g., sober housing and mental health resources). She hoped that Councilor Filiault would bring this up again so it is not forgotten, and Councilor Bosley said she would too. Still, she did not think this legislation was the solution.

The City Manager added that she would be updating the MSFI Committee about the various current efforts. She had been on the Opioid Abatement Commission, where some settlement funds were coming from. In this role, she had been advocating for supportive housing in this region and in rural communities. At the last Opioid Abatement Commission meeting, a focus was on potentially allocating \$10 million per year of funding for supportive housing. In addition, the City Manager had many conversations with the Serenity Center and The Doorway, which were working with the City Manager on the Police Department social worker, which she would bring forward in the next Committee round. The social worker would follow-up on drug-related, homelessness, and domestic violence calls after the Police leave to try to connect people with services they need. The City Manager had been working toward this proactive approach for the last year.

Councilor Greenwald thought the conversation was getting conflated with homelessness and other issues, while this matter was clearly about the concept of drug-free zones in Keene's parks. He did not understand why that was so complicated. He thought it was important to communicate with law makers in Concord and communicate that this issue is important to Keene. He thought the City and Council should be clear about keeping drugs out of parks and away from Keene children.

Councilor Williams commented on the concept of drug free zones. He cited many studies, which showed that drug free zones are not a particularly effective concept, but more of a feel-good solution. He cautioned against layering punishments that are not an effective way to deter the behavior. Councilor Williams said it would be more effective to have a Police presence in the parks. He added that there was no rule against the City posting drug-free signs to make the

statement in parks. He was among many who had been calling for a wider community conversation on this topic, including how the Opioid Abatement funds should be used. While he knew the City might not sponsor this, he suggested finding a non-profit partner to facilitate this community discussion, which should include those most affected by drug use, so the City understands their needs.

Councilor Jones shared that approximately three years ago, he acted as the emcee for a drug abuse summit hosted by Healthy Monadnock and sponsored by the Chamber of Commerce. Johann Hari from the UK spoke about treatment versus punishment, which Councilor Jones thought was the right way forward. Generally, punishment just brings people back to drug use, so he did not think more penalties was the right way forward.

On a vote of 2–8, the motion to carry out the intent of the Committee report failed. Councilors Filiault and Greenwald voted in the minority. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF DONATIONS – HOLIDAY FAMILY SPONSORSHIP

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept donations associated with the City's 2023 Holiday Sponsorship Program. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

FOP REPORTS – 2021 HOMELAND SECURITY GRANT PROGRAM – HAZMAT FRISKER EQUIPMENT; 2023 HOMELAND SECURITY GRANT PROGRAM – HAZMAT EQUIPMENT; AND 2023 HOMELAND SECURITY GRANT PROGRAM – CBRNE EQUIPMENT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to apply, accept, and expend the 2021 Homeland Security Grant Program – Hazmat Frisker Equipment grant in the amount of \$2,000.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the 2023 Homeland Security Grant Program - Hazmat Equipment grant in the amount of \$60,715.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 10 Councilors present and voting in

favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the 2023 Homeland Security Grant Program - CBRNE Equipment grant in the amount of \$157,920.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

JARED GOODELL – PLACE OF ASSEMBLY PERMITS – RECENT CHARGE BY FIRE DEPARTMENT – BENDER’S BAR & GRILL

A Finance, Organization, and Personnel Committee report read, unanimously recommending accepting the communication regarding assembly permits as informational. Mayor Hansel sent this matter back to the FOP Committee to allow the petitioner to be present.

DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT – PROFESSIONAL SERVICES AGREEMENT PRELIMINARY DESIGN

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Council (per Section 2-1336. - Waiver of Requirements), award a sole-source professional services contract to Stantec Consulting Services, Inc. for an amount not to exceed \$995,000 and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Stantec Consulting Services, Inc. for the next phase of the Downtown Infrastructure Improvement and Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Discussion ensued.

Councilor Jones noted that he had been opposed to the project since the beginning and so he would vote in opposition.

Councilor Greenwald was unhappy with the project, but at this point, he said there was a compromise to move forward. His personal strategy in the next stage would be to ensure the best design possible, including saving trees and public safety. Councilor Greenwald opposed the “sole source” concept and thought the project should go out to bid since there was not a frantic rush. He was confident that a different consultant could be brought up to speed. He thought that a lot of what occurred with Stantec in the last round could have been avoided and he wanted to know if there was someone that could work better in this second phase.

Councilor Workman said she would support this because she thought that Stantec understood what the City needs and wants. She thought a compromise had been reached and that approving this would continue moving the project forward.

Councilor Filiault echoed Councilor Greenwald. Councilor Filiault reiterated his displeasure with how this project had been handled and progressed to date.

On a vote of 7–3, the motion to carry out the intent of the report carried. Councilors Filiault, Jones, and Greenwald voted in opposition. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

Mayor Hansel commented on this project, which he called the greatest challenge during his tenure as Mayor. He thought many were feeling the ramifications of a compromise; he did not think anyone was 100% happy with the recommended design. Still, he commended the community and Council for reaching a decision and encouraged them to keep going and fight for opportunities to weigh-in.

FOP REPORT – LWCF GRANT ROUND 33 ACCEPTANCE – SKATE PARK

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

FOP REPORT – LWCF GRANT ROUND 33 ACCEPTANCE – RUSSELL PARK

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$500,000.00 for the Russell Park Renovation Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

FOP REPORT – LWCF GRANT ROUND 34 NOTICE OF INTENT – ROBIN HOOD PARK

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to execute the submission of the application for LWCF Grant Round 34 for the Robin Hood Park renovation project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

CITY MANAGER COMMENTS

The City Manager began by recognizing Andy Bohannon—Director of Parks, Recreation, and Facilities—for working hard on the various park projects mentioned earlier in the meeting. Mr. Bohannon got the funding for facility improvements at the Recreation Center, made the Pat Russell Park project happen by moving things around and applying for additional funds, and was already applying for funds for Robin Hood Park.

The City Manager also shared that Keene Housing was awarded \$750,000 in CDBG funds for the Roosevelt School housing project.

Next, the City Manager recognized service milestones of City Staff: Kürt Blomquist, Public Works/Emergency Management Director/ACM (30 years); Natalie Darcy, Human Services Manager (15 years); Carly Crawford, Police Officer (5 years); and Sonja Martineau, Library Aide (5 years).

The City Manager also provided an update on the Island Street bridge, for which Councilors received an email update. The original schedule for opening the bridge to traffic was December 22. Last week, the City Manager was informed that they would not meet that date and that they now expected the opening to occur in early March 2024.

Next, the City Manager updated on solar energy and savings from the solar projects on the Public Works and Police Station buildings, as well as on the Airport property connected to the Wastewater Treatment Plant (WWTP). In almost 2 years, the WWTP project had saved \$273,000 on energy costs. The smaller array on Marlboro Street produced a savings of \$123,000 in the same two-year period. Staff were currently working with Revision Energy to evaluate adding a second array on Airport property, which could be the City's biggest array yet.

The City Manager also shared that at the next FOP Committee meeting, she would be starting the process of adding the new social worker position at the Police Department. There might be an opportunity in the future to request grant funds through the Opioid Abatement Commission to expand the program, but the City cannot wait any longer to begin. This position is needed to follow-up on drug-related and homelessness calls to help connect people to services.

Lastly, the City Manager announced the return of the employee recognition and holiday luncheon on December 14 from 11:30 AM–1:00 PM in the Blastos Room. Three years of employee awards would be presented because this event was canceled due to Covid.

MORE TIME – PLD REPORT – KEENE YOUNG PROFESSIONALS NETWORK –
REQUEST TO USE CITY PROPERTY – 2024 TASTE OF KEENE FOOD FESTIVAL

A Planning, Licenses, and Development Committee report read, unanimously recommending that this item be placed back on more time to allow protocol meetings to be held. Mayor Hansel granted more time.

ORDINANCE FOR FIRST READING – RELATING TO PURCHASING – ORDINANCE
O-2023-15

A memorandum from Yves Gakunde, Purchasing and Contract Services Manager, was received recommending that Ordinance O-2023-15 be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2023-15 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR SECOND READING – RELATING TO AN AMENDMENT TO THE
ZONING MAP – 0 ASHUELOT STREET – HIGH DENSITY TO COMMERCE

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2023-13. Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2023-13 was duly seconded by Councilor Jones. Discussion ensued.

Councilor Williams said he would be voting against this because while more park space is nice, he thought housing was needed more at that this centrally located property, which could provide apartments for 40–50 families, with the existing Ashuelot River Park in their front yard. He did not support pushing all new housing to the edges of the community. Over time, he thought the City had not taken opportunities to build housing in quality areas. He said efforts, like building Pat Russell Park, would not solve the City’s housing needs.

Councilor Filiault reminded the Council that this property was “an eyesore” for years and any developer could have bought it for housing, but no one had. He thought that the Monadnock Conservancy was doing something productive with the lot.

Councilor Jones said he would support this. Still, he hoped there would be no negative outcomes, such as the new owner deciding to quickly sell it to something like a big box store, but he cautioned that was a possibility.

