

A regular meeting of the Keene City Council was held Thursday, April 16, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their on-line presence and if there are others with them in the room. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley and Thomas F. Powers were present. A motion by Powers to accept the minutes from the April 2, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENTS – MAYOR

Mayor Hansel announced that the Municipal Services, Facilities and Infrastructure Committee for next week would start at 5:30 PM. The other committees will meet at their normal time.

COMMUNICATION – ERIN BENIK – RESIGNATION – HISTORIC DISTRICT COMMISSION

A communication was received from Erin Benik, resigning as a member of the Historic District Commission. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION – COUNCILOR WILLIAMS – LIBRARY UNSPENT PERSONNEL FUNDS

A communication was received from Councilor Williams, expressing his opposition to the use of surplus personnel funds for the acquisition of printer management software and more specifically, the use of surplus personnel funds resulting from furloughed City employees. The Councilor is looking for the issue be referred back to the committee for further discussion. The Mayor tabled the communication to later in the meeting.

COMMUNICATION – ASHLEY SHEEHAN/MODESTMAN BREWING – REQUEST TO SERVE ALCOHOL ON CITY PROPERTY

A communication was received from Ashley Sheehan, Modestman Brewing, requesting permission from the City Council for the service of alcohol on city property immediately in front of their business at 100 Main Street. The communication was referred to the Planning, Licenses and Development Committee.

FOP REPORT – ACCEPTANCE OF DONATIONS – TRUSTEES OF THE KEENE PUBLIC LIBRARY

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to release any interest that the City may have in a certain private right-of-way over real property currently owned by Keystone America Inc., d/b/a DiLuzio, Foley & Fletcher Funeral Homes, located at 49 Court Street, obtained by the City through a Tax Collectors Deed dated April 27, 1922, and recorded in Volume 498, page 45, of the Cheshire County Registry of Deeds. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – LEASE AGREEMENT – 12 GILBO AVENUE – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos Georgiadis for space located at the 12 Gilbo Avenue. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

REMOVED FROM THE TABLE – COMMUNICATION – COUNCILOR WILLIAMS – LIBRARY UNSPENT PERSONNEL FUNDS AND FOP REPORT – REQUEST FOR USE OF PERSONNEL FUNDS – KEENE PUBLIC LIBRARY

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to allow the Library use of \$4,346 from the current fiscal year's unused personnel funds (#01100-61303) to acquire print management software and supporting equipment of scanners and receipt printer. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper.

Councilor Williams was given an opportunity to address his letter in opposition to using unspent personnel money for this purpose. The Councilor suggested that unspent personnel funds be used to bolster the City's workforce as needed during this uncertain time rather than spending it in this way. Lengthy discussion occurred. The City Manager reminded the Council that what is being proposed here is software that will allow the City to collect the revenue from the printing, resulting in a wash. While she can understand the sentiment being shared today, she does not think this is going to make the difference the Council members are looking for. She continued if we are not collecting the revenue, then we lose that revenue from the copier, but if we invest in the software we collect 100% of the revenue that we should be collecting when people are printing. The Manager noted staff is cognizant of watching the bottom line while also making certain that we take advantage of any opportunities as they arise. Opportunities are going to arise at different times, such as doing a project like this, which was intended to do anyway. We have the opportunity to do this now, while the library facility is closed.

In addition, the work that we do when managing contracts and purchasing, invests in the local economy. We are a stable force in the community, and the work that we do on roads, buildings, and other infrastructure projects are important, and we need to think about how this affects the economy. If we are thinking about shutting down our services, that will have a negative effect

on the economy and the people that are doing those jobs. This is part of a larger conversation, but what is before the Council this evening will be offset by the revenue collected.

The Mayor added that these can be two separate conversations. We obviously recognize the challenges that many in our community are facing, from business owners to individuals who are trying to pay their taxes. That needs to be a separate conversation. The Mayor cautioned conflating that with our economic development efforts and efforts to provide better services to the City. They are not necessarily linked at the hip, and they need to be two separate, distinct conversations. Discussion continued.

In response to a question from Councilor Clark, the City Manager noted that there are currently 23 furloughed employees. She also noted there has been no change in policy with the exception of the action by Council at their last meeting to allow the use of personnel funds for non-personnel purposes during the COVID-19 emergency. That flexibility was given to the City Manager at that meeting, however this particular request did not qualify, which is why it came through the regular process. Normally if we want to use personnel funds for non-personnel related expenditures the City Council must approve. In response to a question from Councilor Bosley, the Mayor asked the City Manager to put together a memorandum to the City Council explaining what happens to unexpended personnel funds. The Manager briefly explained that any funds not used drop to the bottom line and become part of the City's fund balance at the end of the year. Discussion continued. With reference to the motion on the floor to carry out the intent of the report, the motion passed on a roll call vote with 10 Councilors voting in favor, and Councilors Filiault, Williams, Clark, Workman and Greenwald opposed.

