

A regular meeting of the Keene City Council was held Thursday, January 16, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Kate M. Bosley and Thomas F. Powers were present. Councilor Mitchell H. Greenwald was absent. Councilor Hooper led the Pledge of Allegiance. A motion by Councilor Powers to accept the minutes from the January 16, 2020 regular meeting was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced the meeting schedule for the review of the Capital Improvement Program budget has been set. On Saturday, February 8, 2020, the CIP presentation before the City Council and the Planning Board will occur. This presentation will begin at 8:30 AM at the Michael E.J. Blastos Community Room. In addition, a special Finance, Organization and Personnel Committee meeting will be Monday, February 10, 2020 at 5:30 PM. The regular Finance, Organization and Personnel Committee meetings on February 13, 2020 and February 27, 2020 will also start at 5:30 PM. On March 7, 2020, a CIP tour will start at Department of Public Works at 8:30 AM and should last until 11:30 AM.

PUBLIC HEARING – ORDINANCE O-2019-18: SMALL WIRELESS FACILITY DEPLOYMENTS IN THE RIGHTS-OF-WAY

The Mayor opened the public hearing at 7:04 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor noted this evening's public hearing is related to Ordinance O-2019-18: Small Wireless Facility Deployments in the right-of-ways. Due to many members of the public present and wanting to testify, The Mayor limited comments to approximately three minutes and respectfully requested that individuals limit repeating what others have already said. Members of the public would be allowed to speak a second time, if needed.

The Mayor requested introductory comments accompanied by a PowerPoint presentation from City Staff. The Community Development Director, Rhett Lamb, provided an overview. In September 2018, the Federal Communications Commission (FCC) Small Cell Order changed the way the cities and towns can manage telecommunications facilities in municipal rights-of-ways (ROW). Effectively, the FCC created an advantage for telecommunications companies to install facilities in the City's public ROW. Mr. Lamb referred to the City's current telecommunications Ordinance created in 2001, which almost exclusively addressed a prior generation of big telecommunications towers on private property hillsides that have been the common facilities for the past approximately 20 years. With the change that is coming, the City's current Ordinance is not adequate to manage the transition to any newer technology and so the Ordinance must transition as well, which is why staff presented the draft revision. The revisions are not focused on 5G, 4G, or earlier technology, but rather general telecommunications technology in the ROW.

Mr. Lamb explained that in 2018, the City was contacted by Tilson, a telecommunications company, which wanted to install facilities at five or six locations on City ROW. The company

wanted to install 4G technology and said it could be converted into 5G sometime in the future. Fundamentally, the City had no reasonable process for them. The City's Zoning Ordinance addresses these facilities on private property, but there was no mechanism for the public ROW, which is why staff drafted this Ordinance. Staff proposed to develop a license and review process addressing a range of community interests including safety in the ROW to avoid obstruction so that drivers and pedestrians remain safe. The City's interests will also address the location of the small cell facilities with a ranking system for preference of location, any size limitations, and some aesthetic standards. Many locations in the City already have utilities underground. For example, Mr. Lamb said that Keene's wonderful downtown has been preserved with all utilities underground and no big towers. He said that poles in the ROW are almost exclusively the City's and the City builds them to an aesthetic standard. If telecommunications companies want to locate small cell facilities downtown, staff wants to make sure they fit the City's design standards, which part of this Ordinance would address.

Mr. Lamb said that staff thinks reasonable standards are important as this technology becomes more prevalent. Without local standards or some sort of process, the City does not have an opportunity to manage this change and therefore could not place limits on providers to install facilities properly according to the FCC's minimal standards. Mr. Lamb said that staff knows there are many questions that need to be worked out. They have heard people talk about health impacts with any new technology. A State legislative commission was appointed in fall 2019 to review any health impacts of 5G, with a report forthcoming in November 2020. There is also a challenge to the FCC Small Cell Order ongoing in Federal court that staff is following closely. Some larger topics out there could have a potential impact on the City's implementation of this Ordinance over time. Despite these challenges, City staff believes that the City is better off adopting an ordinance than it would be without it as this transition in telecommunications technology moves forward.

Mari Brunner, Planner in the Community Development Department, said that the general definition of a "small wireless facility" is one that has an antenna no more than three cubic feet in volume, with accessory equipment no more than 28 cubic feet in volume. They have to be placed on structures no taller than 50 feet, or mounted on a structure no more than 10% taller than adjacent structures. In addition, the antennas cannot extend to the full height of the structure they are mounted on, not be more than 50 feet tall, or increase the height by more than 10%. She showed photos of some small wireless facilities as examples, stating that they are usually installed on preexisting structures, such as streetlights and utility infrastructures. She continued that in some cases they are a new facility, which is what Tilson was proposing for Keene. She showed another example of Verizon attaching small cell facilities to decorative poles.

