



Due to the COVID-2019 State of Emergency, the City Council will be holding its meetings remotely using the web-based program, Zoom. City Councilors will be participating in this meeting remotely. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To view this City Council meeting, please navigate to www.zoom.us and enter the Meeting ID# 830 1278 3572. To listen via telephone call 877-853-5257 and enter the Meeting ID # 830 1278 3572.

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 5, 2020
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- October 15, 2020

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Relative to the Complete Discontinuance of a Portion of the Commercial Street Parking Lot
Resolution R-2020-38
2. Relative to the Public Necessity to Take Land for a Public Purpose - Reconstruction of
Winchester Street and Replacement of the Island Street Bridge
Resolution R-2020-36

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Library Board of Trustees

C. COMMUNICATIONS

1. Charlotte Schuerman - Resignation - Heritage Commission
2. Keene Snoriders - Request to Use City Property - 2020/2021 Snowmobile Season
3. Keene Clergy Association - Urging Pro-Active Support of Hundred Nights' Attempts to Finding
Suitable Overflow Sleeping Space for this Winter
4. United Church of Christ in Keene - Urging Support of Hundred Nights' Efforts to Secure
Alternative Sites for Lodging
5. Monadnock Interfaith Project - Encouraging the Council to Locate and Fund Adequate Shelter
for Those in Need

D. REPORTS - COUNCIL COMMITTEES

1. FAA Reimbursable Agreement - Airport Director
2. Wastewater Treatment Plant Power Purchase Project - EMD/Public Works Director
3. Presentation - Cheshire TV - Annual Report
4. Tad Schrantz/Colonial Theatre Group - Requesting a Transfer of Land
5. Lower Speed Limits on Eastern Avenue – Police Department

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Holiday Sponsorship Program

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Katie Schwerin – Proposal for Permanent Public Art Installation – Airport Property

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Social Hosting
Ordinance O-2020-12

K. RESOLUTIONS

1. Relating to the Acceptance of Funds from Keene State College
Resolution R-2020-39

L. TABLED ITEMS

1. Relating to an Appropriation of Funds for Gilbo Avenue Infrastructure Improvements
Resolution R-2020-06-A

Non Public Session
Adjournment

10/15/2020

A regular meeting of the Keene City Council was held on Thursday, October 15, 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 that the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their online presence and whether there 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, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. Catherine I. Workman was absent. A motion by Councilor Powers to accept the minutes from the October 1, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 14 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Hansel announced that in observation of the Veterans Day holiday, the MSFI and PLD meetings scheduled for November 11 are rescheduled to Tuesday, November 10.

Two site visits are scheduled for November 5. The first at 5:15 PM at the Commercial Street parking lot behind the Colonial Theater. The second at 5:45 PM at Winchester Street between RT-101 and the Island/Pearl Streets intersection, for which Councilors should park in the Riverside Plaza and meet in the open field by Aspen Dental. Councilors will ride to the site visits individually and there will be no meal provided after.

To date, the Clerk's office had sent out 3,486 absentee ballots, 935 of which had not yet been returned. The Mayor encouraged everyone to return those ballots sooner than later and asked Councilors to encourage their constituents to do so early to ensure all votes are counted. Ballots in the mail must be received by the City Clerk's office by 5:00 PM on Election Day – Tuesday, November 3, 2020. Voters can also hand deliver their ballots to the Clerk's office at City Hall and one's family member or other certified delivery agent can deliver that ballot for them. Absentee ballots can be turned into one's polling location on Election Day if necessary.

RESOLUTION R-2020-35: IN APPRECIATION OF SHEILA H. WILLIAMS UPON HER RETIREMENT

The Mayor read Resolution R-2020-35: In Appreciation of Sheila H. Williams Upon Her Retirement in its entirety. A motion by Councilor Powers to adopt the Resolution was duly seconded by Councilor Bosley. On roll a call vote, with 14 Councilors present and voting in favor, the motion passed. Resolution R-2020-35 was declared adopted.

NOMINATIONS

Mayor Hansel received the following nomination: Yves Gakunde to serve as a regular member of the Library Board of Trustees, with a term ending June 30, 2021. The nomination was tabled until the next regular meeting.

COMMUNICATION – TAD SCHRANTZ/COLONIAL THEATER GROUP – REQUESTING A TRANSFER OF LAND

A communication was received by the Colonial Theater Group requesting a transfer of land with the City. The request was referred to the Finance, Organization & Personnel Committee.

COMMUNICATION – COUNCILOR TERRY M. CLARK – WORKSHOP ON CITY COUNCIL GOALS

A communication was received from Councilor Clark requesting that the Council work together as a whole to develop City Council goals. The Mayor said there had been discussions over the past several months about an effort to create a process for developing City Council goals that begins with community input. He said that through her statewide and national relationships, affiliations and memberships, the City Manager, Elizabeth Dragon, has interesting models to present to the Council. This idea is in early stages. Goal development might be best guided by an outside facilitator. The Mayor supported the City Manager's idea to begin with data from community input on priorities, which Councilors can use to frame goal development. This effort is evolving and the idea is to have the goals process occur in January 2021.

The Mayor welcomed comments from Councilor Clark on his communication. Councilor Clark wanted to know where this newly proposed process dovetails with the 2015 City Council decision to meet annually and share City Council goals with City Staff. He said the previous Mayor also opposed this newly proposed process in favor of a special Committee of Councilors and Staff. He said that in the last five years, no Council goals have actually been established. The Councilor questioned what the roadblock might be and why the City Council cannot meet to discuss goals as elected officials.

Mayor Hansel replied that the Council has met in the past as a whole for goal discussions and small Committee efforts have occurred also. The Mayor was unsure any of those efforts had been successful. He cited the annual Fiscal Policies Workshop, which allows for Council input. Mayor Hansel said that one of his priorities as Mayor is to find ways for the Council to work together and build consensus around goals; he agreed that past efforts were unsuccessful. The Mayor posited that he could have a goals session at the next Council meeting but he suspected that Councilor Clark would prefer that some thought first be given to the best, most constructive way for such a session to occur; the Mayor suggested an outside facilitator versus himself. Councilor Clark said that in 2017 an outside facilitator did lead a session for Council and the outcome was a small committee overwhelmingly dominated by Staff and not Councilors. In 2015, Councilor Clark and others recommended following the model from Concord, NH, which allows the Council to meet as a whole and provides each Councilor with five minutes to present what they think goals should be for the upcoming year. He said the City Manager and Staff are already working on the 2021/2022 budget, and so waiting until January to discuss goals does not provide the Council an opportunity to intercede with that budget. Currently, Councilor Clark said that the Mayor outlines priorities and by the time Councilors see the budget it is too late. The Mayor stopped Councilor Clark, stating that he was misrepresenting the Mayor. Mayor Hansel said he had discussed a Council goals workshop with many Councilors over the previous months to

develop a constructive process; he does not believe giving Councilors five minutes to tell Staff projects they think are most important was the most constructive avenue, stating it had been attempted in the past unsuccessfully. Rather, he said this should be an effort to build consensus for the entire community. He is interested to hear the City Manager's creative ideas that she has learned outside this community. Councilor Clark was displeased with the Mayor's response and not being provided an open forum. The Mayor reminded Councilors are always welcome to share their ideas with him by phone or letter.

The Mayor referred this communication to the City Manager for a report back in two weeks with more details.

Councilor Clark made a motion to challenge the Mayor's decision, which was duly seconded by Councilor Williams.

The Mayor recognized Councilor Clark, who stated his belief that the City Council has more representative authority than the Mayor was allowing. He did not understand the Mayor's opposition to allowing the City Council a special meeting to share ideas without duplication or frivolity; versus what he called Primex coming and telling them what to do. He said that in his 12 year tenure, Councilors had not been provided a chance to intervene in budget priorities before too late.

If Councilor Clark was challenging the Mayor's decision to refer this matter to the City Manager, then Mayor Hansel asked what the Councilor suggested alternatively. Councilor Clark wanted the Mayor to set a date for a goal setting workshop for the whole Council. The Mayor said he could easily do that but he questioned whether something fruitful would come from the process, unless thought is given to make the event effective and valuable, and not simply providing a microphone for City Councilors to speak. The decision was at the will of the Council.

The Mayor recognized Councilor Greenwald, who asked the City Attorney what the Council was voting on. The Mayor said Councilor Clark challenged the ruling to refer this to the City Manager. If the Mayor's ruling is unsuccessful, the Mayor said it would indicate to him that the Council wants him to set a special meeting for "Council goals," and provide – as Councilor Clark suggested – each Councilor five minutes to speak, and see how it goes. The City Attorney said that there should be no Council debate about the challenge and continued that the Council would be voting on whether the decision of the Mayor to refer the matter to the City Manager for further development shall be sustained. Votes in favor would be to sustain the Mayor's decision; votes in opposition would be to overturn the Mayor's decision.

On a roll call vote with 14 Councilor present and nine voting in favor, the City Council overturned the Mayor's decision to refer this matter to the City Manager. Councilors Hooper, Remy, Giacomo, Johnsen, and Powers voted in opposition.

Mayor Hansel stated he would schedule a special meeting on City Council goals after conferring with City Staff on the best forum.

The Mayor recognized Councilor Johnsen, who appreciated Councilor Clark's point. However, she noted that for the five new City Councilors, she thought that a process would have worked better versus being bombarded by what used to be. The Mayor felt that was a good point and suggested that this special meeting could be an opportunity for Councilors to better articulate how the Council goals process could evolve, with consideration of new ideas and models that could improve the process.

COMMUNICATION – DAVID RICHARDS – RESIGNATION FROM COLLEGE CITY COMMISSION

A communication was received from David Richards resigning from the College City Commission. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley. On a roll call vote with 14 Councilors present and voting in favor, the motion passed.

PLD REPORT – TRAX CLUB – REQUEST TO USE CITY PROPERTY – RAILROAD SQUARE

A Planning, Licenses & Development Committee report read recommending to report out the Request to Use City Property from the Trax Club. The report was filed as informational.

PLD REPORT – FIRSTLIGHT FIBER REQUEST TO INSTALL CONDUIT IN THE ARCH STREET RIGHT-OF-WAY – CITY ENGINEER

A Planning, Licenses and Development Committee report read recommending on a vote of 5-0 that the City Manager be authorized to do all things necessary to negotiate and execute a revocable license agreement with TVC Albany, Inc., D/B/A Firstlight Fiber for the installation of conduit, cabling and associated appurtenances (licensed property) within the Arch Street Right-of-Way, subject to the following conditions:

1. The Licensed area shall be in the approximate location between two existing Consolidated Communications poles (Nos 134 & 30/36), with final locations to be approved by the Public Works Director.
2. Licensee is responsible for all costs associated with the installation, maintenance or repair of licensed property and the restoration of any area(s) which may be disturbed to the satisfaction of the City.
3. Licensee shall coordinate with and obtain approval from the New Hampshire Department of Transportation (NHDOT), Bureau of Rails, for the placement of equipment within the former railroad corridor. Any fees imposed by the NHDOT will be paid by the Licensee.
4. Licensee is required to obtain all required Federal, State and local permits, including but not limited to a City excavation permit, prior to performing any work.
5. Licensee shall be required to obtain an encumbrance or excavation permit from the City of Keene prior when performing any construction activity, maintenance tasks or accessing the licensed property in such a way that will obstruct public use of the right of way.
6. If the City requires the licensed property to be relocated or removed for any reason, Licensee shall perform such work and the cost of this work is the responsibility of the Licensee.

7. Licensee is responsible for the payment of any properly assessed real property or personal property taxes associated with its use and occupancy of the right-of-way in accordance with RSA 72:23, I (b), when due, failing which this license may be terminated.
8. Licensee agrees to allow any third-party to co-locate their cabling and equipment within the licensed property. Licensee shall be entitled to collect usual and customary lease fees from any such third party.
9. Licensee agrees to allow the Licensor to co-locate cabling and equipment within the licensed property and shall reserve not less than one (1) innerduct for such use. The Licensee will not be entitled to any lease fee or use charges as a result of such use by the Licensor.
10. Licensee agrees to indemnify, defend, and hold the City, its officers, officials, agents, employees, successors and assigns (collectively "City"), harmless from and against any claims, costs, losses, damages, causes of action, personal injuries, property damage (including any damage to the Premises), legal and administrative proceedings, liabilities, defenses, penalties, fines, liens, judgments, and expenses (including all costs, attorney(s)' fees and related expenses), whether at law or in equity relating to or arising from the use of the Premises by Licensee. Licensee shall hold the City harmless for any claim, demand, cost or expense arising from or related to the licensed property, including but not limited to any damage to the licensed property whether caused by the City or by any third party.
11. In any action brought by the City to enforce the terms of this License, the City shall be entitled to recover its costs, expenses, and reasonable attorney(s)' fees from Licensee. The terms stated at paragraph 9 shall survive the termination of this License.
12. Licensor may terminate this license for any reason upon ninety (90) days' prior written notice to Licensee. Licensee shall remove the licensed property and restore any disturbed areas to the satisfaction of the City within thirty (30) days of such termination.