The motion to adopt Ordinance O-2023-13 carried on a roll call vote with 9 Councilors present and voting in favor and 1 Councilor voting in opposition. Councilor Williams voted in the

11/02/2023

minority. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

ORDINANCE FOR SECOND READING – RELATIVE TO CONGREGATE LIVING AND SOCIAL SERVICES LICENSE – ORDINANCE O-2023-18

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2023-18. Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2023-13 was duly seconded by Councilor Jones. The motion carried unanimously with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

APPROPRIATION OF FUNDS FOR SAFETY IMPROVEMENTS ON WOODBURY STREET – RESOLUTION R-2023-37

A memorandum read from the City Attorney, Don Lussier, recommending that Resolution R-2023-37, Relating to the Appropriation of Funds for Safety Improvements on Woodbury Street, be referred to the Finance, Organization, and Personnel Committee for deliberation and a recommendation to the City Council. Mayor Hansel referred Resolution R-2023-37 to the Finance, Organization, and Personnel Committee.

NON-PUBLIC SESSION

At 8:12 PM, a motion by Councilor Powers to go into non-public session to discuss land matters under RSA 91-A:3, II (d) was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 10 Councilors present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant. Discussion was limited to the subject matter. At 8:50 PM the session concluded. A motion by Councilor Powers to keep the minutes of the non-public session, non-public as disclosure would render the proposed action ineffective was seconded by Councilor Bosley. On roll call vote, 10 Councilors were present and voting in favor. Councilors Giacomo, Roberts, Ormerod, and Chadbourne were absent. Ward Four Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:52 PM.

A true record, attest: 
City Clerk

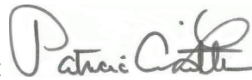
11/09/2023

A special meeting of the Keene City Council was held Thursday, November 9, 2023, at 5:30 PM to hold a non-public session. Roll called: Bryan J. Lake, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kate M. Bosley, and Thomas F. Powers. Kris E. Roberts, Raleigh C. Ormerod, Catherine I. Workman, and Mitchell H. Greenwald were absent. Ward Four Council seat vacant. Bettina A. Chadbourne arrived at 5:37 PM.

At 5:31 PM, Councilor Powers moved to go into a non-public session to discuss a land matter under RSA 91-A (II) d. Councilor Bosley seconded the motion. On roll call vote, 9 Councilors were present. Councilors Roberts, Ormerod, Workman, and Greenwald were absent. Ward Four Council seat vacant. Councilor Chadbourne arrived at 5:37 PM. The Parks, Recreation, and Facilities Director was invited to remain. Discussion was limited to the subject matter.

At 5:51 PM, the session concluded. A motion by Councilor Powers to keep the minutes of the non-public session, non-public as disclosure would render the proposed action ineffective, was seconded by Councilor Bosley. On roll call vote, 10 Councilors were present and voting in favor. Kris E. Roberts, Raleigh C. Ormerod, Catherine I. Workman, and Mitchell H. Greenwald were absent. Ward Four Council seat vacant.

A true record, attest:



City Clerk


A special meeting of the Keene City Council was held Thursday, November 9, 2023, at 5:53 PM to canvass the votes cast at the November 7, 2023, Municipal General Election. Roll called: Bryan J. Lake, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Bettina A. Chadbourne, Kate M. Bosley, and Thomas F. Powers. Kris E. Roberts, Raleigh C. Ormerod, Catherine I. Workman, and Mitchell H. Greenwald were absent. Ward Four Council seat vacant.

Mayor Hansel thanked the voters who had participated in the election. He also expressed appreciation to Keene's election officials and the staff from the City Clerk's office for a well-run election. The City Clerk reported that copies of the Return of Votes of each ward were placed on the Councilors' desks, as well as a summary page of votes cast across all wards.

A motion by Councilor Powers to declare the candidates receiving the highest number of votes for their respective offices as "elected" and that the charter amendments relative to the Municipal Primary be declared adopted.

At 5:55 PM, the meeting adjourned.

A true record attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmation
Zoning Board of Adjustment**

Council Action:

**In City Council November 16, 2023.
Voted unanimously to confirm the nomination.**

**In City Council November 2, 2023.
Tabled until the next regular meeting.**

Recommendation:

Attachments:

1. Weigle, David_Redacted

Background:

I hereby nominate the following individual to serve on the designated Board or Commission:

Zoning Board of Adjustment





David Weigle, alternate slot 6
414 Pako Avenue

Term to expire Dec. 31, 2026

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Monday, August 28, 2023 3:07:10 PM
Attachments: [image001.png](#)



Patricia Little
CITY CLERK

-  (603) 352-0133, ext. 2
-  plittle@KeeneNH.gov
-  3 Washington Street, Keene, NH 03431
-  KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, August 28, 2023 10:33 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 08/28/2023 - 10:33</p>

<p>Submitted values are:</p>

First Name:

David

Last Name:

Weigle

Address

414 Pako Ave,
Keene, NH, 03431

How long have you resided in Keene?

2 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Corning Inc.

Occupation:

Program Manager

Retired

No

Please list any organizations, groups, or other committees you are involved in

I currently volunteer with Elm City Church working with children.

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be most interested in serving on.

Congregate living and social services licensing board, Planning Board, Zoning Board Adjustment

Please let us know the Board or Commission that you are most interested in serving on.

Congregate Living & Social Services Licensing Board

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Zoning Board of Adjustment

Optional - Please select your third choice of which Board or Commission you would like to serve on.

Planning Board

Please share what your interests are and your background or any skill sets that may apply.

I am a detailed oriented person with a mind towards practical solutions. My current job involves collaborating with experts to develop, build, and evaluate advanced hardware, while managing the schedule and budget for multiyear programs. I have a bachelors or science in accounting and six years of experience in Army logistics. I have experience in leading groups, excellent communication skills, conflict resolution, contract oversight, complex planning, and limited experience in mediation and regulation implementation.

I deeply enjoy living in Keene and would like to give back to the community through volunteering my time for public service.

Please provide 2 personal references:

John Colleng

[Redacted]
[Redacted]

References #2:

Albi Powers

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Frederick Parsells
Through: Patricia Little, City Clerk
Subject: **Frederick Parsells - Relating to Downtown Infrastructure Project - Consideration for Safety and Traffic Calming Measures**

Council Action:
In City Council November 16, 2023.
Communication filed as informational.

Recommendation:

Attachments:
1. Communication_Parsells_Redacted

Background:
Mr. Parsells requests that the City Council give due consideration to including traffic calming measures such as tabletop crosswalks in the plans for the Downtown Infrastructure and Improvements Project as the plans for this project moves forward.

Frederick B. Parsells

11 McKinley Street
Keene, New Hampshire 03431

Dear Mayor and Council:

I don't expect this communication to be referred to committee, rather, I anticipate it will be accepted as informational.

What I do expect and hope for is that you and the council will hear, and take to heart, my words, as I express concerns jointly held by myself and so many of your constituents regarding pedestrian, bicycle, motorist and vehicular safety in our downtown.

As you move forward in the design and redesign of Central Square and, to a large extent, Main Street, please know that many of your constituents are asking for bicycle and pedestrian safety, as well as, and especially, traffic calming measures to be incorporated in the final design.

While there is no "silver bullet" means of providing absolute safety for pedestrians, bicyclists, motorists and vehicles, I believe one approach to increased safety is relatively easily achieved. As a retired police officer and former city councilor, I have long argued for the placement of tabletop crosswalks, as already exist on Winchester Street and the Wyman Road, when entering Central Square from Court and Washington Streets and northbound on Main Street approaching the downtown retail corridor. Additionally, safety-providing tabletop crosswalks should be added mid-street on both the north and southbound lanes of Main Street.

You have all lived in Keene long enough to be fully aware of the fact that some motorists are in need of having their driving behavior modified as it regards the safety of pedestrians in crosswalks and other vehicles and bicycles in and around downtown.

During the downtown planning process, much has been said and written about making downtown a pedestrian and multi-modal-friendly area; agreed. As such, I, and so many of your constituents, urge you to hear my words and their concerns and see to it that pedestrian and bicycle safety and traffic calming measures such as tabletop crosswalks are incorporated into the final plan in order to maximize the utmost safety for all who frequent downtown Keene.

Respectfully,



Frederick B. Parsells



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Ian Matheson
Through: Patricia Little, City Clerk
Subject: Ian Matheson - In Support of Funding a Police Social Worker

Council Action:

In City Council November 16, 2023.
Communication filed as informational.

Recommendation:

Attachments:

1. Communication - Matheson

Background:

Ian Matheson has submitted a letter in support of creating a Police Social Worker position. He believes that this is a critical position and should be funded by the City.

