

A regular meeting of the Keene City Council was held Thursday, May 7, 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 Councilor Powers to accept the minutes from the April 16, 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 budget books have been distributed. The Finance, Organization, and Personnel Committee will start their review of the budget at their special Finance, Organization and Personnel Committee on Tuesday, May 12th, this will be followed by their regular Finance, Organization and Personnel Committee on Thursday, May 14th. Then on Monday, May 18th they will continue their review. There is one additional meeting tentatively scheduled for the Wednesday, May 20th. All of the Finance, Organization and Personnel meetings will start at 5:30 PM. The Municipal Services, Facilities and Infrastructure Committee for next week would start at 5:30 PM. The Planning, Licenses and Development Committee will start at their normal meeting time of 7:00 PM.

The Mayor announced the Memorial Day Parade has been canceled due to the COVID-19 pandemic.

COMMUNICATION – GARY BOES – OFFER OF SALE – 0 OLD GILSUM ROAD

A communication was received from Gary Boes, offering to sell property that he owns to the City at 0 Old Gilsum Road. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – NANCY SPORBORG – AMMI BROWN TRAIL ENTRANCE

A communication was received from Nancy Sporborg, requesting the City reconsider its planned upgrade to the Ammi Brown Trail and instead use the path off of Summit Road, just up from the planned parking lot and divert traffic away from the Summit Ridge neighborhood. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – EDGAR HASTINGS/SUMMIT RIDGE ASSOCIATION – AMMI BROWN TRAIL ENTRANCE

A communication was received from Edgar Hastings, Summit Ridge Association, raising the issue of trail users of the Ammi Brown Trail parking on private property near the entrance to the

trail and the use of private driveways to turn around. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – DEBRA AND MIKE HART – AMMI BROWN TRAIL ENTRANCE

A communication was received from Debra and Mike Hart, requesting that the City design the entrance to the Ammi Brown Trail so no cars can park at the entrance, and that no parking signs be installed, as well as a sign explaining where parking is available and that the Police Department enforce the no parking policy. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – LORI SCHREIER – IN SUPPORT OF ORDINANCE O-2019-18-A

A communication was received from Lori Schreier, expressing her recommendation that the City Council support Ordinance O-2019-18-A. The communication was filed into the record.

COMMUNICATION – BETHANNE COOLEY/CTIA – IN OPPOSITION OF ORDINANCE O-2019-18-A

A communication was received from Bethanne Cooley, representing CTIA, the trade association for the wireless industry asking that the City Council defeat Ordinance O-2019-18-A because the Ordinance violates both State and Federal law and it will hamper the wireless industry's ability to provide enhanced wireless services and deploy the latest technology to the citizens of Keene. The communication was filed into the record.

COMMUNICATION – FRED LEUCHTER AND BARBARA JANSEN – IN OPPOSITION OF ORDINANCE O-2019-18-A

A communication was received from Fred Leuchter and Barbara Jansen expressing their opposition to Ordinance O-2019-18-A. The communication was filed into the record.

COMMUNICATION – COUNCILOR CLARK – FEDERAL LEGISLATION THAT WOULD HINDER NET-METERING IN NEW HAMPSHIRE

A communication was received from Councilor Clark requesting that the City Council instruct the Mayor to write a letter to the Federal Regulatory Commission to oppose a petition that would hinder net-metering in New Hampshire. A motion by Councilor Clark to suspend the rules of order was seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. A motion by Councilor Clark to direct the Mayor to send a communication to the Federal Energy Regulatory Commission and our Federal Congressional Delegation opposing petition docket number EL20-42 was seconded by Councilor Greenwald. Dr. Ann Shedd addressed the Council on the subject. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – BRICKSTONE LAND USE CONSULTANTS, LLC – REQUEST TO DISCONTINUE EASEMENT FOR POSSIBLE FUTURE ROAD EXTENSION, BLACK BROOK ROAD – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to release and discharge a certain easement granted to the City for the possible future extension of Black Brook Road, being 60 feet in width located on the north side of the existing cul-de-sac, and as more particularly described in the Subdivision and Easement Plan recorded at the Cheshire County Registry of Deeds in Cabinet 12, Drawer 3, #90 and #91, the Warranty Deed recorded in Volume 1659, page 276, and in the Return of Layout, recorded in Volume 1687, page 855; and further that the City Manager be authorized to negotiate and execute an amendment to a certain Cross Easement Agreement recorded in Volume 3001, page 450, necessary to provide for the continued emergency access to properties located on Wyman Road and on Black Brook Road. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