Mayor Hansel recognized the City Attorney, who pointed out a Scribner's Error in paragraph 11, which should correctly read as: "In any action brought by the City to enforce the terms of this License, the City shall be entitled to recover its costs, expenses, and reasonable attorney(s)' fees from Licensee. The terms stated at paragraph 9 10 shall survive the termination of this License."

Councilor Bosley made a motion to carry out the intent of the report, which was duly seconded by Councilor Greenwald. The motion passed on a roll call vote with 14 Councilors present and voting in favor.

PLD REPORT – SOCIAL HOST ORDINANCE – 2ND DRAFT

A Planning, Licenses and Development Committee report read recommending that the City Manager be directed to submit the draft Social Host Ordinance as a proposed Ordinance for further consideration and discussion by the City Council. The City Clerk noted that Staff had drafted the final version of the Ordinance, for which the introduction was presented later in this meeting's agenda. Mayor Hansel filed the report as informational.

FOP REPORT – REQUEST TO PURCHASE CITY PROPERTY – CORNER NEWS – CITY ATTORNEY

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of the land at 2 Gilbo Avenue to Roberta Mastrogiovanni, owner of the Corner News, upon the following conditions: obtaining a full market appraisal to establish value; obtaining a survey to establish existing conditions and a potential boundary line adjustment for some additional real property located behind the building; obtaining a façade easement; obtaining an Air Rights Lease for the overhang onto the City's right-of-way; obtaining a first right of refusal to the City if/when the buyer intends to sell the property. Councilor Powers made a motion to carry out the intent of the report, which was duly seconded by Councilor Hooper.

The Mayor recognized Councilor Greenwald, who said this matter had been at hand since the late 1980s and he was pleased with the FOP Committee's unanimous recommendation, which he said would facilitate the owner's improvement of the building as an investment in her business and the downtown. He appreciated City Staff's support to reach this conclusion.

The motion to carry out the intent of the report passed on a roll call vote with 13 Councilors present and voting in favor. Councilor Jones voted in opposition.

FOP REPORT – WINCHESTER STREET RECONSTRUCTION PROJECT – DESIGN CHANGE ORDER – CITY ENGINEER

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a change order with McFarland Johnson for engineering and technical services associated with the Winchester Street Reconstruction Project, in an amount not to exceed \$18,971.70. Councilor Powers made a motion to carry out the intent of the report, which was duly seconded by Councilor Hooper.

Mayor Hansel recognized Councilor Jones who asked whether the Committee of stakeholders convened previously for this project was consulted on these changes. With the Mayor's permission, Councilor Powers said that to his best knowledge, the previous Committee was convened to consult in the conceptual design phases of the project and provide guidance to City Staff and consultants. Issues of sidewalks, driveways, and things of the like were not discussed in the conceptual design and that Committee is no longer active.

The motion to carry out the intent of the report passed on a roll call vote with 14 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager recognized the work of the team that put together the Land Use Development Code Ordinances that were included in this meeting's agenda for first reading – Medard Kopczynski, John Rogers, Rhett Lamb, Tom Mullins, and particularly Tara Kessler as the primary researcher and author. This project began in October of 2017 and has taken an extraordinary effort

to get to this point. Each of these individuals has juggled their other responsibilities while continuing to move this project forward. As the primary author, Tara Kessler has done an exemplary job and worked tirelessly to get us to this stage. The City Manager was grateful to each one of these individuals for all that they did to get us to this point, acknowledging how much time and effort this took.

The City Manager reported that the Parks & Recreation Department just closed the fall sports season, with a total of 150 participants between youth soccer and flag football. It was a great season. Coaches and players did an outstanding job adhering to state guidelines to help make for a successful season. The City Manager thanked Director of Parks & Recreation, Andy Bohannon, and the volunteers who made it happen.

The City Manager advertised the annual Beards for Bucks – Razorless for a Reason fundraising event for the month of October. The Police Department is raising money for the Granite State Children's Alliance to benefit the Cheshire County Child Advocacy Center here in Keene. Anyone can donate online at www.justgiving.com/team/kpd.

The City Manager reported that there might be more activity in Keene on Saturday, October 17 as Plymouth State College athletes arrive to compete in soccer, volleyball, and cross country. Attendance to the games is limited to faculty, Staff, and students who have been through the most recent KSC Covid-19 testing protocols. The City Manager wished luck to the KSC Owls.

The City Manager said there had been discussion about outdoor café/sidewalk licenses, which typically end on November 1. This year, however, the City would send an email to all license holders providing more flexibility, which will be entirely weather dependent. If we get snow, obviously the sidewalks will need to be clear of all obstructions so that we can clear the snow. However, the City Manager said we might then get another stretch of warm weather and so they will have the option of putting the tables/chairs back out temporarily. At some point it will become too cold and we will begin having heavy storms, which will make this too challenging for business owners and the City. However, in the meantime, the City Manager hoped for warm weather and no snow storms so that our businesses can extend the use of outdoor space. License owners will also be notified to contact John Bates at the Fire Department if they are interested in using outdoor heaters – before making any purchases – and Mr. Bates will work with each license holder to review manufacturer safety recommendations, fire codes, and how they apply in their space. This should be very helpful to businesses before making a purchase.

The City Manager said that former Councilor David Richards would be happy to hear this update related to our traffic lights. Staff plan to replace portions of our outdated loop systems at two locations – most likely the south side of West Street at School Street and the south side of the intersection at the Kohls plaza traffic lights – with SVS 1 video image detection systems. These systems are also known as motion or optical detection systems and have no capability to record. Their sole function is to detect traffic and control the traffic signals through the traffic control boxes located at these intersections. Other repairs are planned throughout the City in the CIP beginning in FY-23. Ultimately over several years, the plan is to update our entire signal system to a more modern system that allows automatic timing based on traffic flow and time of day.

The City Manager noted that at this meeting, the Social Host Ordinance would be sent back to the PLD Committee for review. During the PLD review, the City Manager had discussed the need for a part-time position funded jointly by the City and Keene State College to support this new program. The City Manager identified a funding source in the budget for the City's half of the position and she planned to establish the position through a temporary employment contract, which would give the City maximum flexibility while working to set-up this new program. President Treadwell and the City Manager have discussed articulating this in an addendum to the Municipal Services Agreement, which was extended one year. At that time, the addendum would be brought to the Council and the City Manager would request a vote to accept the additional funds for the College's share of this position.

The City Manager continued sharing a message from the Emergency Management Director and the Emergency Management Team, thanking residents and businesses for their continued efforts in reducing the risk of Covid-19 in the community through the wearing of masks, social distancing, and being creative in everyday activities. With Halloween rapidly approaching, a reminder was shared to plan ahead and be safe should you chose to participate in Trick-or-Treat activities. Everyone should be following NH and CDC guidance:

- Wear your mask,
- Maintain social distance,
- Wash hands before handing out treats and after handling treats,
- Trick-or-Treat with your pod,
- Consider Trick-or-Treating in your neighborhood, and
- Avoid parties and large gatherings.

The Emergency Management Team suggested thinking instead about a family spooky movie night! They wished everyone a great Halloween.

Finally, the City Manager shared good news that the day of this meeting, the Governor announced another round of Main Street Relief funding for businesses. There is a two week application turnaround deadline. Businesses that received funds in the first round of Main Street Relief funds can apply again. Staff would be working to get the word out to as many Keene businesses as possible over the next few weeks.

MORE TIME

The Mayor granted more time for the following items in Committee: Heather Servant – In Support of Lower Speed Limits on Eastern Avenue; and Colonial Theater Group, Inc. – Petition for Discontinuance R-2020-38.

MEMORANDUM – TARA KESSLER, SENIOR PLANNER – AND ORDINANCES O-2020-10: RELATING TO THE LAND DEVELOPMENT CODE AND O-2020-11: RELATING TO CHANGES TO THE DOWNTOWN ZONING DISTRICTS

A memorandum was received from Tara Kessler, Senior Planner, along with Ordinances O-2020-10 and O-2020-11. The memorandum recommended that Ordinances O-2020-10 and O-2020-11 relating to the Land Development Code and Changes to Downtown Zoning Districts, respectively,

10/15/2020

be referred to the Planning Licenses and Development (PLD) Committee, and the Joint Committee of the Planning Board and PLD for a public workshop. The memorandum was filed into the record and the Mayor referred these Ordinances to the PLD Committee and the Joint Committee of the Planning Board and PLD for a public workshop. Mayor Hansel noted that this Code of Ordinances is approximately 300 pages and therefore would not be included in those Committee's agenda packets, but could be accessed on the City website's homepage.

MEMORANDUM – CITY ATTORNEY – AND ORDINANCE O-2020-12: RELATING TO SOCIAL HOSTING

A memorandum was received from the City Attorney, along with Ordinance O-2020-12 relating to Social Hosting. The memorandum was filed and Ordinance O-2020-12 was referred to the Planning, Licenses & Development Committee.

FOP REPORT AND RESOLUTION R-2020-37: RELATING TO THE TRANSFER OF FUNDS FROM THE SOLID WASTE FUND BALANCE TO THE 2020/2021 SOLID WASTE OPERATING BUDGET FOR REPAIR OF EXISTING SCALE SYSTEM

A Finance, Organization and Personnel Committee report read recommending on a vote of 5-0 the adoption of Resolution R-2020-37. A motion by Councilor Powers to adopt Resolution R-2020-37 was duly seconded by Councilor Hooper.

The Mayor recognized Councilor Jones, who asked whether the Solid Waste Fund referred to the Closure Fund. Councilor Powers replied that it is the undesignated fund balance of the Solid Waste Fund. Because this is an Enterprise Fund, it is treated differently than governmental operating budgets. Councilor Powers said that the Closure Fund is designated for closure unless the Council decides differently.

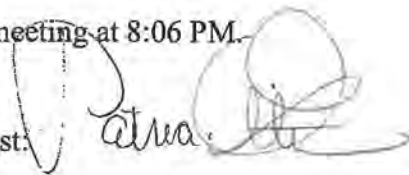
The motion to adopt Resolution R-2020-37 passed with 14 Councilors present and voting in favor.

A Finance, Organization & Personnel report read recommending on a vote of 5-0 that the City Manager be authorized to enter into a sole source agreement with Northeast Scale Company out of Auburn New Hampshire in the amount of \$49,677 for the repair of the scale. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:06 PM.

A true record, attest:



City Clerk



PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council pursuant to a Petition from the Colonial Theatre Group, Inc. a non-profit corporation with a principal place of business at 95 Main Street, to consider **Resolution R-2020-38, relative to the complete discontinuance of a portion of the Commercial Street Parking Lot.** The City Council will hear all parties interested who may attend and any evidence they may offer. The discontinuance plan is available for viewing at the City Clerk's Office.

Due to the COVID-19 State of Emergency, the City Council will be holding this public hearing remotely. Members of the public will be able to access this public hearing by navigating to Zoom.us and entering the meeting ID # 899 5359 8829. To listen via telephone, call toll free 877-853-5257 and enter the meeting ID # 899 5359 8829. When the meeting is open for public comments, callers may press *9 if interested in commenting or asking questions. The Resolution as well as background documents are available on the City of Keene website under Public Notices at <http://www.ci.keene.nh.us>.

SITE VISIT: Nov. 5, 2020 at 5:15 p.m. Commercial Street Parking Lot

PUBLIC HEARING: Nov. 5, 2020 at 7:10 pm.

PUBLIC HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this 1st day of October, 2020.

Attest:

A handwritten signature in black ink, appearing to read "Patricia", written over a horizontal line.