Small cell facilities could be 4G, which is common today, or 5G installations that are newer and have not yet made it to Keene. Still, these facilities could be easily switched to 5G in the future. Ms. Brunner supported Mr. Lamb's earlier comments that the current Ordinance is insufficient to manage changing technology. Ms. Brunner recalled that in September 2018 the FCC issued the Small Cell Order, which is intended to speed the transition to the next generation of wireless services, known as 5G. Despite the intention, most companies are currently taking advantage of it with 4G applications. In general, this order restricts the fees and compensations that State and local governments may receive from applicants. It would also require that all aesthetic

regulations be reasonable and no more burdensome than those applied to other infrastructure deployments, to be objective and published in advance, and to be clear. The Order also mandates that local officials review permit applications within a significantly shorter timeframe than previously allowed, with established decision deadlines.

Ms. Brunner explained that approximately one year ago, City Staff began reviewing the Small Cell Order at the request of the City Council. Staff proposes that the City could create a Small Cell Wireless Facility License that would be issued by the Public Works Director or his designee. It would establish location, design, and siting standards, and the procedures for application intake and review.

Ms. Brunner concluded by addressing concerns raised about the potential health impacts of these 5G telecommunication technologies. For members of the public interested in this matter, staff shared links to information from a State Commission established to study the environmental and health effects of evolving 5G technology: Commission Details and Commission agendas, minutes, documents, and reports. The Commission is currently hearing expert testimony on health effects in particular.

The Mayor recognized Councilor Jones, who thanked Councilor Bosley and the Planning, Licenses & Development (PLD) Committee. While this is not a legally required public hearing, he appreciated this suggestion from PLD for transparency and education. He thought it was great for the whole Council to hear this information and hear the public input. He reminded everyone that without this Ordinance, the City falls back under Federal and State standards, which are much less restrictive than the City's Ordinance. He recalled that the current Ordinance calls for facilities no more than 35 feet high while Federal guidelines are 50 feet. He said the community would be better with this Ordinance. While the arrival of these technologies is inevitable, Councilor Jones said the City should want control over them. He recognized health concerns and said that the City should follow the State Commission's lead. He thanked Council for allowing this hearing.

With the aid of comment cards that were completed by the public as they entered the Chambers, Mayor Hansel welcomed public comments.

Bill Bradford Hutchinson, 305 Marlboro Street spoke in favor of this Ordinance because staff worked very hard on it. However, he opposed the Ordinance in the sense that the FCC is trying to impose mandates because global telecommunications industries are pushing them to make money. He said they do not care about us as people so he opposes the Ordinance in that sense but he knows anything he says will not matter. He said there are questions that need to and should be asked, and he was eager to hear other public concerns. He showed that his 3G phone still works and soon he will be forced to move up to 4G. He questioned what happens when we get to 6G, 7G, etc. He said we have reached 4G in less than 20 years. Mr. Hutchinson questioned what it would look like in 2040. He urged slowing down and working better with the technology we have.

Terri O'Rorke, 34 Hillside Avenue said that while there are several concerns with placing these towers in Keene, such as health, her concern was how these facilities could affect property

values. She said that other cell service options already exist in Keene – 3G, 4G, and 4G LTE. She said that 100% of Keene’s population has access to broadband internet. Ms. O’Rorke said that 5G is meant to add mobile internet for driverless cars, virtual reality, and devices for the “internet of things,” which she said can improve cell service but only if the owner has a particular device in their home, increasing radiation exposure. Research shows that more than 90% of prospective homebuyers and renters have no interest in properties near towers and would pay less for them. She referred to the Middle Class Job Relief and Tax Creation Act of 2012 that said once a tower is built it can go up to 20 feet higher after construction without public input. Ms. O’Rorke said most communities are not aware of that law. She referred to a June 2019 letter that the NH Association of Realtors and other real estate organizations wrote to the FCC urging that property owner’s rights should not be violated because of its proposal to expand 5G networks nationwide. The concern was on the FCC proposed rule of over ear reception devices, which would make it easier for antennas and other facilities to be installed on properties without owner consent.