PLD REPORT – CHESHIRE HOUSING TRUST – APPLICATION FOR A LODGING HOUSE LICENSE

Planning, Licenses and Development Committee report read recommending that a lodging license be issued to Cheshire Housing Trust for property located at 86 Winter Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 20 persons may reside on the premises.
2. Compliance with all applicable laws, ordinances, codes, and rules and regulations.
3. The continuation of the license is subject to and conditioned upon the successful passage of an inspection to be conducted by the City.
4. Continued violation of any parking ordinances by residents of the premises or their guests, may be grounds for suspension or revocation of the license, as determined by the Police or the Community Development Departments.
5. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times
6. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 17th day of May, 2021, and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation." It was noted in the report that the license term will extend out to July 1, 2021 when Ordinance O-2020-03 becomes effective on July 2, 2020. Ordinance O-2020-03 established a consistent license expiration date for all lodging house licenses to be July 1st of the year subsequent to the issuance date. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

PLD REPORT – ANTHONY AND FANELLA LEVICK – GRANITE ROOTS BREWING – REQUEST TO SERVE ALCOHOL ON CITY PROPERTY

Planning, Licenses and Development Committee report read recommending that Granite Roots Brewing be granted permission to sell alcohol at the 2020 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws.

During and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (COVID-19) and as amended, Granite Roots Brewing shall be subject to, and shall comply with the licensing conditions applied to all vendors participating in the Farmer's Market of Keene; provided, however, that the City Manager is authorized to allow Granite Roots Brewing to offer individual product samples to patrons in accordance with the requirements of the State Liquor Commission, either at the conclusion of the State of Emergency as declared by the Governor, or at such time thereafter as determined to be appropriate by the City Manager. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF A STATE DRUG FORFEITURE – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a State drug forfeiture in the amount of \$123.98. 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 – ACCEPTANCE OF A DONATIONS– POLICE DEPARTMENT

The Chair indicated he would be taking the next two recommendations together. Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$100. Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$100. A motion by Councilor Powers to carry out the intent of the reports was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – LIFE INSURANCE AND LONG TERM DISABILITY INSURANCE – HUMAN RESOURCES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to enter into and execute a new multi-year contract with Symetra to administer the City's Life and Long Term Disability Insurance program. 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 with an update on the State of Emergency orders. On April 24, 2020, the Governor extended the State of Emergency for an additional 21 days. If he wishes to continue the order he must renew it every 21 days. In addition, May 1, 2020, the Governor modified the Stay at Home Order calling it Stay at Home 2.0. The modifications allow for partial opening of businesses this month. On Monday, May 11, 2020, retail stores can open at 50% occupancy, drive-ins can begin to operate, public and private golf courses can open and barbers and hair salons can open. Each industry has specific guidelines to follow to protect both their staff and their clients. On Monday, May 18, 2020, there will be several outside sidewalk café's open in Keene. The City has been working with restaurants to come up with plans to accommodate outside seating. It has been a challenge. Temporarily they will need to utilize more public space to provide the appropriate six feet distances between tables, ultimately needing more real estate. The City is working with all of them to be as flexible as can be while protecting the safety of their patrons. Because indoor dining is not currently allowed under the Governor's orders, there are some establishments looking to set up temporary outside sidewalk cafés for the first time. Places like Machina Arts and Spice Chambers are in the process of working out some temporary plans. There are some restaurants looking to utilize their own property, such as utilizing a tent with no sides in a parking lot. During this emergency, the City has the ability to give expanded licenses for more temporary space and temporary new licenses for those who have not had a sidewalk café in the past. We are reviewing each unique situation and working with businesses throughout the community. Starting on Monday, May 18, 2020, there will be several restaurants moving to outdoor dining in some fashion in addition to their take out service.