City Clerk



CITY OF KEENE

R-2020-38

Twenty

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Complete Discontinuance of a Portion
..... of the Commercial Street Parking Area

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

That the Keene City Council is of the opinion that there is no further need to use a portion of the Commercial Street Parking Area for the accommodation of the public and that there is occasion for the complete discontinuance of said portion of the Commercial Street Parking Area, as described in the attached Description of Complete Discontinuance, subject to the following conditions:

1. All affected property owners associated and in connection with the discontinuance agree to the discontinuance and waive their rights to any damages and sign an agreement to such; and
2. That petitioners indemnify and defend the City of Keene from any claims or damages arising from said discontinuances; and
3. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director; and
4. All expenses, including any damages associated and in connection with the discontinuance, shall be borne by the petitioner.

Mayor George S. Hansel



PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to a petition from the Keene Public Works Director that there is public necessity to take land for a public purpose, said purpose being the reconstruction of Winchester Street, between State Route 101, and the Winchester Street bridge over the Ashuelot River, including the Winchester Street/Island Street/Pearl Street intersection and replacement of the Island Street bridge, in order to improve vehicular and pedestrian safety and to allow for a more efficient flow of traffic through the corridor pursuant to the authority granted by RSA 31:92. Prior to the Public Hearing, the Keene City Council will hold a site visit at the intersection of Key Road and Winchester Street.

Despite the City Manager's reasonable efforts to negotiate the necessary purchase of their property rights, the owners of the following impacted parcels have not at present agreed to sell their property rights:

Tax Map/Block 111/026 345 Winchester Street RE Sandri TVE, LLC

Tax Map/Block 111/027 345 Winchester Street RE Sandri TVE, LLC

Tax Map/Block 111/028 333 Winchester Street Keene Retail, LLC

Should the City Council find that a public necessity exists to acquire the aforementioned property rights by condemnation for highway purposes, then the City Manager is authorized to do all things necessary to carry out eminent domain proceedings in accordance with RSA 498-A, *et seq.*, with specific reference to RSA 498-A:4-7.

Due to the COVID-19 State of Emergency, the City Council will be holding this public hearing remotely. Members of the public will be able to access this public hearing by navigating to Zoom.us and entering the meeting ID # 899 5359 8829. To listen via telephone, call toll free 877-853-5257 and enter the meeting ID # 899 5359 8829. When the meeting is open for public comments, callers may press *9 if interested in commenting or asking questions. The Ordinance as well as background documents are available on the City of Keene website under Public Notices at <http://www.ci.keene.nh.us>.

SITE VISIT: November 5, 2020 at 5:45 PM Key Road at Winchester Street

PUBLIC HEARING: November 5, 2020 at 7:00 PM

Per order of the Mayor and City Councilors, this Seventeenth day of September, Two Thousand and Twenty.

Attest: 
Patricia A. Little, City Clerk



CITY OF KEENE

R-2020-36

In the Year of Our Lord Two Thousand and Twenty

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

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

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

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

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

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

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

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

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

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

PASSED

WHEREAS, as a result of said negotiations, the City Manager has acquired, or has been informed of the property owner's intent to provide, the necessary property rights from the owners of nine (9) of the twelve impacted parcels; and

WHEREAS, the following property owners have not indicated their intent to provide the necessary property rights:

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

and;

WHEREAS, the City Manager made every reasonable effort to negotiate with the remaining property owners; however, the negotiations have not, to date, resulted in the voluntary acquisition of the property rights necessary to reconstruct Winchester Street; and

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

WHEREAS, on September 17, 2020, the Keene City Council, at its regularly scheduled meeting, received a Petition to Acquire Property by Eminent Domain for Highway Purposes; and

WHEREAS, on September 17, 2020, the Mayor scheduled a public hearing of the Keene City Council to be held on November 5, 2020, in order to hear testimony of interested parties relative to whether the Keene City Council shall exercise its authority to acquire the necessary property rights by condemnation for highway purposes, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231.

WHEREAS, the Keene City Council held a duly noticed public hearing on November 5, 2020, at the site of the proposed condemnation and at City Hall, 3 Washington Street, Keene, New Hampshire, in order to hear testimony from interested parties relative to whether there exists the necessity to acquire property rights by condemnation, if necessary, for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

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

WHEREAS, based upon the testimony received at the November 5, 2020 public hearing, the Petition to Acquire Property by Eminent Domain for Highway Purposes, and the prior and subsequent review and public discussion regarding the reconstruction of the Winchester Street, the Keene City Council has voted to find that necessity exists to acquire land by condemnation,

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

WHEREAS, based upon the testimony received at the November 5 2020 public hearing, the aforementioned Petition, and the prior and subsequent review and public discussion regarding the reconstruction of Winchester Street, the Keene City Council has also voted to find that the property rights to be so acquired, and the improvements to be constructed thereon, constitute a public use and provide a net public benefit;

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

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

In City Council September 17, 2020.

Referred the Petition and Resolution R-2020-36 to the Finance, Organization and Personnel Committee.

Site visit set for November 5, 2020 at 5:45 PM.

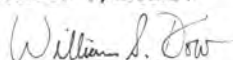
Public Hearing set for November 5, 2020 at 7:00 PM.



Assistant City Clerk

In City Council October 1, 2020.

More time grant.



Deputy City Clerk

George Hansel, Mayor



City of Keene, N.H.
Transmittal Form

October 13, 2020

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council October 15, 2020.
Tabled until the next regular meeting.

ATTACHMENTS:

Description

Background_Gakunde

BACKGROUND:

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

Library Board of Trustees

Dr. Yves Gakunde

35 Cross Street

Term to expire June 30, 2021

Yves Pacifique GAKUNDE, Ph.D.

Keene, New Hampshire, 03431, USA

EDUCATION

2013-2020: Doctoral Studies in Environmental Studies, **Antioch University New England, Keene, New Hampshire, USA.**

Dissertation Title: *The Potential Role of Payment for Ecosystem Services in Protected Area Management in Rwanda: A Case Study from Gishwati-Mukura National Park.*

2010-2012: Professional MSc in Sustainable Development and Climate Change/ Environmental Studies. **Antioch University New England, Keene, New Hampshire, USA.**

Title of the master's project:

Assessment of Hannah Grimes Center Performance: Tools & Techniques for Shifting towards Sustainable Businesses in Local Communities. **Keene, NH, USA**

2003-2007: BSc in Biology & Conservation, **University of Rwanda.**

Title of senior thesis: *Matrix and edge effect on phenology in some mountain tree Species, Nyungwe National Park* **Rwanda.**

WORK HISTORY

2020: Environmental Preferred Purchasing Program (EP3) Coordinator, Keene, **NH, USA.**

2014 - 2018 Conference Coordinator, Center for Climate Preparedness and Community Resilience, Antioch University, New England, **NH, USA.**

2016 - 2018: Organizer of TEDx Keene, **NH, USA.**

2012 - 2015: Meeting/Event Supervisor, Keene Public Library, **NH, USA.**

2012 - 2013: Customer Support, Customer Office, UNFI, Chesterfield, **NH, USA.**

2008 - 2010: Assistant Coordinator for Conservation Biology Education Project, Biology Department at the University of Rwanda.

2007 - 2008: Chief Advisor for Agriculture, Hydrology, Environment, Consultancy and Waste Management Company, (AHECMW Company) Kigali-Rwanda.

2006 - 2009: Representative for ACNR (Rwanda Association for Nature Conservation) in Southern Province/Rwanda.

2006-2007: Computer Assets Officer, Information Technology Center at the University of Rwanda.

2006: Elected Student Representative in the Faculty of Science, University of Rwanda.

AFFILIATIONS & AWARDS

2019: President Elect, Keene Elm City Rotary Club, Keene, **NH, USA**

2019: National Geographic Society Explorer

2018: Rufford Foundation Fellowship

2017: Awarded a Paul Harris Fellowship by the Keene Elm City Rotary Club, **NH USA.**

2017: Awarded a 2017 Monadnock Trendsetter by the Keene Young Professionals Network, The Business Journal of Greater Keene, Brattleboro and Peterborough and The Keene Sentinel.

2015:

- Member of the Human Rights Committee, City of Keene, **NH, USA.**
 - Member of the Scholarship Committee, ELM City Rotary Club. Keene, **NH, USA.**
 - Member of the New Hampshire Sustainable Energy Association.
 - Member of the Ecological Society of America.
-

- Founding Member of the Greater Keene Rotaract Club, Keene, NH, USA.
- 2014:**
- Member of the Keene Elm City Rotary Club. Keene, NH, USA.
 - Member of the Security and Sustainability Forum, USA.
- 2013:**
- Awarded April Employee of the Month Prize, Customer Service Department, United Natural, Food, Chesterfield, NH, USA.
 - Nominated as “Student Who Inspires Us” by the Environmental Studies Department at Antioch University New England, Keene, NH, USA.
- 2009:** Awarded Prize for best Organizer for the 6th Research Conference/ University of Rwanda.
- 2007:** Received a Good Governance Award offered by the College of Science and Technology, University of Rwanda.
- 2006:** Member of the Albertine Rift Valley Network for Educators and Conservationists (RNCEAR).

FIELD EXPERIENCE & PRESENTATIONS

2012: Commitment to Action at the Clinton Global Initiative Washington DC, USA.

2010:

- Poster presentation on “*Matrix and Edge Effects on Phenology in some mountain tree species, Nyungwe National Park, Rwanda*” at the First Students Conference on Conservation Science, American Museum of Natural History, NY, USA.
- Attended and chaired sessions in one-week workshop on “*Ranger-Based Monitoring in Virunga Massif*” Hosted by International Gorilla Conservation Program (IGCP), Goma, Democratic Republic of Congo.
- Poster presentation on “*Matrix and Edge Effects on Phenology in some mountain tree species, Nyungwe National Park, Rwanda*” at the Students Conference on Conservation Science, Cambridge University, United of Kingdom.

2009:

- Contributed to the elaboration of the Rwanda Biodiversity Policy, Workshop held in Kigali, Rwanda.
- Presented about “*Endangered Plant Species of Rwanda*” in a ten-day training on IUCN Red List organized by the Network of Botanist in Central Africa. Limbe, Cameroon.
- Received training on Water Quality Assessment hosted by the Faculty of Science at the University of Rwanda.
- Organized and participated in a Regional Workshop for Educators and Practitioners of the Albertine Rift Valley held at Makerere University, Kampala, Uganda.

2008:

- Speaker on Capacity Building at the University of Rwanda, Biology Department at the Institute for Tropical Forest Conservation, (ITFC) Kabale, Uganda.

2006-2007: Received training on Computer hardware maintenance and troubleshooting at the University of Rwanda.

LANGUAGES

Fluent: English, French, and Swahili

Native Kinyarwanda speaker



City of Keene, N.H.
Transmittal Form

October 21, 2020

TO: Mayor and Keene City Council

FROM: Charlotte Schuerman

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Charlotte Schuerman - Resignation - Heritage Commission

ATTACHMENTS:

Description

Communication_Schuerman

BACKGROUND:

Charlotte Schuerman has submitted her resignation as a member of the Heritage Commission. She has been a member since December of 2018.

Charlotte K. Schuerman
Keene, NH 03431

October 20, 2020

George S. Hansel
Mayor, City of Keene
Keene, NH 03431

Dear Mayor Hansel:

This is to inform you that I am resigning as a member of the Heritage Commission.

It has been a pleasure and honor to serve on the Commission and I much appreciate the opportunity to do so.

Sincerely,



Charlotte Schuerman

Cc:
Tara Kessler
Rose Carey

RECEIVED
CITY OF KEENE

OCT 21 2020

OFFICE OF
CITY CLERK



City of Keene, N.H.
Transmittal Form

November 3, 2020

TO: Mayor and Keene City Council

FROM: Jeremy Evans

THROUGH: Patricia A. Little City Clerk

ITEM: C.2.

SUBJECT: Keene Snoriders - Request to Use City Property - 2020/2021 Snowmobile Season

ATTACHMENTS:

Description

Communication_Keenesnoriders

BACKGROUND:

The Keene Snoriders is submitting their annual request for use of City rights-of-way to the 2020/2021 snowmobiling season.



KEENESNORIDERS
 PO BOX 1511
 KEENE NH 03431

DATE: 9/11/2020

To the Mayor and City Council:

The KeeneSnoRiders Snowmobile club is seeking renewal for permission to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street. The time frame would run from December 15TH 2020 through March 30th 2021 snow permitting.