Ms. O’Rorke continued quoting a New York Real Estate Journal article by William Goddy from September 2017: “Cell phone towers bring extra tax revenue and better reception to a section of the City but many are skeptical because of potential health risks and impacts on property values. In some areas with new towers property values have decreased up to 20%.” Ms. O’Rorke continued quoting the Burgoyne Appraisal Company, March 2017: “In 32 years’ experience as a real estate appraiser specializing in detrimental conditions, takings, adverse impacts, and ROW, I have found adverse impacts on aesthetics, of which externalities routinely has largest impact on property values. As a result, proximity to towers of all types – cell, wind turbines, and electric transmissions – has an impact on property values. The Department of Housing and Urban Development considers cell towers to be hazards and nuisances.” As a property owner in Keene, Ms. O’Rorke urged the Council to consider not just property owners, but the nearby schools, nursing homes, and the many businesses throughout Keene before adopting this Ordinance.

Lori Schrerer, 916 River Road, Westmoreland asked the Council to look carefully at passing this Ordinance that she said would be in everyone’s interest. She appreciated the effort from staff and said she spent a lot of time reading the proposed Ordinance and looking at other model Ordinances. She pointed out a new article from 2020 on 5G from a professor and scientist on the NH 5G Commission on the Adverse Effects of 5G Mobile Networking and Technology under Real Life Conditions. The Commission found potential toxic impacts on the immune system and the effect could be far greater than current national toxicology studies show because they are not aggregate. Ms. Schrerer summarized health effects from radio frequency under the FCC guideline spectrum – many cancers, DNA damage, neuro degerative disease like Alzheimer’s, as well as adverse impacts on neural, immune, and skeletal systems. This study looked at over 5,400 papers and was published in the peer reviewed public Journal of Toxicology Letters. She also cited an important court case of 60 cities suing the FCC for preempting local control and that should be heard in the Ninth Circuit Court this year with two other cases she mentioned to the PLD Committee at its meeting. She said the suit is exposing and prosecuting the financial scandal behind 5G companies using publicly funded fiber illegally. She said there is a lot of fiber in Keene. There was also a recent suit challenging the FCC’s very old radiation exposure levels. She read four questions she has for the Council when they consider this Ordinance.

1. If the FCC waves liability for telecommunications companies for harm from radiofrequency emissions – from what she understood insurance policies would exclude these types of damages – will, the City of Keene be legally responsible for damages occurring from small cell placements.
2. Will the City of Keene voluntarily offer to monitor the exposures regularly at their own expense before and after small cells are installed?
3. Will the City of Keene establish a registry for reporting adverse biological and health effects associated with 5G antennas and investigate complaints in a timely fashion?
4. Will the City have the ability to have small cells removed with no legal penalty when science shows more harm from the untested widespread use of 5G millimeter wave frequencies?

She asked that her suggested amendments submitted in writing be considered and that she could speak again if time allowed.

Susan Weber, 22 Douglas Street stated she is an early childhood educator so anything dealing with health of kids and families interests her. She heard questions, concerns, and what staff had been working on. She suggested that when the State Commission completes its work that we as a community have a public session with experts on the subject to educate and inform us.

David Teubner, 12 Westland Avenue said he keeps his cell phone on airplane mode when it is in his pocket so radiation does not hurt him. He urged Council to get a handle on FCC steamrolling this initiative. He referenced the large smokestack on top of Colony Mill, which is fake and conceals an old technology cell tower. He said the City took extra care to hide that tower and others away people's homes and schools when appropriate and possible, but now the Colony Mill is residential. He urged Council to consider public health. He turns off Wi-Fi and runs hard line cables to devices at home, because having the Wi-Fi router on gives him headaches and insomnia. Mr. Teubner said he might be more sensitive to the radiation, but he imagined a box outside the window of a sensitive person. He showed a smog meter with an audio version that hears emissions from Wi-Fi devices. He appealed to Council to consider health issues. If we must have them, he suggested putting them down the middle of Main Street where there are no homes. He showed an old advertisement of doctors promoting cigarettes, which he said is just like these telecommunications industries.

Mayor Hansel read a question submitted asking if property owners can legally refuse to have a box near their home. The Mayor deferred to the City Attorney, who said the whole point of this FCC Order is to place antennas in public ROW and private parties have no control of the public ROW.

David St. Lifer, 34 Old Trestle Road, Marlborough said that small cells are equivalent to 5G. He said that these antennas would be situated next to homes and walkways, for example, fully exposing people passing by. He said that countries like Russia, China, and Italy limit exposure levels to 15 volts per meter. Health experts say daily exposure should be limited to less than 0.2 volts per meter and 0.06 volts per meter nightly. If antennas are near homes, with exposure 24/7/365, there is no safety testing to say they are safe and telecommunications companies are not required to prove so. He said we are their Guinea pigs. Mr. St. Lifer added that kids, sick people, and pregnant women are more sensitive to electromagnetic frequencies that penetrate

every cell of our bodies. He said he knows this is a difficult and complex subject at the intersect of biology, biomedicine, biophysics, and bioengineering. He urged the Council not to make any rash decisions in this possible fight for our lives.

