

A regular meeting of the Keene City Council was held on Thursday, April 1, 2021. 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, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. A motion by Councilor Powers to accept the minutes from the March 18, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 15 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

#### ANNOUNCEMENTS

The Standing Committees will start meeting in a hybrid fashion beginning on April 7. Councilors will be encouraged to wear face coverings. The City Clerk will communicate other information that Councilors should be aware of in advance of the meetings.

#### RESOLUTION – IN APPRECIATION OF DANIEL S. LANG UPON HIS RETIREMENT

A memorandum from ACM/HR Director, Beth Fox, read recommending that the City Council adopt Resolution R-2021-09, In Appreciation of Daniel S. Lang Upon His Retirement. Mayor Hansel read the Resolution into the record. A motion by Councilor Powers to adopt resolution R-2021-09 was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

#### PUBLIC HEARING – MID-GRANT – CURRENT CDBG PROJECTS – MONADNOCK FOOD CO-OP EXPANSION AND SCS/SHELTER IMPROVEMENTS

Mayor Hansel opened the first public hearing for the Monadnock Food Co-op Expansion Community Development Block Grant (CDBG) project. The City Clerk read the public notice.

The Mayor recognized James Weatherly, Planning Technician at Southwest Regional Planning Commission (SWRPC) to address the Monadnock Food Co-op project. Mr. Weatherly was the Grant Administrator for the two grants under discussion; the City was the fiscal sponsor of both. These public hearings provided the public an opportunity to comment on the Federal Community Development Block Grants currently underway. During this first public hearing, Mr. Weatherly would focus on the Monadnock Economic Development Corporation –Monadnock Food Co-op expansion project. The City of Keene was awarded \$500,000 of CDBG funds to be used for soft costs and equipment purchases for the Co-op expansion project. The project closed in late 2019, job creation was ongoing, and the expansion was complete and operational. Additionally, as of December 31, 2020, 19 of the 25 required jobs had been created. CDBG funds are based on job creation for persons with low to moderate incomes. While the project was requesting additional time in response to a slower than anticipated start-up due to the Covid-19 pandemic, Mr. Weatherly said it was clear that substantial progress had been made on job creation and the project was anticipated to meet the full jobs requirement by the extended end date of June 30, 2022. All funds for soft costs and equipment purchases were drawn down in the spring of 2020.

The Mayor welcomed Michael Faber, General Manager of the Monadnock Food Co-op, who said this grant had been an important part of the Co-op's expansion funding. Mr. Faber said the Co-op had been working for years to expand their facility and meet community needs. He said that in 2019, construction began on the 6,700 square foot expansion and had been completed mostly as of this date and was going extremely well overall, with positive response from the community resulting in a 17% increase in sales over the previous year. As a result, there had been other community impacts such as more support for local farmers and producers as well as making healthy foods more accessible in the downtown area. As Mr. Weatherly mentioned that job creation was an important part of the excellent progress that had been made. Mr. Faber said that once Covid-19 subsided and the food Departments could return to some level of normalcy, then filling the remainder of those 25 jobs should be possible by June 2022. Overall, the Co-op continued navigating through Covid-19 like everyone and hoped to see it end soon so it could move fully into this new phase, with the community able to come together again.

The Mayor recognized Steve Fortier, Interim President of MEDC, who said he hoped the City Council was feeling as proud of this project as everyone at MEDC was. Mr. Fortier recalled the vital role MEDC played in meeting many needs identified in the region. MEDC was glad to be involved with this expansion and partnership with the City of Keene in general over the last 30 years. He said MEDC had played an obvious critical role in development and supporting expansion or relocation of some of the region's most significant employers, contributing to the tax base of Keene and other communities where projects were supporting local economies and creating hundreds if not thousands of jobs. An MEDC Board member, Jim Rousmaniere, was currently researching each of MEDC's projects to learn the significance of tax payments to cities and towns in which MEDC exists and the number of employees hired over the last 30 years. Additionally, Mr. Fortier said that the Co-op was special, having created jobs and supporting the community through many other economic benefits. Beyond that, the Co-op was a key player in the region's food system, ensuring that it was resilient and supported through public education, community events, and now this expansion that would allow it to be a community hub. Mr. Fortier thought all of those roles were very important. On a personal note, he said that Mr. Faber, his staff, and volunteers had been doing inspiring work. Being on the Board of the Great River Co-op in Walpole, Mr. Fortier called it his source of inspiration to be involved with the amazing community contributions. Mr. Fortier concluded that MEDC was delighted to be a part of this project and again partnering with the City to help some amazing organizations come to life.