(via email to plittle@keenenh.gov)

November 14th, 2023

The Honorable George Hansel
Mayor of the City of Keene
3 Washington St., Keene NH
03431

Kris E Roberts
Councilor Ward 1
3 Washington St., Keene NH
03431

Raleigh C. Ormerod
Councilor Ward 1
3 Washington St., Keene NH
03431

Mitchell H. Greenwald
Councilor Ward 2
3 Washington St., Keene NH
03431

Robert C. Williams
Councilor Ward 2
3 Washington St., Keene NH
03431

Bryan J. Lake
Councilor Ward 3
3 Washington St., Keene NH
03431

Andrew M. Madison
Counselor Ward 3
3 Washington St., Keene NH
03431

Catherine Workman
Councilor Ward 4
3 Washington St., Keene NH
03431

Philip M. Jones
Councilor Ward 5
3 Washington St., Keene NH
03431

Thomas F. Powers
Councilor Ward 5
3 Washington St., Keene NH
03431

Randy L. Filiault
Councilor At Large
3 Washington St., Keene NH
03431

Bettina A. Chadbourne
Councilor At Large
3 Washington St., Keene NH
03431

Kate M. Bosley
Councilor At Large
3 Washington St., Keene NH
03431

Michael J. Remy
Councilor At Large
3 Washington St., Keene NH
03431

Michael Giacomo
Councilor At Large
3 Washington St., Keene NH
03431

Re: Police Social Worker Funding

Dear Honorable Mayor and Council,

I write to you in support of the recent recommendation by the City Finance, Organization, and Personnel Committee to appropriate funds to fill a social worker position embedded within the Police Department. This position is critical and must be funded by the City. I'd like to start off with I am no expert in substance use disorder, recovery, or mental health. I am simply a resident of Ward 3, who has seen the impacts of the opioid crisis.

Approaching the opioid and other drug epidemics requires a multifaceted approach. As has been learned over the years, simply arresting — or ticketing — out of a problem does not provide the fruitfulness that one would hope. While targeted enforcement — such as conducting investigations into those that manufacture and distribute narcotics — is critical, simply arresting someone for possession does not fix that person. Rather, it kicks the can down the road. While the greater Keene region does have support systems built for those with substance use disorder and those in recovery, no services are directly embedded within a law enforcement agency — those who are tasked with confronting the opioid and other drug epidemic headfirst.

The demand this places on the already limited police department is evident. It only takes a few minutes of reading the police logs to understand that the individuals who go out, day and night, to protect and serve the residents and visitors of the City are overworked, and placed in situations that could be better addressed by someone responding with them who is trained in social work. Often, our police are asked to be marriage counselors, social workers, guidance counselors, and dispute resolvers on top of being upholders of the law. While it is critical to focus on smaller issues before they become bigger problems, a response from a sworn law enforcement officer is not always the appropriate response, but, often is the only available response, drawing our police from investigating and intervening on more major issues, such as manufacturing and distribution of narcotics, and prosecuting those that provide these illicit substances to our community. While I have no doubt that our police do a fine job at approaching these problems, their attention is better served to combat the distribution upstream — before folks are pulled under by the strong current of addiction.

The opioid and other drug epidemics will not be going away anytime soon. As of August 10th, 2023, 198 individuals in New Hampshire have lost their lives to a drug overdose, with 90 more pending toxicology results¹. According to the New Hampshire Drug Monitoring Initiative, 109 folks had Narcan administered in Keene, with our fire and EMS department administering Narcan 15 times and responding to seven opioid overdose incidents in the past month², which is seven times when a police social worker could have responded to the location or followed up with the individual following the call. While that might not seem like much, that is seven lives that could be altered. Sometimes, it takes the right person at the right time to get someone started on recovery. I'm sure that more calls will be referred to the social worker for follow-up and response. Looking at Dover, Lincoln, Littleton, and other communities that approach addiction from a different perspective. They have seen immense success through either employing a social worker or having some form of recovery coach on staff. I would urge the City to look more into the work that the Littleton Police have done to address substance use disorder within their community, as this model is something that could be replicated within Keene.

Sadly, people often look down on folks with an substance use disorder and those in recovery, just read the most recent City Council minutes where the topic of people facing housing concerns was discussed. While largely positive, many folks expressed ridiculous and borderline hateful ideas. All too often, people are quick to judge, rather than help. It's critical for folks to stop and think: "Would I really be thinking or saying these things if my spouse, child, or best friend was suffering from substance use disorder or in recovery?" I urge you all to think about the lives that will be changed and impacted by this position.

Finally, I'd like to thank the members of our City government for pursuing this opportunity and taking a more proactive approach to the opioid epidemic. Specifically, I'd like to thank Elizabeth Dragon and the Chiefs, Steven Stewart and Donald Farquhar, for their steadfast leadership and ideas to approach this continued crisis. Despite massive staffing shortages, both Chiefs have continued to hold the line for our community. From what I understand, our police department has 10 vacancies, yet the officers

1

<https://nhvieww.maps.arcgis.com/apps/MapSeries/index.html?appid=fc64bc08d7724f0d8a47c128832a98a2&fold=8056bfb06d3a4d7da45a32253ddb47d4>

² <https://wkbkradio.com/news/190091-keene-fire-department-issues-october-update-for-opiate-responses-requiring-narcan/>

Police Social Worker Funding
The Honorable Mayor and Council
November 14th, 2023

continue to provide the same level of response and attentiveness to issues across the City. At a time when law enforcement budgets are often slashed to fund other approaches, I urge you to create — and keep — this social worker within the police department.

By hiring a social worker embedded within the police department, the City will be better able to confront and address the ever-prevalent opioid and other drug crises within our community. Thus, I urge you all to fund a police social worker for the City and continue to fund other approaches to the opioid and other drug crisis that has gripped our City for far too long. While this is not the fix-all solution, this is a critical step in the right direction.

I look forward to seeing this measure being passed. Looking towards the horizon for progress and change, I remain,

Respectfully yours,



Ian Matheson, CFI
PO Box 1293, Keene NH, 03431

CC (Via email):

Elizabeth A. Dragon, City Manager
Chief Steven Stewart, Keene Police Department
Chief Donald Farquhar, Keene Fire Department



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department**

Council Action:

In City Council November 16, 2023.

Voted unanimously to carry out the intent of the first paragraph of the Committee report. Voted unanimously to carry out the intent of the second paragraph.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Attorney's office be requested to draft an appropriate amendment to the fee structure with respect to Places of Assembly to make the distinction between the costs for the permit and any cost for inspection.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends waiving the fee charged to Jared Goodell for the Assembly Permit.

Attachments:

None

Background:

Mr. Jared Goodell and Attorney Joe Hoppock addressed the Committee. Mr. Goodell stated he was unable to be in attendance at the last meeting due to a mix up with emails from the City Clerk's office. He indicated he has however, had the opportunity to listen to the recording and review minutes from the last meeting.

Mr. Goodell went on to say he opened a business recently on Emerald Street which has occupancy of more than 99 persons and hence requires an Assembly Permit from the Fire Department. Such a permit was issued for this business. He went on to say assembly permits are authorized by State Law under RSA 155:17 – 39. Shortly after the permit was issued he was sent a bill for \$70 from the Fire Department. Because charging for an assembly permit was specifically against NH Law, he questioned the Fire Chief who indicated the fee was not for the permit but was for the inspection, despite the language used on the invoice.

Mr. Goodell stated as a result he petitioned the Council seeking relief from this fee. He noted New Hampshire State Law specifically says that assembly permits shall be issued without charge. The

provision in the City Code that prescribes a fee for “assembly permit” under the heading life safety permits, is in conflict with this State Law.

Mr. Goodell went on to say the City Attorney did indicate at the last meeting that the City could not charge for an assembly permit but he believes they could charge for the inspection required to obtain the permit. Mr. Goodell however, felt the way City Code is written is not clear. Mr. Goodell felt that what the City charges is for the assembly permit. Hence the reason the invoice he received says “assembly permit.” Mr. Goodell felt at this time, the City Code only authorizes a fee for assembly permits, not for assembly permit inspections. There is a subheading for life safety inspection fees in Appendix B. Under this section there is no assembly permit inspection fee listed. Mr. Goodell felt staff cannot add or modify language to City Code without proper notification to the public to meet their revenue goal.

He stated his first request of the committee tonight is to reduce the fee he was charged for an assembly permit to zero. With respect to changing this fee to an inspection fee, he felt a revision to the City Code was necessary.

Mr. Goodell continued that at the prior meeting, Attorney Mullins had stated you cannot take one line of the law and apply it without looking at the broader text of the body of law. He stated he agrees with the Attorney Mullins; however, what was not said is that the entire body of law pertaining to assembly permits and the reason why even charging for an inspection for an assembly permit would be against the law in this state. In order to obtain an assembly permit, as was mentioned earlier, the Fire Department is required to perform an inspection, this requirement is outlined in RSA155:34. He emphasized the inspections are a requirement to obtain the permit. This requirement is contained in the same body of law that prohibits a charge for the permit. Mr. Goodell indicated it is clear that the Legislature did know what it was doing when it put in place the law pertaining to assembly permits; and it clearly intended that in order to obtain an assembly permit, you must first get an inspection by the licensing authority. Mr. Goodell reiterated the point that the assembly permit would be issued at no charge.

Mr. Goodell also pointed out that New Hampshire is not a Home Rule state which means that cities and towns only have the powers the legislature has expressly given them. He added when a municipal ordinance conflicts with state law, the state law preempts it.

He indicated he understands his initial petition to the Council asked that a refund be given to all persons who previously paid for an assembly permit in the last two years and that request might have caused a concern to many. He stated he is withdrawing that request and asked that the fee charged to his business, for an assembly permit be reduced to zero and that no further charges be assessed for the assembly permit. He added he does not want to receive a new bill that says inspection fees after tonight because there is nothing in the City Code that authorizes that.

Secondly, he asked that the committee recommend the City Council remove the fee for assembly permits from City Code as soon as possible. However, if City staff wants to bring back a new code which would charge for inspection fee for assembly permits, those fees can move through the process of a public hearing. He suggested asking the Department of Safety to weigh in on the legality of such an ordinance at that time.