Mayor Hansel read a comment into the record from Catherine Behrens: “I am worried about the consequences of 5G and how to protect ourselves from the harvesting of our personal information for nefarious purposes.”

Mayor Hansel read a question submitted inquiring about the status of House Bill 522 and allowed the City Attorney time to research.

Len Weldon, 165 S. Lincoln Street has lived in Keene for 25 years and said people move to NH to be safe, and 5G is not. He is a doctor and said this is not a healthy technology, which should be investigated more. He cited Scientific American 2019 that showed no reason to believe 5G technology is safe. Writing on 5G often says studies show it is safe because they are looking at heat generated, but in reality, there is no heat generated from cell phones, but rather microwaves. Cell phones’ erratic high frequency waves effect the body. He leaves his cell at home or keeps it on airplane mode. Mr. Weldon said fiber optic is better, safer, and quicker. He would not move to Keene if this technology comes and he would move out of Keene if it does. He wants the community to be healthy. He cited research from 240 scientists who have published peer reviewed research on the biological and health effects on non-ionizing electromagnetic fields, which indicated that we need a stronger exposure limit. Children are more sensitive to these emissions. He urged parents and grandparents not to let their children sit in front of any kind of screen that is giving off radiation because it will hurt them. He also urges against monitoring systems in kids rooms because wireless technology will hurt them. Scientists urge a moratorium on these devices until we see what research says. Mr. Weldon continued that the World Health Organization’s International Agency for Research on Cancer classified high frequency radio waves as possibly carcinogenic in humans. In 2019, a \$30 million study conducted by the US National Toxicology Program found clear evidence that two years’ exposure to cell phone radiation increases cancer in male rats and damaged DNA in both sexes of rats and mice. He said all research starts with rats and mice, and so we should listen. Mr. Weldon concluded that Council and Keene should slow down and be a leader pushing back because too many scientists are saying to wait and watch.

The Mayor read a submitted comment from Susan Fay: “I feel the effects of 5G, both negative and positive, are not fully known and despite the scientific research on wireless radiation in general and of 5G Wi-Fi in particular, I propose to hold off adopting an Ordinance until the NH Commission’s study on the matter is complete and published.”

The Mayor read a submitted comment from Connie Paton: “I would like the Council to consider holding off on a contract with 5G providers until the NH Safety Commission is able to study the implications of 5G technology.”

David Galluccio, 61 Rule Street agreed that the Council should wait until the State finishes its study is good because facts go further than opinion from the internet. He thinks that any Ordinance the City adopts should not divide the business community from the concerns of fellow

citizens with many health issues. He works in IT and knows that we are now comfortably sitting in a bath of electromagnetic frequency from devices all around us and have been for last 30 years. Eventually 5G will come to Keene along with extended 4G services. Members of the business community will want to take advantage, such as opportunities for public safety. Mr. Galluccio said that any Ordinance put forward should consider that eventually this technology will permeate out lives in Keene and we need applicable safeguards based on expert advice.

In response to an inquiry from an attendee as to the status of HB 522, the City Attorney stated the legislation established the Commission to look at safety issues of 5G that had been referenced throughout the meeting. The Commission's work is ongoing.

The Mayor clarified that written comments he read into the public records are not his personal comments or opinions.

The Mayor again recognized Lori Schrerer of 916 River Road, Westmoreland who continued suggesting that pending court cases and the Commission study are ways to slow the process and to look at possible amendments to any decisions passed. She noticed that the current Ordinance referring to cell towers includes review under the National Environmental Policy Act (NEPA), but in the newly drafted Ordinance that review is not included. She referred to a Washington DC Circuit Court of Appeals that struck down the FCC ruling that NEPA should not be considered because it would protect the public more. She said the new Ordinance lays out 300-foot setbacks and she cited a Verizon representative that said, "Small cells need not be placed as close together but can function well up to 3,000 feet away from the macro tower." She urged consideration of those setbacks with any applications. She shared that because of the National Association of Fire Fighters to Protect First Responders suggestions, California refused towers on any fire stations, where they were seeing health issues because they sleep there. She said the new Ordinance calls for radio frequency emissions to be checked for collocated equipment but not in aggregate and she asked why not. The new Ordinance says that abutters within 300 feet would be notified of facility installation and she suggested 400 or 500 feet, and even further. The new Ordinance says the abutters would be notified of changes to existing facilities and she suggested abutters should also be notified of new installations. She urged consideration of an annual renewal fee for facilities like Burlington, MA implemented to discourage overabundance of applications. Currently, within two miles of City Hall, Ms. Schrerer said there are more than 101 other kinds of microwave and cell antennas and 24 cell towers. She asked how much microwave radiation we could withstand, noting that many people show sensitivities. In the spirit of Healthy Monadnock, she urged Council only to allow facilities far away from homes, schools, nursing homes, and first responders, among others, if they pass this Ordinance.