Mayor Hansel opened the floor to comments from the Council and public.

Councilor Ormerod was pleased to hear of the progress on this important community project despite challenges. He wanted to ensure that the Co-op could accomplish filling all 25 required jobs and asked whether there would be penalties for not reaching 25 during what he called these truly desperate times, and what support was needed to reach the 25 jobs. Mr. Weatherly said that the project was requesting a one-year extension to ensure they could meet this goal and the request for extension was underway, which was the support needed. Through conversations with all stakeholders, he thought the Co-op was in a good position to fill all 25 jobs by June 2022. He thought the true crux was Covid-19 reducing traffic to the deli and the prepared foods sections. Regarding a penalty, Mr. Weatherly said that job creation was tied to the project finances and if it seemed that reaching 25 was not possible by the extended deadline, there would need to be conversations between the grantors and all other stakeholders involved. He thought that with vaccines increasing the project should be able to complete successfully by the extended deadline.

Councilor Jones recalled that for a long time the City was required to have someone from a non-profit organization manage its CDBG grants and for a long time that person was Linda Mangones from the Keene Housing Authority. He asked whether that was still a requirement and if so, who was doing that work now. The City Manager replied that Mr. Weatherly was managing the City's grants through the SWRPC.

Mayor Hansel closed the first public hearing on the Monadnock Food Co-op project and opened the second public hearing on the Southwestern Community Services (SCS) Shelters project and reintroduced James Weatherly, Planning Technician at SWRPC.

Mr. Weatherly said that on March 11, 2020 the City was awarded \$500,000 of Public Facility grant funds for the purpose of assisting Southwestern Community Services (SCS) to acquire three shelter facilities and to rehabilitate two shelters on Elm and Water Streets. SCS had operated the three shelter facilities for many years, but was leasing them from Keene Housing and the Cheshire Housing Trust. As such, a primary part of this project was to consolidate ownership of the three facilities in the interest of added efficiency, in addition to the long-delayed capital needs for both the Elm and Water Streets locations. Mr. Weatherly continued that the Water Street shelter was at capacity most of the time and therefore capital improvements could be challenging and expensive outside of this CDBG funding, making it a critical project. Mr. Weatherly continued that all three of the facilities were acquired ultimately in spring 2020 despite the project encountering design work delays due to Covid-19. The project went to bid and would begin construction hopefully later in April 2021, with substantial completion by the fall 2021, and with the project to keep its funding end date of December 31, 2021. Approximately one third of the grant was drawn down for architectural acquisition costs as well as administration costs on the Water and Elm Streets locations.

At 7:28 PM with no further comments, Mayor Hansel closed the second and final public hearing for the SCS Shelter project.

A true record, attest:   
City Clerk

#### PRESENTATION – WATER AND SEWER RATES – RAFTELIS

Mayor Hansel introduced the Director of Public Works/Emergency Management Director, Kurt Blomquist, who introduced consultants Luke Eastman and Dave Fox of Raftelis to share a presentation.

The Director of Public Works began by saying this was an opportunity to bring the Council up-to-date on the complete water and sewer rate study. Although the water portion was completed in early 2020, the City Council chose to forego any increase in the water rates during the last year due to Covid-19. Following this presentation, discussions on revenue recovery and possible rate increases would continue with the Finance, Organization & Personnel Committee. Before comprehensive review of these rates in 2019, it had been 17 years since the existing water and sewer charge structure was adopted, with a fixed cost based on meter size and a uniform volumetric charge for all users. The Director of Public Works said it was reasonable to determine

whether the City was recovering its operating costs in part through its water and sewer rates. He said the study also presented an opportunity to review the Council's infrastructure goal and ensure that rates were supporting those as well. He said that the City had a fairly simplistic rate structure, with only single rates for both water and sewer. As with many City projects, this rate study team was comprised of the consultants who were speaking, the City of Keene Finance Director – Merri Howe, Public Works Department Staff, and Councilor Powers, who provided guidance and a Council perspective. There was a request for proposals process and the Council ultimately authorized moving forward with Raftelis. Water and sewer rate studies were a common part of Raftelis' consulting services, led by some of the top academics and professionals in the industry.