Attorney Hoppock addressed the committee next – he circulated a document to the committee and referred to page 1 which is what Mr. Goodell referred to as *Life Safety Permit Fees - Place of Assembly Permits valid for one year \$70*. He noted there are other places in the code which call for inspection fees and noted Mr. Goodell is correct in that there are no references in the Code which refer to inspections related to a Place of Assembly Permit application.

He called the committee's attention to the next page which is the beginning of Chapter 155; Page 3 refers to RSA 155-19 which indicates as follows: *...A permit shall be obtained from the licensing agency by the owner or operator of any place of assembly. Such permits shall be issued without charge for one year from the date of issue and shall be revocable for cause.* Mr. Hoppock pointed out the Statute says one year, and the City's fee of \$70 says is valid for one year. *Application for a permit shall be made to the licensing agency, which may require building plans showing types of construction, exits, aisles and seating arrangements and details of decorations. No permit shall be issued by the licensing agency until the provisions of this chapter have been complied with.*

Mr. Hoppock went on to the next page and reminded the Committee that the chapter needs to be read as a whole, certain sections can't be chosen for reference. Section 34 says *the licensing agency shall inspect or caused to be inspected each place of assembly. Such inspections shall be at least semi-annually.* Attorney Hoppock indicated the City does not have semi-annual inspection fees in its Code.

Attorney Hoppock reiterated their opinion that the fee charged by the City is unlawful when sections 19 and 34 of RSA 155 are read together. As a result, they request the City waive the fee charged to him and amend the City Code to be consistent with State Law. With respect to refunding others in the community, he indicated he takes no position.

Attorney Hoppock further stated at the last meeting Attorney Mullins referred to the case of Cox vs New Hampshire 312.US.569. Attorney Mullins stated this case talks about a distinction between permits and licenses and refers to a parade permit and whether it was a violation of free speech in the exercise of free religion. The narrow holding of the case is *that a municipality is within its authority to control the use of public ways, and it cannot be denied the authority to give consideration without unfair discrimination to time, place and manner concerns in relation to the safe and proper use of public streets.* In other words, the municipality has the power and authority to issue permits to people if they want to have a parade so people can exercise their rights to free speech controlled by the municipal authority. The restriction is whether the time, place and manner are reasonable and reasonable refers to interfering with traffic, pedestrian traffic, flow of goods and services, and commerce going through the city.

Attorney Hoppock in closing stated under Section 19, being charged for a permit is not lawful.

City Attorney Mullins addressed the committee next. He stated he agrees with much of the comments made tonight and there is no doubt that RSA155:19 does not allow for the charge for a permit, this has been explained and the City code appears to do just that. He indicated staff will be seeking to amend the City code to clear up that issue.

The issue being presented today is what the City's authority is with respect to the second piece; Inspection. He noted it is important to read the Statute in whole and as indicated under RSA 155:34 - inspection by the licensing agency does give the authority to perform an inspection but it is silent on the question of whether or not there is any fee that could be charged with respect to this inspection. Attorney Mullins stated it is important to keep in mind that RSA 155 arises under Title 12 of the State Statute. Title 12 is public safety and welfare provisions of New Hampshire State law and included in Title 12 is RSA 153. RSA 153 adopts the fire code for the State of New Hampshire and 153-36A defines the fire code in NFP101 and NFP 1. The fire code in those two sections is adopted into the State Statute through the fire code. Chapter 155, dealing with places of accommodation is an expansion of detail that is contained in NFP 1 with respect to places of public accommodation.

RSA155 and 153 contemplates NFP 1. NFP 1 talks specifically about places of assembly and

authorizes the Fire Chief who has the jurisdiction *shall be authorized to establish a schedule of fees* - those fees include inspection services. NFP 1 contemplates, as does the statute, that there will be an inspection for a place of accommodation. As a result he felt the City does have the authority to charge a fee for the inspection but not for the permit.

With reference to the Cox decision, Attorney Mullins stated the court in that case was trying to suggest that a permit is one thing, but the licensing process that you have to go through is the necessary work that has to happen to determine whether or not you are going to operate safely in the public streets. The underlying question is whether the City has any authority to change the code to charge for the inspection process associated with issuing that permit. He felt the City does have the authority; it has been reviewed with the Office of the State Fire Marshall who agrees with that interpretation. The Attorney indicated this is the position the City is taking.

He added he understands Mr. Goodell's request, which is that the City should not have an ordinance in place which is in violation of state law. The City we will be amending it to make that distinction very clear. This concluded the City Attorney's comments.

Councilor Remy asked the City Attorney - on the second request of not charging the petitioner whether there were any concerns on avoiding a fee in this way. Attorney Mulling stated ultimately this would be a Council decision but stated he would offer the following: The first one is that it is very difficult to look at the City's Ordinance and look at 15-519 and not come to the conclusion that it does not agree.

The second is, the City Council has in various situations determined, they could waive or not collect on an item. There is no specific authority in this instance to do that, but stated he would argue in favor of waiving the fee in this particular context. He noted there is a term in the law called *ultra vires*, which essentially means "without authority". Even though City Code doesn't specifically give Council that authority, that doctrine would in this context.

The Attorney agreed there are problems in City Code and stated he appreciates Mr. Goodell coming forward so it can be corrected.

Councilor Madison asked whether there was any precedent for what other cities in New Hampshire are charging for inspection fees. Attorney Mullins stated the City did perform a review of other municipalities and have determined there are some municipalities that are very clear about the distinction between these two items and others that are not.

The Chairman asked for public comment. Mr. Toby Tousley of 500 Washington Street addressed the committee and stated he felt Mr. Goodell was bringing up a valid point. He felt when the state was discussing this item it was the intention that smaller businesses would not be penalized. He also noted he heard from reading minutes of the last meeting, the Fire Chief indicated that these fees make up about \$8,400 of his budget which Mr. Tousley felt was an insignificant amount and felt it should be eliminated in its entirety.

Attorney Hoppock addressed the committee and responded to Attorney Mullins's comments about the NFPA 1. He indicated this is a very complex document of technical rules regarding fire and life safety codes and he is correct RSA153 does incorporate this item but it cannot be found anywhere in the public domain. He noted, however RSA 155-19 says the permit shall be issued without a charge. He indicated as stated earlier to issue the permit, you have to do the inspection. So inspection is part of issuing and hence, by virtue of that connection, one cannot be lawfully charged anything for the inspection in the context of this Place of Assembly Permit. Attorney Hoppock added there is nothing in NFP 1 that talks about fees.

Mr. Goodell added we can all agree there is nothing in code that talks about inspection fee. He felt the question tonight is whether the current code is legal on its face and noted Attorney Mullins indicated it was not. Therefore, the only action that the committee could take tonight is to recommend that the fee he was charged be reduced to \$0.00; until and unless City staff brings up a new code to charge for an inspection.

Attorney Mullins stated he was essentially going to suggest the same thing but indicated there is a difference of opinion with respect to the authority of the City to a charge for the inspection, but felt this was for a later time when there is an ordinance put forth.

A motion was made by Councilor Remy that the Finance, Organization and Personnel Committee recommends that the City Attorney's office be requested to draft an appropriate amendment to the fee structure with respect to Places of Assembly to make the distinction between the costs for the permit and any cost for inspection. The motion was seconded by Councilor Madison.

Councilor Chadbourne stated she appreciates that Mr. Goodell brought this forward because we as a Community are going to benefit from it. The City is going to improve our existing code so it won't be confusing moving forward. She stated she supported the motion as well as waiving the fee.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Attorney's office be requested to draft an appropriate amendment to the fee structure with respect to Places of Assembly to make the distinction between the costs for the permit and any cost for inspection.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends waiving the fee charged to Jared Goodell for the Assembly Permit.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Cybersecurity Grant**

Council Action:

In City Council November 16, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend a Cybersecurity grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$62,300 for a cybersecurity implementation project.

Attachments:

None

Background:

Assistant Public Works Director/Operations Manager for the Treatment Facilities, Aaron Costa addressed the Committee next. Mr. Costa stated wastewater utilities can be the subject of various types of cyber security attacks and these attacks can affect the systems operations and ability to perform essential tasks. He indicated the City will use these American Rescue Plan Act Cyber Security grant funds to implement cybersecurity improvements to the water and sewer utilities. He indicated staff has worked with the City's IT Department as well as an outside consultant to perform an assessment. Findings of that assessment are the basis for this grant work. This work will ultimately protect the City's utility systems and network, and the City will be more resilient against possible cyber-attacks.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend a Cybersecurity grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$62,300 for a cybersecurity implementation project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Sale of City Property - 0 Off George Street

Council Action:

In City Council November 16, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 0 off George Street, Map 532 Lot 044.

Attachments:

None

Background:

City Assessor Dan Langille was the next speaker. Mr. Langille stated he was before the committee to address a City owned parcel off George Street, known as Map 532, Lot 044. This parcel is approximately 1/2 an acre in size and has frontage off George Street. Mr. Langille stated because of its shape and size, it is not really a buildable lot.

He went on to say that the City took this parcel in 1977 by tax deed. During those times, the City Council talked about this parcel and concluded that there was no need to hold on to it. There were prior attempts to see if there was interest from any abutter purchase this land. However, nothing ever came to fruition, hence, the City still owns it.