The City Manager stated that COVID-19 testing is becoming more widely available. The State is setting up an online web portal starting tomorrow for residents to set up an appointment online to get tested. Must self-attest that you have one of the recognized symptoms. Anyone with symptoms, underlying conditions, over the age of 60 or is a healthcare worker/first responder can schedule an appointment to be tested. Convenient MD can perform testing on any of the above population. A primary care physician is no longer needed to order a test. Anyone, regardless of insurance status, can be tested. In addition, any critical business that would like employees tested prior to returning to full operations can call the State's Central Coordinating Office to schedule testing or have employees sign up individually for an appointment online.

The City Manager continued that the Governor announced first responder stipends for the Police, Fire, EMS and Correction workers. Fulltime employees will receive \$300.00 per week and part time will receive \$150.00. There is not a ton of guidance yet on how this will be handled. The City will likely do a lump sum payment at the end of the eight weeks so that the timesheets can be easily reconciled. We are grateful for this funding and our teams are certainly deserving of it. The Manager continued that she would have preferred that the State had given the City an allocation of money to distribute more broadly because we have many more deserving people who continue to stick it out with us and provide essential services, such as the transfer station, Public Works, the Revenue Office who are still registering cars. Not to mention our Emergency Management Director and entire Emergency Management Team, who has really been in the forefront managing the crises every single day, and they have been long days.

The City Manager announced that Keene State College President, Dr. Treadwell, presented a fall reopening plan to the University System New Hampshire Board of Trustees on May 7, 2020. The presentation explained the conditions under which the fall semester will open at Plymouth, University of New Hampshire, Granite State and KSC. There will be a meeting with Cheshire Hospital on May 8, 2020, to present KSC plans and discuss testing needs if they were to bring students back to campus in the fall. Dr. Treadwell is planning to do a press release soon.

The City Manager stated that she has made some changes to the Assistant City Manager portfolio, so they would be more appropriately align the Assistant City Manager portfolios with our current department needs. These adjustments mean that Rebecca Landry will be at Municipal Services, Facilities and Infrastructure Committee meetings. This is due to her involvement over the last few years with the airport. The airport and the library will be shifted to her portfolio. Rhett Lamb will remain involved with Planning, Licenses and Development Committee meetings. Given the long range planning, the Parks, Recreation and Facilities Department is currently involved in has now being shifted to his portfolio. Beth Fox will now be attending Finance, Organization and Personnel Committee meetings. Given her past experience as both a Town Manager and our Finance Director, the Finance Department and the Human Resources Department are now included in her portfolio.

The City Manager revealed that the Library is preparing for the return to curbside services. On May 11, 2020, the book drops will be reopened for the return of library materials. These will be loaded onto carts, marked by date and rolled into the Atrium to pass a four day quarantine. On the fifth day, the books will be checked back in. Furloughed pages will return to work on Monday, May 18, 2020 to re-shelve materials. Library staff who have been working at home are shifting to working all of their hours at the library by May 15, 2020. A few staff who do virtual programs on nights and weekends will continue to do some of their work at home. On May 26, 2020, the first round of furloughed circulation staff will return. Curbside pickups will start on Thursday, May 28, 2020 during advertised hours.

The City Manager continued that City services at all of the facilities, with the exception of the Library and Recreation Center, have been open, but restricted, during this COVID-19 emergency. She has asked the Library Director and Parks and Recreation Director to share our plans for the gradual re-opening of facilities and addition of services as we begin to flex open at the Municipal Services, Facilities and Infrastructure Committee meeting later this month. This committee was chosen for the informational presentation because of the workload of the Finance, Organization and Personnel Committee at the moment with the budget process.