We currently have permission from the following property owners:


Emile J. Ledger 460 Winchester Street	Tax Map: 84-02-001
Kiritsy LLC. 471 Winchester Street	Tax Map: 911-26-043
Emile Bergeron OFF Base Hill	Tax Map: 911-26-055
State of NH	Tax Map: 911

We are asking renewals of license for permission to cross the following City of Keene properties:

Access to portion of Old Gilsum Rd. approximate one mile to Gilsum town line.
 Crossing of Winchester St. at Krif Road
 Crossing of Production Avenue approximately 200 ft. South of Route 9
 Tax Map: 909-05-012 Off Route 10 by three mile reservoir
 Tax Map: 911-26-015 Off Wetmore Street
 Tax Map: 909-03-210 See Note Below

This is 50 feet of Keene property Tax Map 909-03-210000 to access onto power line from location were our trail groomer is located. We have been giving permission from Paul Gagnon from the Society for the Protection of New Hampshire Forests where he has stated that this is acceptable in regards to the easement on property. Contact him with any questions.

We are available to answer any concerns you may have.

Thank You, 

NAME: Jeremy Evans
 CLUBS POSITION: Vice President, Treasurer
 Contact: p: 603-315-7546
 e: jse6216@yahoo.com



City of Keene, N.H.
Transmittal Form

November 3, 2020

TO: Mayor and Keene City Council

FROM: The Keene Clergy Association

THROUGH: Patricia A. Little

ITEM: C.3.

SUBJECT: Keene Clergy Association - Urging Pro-Active Support of Hundred Nights' Attempts to Finding Suitable Overflow Sleeping Space for this Winter

ATTACHMENTS:

Description

Communication_Keene Clergy Association

BACKGROUND:

The Keene Clergy Association is urging the City Council proactively support Hundred Nights' immediate use of the property on Water Street with temporary shelters, or by providing a better, workable alternative.



**St. James
Episcopal Church**

October 15, 2020

To: The Honorable Mayor and City Councilors

The members of the Interfaith Clergy Association are deeply disturbed by the many roadblocks before Hundred Nights in finding suitable overflow sleeping space for this winter. They will require overflow beds beginning on November 1st. We urge the city to utilize any tool they can to expedite a solution.

Our city is responsible for safely and humanely housing our chronic and emergent homeless population, as outlined in RSA 165.1. and 1a. Hundred Nights is a strong ally in helping the city make this happen. While we have relied on our shelters to handle this challenge, the responsibility ultimately lies with the city. The inability of various stakeholders to coordinate solutions has left Hundred Nights scrambling each year to make temporary arrangements in order to insure that no-one is turned away and left out in the cold. Indeed, much of Hundred Night's energy and many resources of late have had to be used to secure additional space and to staff these separate and temporary solutions to the growing challenges that the city is facing with homelessness.

Our city has not done what is necessary to proactively support Hundred Nights in procuring as much as \$600,000 in available CARES act funding this year to improve emergency homelessness services to the city into the future. This is an extremely costly situation for everyone involved, including all city residents, but especially those who are poor and homeless. This situation needs to be addressed immediately by city leaders if there is any hope of obtaining and utilizing those much needed funds for our city.

There is a demonstrated need for at least 26 additional emergency shelter beds in Keene during the coming cold weather months. In fact, there is an increasing need for emergency shelter beds year round in Keene, witnessed by the fact that Hundred Nights now usually houses at least one family with children at all times. As you know, the UCC has provided overflow sleeping space for up to 12 people during the winter for a number of years. Last year, St. James also opened its undercroft for an additional 12-14 beds. The UCC cannot host this year due to the age of their volunteers. The St. James undercroft, having no windows and very poor air exchange, is inappropriate sleeping space during a pandemic, and the Episcopal

Diocese's short-term pandemic task force has strongly recommended that people not be allowed to sleep there.

This winter St. James will be providing expanded daytime resource space for Hundred Nights in the former Thrift Shop in the Jonathan Daniels Building, which has windows and air flow. With no sprinklers, it is not approvable for sleeping, but it will allow people to get out of the cold during the day and will provide more room to eat meals. It is just a temporary, single year band-aid since the Jonathan Daniels building is under an option to be sold. The churches can no longer fill the homelessness gap for the city, especially during a pandemic, and this leaves 26 of our Cheshire County siblings, co-workers, classmates, children and neighbors who are experiencing homelessness without a warm and dry place to sleep this winter. This will create a strain on the emergency room, police department, jail, and other social services, and also puts people's lives at risk.

Cold weather is around the corner, and Hundred Nights has worked diligently with city officials to find three viable options for overflow shelter for this winter. One rental option, on Kings Court, would have been able to safely and comfortably meet the need for overflow shelter for two seasons while Hundred Nights focuses on building the new shelter. Unfortunately, this option has received immense push-back from a block of neighbors, who promise to appeal and hold up the project indefinitely. From our point of view, this was an ideal option. Another temporary - and costly - situation on Roxbury Street has also fallen through, when the owner of that building decided at the last minute to sell to someone else.

Gratefully, the Water Street property, where Hundred Nights is planning to build an adequate new emergency shelter for the city, was approved by variance, a long awaited and very welcome development. With the other options for temporary overflow space falling apart, Hundred Nights had suggested bringing in temporary structures to Water Street, like the temporary classrooms that schools often use. These clean, safe, ventilated and neat looking structures would provide the needed 26 beds this winter. This would be a workable and important first step in allowing Hundred Nights to settle into one centralized place, instead of having to hire multiple staff people to oversee multiple, inadequate and temporary locations.

We have heard that the city has some kind of problem with temporary shelters. Perhaps the city needs to consider if they have a problem with 26 people freezing to death on our streets. Hundred Nights has hit a wall and run out of options. For many years, their board and staff have worked tirelessly to help those most deeply suffering from poverty, mental illness, addiction and homelessness in our community, and at this point have done everything they can possibly do to find needed space for the increasing need this winter. Our city must take it from here and recognize our responsibility to do so.

We therefore urge city officials and leaders to consider what can be done immediately to allow Hundred Nights to utilize the property on Water Street for which they recently were granted a

variance. We ought to be bending over backward to help Hundred Nights help us all by expediting timelines and quickly meeting regulations in order to procure the critical CARES act funding for those in dire need.

We therefore urge you as city leaders to soundly reject the recent 11th hour appeal to the Water Street and proactively help our homeless neighbors, both this winter and into the future, by supporting Hundred Nights' immediate use of the property on Water Street with temporary shelters, or by providing a better, workable alternative. Of all years, this year demands a collaborative and creative response rather than a strictly regulatory one. We are living through an unprecedented crisis and the city has the ability to address this significant hardship with prompt action. People's lives are at stake.

In faith,

The Rev. Elsa Worth, for the St. James The Keene Clergy Association



Co-signed by:

The Rev. Derek Scalia, St. James

The Rev. Cynthia Bagley, United Church of Christ in Keene

The Rev. Jenna Frost, Monadnock Covenant Church

The Rev. Brad Frost, Monadnock Covenant Church

Cynthia Cheshire, Director and Campus Minister, The Newman Center

The Rev. Michael Hall, Keene Unitarian Universalist Church



City of Keene, N.H.
Transmittal Form

November 3, 2020

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: United Church of Christ in Keene - Urging Support of Hundred Nights' Efforts to Secure
Alternative Sites for Lodging

ATTACHMENTS:

Description

Communication_Bagley

BACKGROUND:

The United Church of Christ is urging the City Council to support Hundred Nights' efforts to secure alternative sites for lodging.



THE UNITED CHURCH OF CHRIST IN KEENE
In the Heart of the City • At the Head of the Square

www.ucckeeene.org

603-352-4136

To: The Honorable Mayor and City Councilors

From: The Rev. Cynthia E. Bagley, *Sr. Minister*

Date: November 3, 2020

Re: 100 Nights and the Homeless Overflow Shelter Situation

Rev. Cynthia E. Bagley
Senior Minister

Julie White
Church Administrator

Beverly Caldon
Director of Music

Megan Butterfield
Youth Director

Diantha Dorman
Handbell Director

Victoria Giguere
Church Bookkeeper

Shana Smullen
Church Maintenance

Jason McCarthy
Custodial Assistant



Dear Friends,

As you may know, for many years, The United Church of Christ has generously provided overflow shelter space for up to 14 guests per night from 100 Nights. This has been both a demanding and joyful experience, one our many volunteers have been happy to provide to help mitigate the problem of homelessness in our City.

This year, because of the novel coronavirus, we are unable to offer this service, leaving our homeless neighbors with literally nowhere to go. I am sure you are all feeling the chill and bitter winds of the past week. Now imagine you have no option but to sleep in the cold and snow. It is unthinkable that the City, Southwest Community Services, and 100 Nights cannot work together to resolve this issue immediately.

I am aware of efforts by 100 Nights to secure alternative sites for lodging. Sadly, zoning restrictions and local resident appeals have blocked these possibilities. **I am writing to implore the Mayor and City Council to embrace the urgency of the situation and acknowledge the legal and moral responsibilities we have as a City to our residents, including "the least among us."**

It is my hope the involvement of the City Council and Mayor's Office will accelerate the resolution of this unique problem, bringing us one step closer to legal compliance and our shared compassion for the homeless in our midst.

Faithfully,

Rev. Cynthia E. Bagley

The Rev. Cynthia E. Bagley, Senior Minister





City of Keene, N.H.
Transmittal Form

November 3, 2020

TO: Mayor and Keene City Council

FROM: James Duffy, Treasurer of the Monadnock Interfaith Project

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Monadnock Interfaith Project - Encouraging the Council to Locate and Fund Adequate Shelter for Those in Need

ATTACHMENTS:

Description

Communication - Monadnock Interfaith Project

BACKGROUND:

The Monadnock Interfaith Project is encouraging the City Council to address the issue of homelessness.



Monadnock Interfaith Project

Building An Interfaith Coalition for Community Understanding and Social Justice

WWW.MIPNH.ORG

Monadnockinterfaith@gmail.com

November 3, 2020

To the Honorable Mayor George Hansel and the Keene City Council,

The Monadnock Interfaith Project (MIP) is a coalition of faith-based individuals and congregations dedicated to the advancement of community, understanding and social justice within our region. Our membership represents Buddhist, Hebrew, Roman Catholic, Unitarian Universalist, Greek Orthodox, Episcopalian, United Church of Christ, Community and Federated Churches, Humanists, Presbyterian, and Unaffiliated practices.

We are writing to you out of concern for those in our community who are facing homelessness this winter without adequate shelter. As you all may know there are 26 fewer beds available in Keene this winter due to the COVID-19 pandemic.

We are greatly concerned for those we know rely on those beds and the possibility many more will need shelter this coming winter due to pending evictions of those unable to pay their rent because of the economic disruption the pandemic has caused. We encourage you to find whatever means you can to locate and fund adequate shelter for those in need this winter. We believe it is a moral and legal, obligation to do so following RSA 165.

We also believe it is in the letter and spirit of your Comprehensive Master Plan, as the issue of Homelessness is specifically mentioned on page 114 and that the very foundation of your plan is based on what is referred to on page 37 as the three "E's of a healthy and sustainable community: Environmental quality, Economic vitality and social Equity."

Thank you for your time and effort serving all the citizens of Keene. We are confident you will address this issue with the compassion, diligence, and integrity it deserves.

Sincerely,

Monadnock Interfaith Project Guiding Council

Tom Julius, Chair

Roye Ginsberg, Vice Chair

James Duffy, Treasurer

Pamela Parrish, Secretary

Linda Cook

Len Fleischer

Charlie Gibson

Ahmed Kutty

Judy Lundahl

Nancy Newton



City of Keene, N.H.
Transmittal Form

October 22, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.1.
SUBJECT: FAA Reimbursable Agreement - Airport Director

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with the FAA to perform services required for the completion of the airport taxiway extension project.

BACKGROUND:

Airport Director David Hickling addressed the committee and stated the City was in receipt of grants in the recent past. One of those grants was to fund work needed on the navigational systems to support the instrument landing system. This work needs to be completed by FAA technicians and this agreement is for the completion of that work.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with the FAA to perform services required for the completion of the airport taxiway extension project.



City of Keene, N.H.
Transmittal Form

October 22, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.2.