The Mayor recognized Len Weldon of 165 S. Lincoln Street again who suggested the Environmental Health Trust as a good resource, including the Davis lecture at the University of Melbourne, Australia. He thinks 5G does not offer much more 4G and he does not need his fridge to know he is low on pickles. He thinks some things are ridiculous but they establish other markets to sell things. There are radio frequencies used in health but those are not erratic like cell phones. Mr. Weldon said we need to know more.

The Mayor recognized David Tuebner of 12 Westland Avenue again, who said Elon Musk is putting 32,000 satellites in low earth orbit for internet service. He said many businesses are running toward this prize and he urged keeping apprised of that because new technology might come and then we could be stuck with ugly things hurting us.

The Mayor recognized written comments submitted to the City Clerk from Lori Schrerer, Deborah Kelly, and Peter Majoy.

The City Clerk read into the record a statement from Marcus McCarrol, at his request: "Dear City Council, for the Thursday meeting on 5G. I am against 5G. The technology is untested and has too many transmitter points. The danger of our current system in terms of electromagnetic fields is unstudied. To increase the number of broadcast points by 10,000 would be unsightly and expose too many to unwanted radiation and other unknown effects. Television and cell phone receptions are fine as is, if not a little intrusive there as well. Everyone seems to have his or her nose in some sort of device at present. The launching and deployment of thousands of satellites will surely cause a massive space mess in orbit compounding our present troubles in the orbital regions. I think Keene should take a good long look at improving present technology and being happy with that, opposed to the supposed promises of the 5G world, a place I am sure would be even more detached from nature and each other than we already are. I suggest a lengthy study into the possible negative effects and a full-throated debate on the issue of accepting dangerous technology like 5G. I am against it and opposed to letting the 5G move forward before sufficient study and meditation. Some people do not like all of this wireless technology.

Mayor Hansel thanked all for coming and being respectful. He noted that the Council will discuss this matter further at the Planning, Licenses and Development Committee meeting on February 26. Written testimony can be submitted to the City Clerk until 1:00 PM on Tuesday, February 11. Those comments would be submitted to the PLD. He noted members of the public can submit questions to the Mayor via email as well.

There being no further comments, Mayor Hansel closed the public hearing for oral comments at 7:57 PM, but indicated that the hearing would remain open for written comments until 1:00 PM the following Tuesday.

A true record, attest:


City Clerk

PRESENTATION – INTRODUCTION OF THE CAPITAL IMPROVEMENTS PROGRAM

The Mayor introduced the City Manager for comments regarding this process. The City Manager stated that tonight was the beginning of the Capital Improvement Planning Process for 2021-2027. She stated that on each of the Councilor's desks they should have the completed proposed CIP document. In the front of the document, there is the usual table of contents for easy reference but this year the addition of an appendix in the back of the book. The upcoming meeting schedule is on page 7, the final page of the City Manager's message.

The first meeting scheduled, Saturday, February 8, 2020, at 400 Marlboro Street in the Michael E. J. Blastos Room starting at 8:00 AM. There will be coffee and conversation with several departments will have display boards about upcoming projects. The formal presentations will begin at 8:30 AM. There is obviously a great deal of information to share and we are planning to wrap up the presentations by 11:00 AM. Therefore, we have focused our comments on the first two years of the plan with only mention of some of the upcoming projects in the later years.

The Finance, Organization and Personnel Committee meetings will provide opportunity for a review of all projects in all years of the plan. The first FOP meeting is scheduled for February 10, 2020. The Public Hearing for the CIP is scheduled for March 5, 2020 with a vote of the Council scheduled for March 19, 2020. Immediately, thereafter we begin the internal review and preparation of the operating budget which is submitted to the Council on May 1, 2020 and this FOP review process will begin all over again.