The City Manager announced that in addition to our ability to recoup 75% of eligible COVID-19 response related expenses the Governor authorized the allocation of \$32 million to municipalities to cover eligible expenses from March 1, 2020 to August 31, 2020. These funds have been allocated based on population and Keene is eligible for up to \$552,034.

These funds will be used to cover things like increased welfare costs, telework costs, paying the wage and benefits required by Families First Coronavirus Response Act, municipal building

modifications and cleaning/disinfecting, etc. Lost revenues continues to be an area where grant funding or reimbursement is not currently available.

There are variety of grant funding sources available right now to cover expenses. We are tracking all COVID-19 related response expenses separately and next week will be strategizing which funding source maximizes our opportunity reimbursement. In addition, there are discussions on modifications in the buildings, especially to the third and fourth floor of City Hall to create more separation for our employees to maximize the availability of funding sources and prepare for the future.

In regards to General Fund Revenues, motor vehicle revenues appear are continuing and they appear to match the projected revenue. Other miscellaneous charges for services which includes things like ambulance revenues are down about \$22, 000; Park and Recreation is down about \$20,000. Overall various charges for services are down right now a total of about \$90,000 and are projected to be down in total for the year around \$145,000; however, a couple of stimulus checks for the ambulance services will offset a portion of that loss.

The good news is, because we collected delinquent property taxes for the Kingsbury property for over \$700,000. The bottom line General Fund Revenues are estimated to exceed our budgeted number by about \$640,000. The Cares Act Funding is meant to be a bridge funding not a stimulus funding. We are still expecting stimulus for potential infrastructure projects.

The City Manager recognized the City Clerk's office as a vital part of our local government and important link between citizens and the local governing bodies. She took a moment to recognize them as this week is Clerk Week.

MORE TIME - PLD REPORT – ASHLEY SHEEHAN/MODESTMANN BREWING – REQUEST TO SERVE ALCOHOL ON CITY PROPERTY

The Chair indicated he was taking the more time report off of the Planning, Licenses and Development Committee agenda for purposes of acting upon the request to serve alcohol. The Mayor noted that a recent Executive Order will be allowing restaurants to offer outdoor seating (with the appropriate social distancing). The Chair recognized Councilor Bosley for a motion.

Councilor Bosley moved that Modestmann Brewing be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code.

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 petitioner shall:

- Maintain and monitor social distancing practices of at least six feet for customers and restaurant staff;
- Provide adequate space for patron seating and flow to maintain 6 foot social distancing practices;
- Use non-porous tables that can be easily disinfected;

- Discontinue the use of table items that cannot be cleaned and sanitized;
- Have access to and utilize hand sanitizer for use between customers;
- Disinfect customer surfaces between customers;
- Remain in strict compliance with the Seating Location Plan, which plan may be further altered or discontinued at the discretion of the City; and,
- Follow any other requirements that may be issued by the City and/or the State for health and safety of the restaurant staff and the public.

This license shall expire on March 1, 2021.

During the Emergency Declaration issued by the Governor due to the Novel Coronavirus (COVID-19) crisis, or until such time thereafter as determined by the City in its sole discretion, the Licensee shall comply with the recommendations of the Federal Center for Disease Control, the State of New Hampshire (with specific reference to Executive Order #40, Exhibit C, subsection A), and the City of Keene, with respect to the operation of a sidewalk café restaurant.

Councilor Greenwald seconded the motion. A brief discussion took place relative to the service of food in conjunction with the service of alcohol. A motion by Councilor Filiault to send the item back to Committee was seconded by Councilor Greenwald. On a roll call vote, 9 Councilors present and voting in favor, six opposed. Councilors Hooper, Remy, Giacomo, Williams, Chadbourne, and Workman opposed.