FOP REPORT – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$20,000 for the installation of security fencing at Babbidge Reservoir. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – BLOSSOM STREET SEWER REPLACEMENT PROJECT – REQUEST FOR ADDITIONAL PROJECT BUDGET – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to authorize the reallocation of \$200,000 of unspent project balances within the Sewer Improvements project (08055) to the Blossom Street Sewer Replacement Project (08055-20). A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – BLOSSOM STREET SEWER REPLACEMENT PROJECT –
CONSTRUCTION CHANGE ORDER FROM WINCHESTER COURT – PUBLIC WORKS
DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to authorize the reallocation of \$136,175 of unspent project balances within the Sewer Improvements project (08055) to the Blossom Street Sewer Replacement Project (08055-20) be authorized to fund the replacement of the Winchester Court Sewer Main; and further recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with SUR Construction West, Inc. in an amount not to exceed \$136,175 for the replacement of the Winchester Court Sewer Main, and that funding for this work come from the Blossom Street Sewer Replacement Project balance (08055-20). A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her comments about the fire at the Transfer Station. She explained that not related to the recently granted Covid emergency authority to use personnel funds, the City Code allows emergency repairs and purchases without meeting the purchasing requirements. This authority was used to make both temporary and permanent repairs to the City's Transfer Station as a result of a fire in the building. Costs were estimated to be between \$100,000 - \$300,000 depending on extend of structural damage. A claim was filed with the City's insurance carrier with a \$1,000.00 deductible.

The City Manager stated that a three-year land lease extension was executed on April 15, 2020 for the Corner News. The current land lease expires on July 31, 2020 and has a three renewal clause. It is the last renewal clause in the current agreement. Before the COVID-19 emergency, the City had been working with the property owner regarding purchase of the land. There were communications regarding several challenges, such as the building overhang being located on a separate parcel encumbered by restrictions due to the funding the City used to construct the bike path. The last meeting was on March 3, 2020.

The City Manager communicated that the City has been busy awarding contracts and keeping the important business of the City moving forward. A reminder to the contractors and revised the notice to all organizations bidding on City contracts: that a business providing essential service they shall develop strategies, procedures and practices to allow for social distancing protocols consistent with guidance provided by the CDC and Division of Public Health.

The City Manager continued with a few miscellaneous items, starting with the Roxbury Bridge replacement, which was awarded. The bridge closure and construction is scheduled to start July 1, 2020 and reopening late September 2020. The BDM sweeper services resumed roadwork this week and is scheduled to be completed by June 30, 2020. DEW Construction will begin work on the Drummer Hill Tank. Finally, the Public Works Department will be replacing water main gate valves throughout the City beginning the Week of April 27, 2020.

The City Manager highlighted a fun note from the Parks and Recreation Department. This department recently engaged with the families from the afterschool program CATCH. The families have not been able to go there since early March. To our registered CATCH kids, we provided Easter Egg Hunt at home packages and the Police Department helped deliver these packages. The kids and families loved it. Parks and Recreation Department also created a virtual egg hunt on their Facebook page. They are also working on a chalk sensory hopscotch and hoping to have the Police Department join in the chalking various streets in neighborhoods connected to schools. The idea is to have school physical education teachers promote the activity for kids to walk to, and then take a photo and tag us. She was pleased to see the City's departments taking efforts to remain engaged with the community.

**MEMORANDUM – PUBLIC WORKS DIRECTOR/EMERGENCY MANAGEMENT
DIRECTOR - 2020 FARMERS MARKET LICENSE FOR USE OF CITY PROPERTY**

A motion by Councilor Bosley to call from Planning, Licenses and Development Committee the communication from the Farmer's Market of Keene for consideration and action by the City Council in order to facilitate their requested opening date of April 25, 2020 was duly seconded by Councilor Greenwald. The motion passed on a roll call vote with 15 Councilors present and voting in favor. A motion by Councilor Bosley was duly seconded by Councilor Greenwald, to recommend that the Farmers Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 25, 2020 to October 31, 2020 and 22 parking spaces along Gilbo Avenue on Tuesdays from April 28, 2020 to October 27, 2020. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); and obtainment of a City food license from the Health Department. In addition, it is recommend that the Farmer' Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. Access to City electrical shall be provided at a fee of \$60.00 for the season.