As of recently, an abutter approached the City, looking to see if the City would sell the parcel to them. At that point, the City decided to send out a proposal to see if there was any other interest in the land. The City also sent certified letters to all other abutters to make sure it was a fair process.

Mr. Langille stated staff is here tonight to request City Council to specifically give authority to the City Manager to negotiate and execute the sale of this property. Sale of the property will remove any liability from the City and places the parcel back on the tax rolls. He noted this was not a significant parcel but it does provide for further development potential for the abutter.

Councilor Remy stated given the odd shape of the lot whether there was any discussion as to locating a road or frontage on this lot. Mr. Langille responded by saying there was a proposal for a

street but the City never moved forward with it and there is currently no road or driveway.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 0 off George Street, Map 532 Lot 044.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Council Policy on the Review and Release of Non-Public City Council Minutes**

Council Action:

In City Council November 16, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Clerk implement the statutory release of non-public City Council minutes as outlined.

Attachments:

None

Background:

City Clerk Patty Little stated she was before the committee to talk about a recent change in state law dealing with non-public minutes. She indicated this piece of legislation was adopted and became effective on October 13, 2023. It requires that public bodies put in place a proactive process to release non-public minutes if and when the circumstances that warranted them being kept from the public are no longer valid.

Ms. Little stated the legislation says that a public body can either develop a process on how this will be put in place, or the default is 10 years from the date the minutes were sealed

Ms. Little stated she is recommending the Council adopt a policy and put in place two things. She noted there is an obligation the City goes back to non-public minutes for the year 2013. Hence, any non-public minutes before 2013 are not addressed in the legislation. She indicated the City is going to need a process to deal with these minutes in a way that is not an undue burden to staff in terms of administration. This administration would require the Clerk's Office to give the City Attorney access to those non-public minutes. The Attorney would need to review the minutes to consider whether the conditions that warranted the non-public in the first instance were still in effect.

In addition, at a Council meeting, Councilors would need to be provided full text of all non-public minutes, the attorney would give the Council his commentary as to whether the circumstances have changed. When the Council comes out of its non-public session and goes into a public session, the Council would need to vote on each one of those sets of minutes.

Ms. Little noted communities across the state are handling this requirement using different methods. Ms. Little noted some communities don't go into non-public sessions, Keene does even though it might not be often. Keene has a backlog of 100 sets of minutes. Ms. Little stated staff's proposal is that in 2023 before the end of this year, they will review and release the 2013 minutes and in December of 2024, review and release the 2014 minutes - December will be the time the review and release will happen going back ten years. For minutes that are more current, staff is recommending in the month of January and July the release of minutes would happen. The suggestion is in January to look back through June of the prior year, and in July look at six months back. However, at the same time looking at the back log of minutes. If the Council approves this recommendation, there will be a change to the Council template to add "release of non-public minutes" as an item. This would then trigger the Clerk's office when this process should be in December, January or July. After the vote those non-public minutes that are in a separate binder will be placed in its own binder with a statement that reads "publicly released by the City Council with a specific date included".

Councilor Remy asked for staff's opinion on placing an estimated date for minutes to be reviewed as minutes are being sealed as part of that process; personnel records that needs to be sealed forever or a land matter that is current and can be reviewed for example in six months. He also asked for the length of these minutes.

Ms. Little stated typically they only contain comments and information from staff. It would be quite rare if there are comments attributed to a councilor. General feeling of concerns may be documented at a very high level. Generally, the non-public minutes range from 1/2 a page to up to two pages, subject matter dependent.

Councilor Chadbourne asked the attorney if Charter member reviews which are non-public should ever be available to the public. Attorney Mullins stated the Supreme Court changed the law quite significantly a few years ago; public entity's personnel records are not exempt from disclosure to the public. They have to go through what is referred to as the privacy balance test, it is an objective standard not a subjective standard; whether privacy interest outweighs public interest. Reputational issues will be exempt from disclosure and will need to be reviewed carefully, but categorically there is no exemption for personnel records.

Councilor Lake stated the Clerk had mentioned going into non-public to discuss whether Council should release these non-public minutes and asked whether there was a reason why this could not be integrated into the non-public session already on the agenda. Ms. Little stated the purpose for going into non-public would need to be stated and felt it could be integrated; it is more of a notice to the public for that particular meeting they could expect a public release of minutes in December, January, or July.

Chair Powers asked how the minutes will be released to Council. Ms. Little stated staff has discussed this with the IT Department, they will load a file on each Council member's desktop which will be deleted after the meeting. There will be no printed copies. Ms. Little noted this process will start with the December meeting.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Clerk implement the statutory release of non-public City Council minutes as outlined.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donation - Finance Director/Treasurer**

Council Action:

In City Council November 16, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

Move that the City Council accept the donation in the amount of \$1,587 and the City Manager be authorized to use such donation in the manner specified by the donor.

Attachments:

None

Background:

The Partner City Committee organized a successful fundraiser to benefit their mission, at the Pumpkin Festival on October 21, 2023, by selling Bratwurst, soda, and water at their booth. Their efforts paid off and the committee raised \$1,587.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: **Allegation of Fraud or Misconduct in Connection with the Municipal Election - Pursuant to Section 5 of the Keene City Charter - City Clerk**

Council Action:

In City Council November 16, 2023.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Recommend that the allegation by Mayoral candidate Bradford Hutchinson of fraud or misconduct associated with the 2023 Municipal Election be referred to the Finance, Organization and Personnel Committee.

Attachments:

None

Background:

Mr. Bradford Hutchinson has notified the City Clerk's Office pursuant to Section 5 of the Keene City Charter of potential fraud or misconduct associated with the 2023 Municipal General Election held on November 7, 2023. Mr. Hutchinson is seeking due process before the City Council to provide any evidence he may possess substantiating this claim.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.3.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Elizabeth Dragon, City Manager
Through:
Subject: Rules Suspension - Back-Up Ambulance Services

Council Action:

In City Council November 16, 2023.

Voted unanimously to suspend Section 26 of the Rules of Order to allow action upon the recommendation regarding the agreement for backup ambulance services. Voted 10 in favor and two opposed to authorize the City Manager to execute a sole source backup ambulance agreement with Cheshire County EMS.

Recommendation:

Move to recommend that Section 26 of the Rules of Order be suspended to allow action upon a recommendation regarding an agreement with Cheshire EMS.

Move to recommend the City Manager be authorized to execute a sole source back up ambulance agreement with Cheshire County EMS.

Attachments:

None

Background:

As the City Council is aware, since the closure of Diluzio Ambulance the city has been receiving back-up ambulance services from Rescue Inc. The city entered into an agreement for these services back in August of 2023 for a period of ninety days. The city paid Rescue Inc. an assessment of \$15,000 per month to cover staffing costs as they were unable to absorb any additional losses providing services to the region. This agreement provided services until November 1st. As of November 1st, Rescue Inc. pulled their crew and ambulances from our fire station. They have continued to provide limited assistance while we have been in negotiations with Cheshire County regarding ambulance services. However, the situation with Rescue Inc. has not been ideal as it means longer wait times for a Rescue Inc. ambulance to arrive on scene.

Last Wednesday, November 8, 2023, we concluded negotiations with the County. On Monday afternoon a draft agreement was forwarded to my office. On Wednesday November 15, 2023, this agreement was reviewed by the City Attorney to include further revised language, and recommended edits provided by the Fire Chief.

The tentative agreement includes:

- Keene Fire will remain the primary provider for ambulance related services within the city.
 - Back-up services as provided to other communities in the county. This service is provided at no cost.
 - Paramedic intercept services when requested at a cost of \$600 per call.
 - Back-up service will also be provided to the towns the city provides primary ambulance coverage for (Nelson, Roxbury, Chesterfield, Surry, and Sullivan).
 - Nursing homes within the City of Keene's boundaries, by practice, called Diluzio directly for urgent and scheduled transfers (approximately 1,000 per year). Keene Fire responds to 911 calls. Cheshire County EMS will speak directly with the nursing homes regarding providing the same services as was previously provided by Diluzio.
 - Performance language will be included.
 - A 90-day clause to terminate the agreement by either party for no cause.
 - The Fire Chief and Cheshire EMS Chief will develop joint standard operating procedures and protocols for incident management, patient hand off, data sharing, scene safety and other matters related to operational effectiveness.
-
- The City Manager and County Administrator will meet at least once per quarter to review operational performance, response data, resource needs and gaps, and any other matter related to our collaboration.

Notwithstanding the necessity of entering into an agreement with Cheshire County, the Fire Chief and I continue to have concerns about the county's financial model for their ambulance service. The County continues to reassure us that the ambulance service will remain an enterprise fund, meaning it will be exclusively funded by the revenue generated by the service. However, their proposed draft budget for the ambulance for the next fiscal year includes use of approximately \$1 million dollars of Proshare funding to balance the EMS budget, leading me to believe it is not truly an enterprise fund as it continues to be subsidized by other funding sources. Proshare payments are supplemental payments that assist with the provision of nursing facility services by the county. It is an annual Medicaid supplemental payment made to each county nursing facility. Use of these funds to balance the ambulance service's gap in revenues means those funds will no longer be available for use by the county to offset nursing home expenses and projects. My concern is the future impact to the county's tax rate by shifting the use of these funds. The amount of Proshare funding needed in future years to fund the revenue gap is unknown. The impact could be much greater than the estimated \$1 million in year two of the EMS service. In addition, the initial contracts with area towns for primary ambulance coverage by the County included greatly subsidized rates utilizing ARPA funding. These rates will likely need to be substantially increased at the conclusion of those three agreements. What will this mean to county revenue projections and EMS stability in the future? These are questions and concerns we will need to continue to monitor.