SUBJECT: Wastewater Treatment Plant Power Purchase Project - EMD/Public Works Director

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Power Purchase Agreement with Revision Solar for the installation and maintenance of a solar array on the grounds of the Dillant-Hopkins Airport to provide renewable energy for the City of Keene Wastewater Treatment Plant including an option to purchase the array on or after year six of the agreement.

BACKGROUND:

City Manager Elizabeth Dragon addressed the committee first. Ms. Dragon stated that the City's Waste Water Treatment Plant (WWTP) is the largest energy user in Cheshire County. In November 2019, the City issued a Request for Proposals (RFP) for a clean renewable energy system to provide this power. The City drafted the RFP in a way that would encourage proposals for any type of clean renewable system and was not aimed at exclusively at solar projects. However, the solar proposal from revision did prove to be the most attractive option. In June 2020, the Council authorized staff move forward and negotiate a Letter of Intent (LOI) with Revision Solar.

Ms. Dragon noted legislation has been put forward many times to increase the net metering cap in New Hampshire. The hope was this increase would happen in 2019 to allow for the design of a larger system which could provide more favorable rates. Unfortunately, that didn't happen but the City decided to pursue a solar project up to the 1 megawatt metering cap which would be enough power to offset the needs of the WWTP. Without battery storage capability for this behind the meter power the City is forced to purchase and sell power back to Eversource during the times the sun isn't shining but the plant is still running.

The Manager noted, the City has a great team of staff working diligently with Revision Solar since June to craft a project that will provide modest cost savings for the WWTP and offset the facilities carbon footprint. The team included Public Works Director, Kurt Blomquist, Asst. Public Works Director/Utilities Manager, Tom Moran, Asst. Public Works Director, Duncan Watson, Community Development Director, Rhett Lamb, and City Attorney, Tom Mullins.

Staff evaluated the funding model for outright purchase and construction of the array over both 20 and 15-year bonding scenarios as well as the proposed Power Purchase Options which will allow the project to be built with minimal capital outlay by the City (similar to the city project built on Marlboro Street). A power purchase option with the potential of a buyout in year six is staff's recommendation this evening.

Since the array is being built on airport land and the airport is a separate fund, staff included in its analysis, an

approximate lease payment of \$12,500 from the WWTP to the airport each year. In addition, due to some flooding issues in this area which increased the cost of the installation, it was necessary to also include an initial investment of \$83,698 from the WWTP to the project in year one.

In the analysis, staff compared our known costs for electricity against the power purchase rate, plus the cost of electricity, the City would still need to purchase during the hours the sun isn't producing, and the difference that would be able to be sold back to the grid. Staff then added the cost of the new lease with the airport and added the initial \$83,698 investment in year one. Due to this initial cost the first year of construction will actually see an increase in expenses of \$78,344. However, starting in year 2, the City will begin to see a modest annual savings of just over \$7,000 which improves over the term of the agreement (without the inclusion of the airport lease it would obviously be much larger). Unfortunately, with the lease the City does not offset this initial expense until year seven under current conditions. This analysis doesn't include the possibility of increased electricity consumption with the potential addition of an electric sludge dryer considered in the CIP. At the end of the first 20 years, the City will have conservatively saved just under \$600,000.

Starting in year six, the City has the ability to purchase the array at a million dollars less than the original construction cost. The City will need to evaluate bonding rates and current electric usage at that time to do an analysis of purchase versus continued operation under the Power Purchase Agreement. Purchase at year 6 will provide an opportunity for greater savings and better analysis with real historical data.

The Manager stated while she would have preferred a project with no upfront costs and greater savings, this project work is beneficial. It will provide energy costs savings, it will provide the opportunity for even greater savings starting in year six, if the current electric usage increases with the addition of a sludge dryer, the cost savings become even greater. This solar project locks in electricity prices which provides cost stability for the future. This project increases resiliency by adding more locally sourced renewables to the City's overall energy portfolio.

Ms. Dragon stated, tonight the City will be looking to take the next step and request a motion from the Council to negotiate and execute a power purchase agreement with a potential buyout starting in year six.

With that the Manager turned the presentation over to Dan Weeks from Revision Solar. Ms. Dragon extended her appreciation to Revision Solar for their commitment to this project.

Mr. Dan Weeks addressed the committee next and began by providing a quick overview of the company. Revision Solar employs close to 300 employees. They have built close to 10,000 systems across New England since it was founded in 2003. Filtrine Manufacturing and Badger Company are two most recent projects. He also noted to the municipal project on Marlboro Street and noted to statistics since 2018 and noted the City is in target to meet the goals.

Mr. Weeks noted, in the RFP the City asked Revision to look at a few different locations. The one to the north of the runway would be a 3.2 megawatt system which is not viable given the 1 megawatt restriction. However, the one to the south at 1.3 megawatt would work for the WWTP. What is being proposed is a 1.36 megawatt solar array directly north of the plant. Floodplain designation has been completed by a consultant.

Mr. Weeks explained a WWTP will have a fairly steady load and added solar does peak during the summer months and during those times when it does not coincide with the plant, at those times power will be net metered and sold to Eversource and in real time electrons will flow to the airport hangar and to neighboring streets to help businesses in the area. During nights and rainy days the plant will continue to purchase power from the grid.

Mr. Weeks noted to a historic monthly load comparison and applauded the City for the number of efficiencies put in place at the plant. As indicated by the Manager, the addition of the dryer will add an estimated 900,000

kw hours of load (60% additional load) which he noted will help with energy value and would offset the full retail cost of the electricity that will eliminate the necessity to sell the excess power to the grid.

Mr. Weeks then talked about the financial impact. The reason for the Power Purchase Agreement (PPA) Structure is because the existing solar codes incentives are directed through tax codes. However, because of investors and families right in Keene who have the tax liability, they helped with the Marlboro Street project and will be used again for this project. Because of this, the City will be able to five years later, reduce the buyout price from 2.6 million to 1.6 million in year six and during these first five years the City commits to buying power generated by the array. It is then the City's choice in year six to buy it out (based on bond market at that time). Using the PPA, the City will purchase power generated by the array, use a portion of it and sell a portion of it back to the utility and realize some capacity reduction revenue as well. When you put this all together, \$670,000 would be the approximate savings in year one, which will increase moving forward.

If the City was the have Revision Solar provide services for the full 25 year warranty period and the full 40 year life span (degradation is built-in) the projected savings will be close to 3 million over 25 years – if the buyout option is used. If it is carried out to the full 40 years it is about 8 million in savings. The average unit cost will be 14.7 cents through the PPA it could be less. This concluded Mr. Weeks' presentation. Mr. Weeks added Revision Solar is always open to apprenticeship programs.

Councilor Clark asked whether the foot print would be grass that is going to require maintenance. Mr. Weeks stated they have always planted pollinator habitats in areas they have served but have not got into those details with this site yet.

Councilor Hooper asked how this proposal would work with the plan by the FAA to construct a fence around the airport to keep wild animals out of the runway. The Manager stated this project will have no effect on the fence project as that is further out.

Mr. Peter Hansel Vice-Chair of the Energy and Climate Committee and Chair of the Community Power Committee stated he was addressing the committee as a private citizen. Mr. Hansel stated our climate cannot wait for a better time for a project such as this. He encouraged the City to move forward with this project.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Power Purchase Agreement with Revision Solar for the installation and maintenance of a solar array on the grounds of the Dillant-Hopkins Airport to provide renewable energy for the City of Keene Wastewater Treatment Plant including an option to purchase the array on or after year six of the agreement.



City of Keene, N.H.
Transmittal Form

October 22, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.3.
SUBJECT: Presentation - Cheshire TV - Annual Report

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting the presentation from Cheshire TV as informational.

BACKGROUND:

City Manager Elizabeth Dragon addressed the committee first. Ms. Dragon stated she had reviewed the annual report but have not had the opportunity to discuss this with Jodi Turner of Cheshire TV and will follow up with her soon.

Councilor Clark asked when this budget was approved by the Board.

Jodi Turner Cheshire TV Board Chair indicated the budget has not been approved as of yet. She indicated they were waiting for their audit statement which they have just received and the budget will be brought to the Board in November. She noted the annual report is a draft and found out this afternoon that there will be an increase to their lease and heating payments.

Ms. Turner then went over the history of Cheshire TV. In 2004, a decision regarding a PEG Channel was made by the City and Cheshire TV started its operation in 2005. At that time Lee Perkins was the Executive Director. When it was decided in 2014 that Lee Perkins will be leaving, it was decided that Mark Nelson, Dave Kirkpatrick, and Rick Blood will have authority on specific topics and tasks and Mark Nelson would be considered the Executive Director. In 2014, Lee Perkins was given camera set up in lieu of payment for being a consultant for one year.

In 2015, the Board approved a payment of \$5,000 for Mr. Perkins to act as a consultant for one more year and it was the understanding that this was the last of Mr. Perkins' involvement with Cheshire TV.

As of 2019, Cheshire TV office was moved from the library to the 2nd floor of the Masonic Building.

Ms. Turner explained her interest with Cheshire TV. She was interviewed by Tracy Perkins 13 years ago and in 2008 she started producing her own shows. In 2019, she was asked to join the Board and within two months Mark Nelson had offered his resignation and there seemed to be a lot of turmoil going on at Cheshire TV at that time.

In 2020, Tom Cook, longtime board member was taken ill and he was not replaced. In May after he resigned

Tom Traverse replaced Tom Cook as the Board Chair at the July 7 meeting and at the July 14 meeting Jodi Turner was placed as Board Chair and Tom Traverse the Executive Director. At the July 7 meeting Mark Nelson's resignation was accepted and Dave Kirkpatrick's employment was terminated with Cheshire TV.

Ms. Turner went on to say when she was appointed as Chair and in reviewing some documents it was noticed Lee Perkins was still being copied on emails. His name at that time was taken off the list and this is when there have been some issues that have arisen.

Ms. Turner went on to say it seems like a lot of decisions that have happened in the past is affecting what is happening today. She indicated the Board is completing their day to day tasks and are meeting all regulations. She indicated she is aware of complaints made to the City which she stated she was happy to address. She felt this is the time for a change at Cheshire TV. It is a place where citizens can express free speech through access to cable television. They encourage local programming while maintaining a friendly and creative environment. They are doing much of this now but felt they can do a much better job.

Cheshire TV is supposed to offer training, access to production resources, and offer broadcast opportunities for citizens. Residents and institutions within Keene and Swanzy are encouraged to use these resources. Cheshire TV plans to continue to work with students in the local area and this is an area Ms. Turner stated she will like to see expanded. As the school year begins they would like to present the two \$500 scholarships they have available.

The plan for the future is to staff operations with dedicated people who see success for Cheshire TV.

She noted the rent increase is something that is still within their means; the operating budget will be updated based on this increase and increase to heating cost, which will increase their budget by about \$15,500. Ms. Turner noted they also have a capital expenditure budget which is used to purchase equipment and a networking system has not been set up in the office which has been an issue for staff for a long time. Some smaller computers have also been purchased.

Ms. Turner stated she would like to see more transparency from the Board in the future and staff be well educated and a much better team atmosphere. She noted that they have hired on an HR firm who is helping with staff hiring, looking at needs for the Director and updates to the employee handbook.

Ms. Dragon stated Ms. Turner has been very responsive to the City with their questions. She noted the agreement the City has with Cheshire TV is for contract service and section 11 says they are an independent contractor as a result, the City has no oversight of Cheshire TV's personnel or day to day operations. There is an agreement regarding what the City can expect for the money that is provided. She noted Cheshire TV should be holding a 5% contingency fund which she noted she did not see separated in their financial statements. The Manager also questioned what their capital reserve was. The Manager noted last year there was a requirement to cover Planning Board and Zoning Board sessions and indicated she was under the impression these sessions were being covered but it was not indicated in the report. She also asked for the name of their auditor. Ms. Turner stated the auditor was Russ and Company from Swanzy.

Councilor Clark thanked Ms. Turner for her presentation and noted he is more concerned about what is going to happen in the future and how Cheshire TV serves city functions. He asked whether Cheshire TV has upgraded Nexis for the two channels. Ms. Turner stated the Nexis contract was never sent out. It has now been sent out and will be in, in the next 4 to 6 weeks.

Councilor Clark asked about the upgrades that were outlined in the budget for last year. Ms. Turner stated she was not aware of this and felt this is something that should have happened a long time ago. She indicated this is now being done and is a line item that needs to be increased. The Councilor urged Ms. Turner to look at where this money is, the money that was allocated for upgrades.