As part of the license conditions during and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (COVID-19) and as amended, the Farmer's Market of Keene shall:

- Follow, maintain and monitor social distancing of at least six feet for customers and vendors,
- Provide adequate space for vendor and patron flow to maintain social distancing practices,
- Prohibit the use of reusable bags,
- Prohibit product sampling,
- Use non-porous tables that can be easily disinfected,
- Discontinue the use of display items that cannot be cleaned and sanitized,
- Have access to and utilize hand sanitizer for use between transactions,
- Disinfect surfaces between customers, and

- Any other requirements that may be issued by the City and/or the State for health and safety of the vendors, customers, and public.

With respect to the concern over short-term parking, the City Manager is authorized to do all things necessary to work with the Farmers Market to create a solution to resolve their stated problem relative to short-term visits as the City has with parking on Main Street. A motion by Councilor Johnsen to waive the fees for 2020 was duly seconded by Councilor Greenwald. The amendment passed on a roll call vote with 15 Councilors present and voting in favor. On a roll call vote, the amended committee report passed with a 15 Councilors present and voting in favor.

COVID 2019 UPDATE FROM THE CITY MANAGER

The City Manager began her comments regarding the COVID-19 pandemic. She stated that the hospitalizations in the southwestern part of the state (Manchester west) have been flat since April 9, 2020. There has not been a large number of suspected “COVID-19” calls on the ambulance. In fact, our EMS calls are down overall. Tracking hospitalizations and what is happening on the ambulance is a much better community wide indicator than testing. Testing capacity has been “hit or miss” throughout the state. Right now, things may be leveling off. All the credit goes to the people who live in Keene and in this region. These people have taken the Governor’s Order to stay at home seriously and are closely following the CDC’s recommendations. She encourages the public to continue to be vigilant though because things could change very quickly.

The City Manager continued that discussions have taken place towards what happens when we see some of the restrictions like the Stay At Home Order modified or lifted. The question remains will we see a surge in cases at that time. Testing capacity will be key when things begin to open up. In particular, the widespread availability of 15 minute tests, so that we can quickly identify COVID-19 positive patients and prevent/reduce community spread. The hospital feels having that kind of testing capacity is probably still a month away. They have a limited amount now, but the State is waiting for more cartridges from the Federal government.

The Manager went on to note that the Governor announced that our schools would not be reopening for the remainder of the school year. She continued that it seems clear from what we are hearing, that when restrictions begin to be lifted it will be gradual and social distancing and group size limits will likely continue for months – not weeks. That will effect community events and licensing likely for most if not all of the summer. We will monitor and adjust accordingly as the Governor puts out more orders and the CDC puts out more guidelines.

The City Manager explained that right now staff in all departments are spending a lot of time monitoring potential grants and other funding sources becoming available through the State and Federal government. We anticipate very quick turnaround times for all these. We will move quickly to take advantage of any available stimulus or grant funds that become available for any of our infrastructure projects that may qualify.

In addition, the Manager noted she has asked all departments to review their facilities and procedures and determine if there are things we should be purchasing which would qualify for

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FEMA reimbursement – such as restocking face masks, cleaning supplies etc. and creating a central stock room for city wide use. We have also made some physical changes – like adding some glass in the Clerk’s office to create a barrier when interacting with clients. She has asked all departments to look at their spaces and procedures to evaluate now if there things we should be doing, adding or changing. Some of these things we can get FEMA reimbursement for and so we should be taking advantage of that opportunity right now. We are not only preparing for a gradual opening to more public contact at some point, but we are also preparing for the future. We do not know if we will be faced with something like this again next year or the year after. Ms. Dragon noted that FEMA reimbursement is typically at 75% however there is a lot interest in increasing that to 100%

The Manager updated the status of the Alternative Care site at KSC, noting it has come a long way and she is feeling much more comfortable that it is ready to perform as intended if needed now or a few months from now. The costs to set up and run the Alternative Care site will be reimbursed at 100%.

Ms. Dragon explained that FEMA does not cover loss of revenue. Over the last few days, the City has gathered information to submit to NH Municipal association. A survey from all towns and cities was completed to help with their conversations with the Governor’s Committee (GOFFR) currently charged with allocating funds from the Federal government through the State to towns/cities. She noted our push is for consideration of loss of revenue as part of any formula they (or the legislature) may come up with because we recognize most COVID-19 related expenses will be covered through FEMA.

Lastly, the Manager stated she wanted to continue to remind people that although our buildings have limited access we are still here Monday through Friday regular hours performing city functions.

ADJOURNMENT

At 8:43 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest: 

City Clerk