The Fire Chief and I have also had numerous questions related to the county's use of ARPA funds to establish the ambulance service. We have been vocal about our questions and concerns. However, whether or not the county may be in violation of any grant requirements, or state, or federal laws or regulations are matters to be determined by other agencies.

Lastly, there was a recent complaint filed with the US Treasury Office regarding numerous potential violations of use of grant funds as well as other agreements which may have violated rules

specifically established for ambulance service providers. It has recently become known that Chief Farquar signed onto this complaint together with a former Diluzio employee. He assures me that he did so in his capacity as a private citizen. The Chief was not authorized by me or the City Attorney (who files legal complaints on the City's behalf), to sign or to submit this complaint. Therefore, the City is not party to the complaint.

The road to reach this agreement has been long and difficult. We have reached the point where options for critical back-up ambulance services is extremely limited. I urge the council to authorize me to move forward expeditiously to execute this agreement and ensure that a plan is in place to meet the medical service needs of our residents, our visitors, and our contract towns.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Zach Luse
Energy & Climate Committee Chair
Through: Patricia Little, City Clerk
Subject: **Recommendations Regarding Lower Winchester Street Reconstruction Project - Energy & Climate Committee**

Council Action:

In City Council November 16, 2023.

Recommendation from the Energy and Climate Committee accepted as informational.

Recommendation:

Attachments:

1. 20231114-ECC Letter - Lower Winchester St Project

Background:

The Energy and Climate Committee is recommending the inclusion of dedicated bicycle infrastructure, sidewalks, roundabouts, trees, and connectivity to the rail trail in the plans for the Lower Winchester Street Reconstruction Project. The Committee further requests that energy conservation, multi-modal transportation, and environmental impacts be prioritized.

November 14, 2023

Keene City Council
City Hall
3 Washington Street
Keene, NH 03431

Subject: Lower Winchester Street Reconstruction Project

Honorable Mayor and City Council,

I am writing to you on behalf of the City of Keene's Energy & Climate Committee which voted unanimously at their meeting on November 1st to provide recommendations for the Lower Winchester St Reconstruction project. The Committee is recommending the inclusion of dedicated bicycle infrastructure, sidewalks, roundabouts, trees, and connectivity to the rail trail. The Committee respectfully urges the Council to keep energy conservation, multi-modal transportation, and environmental impacts high on the list of their areas of concern.

As the Council is aware, the City's 2021 Sustainable Energy Plan calls for the development of multi-modal transportation throughout the City to promote more walking, bicycling, and public transit use. The plan directly addresses these needs in Pathway 1 of the Transportation section of the Energy Plan: "Enabling people to get around without a car can significantly reduce fossil fuel consumption while providing many cobenefits, such as reducing transportation costs, increasing physical activity, improving air quality, and providing access to jobs and other necessities for people who either cannot afford or choose not to own a car. Increasing transportation choices to encourage more walking, bicycling, and public transit use within City limits is a well-established goal in Keene."

Providing sidewalks, bicycle paths, and connectivity to the rail trail will promote this objective and further the progress of our Energy Plan. It also continues that the inclusion of roundabouts will not only improve the flow and safety of traffic, but also reduce idling time for cars turning onto Winchester St from the various busy side streets and businesses. This reduction in idling time will provide an air quality improvement and reduce overall energy consumption. The inclusion of an ample number of trees along the road, whether on the proposed median or otherwise, will further help improve the air quality as well as provide additional shade for this area.

The Committee thanks the Council for their continued efforts in carrying out the objectives of the City's Sustainable Energy Plan.

Sincerely,



Zach Luse
Chair, Energy and Climate Committee
Resident, 317 Court St, Keene, NH
Founder/CEO, Paragon Digital Marketing, 34 Court St, Keene, NH



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Purchasing
Ordinance O-2023-15**

Council Action:

In City Council November 16, 2023.

Report filed as informational. Voted unanimously for the adoption of Ordinance O-2023-15.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2023-15.

Attachments:

1. Ordinance O-2023-15_Scrivener Correction_Adopted

Background:

Yves Gukunde, Purchasing & Contracting Services Manager stated he was before the committee to address Ordinance O-2023-15 relating to purchasing. He stated the last time the purchasing Ordinance was updated was in 2017 to include the federal purchasing guidelines. The purchasing thresholds were last revised in 2009.

He indicated the Finance Department received the mid-term increases from other City departments to increase the thresholds as prices for goods and services have increased, especially in the last five years. Finance staff met with various City staff to understand the problems they were facing and what was learned is that currently vendors and contractors cannot guarantee fixed pricing for more than a month.

The Finance Department put together the first draft of this Ordinance amendment and circulated the draft to other city departments for review and to make sure their concerns were addressed.

The Finance Department then revised the first draft to include the input they received and the second draft was sent to the City Manager and City Attorney for their review before it was sent to Council for its consideration.

In comparing Keene to other municipalities with similar population size, such as Bedford and Dover, it was learned that they too are revising the thresholds to meet the current needs. The City's changes are more stringent than the federal guidelines. Mr. Gukunde stated he believes these changes will

allow the City Manager and central purchasing to assist City departments in securing goods and services quickly while maintaining industry standards, auditing internal controls and providing a cost savings to the City.

Mr. Gukunde explained the proposed changes are shown in bold, strike through is the language staff is recommending be deleted.

Councilor Remy asked under the current rules how many transactions fall into each of these categories versus under the future rules. He asked whether this is something the Manager could provide for the committee for their next meeting.

Councilor Lake referred to Section 2-13345, Contract Change Orders which has two pieces: The City Manager can approve an increase in contract changes up to \$25,000. The Councilor stated he understands and agrees with that intent or 20% whichever is greater, which is double the current percent that is included and asked the Manager to elaborate on the need for increasing this amount. The Manager stated there was a lot of debate around this item. She indicated right now it is 10% and 10% can mean a very different thing depending upon the contract. However, there are some protections in place – the Manager noted she can only approve items that have already been budgeted for but this would allow some additional flexibility as staff often comes in for contract change orders.

Mr. Gukunde added that currently the Manager is authorized to execute a contract within \$25,000. For a contract for \$10,000 change order of 20% will be \$2,000. But if the change order is for \$5,000 it is more than 20% and would require Council approval. Hence the reason for language which indicates 20% or 25,000, whichever is greater. Councilor Lake stated he is more concerned about contracts that are higher in number like the one recently approved for \$900,000. Councilor Remy agreed with Councilor Lake and indicated the City Manager is responsible with expenditures but 20% on a million dollar project could be a large number and felt it would be prudent to add a cap.

The Manager added it is very rare there will be available funding for such projects. Councilor Remy clarified the Manager cannot expend from the general fund without Council approval. The Manager agreed she could not do so without Council approval; it only allows for her to work within the budget.

Chair Powers stated this change is necessary as it is a cleanup of ambiguous items.

Councilor Madison referred to two needed changes, both on the first page, Section 2-1332, Rules for City Purchases. Under item 1, to change the last sentence from *the City Manager in his discretion*, to *the City Manager in their discretion*. The second change was to add a dollar sign before 50,000.

Councilor Remy stated the conversation around the fact that it cannot be funded from outside the project helped clear up his concern around the 20% issue and asked whether this addressed Councilor Lake's concern. Councilor Lake stated he still has some concern but because funds are already in the budget it does ease some of the concern - enough so, that he does not intend to propose an amendment at this time.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2023-15.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Purchasing

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text in Chapter 2, Administration; Article IX, Purchasing, as follows:

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

ARTICLE IX. PURCHASING

Sec. 2-1331. Central purchasing established.

The Finance Director shall constitute central purchasing for the City and shall purchase, control, or contract for all supplies, materials, equipment, and all contractual services required by any City department, except that blanket purchase orders, local purchase orders and petty cash funds established either departmentally or centrally may be used by the Finance Director either centrally or on a departmental basis under such additional rules as he may establish to facilitate small purchases.

Sec. 2-1332. Rules for City purchases.