The study's lead consultant, Mr. Eastman said it had been a pleasure working with the City on this study, including the Director of Public Works, Aaron Costa, and their Staff in addition to the Finance Director and her Staff, who provided critical answers questions for the study on billing data, budgets, and capital improvement plans that were required for study like this. Mr. Eastman provided an overview of the rate study process, stating that there would be more details during the Finance, Organization & Personnel Committee meeting on April 8. Mr. Eastman was the lead Senior Manager with Raftelis, which he said was the largest firm in the country focusing on financial and pricing management consulting services for the water, sewer, and stormwater industries. Mr. Eastman said that beginning in December 2019, he and Mr. Fox met with City Staff to set the direction for this study and identify priorities. The resulting priority was to update the water, sewer, and fire rates to meet the City's objectives. To accomplish that priority, the study analyzed the miscellaneous fees charged to water and utility customers to ensure they were within common industry practices. Next, cost or revenue requirements were identified based on demand projections to determine how consumption for the water and sewer utility could trend over time. Then, costs were allocated to different customer types that Keene serves to design a rate structure that works to meet the City's financial and rate policy. Finally, the study assessed rate effectiveness and addressed pricing objectives.

Mr. Eastman continued on pricing objectives, which are what the City wants to accomplish with the price of water and sewer services including: financial sufficiency, administrative ease, equity, customer understanding, revenue stability, conservation, defensibility, and affordability. Ultimately during this study, the first priority identified was financial sufficiency, which means having enough revenues to run the system properly and continue delivering quality service to the City's customers. The second key priority identified was affordability, which means ensuring that the significant amount that customers pay for service is affordable if charges must occur and that those charges mitigate any impacts for certain customers in need. The final key priority identified was revenue stability, which means ensuring that revenues from utilities are stable enough to withstand financial or operational disruption. The remaining pricing objectives were still important and accounted for when designing possible new rates.

Before designing rates, the consultants needed a full financial understanding of water and sewer utilities and therefore assessed costs over multiple years in terms of quantity of customers, demand on the water/sewer systems, revenues, operating expenses, the Capital Improvement Program (CIP), and fund balance or cash reserves. Mr. Eastman said that the water and sewer industry is capital intensive; when the City needs to pay for new capital projects, there must be a decision to use cash, debt, or an optimal mix that mitigates customer impacts while meeting financial and operational goals. Simultaneously, the City must also consider its cash reserves and

Fiscal Policies to ensure those are met at all times. As such, the consultants built a Microsoft Excel financial model that simulated rates according to the City's objectives, costs, and revenues projected over time to track customer rates for several usage levels to ensure that bills remain affordable and reasonable. This process and its results would be discussed in greater detail at the April 8 FOP meeting.

Mr. Eastman discussed the bigger picture of Keene's water and sewer utilities based on this study. The study projected water costs increasing significantly in the near term primarily due to CIP costs, which he said was not surprising to him as a rate consultant in a capital intensive industry, particularly with Keene's needs to replace large scale infrastructure, upgrade well fields, upgrade storage tanks, distribution improvements, and miles of pipe upgrades that often do not come to mind when costs increase. For example, one of the capital improvements driving increased rates was sewer main improvements. Mr. Eastman said that Keene's customers had been very stable over time, meaning that there had been low customer growth compared to other cities across the country and therefore, the City could depend less on revenues from customer growth. Consumption had also been declining per capita, driven primarily by residential and commercial utility fixture replacements or repairs. Per household and per capita, water use was declining, which posed challenges for the City selling water and sewer services to those customers. Lastly, Mr. Eastman said that increased regulations and compliance costs were another financial pressure.