Ms. Dragon updated Ms. Turner with what the City has done recently to Council Chambers; upgrade to PA system and cameras have been changed.

Councilor Hooper stated he was recently appointed by the Mayor to represent the City on the Cheshire TV Board. He commended Ms. Turner's commitment and agreed with Councilor Clark that we should be looking to the future.

Councilor Clark clarified the City will be able to see a copy of the audit report and a copy of the budget before the next quarter. Ms. Turner stated the City should have a copy of these documents after November 10, the date of the next Board meeting.

Asst. City Manager/IT Director Rebecca Landry addressed the committee and noted the City has had to embrace new video technology during the last six months and asked how this would affect Cheshire TV going forward. Ms. Turner stated this is something that is important to them – Cheshire TV is a lot different now with much more modern technology. She noted they have a very young staff who are more fluent with this technology. She indicated they have a plan to move forward.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting presentation by Chairman of the Cheshire TV Board Jodi Turner as informational.



City of Keene, N.H.
Transmittal Form

October 22, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.4.

SUBJECT: Tad Schrantz/Colonial Theatre Group - Requesting a Transfer of Land

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute the transfer of land within the Commercial Parking Area to the Colonial Theater Group to support the Colonial Theater Renovation/Addition Project.

BACKGROUND:

Alec Doyle Executive Director of the Colonial Theater began the presentation. Mr. Doyle stated there are three elements to this project. A new venue (nearing completion), the front of house and rear of house. He stated today's focus is the stage house, the most important component of this project – everything that happens on stage needs to be supported by this space. He indicated this space was constructed in 1924 with technology from the late 1800's but the size of the space the technology cannot support touring productions currently. This requires the space to be expanded and technology needs to be updated.

Tad Schrantz of the Colonial Theater Board addressed the committee next. Mr. Schrantz stated in an attempt to accomplish what Mr. Doyle just explained the design has taken them to the property line – exterior facing of the building. He noted this is permitted in the central business district but the challenge they are facing is the foundations underground has to extend outside that line. In order to do that they are asking the City to transfer land below ground. Mr. Schrantz indicated this is about 375 square feet of land on the western side and the northern side of the property.

Public Works Director Kurt Blomquist was the next to address the committee. Mr. Blomquist clarified in the central business district construction is permitted up to the property line. He noted the applicant would also have to work with the private property owners on the opposite side to obtain their approval. He added the City's portion faces the Commercial Street parking lot and the space being requested is fairly diminimus but noted the City will be retaining the right of way easement on top of the land after construction is complete. He noted the applicant will need to complete a formal survey as well as a boundary line adjustment approved by the Planning Board.

Mr. Blomquist stated based on the issue the applicant is facing the purchase price of a dollar being proposed by the applicant is appropriate taking into consideration the expense the applicant will be facing to complete the other work.

Mr. Blomquist noted the transfer will require review by the City Manager and City Attorney and will be conditioned on receiving similar approval from property owners to the south.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute the transfer of land within the Commercial Parking Area to the Colonial Theater Group to support the Colonial Theater Renovation/Addition Project.



City of Keene, N.H.
Transmittal Form

October 21, 2020

TO: Mayor and Keene City Council
FROM: Municipal Services, Facilities and Infrastructure Committee
ITEM: D.5.
SUBJECT: Lower Speed Limits on Eastern Avenue – Police Department

RECOMMENDATION:

On 5-0 roll call vote, the Municipal Services, Facilities and Infrastructure Committee recommend to full Council the reduction of speed from 30mph to 25mph on Eastern Avenue and that other calming issues there be handled administratively for report back to this Committee at an appropriate time.

BACKGROUND:

Chair Manwaring welcomed Police Chief, Steve Russo, to provide data collected recently on Eastern Avenue using the City's radar trailers left unflashing.

Chief Russo compared the traffic results of the 9/30 to 8/6/2020 to 6/30 to 7/8/2016. There were 10,000 cars in 2016 and 9,013 in 2020. The average speed of motorists in 2016 was 29.53 mph and in 2020, 27.65. In 2020 the 85th percentile speed was 32.75mph but speeds up to 53 mph were noted. In 2016, the 85th percentile speed was 29.53 mph. The Chief stated that the 85th percentile speed indicates that most motorists are traveling at a speed that is “safe and reasonable under the conditions on that road.”

Councilor Filiault assumed that traffic was down compared to 2016 due to people working from home during Covid-19. He hoped that Covid-19 would take a backseat in 2021 and then traffic might return. He thought there was an opportunity now to reduce the speed limit as occurred for Stonehouse Drive, while traffic is low. He thought that Councilors and Staff could debate the issue but thought it worth reducing the speed by 5mph to potentially save a life. Chief Russo stated that he was not taking a side but noted that if the speed is lower and traffic increases again on this arterial street he is concerned that speeds will not decrease in-kind, but rather there would be more speed complaints because the limit is lower and can provide a false sense of security.

Vice Chair Giacomo wondered if there is a correlation between lower traffic and higher speeds. He questioned the downsides of lowering the speed limit. Chief Russo said that posted speed limits give the public an expectation that police can maintain people at that speed. He added that in the six hours of directed police patrols since the last meeting, there were only three stops and one was unrelated to speeding. He could not state an overarching downside. Chief Russo did say, however, that lowering the speed limit on this connector street could impact truck traffic. He added that the radar signs are now flashing speed at drivers again on Eastern Avenue. From an engineering perspective, the Public Works Director said that a challenge is putting up signs that are ineffective and provide the public with a false sense of security of a condition that does not exist. He said reliance on data is important to understand reality versus perception.

Councilor Filiault said that the Police cannot be expected to enforce all roads at all times. Still, he thinks

lowering the speed limit reminds drivers of their personal responsibility, which he said neighbors experienced on Stonehouse Drive. He had not heard any downsides to lowering the speed limit, which could save lives. He still planned to make a motion to lower the speed unless he heard a real argument otherwise for this congested neighborhood.

There were no public comments.

Chair Manwaring recalled suggestions at the last meeting to visually narrow the roadway, like white lines. The Public Works Director said the white outer line painting is already planned for spring 2021, especially along the west side to better delineate the street and sidewalk; he did not think a motion was needed since already planned.

Councilor Williams thought the white lines would improve the situation. He added that citizens asked Council to lower the speed and he thought the Council should oblige. He theorized that a few years from now there would be more people on electric bikes and scooters, which travel 20mph at most, sharing roads like Eastern Avenue with potentially dangerous vehicles going much faster; he said the lower the speed differential between the two the better.

Vice Chair Giacomo agreed that the citizens of Eastern Avenue requested a lower speed limit and the Council should move ahead complying.

Chief Russo reminded everyone that there are statutory requirements before speeds can be lowered. It is possible in this instance because data showed speeds up 3mph since the last study. Still, he cautioned moving forward thinking lower speed limits can be authorized solely on merit of citizen request.

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

On 5-0 roll call vote, the Municipal Services, Facilities and Infrastructure Committee recommend to full Council the reduction of speed from 30mph to 25mph on Eastern Avenue and that other calming issues there be handled administratively for report back to this Committee at an appropriate time.



City of Keene, N.H.
Transmittal Form

November 4, 2020

TO: Mayor and Keene City Council

FROM: Natalie Darcy, Human Services Manager

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: F.1.

SUBJECT: Acceptance of Donations - Holiday Sponsorship Program

RECOMMENDATION:

Move that the City Council recommend the City Manager be authorized to accept donations associated with the City's 2020 Holiday Sponsorship Program.

BACKGROUND:

Annually, the Division of Human Services contacts sponsors who will provide gifts and holiday items for families and/or older adults. The sponsored individuals are clients who have received assistance from Human Services within the past year. Families who have special needs and persons who have been struggling to make ends meet are considered for sponsorship. Human Services understands the concerns with COVID-19 and has been planning a revised version of the program to allow for safety of clients, staff and sponsors. Plans include collecting unwrapped gift items and gift cards. Staff will schedule curbside drop-off and pick-up to all for social distancing and everyone will be required to wear a mask.

Human Services staff appreciates the support of the Council for this annual project that provides happy holidays for those we serve. Families are so appreciative and humbled by the generosity of the community.



City of Keene, N.H.
Transmittal Form

October 21, 2020

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.1.

SUBJECT: Katie Schwerin – Proposal for Permanent Public Art Installation – Airport Property

RECOMMENDATION:

On 5-0 roll call vote, the Municipal Services, Facilities and Infrastructure Committee recommend to put the Proposal for Permanent Art Installation on more time one additional cycle for review.

BACKGROUND:

Chair Manwaring welcomed Katie Schwerin of Gilsum. Ms. Schwerin recalled presenting before this Committee in 2019, with artist Adam Schepker, to propose installation of his sculpture on airport property. Ms. Schwerin recalled that this sculpture and others were proposed originally to accompany the labyrinth art installation, also on airport property. In 2019, Mr. Schepker worked with former Airport Director, Jack Wozmak, to source scrap metal from former runway light plates to create the sculpture under discussion, for which dimensions, etc. were in the plans provided to the Committee. Ms. Schwerin said that after consulting with other local artists, the sculpture seemed more appropriately located at the Airport itself. Thus in consultation with the Airport Director, David Hickling, and the Director of Parks, Recreation & Facilities, Andy Bohannon, a logical site was found across from the terminal entrance and near to the sign for the trail that leads to the labyrinth. In further discussions with the Public Works Director, Kurt Blomquist, it was determined that the sculpture would need only a simple one-foot thick concrete slab foundation that would be mostly below-ground, filled with a rebar lattice for strength, and set on a few inches of gravel. Ms. Schwerin presented in her proposal a letter signed by the artist and answering the other questions City Staff indicated. She added that Friends of Public Art fundraised this summer to pay the artist and they also arranged the insurance quote. The sculpture would be donated to the City by the artist. Chair Manwaring waited to hear comments from the Friends of Public Art representative until she had heard from City Staff.

Chair Manwaring welcomed the Director of Parks, Recreation & Facilities, Andy Bohannon. Mr. Bohannon said that Ms. Schwerin had brought forward another great project, after having proposed the first art installation (the labyrinth) approved through the Public Art Resolution review process. He recalled presenting before this Committee on October 7, reporting out that this project was delayed until spring 2021, and he apologized for that miscommunication having forgotten there were two different sculptures proposed originally, only one of which was delayed until spring. Mr. Bohannon recommended unfortunately accepting this proposal as informational for one meeting cycle to provide Staff adequate time to ensure the art and proposal meet all of the Resolution criteria set forward, which he said is essential for every proposal.

Chair Manwaring recognized Georgia Cassimatis of Acworth, NH, who represented Friends of Public Art. Ms. Cassimatis said that Ms. Schwerin had already provided documents proposing this sculpture to accompany the labyrinth when it was proposed. Ms. Cassimatis said she was unaware and did not understand the City's process and due diligence to accept a piece of art, stating her misunderstanding that this meeting was

the second-to-last step before passing the proposal to Council. Chair Manwaring clarified that if placed on more time at this meeting then there would be one more session with this Committee before proceeding to Council. Ms. Cassimatis questioned what the Committee would need to approve the proposal today.

Councilor Filiault had no concerns voting to approve at this meeting if the majority of the Committee agreed. It did not seem to him that the proposal had changed since last presented to Committee and he thought there was sufficient time for Staff to identify any glitches and intervene during the week preceding the Council vote. The City Manager, Elizabeth Dragon, stated her only concern that Staff did not receive this written request until the day before this meeting, that it was not on the original agenda, and so there was insufficient time to review the submission. Chair Manwaring agreed she had not time yet to identify fine details within the proposal for things such as insurance, and so she understood Staff's perspective. Ms. Schwerin said that she submitted the proposal on the Friday before this meeting (October 16) because that is the timeframe she understood, she was unsure why Staff did not receive the information until the day before the meeting (October 20), and so she was unsure what else she was to have done. While they might lose their window to accomplish the installation this fall, she wanted everyone to be comfortable moving forward.