While every year of the proposed CIP plan is important, operating budget conversations will be focused on the first two years of the CIP. This will be the first CIP process since the Council adopted an every other year review process. The Capital Projects in the first year of the plan, as adopted by the Council, will be included in the operating budget. Next year the Capital Projects included in that second year will be reviewed as part of the operating budget process and adjustments made as necessary at that time.

The proposed CIP and our operating budget documents are guided by the Council Fiscal Policies, Council Goals, and City's Master Plan. The CIP process provides a framework to consider projects over time in the context of the community's vision, values, and goals along with the impact on property taxes, utility and other user rates.

The City Manager introduced the Finance Director, Merri Howe. The Finance Director, gave a more detailed description of the contents of the CIP book for the Councilors.

CONFIRMATIONS

The Mayor directed that agenda items B1 and B 2 be taken together. A motion was made by Councilor Powers and duly seconded by Councilor Jones to confirm the following nominations: Susan Shaw to serve as a regular member on the Keene Housing Authority for a term to expire Dec. 31, 2024, Marilyn Gemmell to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees for a term to expire Dec. 31, 2022; Andrew Madison to serve as a regular member on the Conservation Commission for a term to expire Dec. 31, 2022, Councilor Michael Remy to serve as the ex-officio Councilor on the Planning Board for a term to expire Dec. 31, 2021, Shawn Filiault to serve as a regular member on the Human Rights Committee for a term to expire Dec. 31, 2021, Aaron Shields to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee for a term to expire Dec. 31, 2022, Michael Davern to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee for a term to expire Dec. 31, 2022, Jan Manwaring to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee for a term to expire Dec. 31, 2022, was made by Councilor Powers and duly seconded by Councilor Jones to confirm the following nominations: Nathan Jacobs to serve as a regular member on the Airport Development and Marketing Committee with a term to

expire December 31, 2022; Dave Whaley to serve as a regular member on the Ashuelot River Park Advisory Board with a term to expire on December 31, 2022; John Newcombe to serve as a regular member on the Assessor's Board with a term to expire on December 31, 2022; Charles Redfern to serve as an alternate member on the Bicycle Pedestrian Path Advisory Committee with a term to expire on December 31, 2022; Katie Sutherland to serve as a regular member on the Building Board of Appeals with a term to expire on December 31, 2022; Malcom Katz to serve as a regular member on the Building Board of Appeals with a term to expire on December 31, 2022; Steven Walsh to serve as a regular member on the Building Board of Appeals with a term to expire on December 31, 2022; Katie Sutherland to serve as a regular member on the Housing Standards Board of Appeal with a term to expire on December 31, 2022; Malcom Katz to serve as a regular member on the Housing Standards Board of Appeal with a term to expire on December 31, 2022; Steven Walsh to serve as a regular member on the Housing Standards Board of Appeal with a term to expire on December 31, 2022; Councilor Philip Jones to serve on the College City Commission with a term to expire on December 31, 2021; Ely Thayer to serve as a regular member on the College City Commission with a term to expire on December 31, 2022; Art Walker to serve as a regular member on the Conservation Commission with a term to expire on December 31, 2022; Peter Hansel to serve as a regular member on the Energy and Climate Committee with a term to expire on December 31, 2022; Councilor Terry Clark to serve on the Energy and Climate Committee with a term to expire on December 31, 2021; Cary Gaunt to serve as a regular member on the Energy and Climate Committee with a term to expire on December 31, 2022; Andrew Weglinski to serve as a regular member on the Historic District Commission with a term to expire on December 31, 2022; Sam Temple to serve as a regular member on the Historic District Commission with a term to expire on December 31, 2022; Nancy Proctor to serve as a regular member on the Historic District Commission with a term to expire on December 31, 2022; Hanspeter Weber to serve as an alternate member on the Historic District Commission with a term to expire on December 31, 2022; Pamela Russell Slack to serve as a regular member on the Planning Board with a term to expire on December 31, 2022; John Mitchell to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2022; Irene Davis to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2022; Will Schoefmann to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2022; Kurt Blomquist to serve as administrative staff member on the Partner City Committee with a term to expire on December 31, 2021; Susan Silver to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees with a term to expire on December 31, 2022; and Josh Gorman to serve as a regular member on the Zoning Board of Adjustment with a term to expire on December 31, 2022. On a roll call vote, with 14 Councilors present and voting in favor, the nomination was confirmed. Councilor Greenwald was absent.