Central purchasing shall have the authority to prescribe the purchasing procedure for all City departments and may from time to time add to the following rules and regulations for City purchases:

- (1) Except as provided in this article, every City purchase or contract greater than ~~\$20,000.00~~ **\$50,000.00** in amount shall be made only after the receipt by central purchasing of publicly invited sealed competitive bids on uniform specifications. After a recommendation from the department making the purchase and central purchasing, the City ~~m~~**M**anager shall award the contract to the lowest responsible bidder—quality, delivery, financial responsibility and guarantees of the bidders being equal. The City ~~m~~**M**anager may, in his discretion, reject any bid deemed insufficient or inadequate, or may reject all bids.
- (2) Except as provided in this article, every City purchase or contract of greater than ~~\$5,000.00~~ **\$10,000.00** but no more than ~~\$20,000.00~~ **\$50,000.00** **requires a purchase order and** shall be made only after receipt by central purchasing of three or more, if reasonably obtainable, competitive ~~informal written quotations~~ responses, received by ~~fax, electronic mail, or regular mail or phone quotations adequately documented~~ **which are based on scope of services as provided by the City.**

- (3) **Every purchase of \$5,000.01 to \$10,000.00 requires a purchase order before any goods or services are procured. Departments shall submit documentation to support the purchase amount at the time a PO is requested from the Purchasing & Contract Services Division.**
- (4) Every purchase of \$5,000.00 or less shall be handled by departments on as competitive a basis as it deems reasonable and prudent, **and such purchase does not require a purchase order. However, Departments shall maintain documentation, for review if requested.**
- (35) Except as provided in this article, contractors of record shall be established for the renovation, maintenance and repair of City facilities and equipment. Contractors of record shall be selected through a competitive process based on qualifications developed by the ~~finance department~~ requesting department(s) and shall remain contractors of record for ~~two~~ **five (5)** years. Eligibility to remain a contractor of record shall be based on continued performance acceptable to the City. Where previously competitively bid renovation, maintenance and repair contracts are in place with a contractor of record, the requirement to obtain three or more quotations (see subsection (2) above) is hereby waived. For purchases exceeding ~~\$20,000.00~~ **\$50,000.00**, existing bid provisions (see subsection (1) above) remain in effect.
- (56) Purchases made through existing federal, state of New Hampshire or other state and municipal contracts or ~~Keene Union School District~~ **Union School District of Keene** contracts shall be deemed to meet the requirements of the subsections (1) through (4-5) of this section.
- (67) Nothing in this section shall be construed to prevent joint bidding and contracting by the City and other public jurisdictions, and, in fact, such is encouraged.
- ~~(7) For grants funded with federal funds, the city will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 C.F.R. §200.321), procurement requirements shall be in accordance with established purchasing thresholds as follows (unless federal requirements are more stringent, city guidelines will apply):~~

~~Purchases up to \$3,000.00 (micro-purchases)~~

~~Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,000.00 (2 C.F.R. §200.320 (a)). In order to expedite the completion of its lowest-dollar small purchase transactions and to minimize the associated administrative burden and cost, the city does not require the use of purchase orders for micro/small purchases that fall below the thresholds established for competitive quotations, bids or requests for proposals.~~

~~Purchases between \$3,000.00 and \$150,000.00 (small purchase procedures)~~

~~Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$150,000.00 (2 C.F.R. §200.320 (b)). If small purchase procedures are used, price or rate quotations are obtained from an adequate number of qualified sources.~~

~~*Purchases over \$150,000.00*~~

~~Procurement by sealed bids/formal advertising (2 C.F.R. §200.320 (e)) or by competitive proposals (2 C.F.R. §200.320 (d)) are required for all purchases over \$150,000.00.~~

Sec. 2-1333. Rules for procurement under a federal financial assistance award

Notwithstanding anything herein to the contrary, when procuring property or services under a federal financial assistance award the City shall follow the procurement methods established in the Code of Federal Regulations, State / Local Procurement Rules (2 C.F.R. Part §200 – Uniform Grant Guidance). These guidances include contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms. Procurement requirements shall be in accordance with the City Code of Ordinances unless federal requirements are more stringent.

(1) Micro-Purchase Threshold (MPT)

Purchases up to ~~\$3,000~~ \$10,000.00.

MPT micro-purchase means a purchase of supplies or services where the aggregate amount does not exceed ~~\$3,000~~ \$10,000.00. To expedite the completion of its lowest-dollar MPT purchase transactions and to minimize the associated administrative burden and cost, the City does not require the use of purchase orders for MPT purchases that fall below \$5,000.00.

(2) Simplified Acquisition Threshold (SAT)

Purchases between ~~\$3,000~~ \$10,000.01 and ~~\$150,000.00~~ \$250,000.00

SAT purchase procedures are relatively simple and informal procurement methods for securing services, supplies, or other property that cost between \$10,000.01 and \$250,000.00. If SAT procedures are used, price or rate quotations are obtained from an adequate number, preferably three (3) qualified sources.

(3) Large Purchases Exceed the Simplified Acquisition Threshold

Purchases over ~~\$150,000.00~~ \$250,000.00

Procurement by sealed bids/formal advertising or by competitive proposals are required for all purchases over ~~\$150,000.00~~ \$250,000.00.

Sec. 2-13334. Default by contractor or supplier.

Sealed, publicly invited competitive bids will not be required for City purchases in any situation where a contractor or supplier has defaulted upon his obligations to the City and there is present a security guaranteeing to the City the performance of the obligation at no additional cost to the City, over and above the original obligation. In such a case, the City ~~m~~Manager, with the approval of the City ~~e~~Council, may renegotiate and award the contract to ~~whomsoever he sees fit,~~ **a qualified contractor** provided that the renegotiated and award **substitute contract** does not exceed the amount ~~contracted for in the original obligation~~ **of the original contract. Unless approved by the City Manager, no contract award or purchase shall be made to any contractor or vendor who has failed previously to perform to the satisfaction of the City, in its sole discretion, on a previous contract award or purchase order.**

Sec. 2-13345. Contract change orders.

Under this article, contract change orders are authorized to be made where necessary by the City Manager ~~but shall not exceed ten percent of the amount of the original contract unless specific city council approval is obtained.~~ **The City Manager can approve an increase in contract changes up to \$25,000.00 or 20% whichever is greater, otherwise, City Council authorization is required. The City Manager shall be authorized to execute a contract decrease change order of any amount.**

Sec. 2-13356. Professional services contracts.

Professional services contracts (architecture, engineering, construction management, risk management and other professional services or consulting work) of ~~\$25,000.00~~ **\$50,000.01** or more may be entered into after receiving proposals **or statements of qualifications** from various interested firms.; Such ~~evaluating those~~ **proposals will be evaluated for** and anticipated quality of service ~~to be rendered~~ **required and the successful proposal will be recommended to the City m**Manager ~~recommendation to and approval by the~~ for City ~~e~~Council **approval**. Such services of ~~\$25,000.00~~ **\$50,000.00** or less may be procured in a manner deemed reasonable and prudent by the City ~~m~~Manager. ~~When an applicant to the planning board has agreed in writing to pay for a consultant to the planning board that is hired by the board, quotations will be solicited from three or more firms.~~ In any instance, the City ~~m~~Manager will have the authority to execute a contract with the selected firm.

Sec. 2-13367. Waiver of requirements.

The City ~~e~~Council, on recommendation from the City ~~m~~Manager, may waive any of the purchasing requirements in sections 2-1331 through 2-1335 when it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment, or services or for other stated reasons.

Sec. 2-13378. Standardization.

Where it is deemed appropriate to standardize ~~on~~ the procurement of materials, supplies, equipment, or services, the City ~~e~~Council shall so indicate by resolution. Central purchasing shall maintain an up-to-date listing of such standardized items or services. The procurement of such standardized items or services will be exempt from the bidding requirements of this article. Central purchasing will, when reasonably possible, attempt to obtain competitive quotes from different suppliers, if any, for the standardized item or service.

Sec. 2-13389. Emergency purchases.

If an accident or emergency occurs, the City ~~m~~Manager may award contracts and make purchases for the purpose of repairing damages caused by the accident or meeting the public emergency without meeting the purchasing requirements of this article. In such cases, the City ~~m~~Manager shall promptly file with the City ~~e~~Council a report ~~which that~~ certifies the emergency nature of the incident and itemizes the purchases and their costs.

Sec. 2-133940. Exceptions.

The competitive purchasing requirements contained in this article shall not apply to maintenance contracts with manufacturers of equipment purchased ~~or with suppliers of data processing software~~ or where the City decides to contract with nonprofit organizations for the provision of health, welfare, social, or recreational services for the City and/or to the general public or in instances where there is a need to "lock in" fuel pricing (including electricity) quickly due to potential for market price fluctuations and where it has been determined that the pricing is below that which would be available under a current competitively bid state contract and the City ~~m~~Manager is authorized to secure these purchases without further authorization from City ~~e~~Council.

Sec. 2-13401. Sale of surplus materials and equipment.

The City ~~m~~Manager may authorize the sale of materials and equipment which he determines to be surplus to the needs of the City where a single item or lot does not exceed \$10,000.00 ~~\$50,000.00~~ in book value. When such ~~an~~ item or lot exceeds \$10,000.00 ~~\$50,000.00~~ in book value, the City ~~e~~Council shall approve the sale of such materials. All such surplus materials shall be disposed of by public auction or competitive quotations.

Sec. 2-13412 Environmental preferred purchasing and collaboration.

- (a) *Environmental preferred purchasing.* To the greatest extent possible and within budgetary constraints, the City of Keene will consider lifetime costs and environmental impacts when purchasing goods and services.
- (1) Practices will be developed, implemented, and adhered to that will reduce waste by increasing product efficiency and effectiveness.
 - (2) Products that minimize environmental impacts, toxins, pollution, and hazards to worker and community safety will be given preference to the greatest extent practicable.
 - (3) To the greatest extent possible and within budgetary constraints, the City of Keene will purchase products that:
 - a. include recycled content,
 - b. are durable and long-lasting,
 - c. conserve energy and water,
 - d. use agricultural fibers and residues,
 - e. reduce greenhouse gas emissions.
 - (4) To the greatest extent possible and within budgetary constraints, the City of Keene will incorporate green building principles and practices into the planning,

design, construction, management, renovation, operation, and demolition of all City facilities.