Vice Chair Giacomo said that while he had no problem moving quickly from the perspective of the art itself, having seen most aspects of the Public Art Resolution addressed in the proposal. He thought that hesitancy lied in one year having passed since the labyrinth and then undetermined associated sculptures were proposed originally. Therefore, regardless of where the fault in communication was on the timing of submission, he thought there was simply insufficient time for all parties to do their due diligence. The Vice Chair asked whether delaying the proposal until mid-November, as delaying this one cycle would do, would impact the proposal. Ms. Cassimatis said yes because it would be too cold for the concrete foundation to solidify. She continued asking that if this proposal was pushed to spring, what the applicants can do now to gather all information needed to ensure neither they nor Council are blindsided again. The City Manager said that a proposal is given typically to Staff for review before it proceeds to this Committee but a glitch in this instance caused the matter to be placed on the agenda without materials being distributed to Staff. Because Ms. Schwerin has worked with Mr. Bohannon since her first art proposal, the City Manager advised her to continue bringing proposals to him for vetting before proceeding to Committee. Vice Chair Giacomo was hesitant placing this on more time knowing it would physically delay the project not just three weeks but rather six months; he wanted to hear from Committee members on what could be done within the confines of this meeting.

Chair Manwaring requested comments from the Public Works Director, Kürt Blomquist, who recalled working with Ms. Cassimatis, Mr. Bohannon, and others to develop this Public Art Resolution. Mr. Blomquist said the purpose of the policy is to ultimately ensure the Council and Staff follow a standard process. There was insufficient time between receiving this proposal and this meeting for Staff to ensure that due diligence, which is why more time was requested.

Chair Manwaring recognized Councilor Terry Clark, who thought the Committee should make a decision and vote at this meeting, which he said would leave Staff sufficient time before the subsequent week's Council meeting to vet the proposal; if Staff identified problems in the next week, they could notify Council to refer the matter back to this Committee. He questioned why not to review the project on merits at this meeting and vote. He appreciated the City Manager counseling the applicant to speak with Mr. Bohannon in advance next time, but Councilor Clark thought this was a special case.

Ms. Cassimatis thanked Councilor Clark for his support and she hoped to start discussions about the proposal at this meeting given that she and Ms. Schwerin made time. Ms. Cassimatis continued that she was unsure what steps she missed this time as she was under the impression that Mr. Bohannon already had the proposal and so she wondered why it was not provided to this Committee. She continued stating that the draft contract with the City was included in the proposal and based on the City Manager's comments, Ms. Cassimatis asked if Mr. Bohannon is the Staff liaison to this Committee and so proposals should be submitted to him first. The City Manager said that Staff typically help applicants to ensure applications are complete before they are presented

to Committee. Chair Manwaring agreed and clarified that requests such as these are typically first read at a City Council meeting, at which time the Mayor would refer the communication to this Committee or another the week (or two) after that Council meeting. Staff and the Committee would review the application before that subsequent Committee meeting. Thus, this application would need to have been received by Friday, October 9, to be read to Council at their October 15 meeting and properly referred to this Committee meeting; however, the City Clerk received this proposal on October 16, the day after the Council meeting, and it was sent directly to Committee through some miscommunication. Ms. Schwerin understood that her speaking before this Committee once before for the related labyrinth project did not mean she did not need to do so every time.

Councilor Filiault said the more he heard that, with all due apologies, he thought it best to follow the process and allow the City Manager and this Committee sufficient time to review the proposal. He hoped that November would be mild.

Councilor Williams questioned what long-term maintenance the sculpture would require and who would be responsible. The Chair thought those details were part of what remained for review. Ms. Schwerin said the City would own the art and therefore be responsible for maintenance, per the Public Art Resolution. She could solicit more information from the artist about the metals used and how they are treated regarding corrosive possibilities. Vice Chair Giacomo said he had compared quickly the Resolution checklist to the application and agreed that one question he felt missing on first glance was regarding durability and specifically the potential for leakage between the metal plates. Councilor Williams agreed his primary maintenance concern was corrosive potential between contrasting metals used. The Vice Chair heard the Committee leaning toward accepting the proposal as informational for one more Committee cycle.

Ms. Cassimatis said the City established a standard practice that is used across cities nationally to take ownership of art. She added that there are sufficient contracts available online to demonstrate how that transfer of ownership, and therefore maintenance responsibility, occurs. She continued that per the Public Arts Resolution, the Public Works Director suggested that the applicants propose donating the maintenance cost, which is calculated as 1% of the art's worth. In this instance, the art is valued at \$3,400 and so Friends of Public Art proposed to donate that \$34 maintenance fee. She recalled that in taking ownership of the art, the City can make money from its use, and the City can also choose what happens to the art if/when it is damaged. Ms. Cassimatis hoped that if Staff or Councilors identified overwhelming questions that they be forwarded to allow the applicant's response in a timely manner.

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

On 5-0 roll call vote, the Municipal Services, Facilities and Infrastructure Committee recommend to put the Proposal for Permanent Art Installation on more time one additional cycle for review.

The City Attorney, Thomas Mullins, noted that because October is a five-week month, one Committee cycle is actually four weeks, and so the matter would return to this Committee next on November 10 and then to Council for a possible final vote on November 19.



City of Keene, N.H.
Transmittal Form

October 21, 2020

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: J.1.
SUBJECT: Relating to Social Hosting

RECOMMENDATION:

By a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2020-12 to take effect December 31, 2020.

ATTACHMENTS:

Description

Ordinance O-2020-12

BACKGROUND:

Chair Bosley asked to hear from the City Attorney. City Attorney Thomas Mullins stated that except for a couple of minor scrivener errors, like the removal of “written warning” from Paragraph 66-159, this is essentially the proposed draft that the PLD Committee considered at its previous meeting, at which time the recommendation to the City Council was for staff to put the language in ordinance format with an ordinance number, which is what they have in front of them tonight. He continued that other than that, there have not been any changes made. He is glad to answer any questions.

Chair Bosley asked if anyone had any questions. Councilor Jones stated that he has a question for the City Manager – he will not rehash everything he has talked about, and he has faith in her for hiring a person for this job. He asked if there will be an opportunity for the City Council to review the work this person is doing. He assumes that will be next year when the municipal services contract is being reviewed and renewed.

City Manager Elizabeth Dragon replied that she proposes an amendment to the municipal services contract, coming to the Finance, Organization, and Personnel (FOP) Committee likely in the next cycle. She continued that that amendment would articulate the 50/50 split of the position and have the job description attached. The job description is what she shared with this committee last time; they have not made any changes to it. Melinda Treadwell, President of Keene State College (KSC), has reviewed and agreed to it and to a 50/50 split. It is a 20 hours per week position and for the remainder of this year it would be about \$7,500 each. Councilor Jones asked when the City Council would be able to review what is being done, once the person has been there a while. He asked if that is part of the contract when it comes up for renewal in a year. The City Manager replied yes, it would have to be part of the conversation when they go to renew or amend that contract in the next year.

Chair Bosley stated that this is the first time that she has, as a City Councilor, been in the position of considering an ordinance with a position attached to it. She asked the City Manager if she could clarify how this comes back – does it come back to the PLD or FOP Committee? Would they be able to quantify what

this person is doing? This is an ordinance they assume will have all these implications, maybe in the first year, but what if in the second year they have, say, three complaints? Once this is approved, how does that part get managed?

The City Manager replied that it goes to the FOP Committee. She continued that right now it will go as a request for an amendment to the municipal services contract with an attached job description. Then the following year when they have the conversation about renewing the municipal services agreement they will be looking at that job description. They do talk about the fact that they do not know exactly what the demand will be. They do know that it is about more than just the college. This is a city-wide ordinance. They are also looking to address noise ordinances, not just social host complaints. Hopefully they can prevent it from becoming a Social Host Ordinance violation if they can address some of the noise ordinances earlier. When they come back to do that renewal they will have a better understanding of the demand and the need. She had a conversation with President Treadwell about the potential changes at her organization and how the City and College might be able to better align in the following contract, but they simply do not have the time to do that right now. One concern she [the City Manager] has is putting the Ordinance in place without some sort of support behind it. She and President Treadwell are having the bigger conversation about the positions the College has that are reaching out to the community and how that relates to the ones that the City has. There may be a way for them to look at that more holistically, and maybe that is a change to the [new position's] job description in the following year.

The City Manager stated that she has a question for the City Attorney, regarding the effective date for this ordinance. She continued that the College has an extended break this year and is planning on returning January 25. They were looking to have this ordinance be effective at the end of this calendar year to allow them time to get things in place and have things in place before the return of the college in January. The City Attorney replied that language about the effective date, which is suggested to be December 31, would be part of the motion that would go to the City Council.

Councilor Workman stated that she wants to commend City staff for drafting this ordinance. She continued that it took very little back and forth for edits and revisions. They got something done pretty quickly, and she thanks them for their work and efforts, and President Treadwell and Chief Russo, too.

Chair Bosley asked if there were questions from members of the public.

Tim Zinn, of 43 Grove St., stated that he thanks everyone for working diligently on this ordinance and thanks his neighbors, with whom he has been working on this for over two years. He continued that there are varying opinions even amongst the neighborhood group about what is most important to them each individually and overall, so he does not want to distract from moving forward with this, but there are two people in the neighborhood group who have concerns about the \$300 initial fine and the possibility that people could skirt that by coming to the door (when the Officer arrives) one at a time on each occurrence and delay the progressive nature of the ordinance. He does not have all the answers, but they just want to make the point that potentially that is a loophole for people who want to delay the escalation of the progressive nature of the fines. It hinges on how many tenants are there. The extreme example is if there are eight tenants in one apartment, they could potentially delay it eight times and have eight \$300 fines. Ideally he and the other person in the neighborhood group would like to see wording that, if possible, ties the residence and the tenants together, so it holds the residence and the tenants who live there responsible for the first offense, and then escalates to a second offense regardless of who might host/take responsibility for a party a month from then. They want the foundation of the ordinance to have as few loopholes as possible so they can have some real relief. He knows there is concern that if it is a married couple, for instance, they are not going to fine the husband and wife \$300 each, but maybe there could be language about "unrelated tenants within the same household." They encourage Staff to have a conversation about this with the former Police Chief in San Marcos, Texas, who knows the nitty gritty. He thinks Chief Russo spoke with her, but it might be worth another conversation, to hear what happens in these situations when an Officer arrives and there are tenants who are playing this game.

Mr. Zinn continued that he and the neighborhood group encourage the City to, if possible, button up any potential loopholes. He continued that other than that, they are really happy with the progress and appreciate it. He and his neighbor Andy Oram are the two who have concerns about this but they do not want to hold this up. They understand that COVID-19 makes passing this more urgent than anyone had anticipated.

Chair Bosley stated that she wants to place her faith in the Officers coming to the home. She continued that if it is the same Officer coming to a repeat party they would have the understanding that they had already been there and hopefully be looking for the original culprit and that person would have a consecutive fine if it was during the same night. She asked if Police Chief Steve Russo is able to speak to his perspective on this.

Chief Russo stated that there is not a reason to have another conversation with the people in Texas. He continued that their laws are significantly different and their community is different. If they want to go through changing the wording of this ordinance and what people can and cannot do, and the legalities of how many people the KPD can hold responsible, this process will drag out for quite some time, in his opinion. This is an ordinance that people can agree on. There could be a way around any ordinance or statute that deals with quality of life calls for service, and they will never solve all of them. [The changes Mr. Zinn is asking for] would complicate this very heavily.

Chair Bosley asked if the City Attorney had anything to add. The City Attorney stated that regarding the drafting, there were two choices the committee had: to tag the property or to tag the individual. He continued that the reason for tagging the individual is that would be the person in front of the fact-finder or judge. You really have to have an individual who is responsible. He cannot argue with Mr. Zinn, to the extent that if the Officer shows up and the original person is not there potentially the next person would get a \$300 fine. That is a possibility. But given the financial situation of college students, he suspects that once this is implemented and the fines start going out, there will be some change in behavior and some reluctance of individuals who are at these house parties to be tagged with the fine.

Chair Bosley stated that she agrees.

Councilor Johnsen stated that she received an email today, which she forwarded to the City Attorney and the Mayor, and she is trying to forward it to the other Councilors. She continued that it is from a former Police Officer who was working in this kind of position. He has quite a bit to say. He read about the proposed Social Host Ordinance in the paper. He said that it will not work if you have that fine for the host. There might be four or five people and they might just plan ahead and chip in money to pay the \$300 fine. The email is from Mr. Stewart. It is a long email and he says "I was the Keene State College Liaison Officer. I was tasked with responding to and handling large parties hosted by KSC students on a weekly basis. I have not read the entire ordinance but the information that was in the Keene Sentinel was concerning. The article stated specifying that penalties would be issued to only one host in the case that there are multiple people on the lease or multiple owners of a single house." She continued that he goes on to say "This will not work and here is why," and goes into a long discourse. He says that what they had to do, because it did not work, is utilize the state statute on Disorderly Conduct, RSA 644:2 and that was a violation level offered which earned no jail time, just a fine. He said that at that time it was far less restrictive and they found great success in utilizing that statute. She forwarded the email to all PLD Committee members tonight except for Councilor Jones because she does not have his exact email address. She felt this was quite legit, unless Chief Russo knows Mr. Stewart and what he is talking about, and she thought it important to bring in tonight.