NOMINATIONS

The following nominations were received from the Mayor: Councilor Mitchell Greenwald to serve as a regular member on the Airport Development and Marketing Committee with a term to expire December 31, 2021; Councilor Steve Hooper to serve as a regular member on the Ashuelot River Park Advisory Board with a term to expire on December 31, 2021; Councilor Robert Williams to serve as a regular member on the Conservation Commission with a term to expire on December 31, 2021; Kelly Ballard to serve as a regular member on the Heritage Commission with a term to expire on December 31, 2021; Peter Poenessa to serve as an alternate

member on the Historic District Commission with a term to expire on December 31, 2022; Councilor Michael Giacomo to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2021; Mari Brunner to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2020; David Orgaz to serve as a regular member on the Planning Board with a term to expire on December 31, 2022; Gail Somers to serve as a regular member on the Planning Board with a term to expire on December 31, 2022; and Michael Burke to serve as a regular member on the Planning Board with a term to expire on December 31, 2021. The nominations were tabled until the next regular meeting.

COMMUNICATION – GLEN HEWEY – DOWNTOWN WINTER PARKING – LACK OF AVAILABLE PARKING SPACES TO RENT

A communication was received from Glen Hewey, concerned about the lack of available parking spaces to rent in the winter months in the Wells Street Parking Garage and the Elm Street Lot. The communication was referred to staff to be handled administratively.

COMMUNICATION – JOHN THERRIALT – ENCOURAGING THE CITY TO BECOME A “BEE CITY”

A communication was received from John Therriault, requesting the City of Keene to become a “Bee City”. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – MAYOR HANSEL – POTENTIAL CONFLICTS OF INTEREST DISCLOSURE AND MITIGATION PLAN

A communication was received from Mayor Hansel, notifying the City Council of two potential conflicts of interest that he has in terms of being the chair for the Monadnock Economic Development Corporation and the Trustees for the University System of New Hampshire. The Mayor indicated his intent to recuse himself from any discussion votes or decisions relating to financial transactions or agreement between the City, MEDC and/or Keene State College while serving as Mayor. A motion by Councilor Powers to recuse Mayor Hansel from any discussion, votes or decisions relating to financial transactions or agreements between the City, MEDC and/or Keene State College while serving as Mayor was seconded by Councilor Jones. On a show of hands, 14 Councilors voting in favor, the motion carried. Councilor Greenwald was absent.

MSFI REPORT – COMPREHENSIVE REVIEW OF NEIGHBORHOOD SPEED LIMITS – PUBLIC WORKS DEPARTMENT

Planning, Licenses and Development Committee report read recommending that City Council direct the City Manager to create an overlay map (that would show zoning designations and street classifications) and return it to this Committee as soon as possible. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

MSFI REPORT – HARRIS CENTER FOR CONSERVATION EDUCATION – TEMPORARY ROAD CLOSURES – AMPHIBIAN CROSSING

Planning, Licenses and Development Committee report read recommending that the City Council authorize the closing of a portion of North Lincoln Street for several evenings that are coordinated with City staff between March and April 2020, when conditions are favorable for amphibian migration. City staff may cancel the closure and/or reopen the road at any time, if deemed necessary for the convenience and safety of the public and recommending the issues related to the specific closure of Jordan Road as well as future requests being handled administratively be placed on more time. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

PLD REPORT – THE COLONIAL THEATRE – REQUEST TO USE CITY PROPERTY

Planning, Licenses and Development Committee report read recommending that the City Council grant permission, subject to details to be determined by City staff, to the Colonial Theatre for use of up to 28 parking spaces in the Commercial Street Parking Lot on the days identified in their letter of January 6, 2020, subject to 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 listing the City of Keene as an additional insured. There shall be no blocking of fire lanes and parking spaces already occupied. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed with a unanimous vote in favor.

PLD REPORT – BOARDS AND COMMISSIONS – PERIODIC UPDATE – PLANNING BOARD

Planning, Licenses and Development Committee report read recommending the Planning Board's report be accepted as informational. The report was filed into the record as informational.

FOP REPORT – PETITION – REQUESTING THAT THE CITY OF KEENE RECOGNIZE INDIGENOUS PEOPLE'S DAY IN PLACE OF COLUMBUS DAY

Finance, Organization and Personnel Committee report read recommending that a Resolution be drafted for the Council's consideration that recognizes Indigenous People's Day. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATION – FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$100.00. A motion by

Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF A WELLNESS GRANT – HUMAN RESOURCES

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the wellness grant from HealthTrust to be used for employee wellness activities in 2020. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – REPORT ON 2019 DONATIONS AND REQUEST TO SOLICIT DONATIONS FOR 2020 – HUMAN SERVICES