- (b) *Collaboration.* The City will seek collaboration with other interested governmental entities or agencies to consolidate when possible and practicable employees, services, and the purchase of materials, supplies, and other consumables; when doing so:
- (1) reduces duplication of effort,
 - (2) provides for the efficient and effective use of public resources; and
 - (3) conforms to budgetary parameters and remains cost-competitive.



George S. Hansel, Mayor

In City Council November 2, 2023.
Referred to the Finance, Organization
and Personnel Committee.



Patricia Castle
City Clerk

PASSED November 16, 2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Appropriation of Funds for Safety Improvements on Woodbury Street
Resolution R-2023-37**

Council Action:

In City Council November 16, 2023.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2023-37.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2023-37.

Attachments:

1. R-2023-37 Woodbury Street Safety Improvements_adopted

Background:

City Engineer Don Lussier stated he was before the committee to address Resolution R-2023-37. He indicated in October of 2022, the City Manager came forward with a request to authorize her to negotiate an execute an agreement with the Community College System of New Hampshire (CCS&H) related to the guardrails along Woodbury Street. The issue at that point was related to the agreement and exchange of easements with CCS&H. The item was referred to the PLD Committee instead of the Finance Committee. That agreement was negotiated and executed and calls for CCS&H to be responsible for repair and maintenance into the future the retaining wall that runs along Woodbury Street next to the former Roosevelt School. The city is conversely responsible for the repair and maintenance of the sidewalk and the guardrail along the top of that wall.

Mr. Lussier stated the existing guardrails don't meet modern safety features. The fact that CCS&H is now looking to sell this property has brought this issue to light. He indicated these safety improvements need to be done. CCS&H has entered into a purchase and sale agreement with Keene Housing that calls for them to be responsible for fixing the wall in the first instance, and then it gets turned over to the new property owner for maintenance into the future. The structural engineer that CCS&H hired to do the design and repair of the wall had some significant concerns about mounting the guardrail immediately adjacent to the existing wall. There are no real records of how that wall was designed or built. Hence, it is difficult for an engineer to say that it can absorb an impact from a vehicle hitting it at 30 miles an hour. The concept that has been agreed to would add a pedestrian railing, essentially a chain link fence along the top of the wall and a guardrail between the

sidewalk and traffic on Woodbury Street. This would move any impact load from cars hitting the guard rail far enough away from the wall, that the mass of earth between them absorbs that energy. All parties agree to this plan.

The Resolution is because the funding was not programmed to come through normal channels. The Resolution would appropriate funds out of the unallocated fund balance to cover the cost of construction. What has also been decided is the City's portion which is the sidewalk, fencing and guardrail will be included in CCS&H's contract documents. They will put the project out to bid and administer the contract, City staff will inspect and accept the public infrastructure portion (sidewalk, fencing and guardrail). This will enable the work to be done as one contract.

The second piece of the Resolution is to authorize the City Manager to enter into a reimbursement agreement with Community College System and also to expend the funds raised by the appropriation for the purpose of building these improvements. Mr. Lussier stated the amount being requested he anticipates is more than what the City is going to need. The estimate staff has at the present time is \$165,000 but the work will be going out to bid in the spring.

Councilor Chadbourne noted the wall needs a lot of work and clarified this would be the responsibility of CCS&H. Mr. Lussier answered in the affirmative.

The Councilor felt regardless of what the City completes, that work would depend on how well CCS&H completes their work. Mr. Lussier stated the agreement the Manager entered into with CCS&H does stipulate the repair of the wall in its current condition and ongoing maintenance into the future. The Councilor asked whether the contract asks for CCS&H to complete their work before the City invests in its work. The Manager stated the work will be done at the same time. Councilor Chadbourne stated she raised this repair request 12 years ago and is glad it is being addressed now. The Chair noted Keene Housing will not purchase this building until the wall is repaired. Mr. Lussier noted the Purchase and Sales Agreement is contingent upon the wall being repaired.

Councilor Remy stated he has a real concern about the cost of this repair. The estimate comes to 300 feet at \$700 a foot. Mr. Lussier stated it is about 340 feet, and this cost includes the guardrail, sidewalk and the fencing. The Councilor asked for a breakdown of the estimate. The Chair asked for the width of the sidewalk. Mr. Lussier stated it is about five feet six inches wide.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2023-37.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of Funds for safety improvements on Woodbury Street

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

WHEREAS: On October 20, 2023, the City Council authorized the City Manager to negotiate and execute a Memorandum of Understanding (MOU) along with an access and maintenance easement with the Community College System of New Hampshire (CCSNH) related to a retaining wall along the southern line of Woodbury Street; and

WHEREAS: The MOU calls for the CCSNH to assume the cost of repairs and ongoing maintenance of said retaining wall and for the City to assume the cost of replacing the existing railing with a suitable vehicle barrier and pedestrian fall protection; and

WHEREAS: The parties have agreed in principle to construct the repairs and improvements under a single construction contract to be bid and managed by CCSNH; and

WHEREAS: These safety improvements were not previously budgeted through the City’s normal budgeting process.

NOW, THEREFORE, BE IT RESOLVED, That the sum of Two Hundred Thousand Dollars (\$200,000) be appropriated from the General Fund Unassigned Fund Balance for safety improvements on Woodbury Street; and

FURTHER, That the City Manager be authorized to negotiate and execute a project reimbursement agreement with CCSNH and to expend funds for said safety improvements.

George S. Hansel, Mayor

In City Council November 2, 2023.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED November 16, 2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: November 16, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Use of Opioid Litigation Settlement Funds
Resolution R-2023-39**

Council Action:

In City Council November 16, 2023.

Voted unanimously to suspend Section 26 of the Rules of Order to allow action upon Resolution R-2023-39 without a second reading. Voted unanimously for the adoption of Resolution R-2023-39.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends a Resolution be introduced that would appropriate funding for the Keene Police Department social worker position.

Attachments:

1. Resolution R-2023-39_adopted

Background:

City Manager Elizabeth Dragon stated this memo is being put forward both by herself and the Police Chief in reference to the Police Department social worker position, which has been discussed previously. She stated she had hoped to put in a grant application to fund the first two years but unfortunately the Opiate Abatement Commission is not likely going to put out another RGA to be able to qualify for anytime soon.

The Manager indicated because of the issues the City is currently dealing with and the demands of the Police Department, it is essential to move this forward sooner versus later. She explained the funds for this position are available in the City's Opiate Abatement Litigation Revolving Fund and accessing those funds require Council approval for which a Resolution will be presented at the next Council meeting. The Resolution will be \$52,850. It covers ½ year of the position. What is available in the fund right now is \$115,000. She stated she expects about 40 to \$50,000 coming into that fund annually and in the future it will partially offset the cost of bringing that position in the Police Department.

She called the committee's attention to the statistics regarding substance use and the overdose deaths that have been occurring in New Hampshire and in our community. She stated this position is about follow up. When the City gets a call that is related to substance use, having someone that is going to follow up with that person and connect them to treatment or other services that they may

need. The hope is twofold, to help that person and to reduce return visits to help the same individual. The Manager indicated staff has reached out to other communities in New Hampshire where this program has been very successful and have added multiple positions over time because of the demand. This position will also offer training to police officers on substance use disorders. The Manager noted nationwide police departments are looking at ways to provide services without a police officer and the City is not taking a police officer out of a call with this program but are hopefully providing follow up, which then will reduce that second call to that person. She added at the next Council meeting she will be requesting Council to suspend rules to adopt the Resolution to move the position forward.

Chief Stewart stated he did not have anything more to add but was open to questions.

Councilor Chadbourne felt this individual is going to be busy but asked whether this person will also be assisting the Fire Department. The Manager stated 99% of the time when the Police Department responds to an overdose call the Fire Department responds as well. The Chief agreed that was the case.

Councilor Lake asked whether there was a reason to place this position in one department over the other. Ms. Dragon stated reports that come out of the Police Department are confidential and also the demands being placed on police officers to have to respond to these calls over and over again.

The Chair added this was a request of the department in the early nineties but due to budgetary reasons it was cut. He felt this was a great addition to the Police Department.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends a Resolution be introduced that would appropriate funding for the Keene Police Department social worker position.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Use of Opioid Litigation Settlement Funds

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

WHEREAS: The City has established an Opioid Litigation Settlement Revolving Fund pursuant to RSA 31:95-h for the purpose of receiving opioid litigation settlement funds and expending said funds for the abatement purposes to fight an opioid epidemic; and

WHEREAS: The Opioid Litigation Settlement Revolving Fund shall be allowed to accumulate from year to year, and shall not be considered part of the City’s General fund; and

WHEREAS: The City has created a Police Department Social Worker Position for the purpose of assisting with the fight against the opioid epidemic; and

WHEREAS: Funding for such position is within the criteria specified as acceptable uses of the Opioid Litigation Settlement;

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

That the City manager be authorized to do all things necessary to appropriate and expend up to fifty-two thousand eight hundred and fifty dollars (\$52,850) from the Opioid Litigation Settlement Revolving Fund to fund the Police Department Social Worker Position and related expenses.

George S. Hansel, Mayor

PASSED November 16, 2023