Chair Bosley stated that she wants to point out something that she thinks was not pointed out in the letter - part of what the City is trying to do here is work in tandem with the College. There will be a City portion where the individual will have a responsibility to the City to pay this fine, but this new position that will be shared with the College will be working directly with the College. Their intention is to hold these off-campus students to the standard that on-campus students are held to and there would potentially be additional penalties for behaviors

that could result in maybe suspension; she is not aware of exactly what their regulations are, without President Treadwell here to describe exactly what the process is. But she believes that is the piece that will tie this back together. The City can only do so much. There has to be accountability on the College side. Their willingness to come to the table has shown that they are willing to do their part.

Chair Bosley asked the City Manager if that sounds like her understanding as well. The City Manager replied yes, President Treadwell has worked to address off-campus behavior through her Judicial Conduct process. One of the things the City is looking to do is report back these incidents to the College so they can be held accountable at the college level as well. Chair Bosley replied yes, hopefully that gives some added pressure as well.

Councilor Jones stated that he has a question for Mr. Lamb. He continued that this originally came out of a subcommittee of the City/College Commission (CCC) and they asked the authors to send it to the City Council themselves and not do it through the CCC. Once the CCC reconvenes this would be good to put on their agenda and have a presentation, since they were the first ones to hear about it.

Mr. Lamb replied yes, but at the moment that committee is not active because the membership from the College has been in flux. He continued that a number of layoffs took place and several of those layoffs were connected to members of the CCC. The group has not met since about April. It is on his agenda to make contact and reestablish membership through the College so they can meet again. Councilor Jones replied that he is not pushing them to meet, he is just asking that when they do meet, that this be put on the agenda.

Mr. Zinn stated that he wants to thank everyone again and he and the neighbors know that this is not a panacea, but the [ordinance] is a tool used in lots of college communities and they hope it will be an effective tool here, however they end up ironing everything out. He continued that a great point was brought up on the coordinator position, which addresses some of their concerns about partygoers playing the game – that person should be contacting the landlord and all tenants and communicating the seriousness of the problem. So they have that advantage and it just reinforces why the position is needed, for the legwork and communication with all tenants, because an Officer might only speak with one tenant that night and somehow the excuse has to be removed that the other tenants were not aware of the events of the night prior. That is a great tool within this program. He wants to clarify that he might have misspoken – when he mentioned the property and tenants tied together, it was not related to the proposed landlord ordinance from a few years ago. It was more just that maybe the property gets escalated to a secondary fine in the escalation of the process they are talking about here; he was not trying to infer that it was related to that previously proposed ordinance; he is not trying to go down that rabbit hole. Despite the fact that everyone has little tweaks they would like to make to this ordinance he thinks they have some good meat on the bones and as they already discussed, an ordinance is not set in stone, and if something needs to be tweaked down the road hopefully they adjust it like they do with everything else.

Chair Bosley replied yes, they discussed that a little bit at a previous meeting, regarding having the ordinance tied to the residence or to an individual and she thinks that college students by nature tend to be a little transient, and she likes the ordinance being tied to the individual because if that person moves to another apartment and has the same behavior in the new apartment there needs to be that association there. Whereas if you escalate a residence and new tenants move in there should be a clean slate.

Councilor Johnsen asked if Chief Russo is familiar with John Stewart, who sent her the email. Chief Russo replied yes. Councilor Johnsen stated that she encourages folks to read the email because it has information she did not know. She continued that however, Mr. Stewart is talking about 2010 so maybe that is what Mr. Zinn is referring to. Chair Bosley stated that Mr. Stewart might have missed the fact that the City is trying to approach it from many angles, with the liaison and the college student judicial process and the City ordinance. There are a lot of pieces to the pie.

Councilor Jones stated that he knows John Stewart well. He was a very good Police Officer. He continued

that the KPD can still use the same state statute that Mr. Stewart referred to. Now they have two tools. It is good all around.

The City Attorney stated that he wants to emphasize that point, and the Chief understands this as well: this ordinance is just one tool, and the Criminal Statutes still apply in this context. The KPD will use their judgement and make decisions about which route to go down in this process. It is important for everyone to remember. There are other potential matters that can apply in these circumstances.

The Chief replied that he would echo that. Yes, they are very aware. He continued that none of these statutes are new. The KPD uses them every day and night and in combination. It will come down to what the most appropriate charge is for what is occurring at each event. They have to realize: some ideas are really good ideas but not statutorily or constitutionally allowed. When you start thinking about moving a fine to a residence and not a person, there are serious issues with that.

Chair Bosley replied that that is fair. She continued that they have crafted this in a way that makes a lot of sense to her. If it is not an effective tool they will be revisiting it in a year, at a minimum, when the College contract comes up for renewal.

Chair Bosley asked if there were questions from members of the public. Hearing none, she asked for a motion.

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

By a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2020-12 to take effect December 31, 2020.



CITY OF KEENE

Ordinance O-2020-12

Twenty

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to Social Hosting**

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding a new Article VIII, "Host Responsibilities of Parties in Residential Areas", to Chapter 66, entitled "PUBLIC CONDUCT" as follows;

CHAPTER 66 – PUBLIC CONDUCT

ARTICLE VIII - HOST RESPONSIBILITIES OF PARTIES IN RESIDENTIAL AREAS

Sec. 66-156 - Definitions:

Apartment means a room or a group of rooms constituting a Dwelling Unit within a structure containing at least one other Dwelling Unit, and includes a duplex, townhouse, or condominium.

Apartment Complex means a multi-family development containing one or more buildings that have at least four Apartments.

Common Area means the land on which the building is located; roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, areas or rooms intended for communal gatherings, and entrances and exits of the building; the basements, yards, gardens, decks, patios and parking areas; and all other parts of the property normally in common use.

Dwelling Unit means a single unit providing complete independent living facilities for one or more Persons, including permanent facilities for sleeping, cooking, and sanitation.

Excessive Noise means any noise as more specifically defined in Chapter 66, Article V, of the City Code which annoys, disturbs, injures or is likely to endanger the comfort, repose, health, peace or safety of others that can be heard across property lines or enters a residence other than the residence from which the noise originated.

Guest means any Person who attends a party other than the Host, whether invited or not.

Host means a Person who invites or allows other Persons to gather or remain at his personally owned Residence, or at a Residence he has a lawful right to occupy or control, for a Party.

Lodging house means any dwelling for more than four unrelated persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

Manager means a person or entity other than an Owner charged with the duty and the responsibility of managing the day to day operation of an Apartment or Apartment Complex.

Owner means the owner of record of the Residence as recorded in the Cheshire County Registry of Deeds.

Party means a planned or unplanned gathering of Persons for any purpose, and includes a House Party defined by RSA 644:18.

Person means any natural person.

Residence means a single-family residence containing one Dwelling Unit, or an Apartment or Lodging House, and encompasses the entire premises of a Residence, including the building, garage, carport, driveway and yard, and any immediately adjacent or internal common area, parking areas, sidewalks and streets.

Residential area means an area:

- (1) That is within a residential zoning district as defined by the City Zoning Ordinance in which a Residence is permitted; or
- (2) Within which, in a one-block area, a majority of the buildings are designed or used for residential purposes, such as one-family or two-family dwellings, apartments, townhomes and condominiums.

Unruly gathering means a gathering of five or more Persons which is conducted on or within a Residence in a Residential Area and which, by reason of the conduct of those Persons in attendance, results in the occurrence of more than one of the following conditions or events on public or private property; rioting; the unlawful sale, furnishing, possession or consumption of alcoholic beverages or drugs; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disorderly conduct; public urination or defecation; or violation of any applicable fire code or building code.

Sec. 66-157 - Responsibilities of Hosts, Guests, Owners or Managers of a Residence, including Apartments and Apartment Complexes:

- (a) It is unlawful for a Host to fail:
 - (1) To ensure that Excessive Noise is not produced from the Host's party;
 - (2) To ensure that any alcoholic beverages provided or served at the Host's party are controlled in a manner that ensures the alcoholic beverage laws are not violated;
 - (3) To advise his Guests that streets and driveways cannot be blocked by vehicles of Persons attending the Host's party;
 - (4) To prevent the Party from becoming an Unruly Gathering.
- (b) It is unlawful for a Person attending a Party to participate in, or condone, conduct that arises to the definition of an Unruly Gathering.
- (c) It is unlawful for the Owner or Manager of an Apartment or an Apartment Complex to knowingly allow an Unruly Gathering to occur or continue in a Common Area.

- (d) It is not a defense to prosecution for violations of any law or ordinance that a security officer or officers hired for a Party failed to properly fulfill the Host's duties in subsection (a) of this section.
- (e) If a police officer determines that a Party has become an Unruly Gathering, the police officer may order all Persons not residing at the Residence to leave immediately. Any Person who fails or refuses to abide by such an order commits an offense under this Ordinance.

Sec. 66-158 - Notice of Unruly Gathering:

Within 3 business days after a police officer responds to a Residence on a complaint of an Unruly Gathering which results in the issuance of a penalty for a first offense, or the issuance of any subsequent penalty, the Keene Police Department shall send to the Owner by mail, or by email if known, a notice of the occurrence of the Unruly Gathering, and a summary report of the police response.

Sec. 66-159 – Penalty:

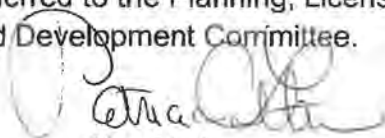
- (a) First Offense: A fine of \$300.00 to be served on the Host , or served on any Person committing a violation of this Ordinance who continues to do so after a verbal warning to the Person to cease and desist.
- (b) Second offense: A fine of \$500.00 to be served on the Host.
- (c) Third and subsequent offenses: A fine of \$1,000.00 to be served on the Host.

The sequence of penalties that may be imposed under this section shall be in effect against the Host or the Person for one year from the date of the service of a penalty for a first offense, after which date the sequence of penalties shall be reset annually each year thereafter; provided, however that the penalties designated in this section may be cumulative, and may be imposed sequentially by the police officer for an Unruly Gathering that the Host continues after a first offense, and after the imposition of the penalty for each subsequent offense if the police officer is required to respond to the same Unruly Gathering multiple times the same day of the Unruly Gathering.

Sec. 66-160 - Enforcement of other laws:

Nothing in this Article shall be deemed to restrict or limit a law enforcement officer's authority to enforce the criminal laws, including but not limited to rioting, disorderly conduct, littering, parking and alcohol-related offenses against any Person or Persons who violate the criminal laws.

In City Council October 15, 2020.
Referred to the Planning, Licenses
and Development Committee.



City Clerk

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

November 3, 2020

TO: Mayor and Keene City Council

FROM: Merri Howe, Finance Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.1.

SUBJECT: Relating to the Acceptance of Funds from Keene State College

RECOMMENDATION:

That Resolution R-2020-39 relating to the acceptance and use of funds from Keene State College have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Resolution R-2020-39

BACKGROUND:

In accordance with the third amendment to the Municipal Service Agreement between the City of Keene and Keene State College, the college shall share equally, on a 50% basis, the cost and approved job related expenses incurred by the City to employ the Community Specialist associated with the Social Host Ordinance.

In order for the funds from Keene State College to be expended, the City Council must authorize the acceptance of these funds. Resolution R-2020-39 authorizes the acceptance of the funds and related appropriations.



CITY OF KEENE

R-2020-39

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

A RESOLUTION Relating to the Acceptance of Funds to Employ a Community Specialist
Position Associated with the Social Hosting Ordinance

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

That the City Manager be authorized to do all things necessary to accept funding from Keene State College in accordance with the third amendment to the Municipal Service Agreement to fund fifty percent (50%) of the cost and approved related job expenses incurred by the City to employ the Community Specialist part-time position associated with the Social Hosting Ordinance.

George S. Hansel, Mayor