Finance, Organization and Personnel Committee report read recommending the report be accepted as informational and recommending that the City Manager be authorized to accept donations associated with 2020 solicitation efforts related to employee and recruiting activities. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF FUNDS – YOUTH SERVICES – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – CONSULTANT SELECTION – DESIGN SERVICE FOR RUSSELL PARK – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Milone & Macbroom for design services required for the renovation of Russell Park project for an amount not to exceed \$124,500 with funding to come from Project Cost Center (90316). A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – WOODWARD DAM IMPROVEMENTS PROJECTS – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source professional services contract with Gannett Fleming, Inc. of Harrisburg, PA for the construction phase of the Woodward Dam Improvements Project (05039-C) for an amount not to exceed

\$251,124. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – THE DOWNTOWN GROUP – ESTABLISHMENT OF FREE “COMPLIMENTARY” DOWNTOWN PARKING

Finance, Organization and Personnel Committee report read recommending the communication from the Keene Downtown Group be accepted as informational and recommending that the City Manager investigate the feasibility and revenue impacts of shifting the parking hours to the evening. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – DEPARTMENT PRESENTATION – BEHIND THE SCENES OF AN ELECTION – CITY CLERK

Planning, Licenses and Development Committee report read recommending the City Clerk’s department presentation on elections be accepted as informational. The report was filed into the record as informational.

CITY MANAGER COMMENTS

The City Manager began her comments about the Downtown Coordinator’s update. The City Manager stated that she has placed an update from Beth Wood, Downtown Coordinator, regarding the activities she has been involved in on the Councilor’s desk. The Downtown Coordinator position was created to help coordinate activities and efforts in Downtown Keene, with goals of increasing its economy and sustainability. It is a public/private partnership funded partially by the City and MEDC with contributions from local businesses. Ms. Wood is an active participant in the Radically Rural Conference, focused on the Main Street track. She is involved with the Arts & Culture corridor project, most recently coordinating a successful Community Charrette. She has been creating a new MEDC website. Ms. Wood is active with the Downtown Group, including moving the Snow and Ice Festival forward and really back to life, which was a great success in the downtown this past weekend. She has been working on a community calendar; and a website is up and running www.explorekeene.org. She has been working on a collaborative monthly one-page newsletter for downtown to update them on downtown activities, Public Works and Parking development activities. She has been creating a welcome packet for new businesses downtown and is working on a benchmarking project with six businesses downtown (to look at trends in the downtown). The City Manager has been very pleased with the increased collaboration and communication between the City, downtown businesses, and property owners. She feels that Ms. Wood is doing a great job and has lots more exciting ideas for the future.

The City Manager announced another unique public/private partnership of a smaller scale that was a recent success. The City teamed up with the Electronic Imaging Materials, EIM, Timken, Bensonwood, and Smith’s Medical to provide through Granit State College, a Foundations of Project Management Workshop. Seven city employees completed a three-day class earning 1.8 continuing education credits. This class was a result of the City’s Economic Development

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office working with other community business partners to keep an innovative and productive workforce. The City Manager thanked the Parks, Recreation and Facilities Director, Andy Bohannon, for stepping up with a location and coordinating administrative details related to the city staff coordination. This was not only a great collaboration but also an opportunity to directly interact with some of our local businesses.

REPORTS – BOARDS AND COMMISSIONS: RESIGNATION – CHRISTINE HOUSTON – HERITAGE COMMISSION

A memorandum was received on behalf of the Planning Department indicating that Christine Houston had expressed her interest in resigning from the Heritage Commission. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

MEMORANDUM – OLD GILSUM ROAD LAND ACQUISITION – BOES PROPERTY – CONSERVATION COMMISSION

A memorandum was received from Conservation Commission, requesting that the City Manager negotiate purchase of the Boes property using the Conservation Land Use Change Tax Fund. The memorandum was referred to the Finance, Organization and Personnel Committee.

MORE TIME

More time was granted by the Chair for the following item in Committee: Councilor Williams – Accessibility Access at City Facilities.

MSFI REPORT AND ORDINANCE O-2020-01: RELATING TO SEWER SERVICE AND INDUSTRIAL PRETREATMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2020-01: Relating to Sewer Service and Industrial Pretreatment. The report was filed into the record. Ordinance O-2020-01 was read for the second time. A motion by Councilor Manwaring for the adoption of the Ordinance O-2020-01 was duly seconded by Councilor Filiault. The motion carried with a unanimous vote in in favor. Ordinance O-2020-01 declared adopted.

ADJOURNMENT FOR LEGAL ADVICE

At 8:51 PM, there being no further business, the Mayor adjourned the meeting for legal advice.

A true record, attest:


City Clerk