PLD REPORT AND ORDINANCE O-2019-18-A: RELATING TO SMALL WIRELESS FACILITY DEPLOYMENTS IN THE PUBLIC RIGHTS-OF-WAY

The Mayor referred Ordinance O-2019-18-A: Relating to Small Wireless Facility Deployments in the Public Rights-of Way back to the Planning, Licenses and Development Committee. He encouraged those Councilors who wish to make amendments to speak with the City Attorney who can assist with developing any language.

RESOLUTION R-2020-13: IN APPRECIATION OF TIMOTHY I. READ UPON HIS RETIREMENT

Resolution R-2020-13: In Appreciation of Timothy I. Read Upon His Retirement was read by title only. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. Resolution R-2020-13 declared adopted.

RESOLUTION R-2020-22: RELATING TO THE FY 2021 PROPOSED FISCAL BUDGET

Resolution R-2020-22: Relating to the FY 2021 Proposed Fiscal Budget was read by title only. Resolution R-2020-22 was referred to the Finance, Organization and Personnel Committee. The Mayor set the Public Hearing for Thursday, June 4, 2020 at 7:00 PM.

RESOLUTION R-2020-14: RELATING TO THE ESTABLISHMENT OF A ROAD INFRASTRUCTURE CAPITAL RESERVE; RESOLUTION R-2020-17: RELATING TO THE

05/07/2020

ESTABLISHMENT OF AN EMERGENCY COMMUNICATION CAPITAL RESERVE;
RESOLUTION R-2020-18: RELATING TO THE ESTABLISHMENT OF A REAPPRAISAL
CAPITAL RESERVE; RESOLUTION R-2020-19: RELATING TO THE ESTABLISHMENT
OF AN INFORMATION TECHNOLOGY SYSTEMS AND INFRASTRUCTURE CAPITAL
RESERVE

Resolution R-2020-14: Relating to the Establishment of a Road Infrastructure Capital Reserve;
Resolution R-2020-17: Relating to the Establishment of an Emergency Communication Capital
Reserve; Resolution R-2020-18: Relating to the Establishment of a Reappraisal Capital Reserve;
Resolution R-2020-19: Relating to the Establishment of an Information Technology Systems and
Infrastructure Capital Reserve were read by title only. Resolutions R-2020-14; R-2020-17; R-
2020-18; and R2020-19 were referred to the Finance, Organization and Personnel Committee.

RESOLUTION R-2020-15: RELATING TO AN APPROPRIATION TO THE ROAD
INFRASTRUCTURE CAPITAL RESERVE

Resolution R-2020-15: Relating to an Appropriation to the Road Infrastructure Capital Reserve
was read by title only. Resolutions R-2020-15 was referred to the Finance, Organization and
Personnel Committee.

RESOLUTION R-2020-20: RELATING TO THE ESTABLISHMENT OF A POLICE
SPECIAL DETAIL REVOLVING FUND PURSUANT TO RSA 31:95-h FOR THE PURPOSE
OF RECEIVING REVENUES AND EXPENDING FUNDS RELATIVE TO POLICE
SPECIAL DETAILS

Resolution R-2020-20: Relating to the Establishment of a Police Special Detail Revolving Fund
Pursuant to RSA 31:95-h for the Purpose of Receiving and Expending Funds Relative to Police
Special Details was read by title only. Resolutions R-2020-20 was referred to the Finance,
Organization and Personnel Committee.

RESOLUTION R-2020-23: RELATING TO THE REALLOCATION OF BOND PROCEEDS
FROM THE ROSE LANE WASTEWATER TREATMENT PLANT CLEANUP PROJECT
(08094) TO THE WASTE WATER TREATMENT PLANT GENERATOR REPLACEMENT
PROJECT

Resolution R-2020-23: Relating to the Reallocation of Bond Proceeds from the Rose Lane
Wastewater Treatment Plant Cleanup Project (08094) to the Waste Water Treatment Plant
Generator Replacement Project was read by title only. Resolutions R-2020-23 was referred to
the Finance, Organization and Personnel Committee.

ADJOURNMENT

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

A true record, attest:


City Clerk