Mr. Eastman continued discussing the proposed water rate structure. He said that the identified financial pressures demonstrated that a change was needed. Changing rate structures were often an opportunity to ensure the City is operating as it would like in a way that could help to benefit all customers. As such, Mr. Eastman thought the study had identified a way to handle those financial pressures, which was for the City to institute a "lifeline" rate for residential customers. A lifeline rate would charge residential customers only one low price per gallon for an essential amount of water, such as the amount that a typical small household would use for showering or cooking. Then, the rate would increase once the household exceeded that usage amount. The concept was that water conservation would be incentivized, demonstrating the cost of service rationale of what an essential amount of water is and that customers should pay more for non-essential demands on the City infrastructure. This residential lifeline rate would benefit very low volume users and residential customers that use typical or intermediate amounts because they would be charged a lower rate for the initial essential usage. Therefore, Mr. Eastman said that he saw the lifeline rate as a great, affordable, friendly opportunity. Beyond the lifeline rate, he suggested based on the study to follow an industry standard practice that increases quarterly charges based on meter size. Residential customers would pay the lowest price and the price would increase from there. Therefore, in the proposed rate structure, non-residential customers would pay a uniform biometric rate and would not be able not participate in lifeline rates because it is hard to determine an essential water use for commercial users. Mr. Eastman concluded by discussing the proposed sewer rate structure that would maintain much of the current rates. There would also be a quarterly fixed charge per meter size and a uniform volumetric rate.

Mr. Eastman said that when the study concluded in spring 2020, Raftelis delivered the rate study report outlining recommendations and findings, recommended rates at that time, and a customized financial model to help project costs and revenues to allow sound financial decision making for the utilities. He demonstrated a draft bill and insert that explained the rate changes, which could be mailed to customers when the new rates are implemented. Mr. Fox added that it

was not as though the City did nothing with these deliverables since the spring 2020, but rather they made a very conscious decision to not implement any rate increases at that time due to the pandemic, which he said was common with other clients that were ramping-up again to begin implementing this summer.

Councilor Ormerod noticed that conservation was not listed as a key metric but he still saw punitive charges for going over, and so he asked why it was not a key measure in the analysis. Mr. Eastman said that the City did identify conservation as a priority and the lifeline rate would promote water conservation more than the current rate because of the two-tiered system proposed which would make high water use more expensive and would itself send a price signal to residential customers that prioritize conservation.

The Mayor thanked the presenters while acknowledging that the discussion would continue at the next FOP Committee meeting.

#### CONFIRMATIONS

The Mayor made the following nominations. To the Energy & Climate Committee, Suzanne Butcher, with a term to expire December 31, 2023. To the Airport Development & Marketing Committee, Alona Florenz, with a term to expire December 31, 2023. To the Partner City Committee, Lena Kridlo, with a term to expire December 31, 2023. To the Ashuelot River Park Advisory Board, Ruzzel Zullo, with a term to expire December 31, 2022. A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

#### NOMINATION

The Mayor submitted the following nomination. To the Energy & Climate Committee, Bryan Lake, with a term to expire December 31, 2021. Mayor Hansel tabled the nomination until the next regular meeting.

#### COMMUNICATION – KELLY BALLARD – RESIGNATION – HERITAGE COMMISSION

A communication was received from Kelly Ballard, resigning from the Heritage Commission after approximately one year of service. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

#### COMMUNICATION – DAVE KIRKPATRICK/CHESHIRE TV – REQUESTING AN OPPORTUNITY TO ADDRESS CITY COUNCILORS

A communication was received from the Executive Director of Cheshire TV, requesting an opportunity to address the City Council on the current situation with Cheshire TV. Mayor Hansel referred the communication to the Finance, Organization & Personnel Committee.

Mayor Hansel said he had a good conversation with Mr. Kirkpatrick and now better understands the type of discussion he sought. The Mayor clarified to Mr. Kirkpatrick during that discussion that this referral to Committee was not an opportunity to discuss or negotiate publically any contracts under negotiation and that the City has rules of decorum the must be adhered, including no finger-pointing, questioning others' intentions, or providing testimony. Mayor Hansel expects those rules to be followed by anyone in the Council Chambers. Discussions at Committee

meetings are presentations of facts meant to be useful in decision making processes. Mayor Hansel looked forward to hearing more from Mr. Kirkpatrick and the public on the vision for Cheshire TV.

**COMMUNICATION – JAN MANWARING/PATHWAYS FOR KEENE – REQUEST TO USE CITY PROPERTY – 4 ON THE 4TH ROAD RACE**

A communication was received from Councilor Manwaring and Pathways for Keene with their annual request to use City property for the July 4, 2021 race. Mayor Hansel referred the request to the Planning, Licenses & Development Committee.

**COMMUNICATION – DENISE MEADOWS – REQUEST TO CONVERT A LOADING ZONE SPACE ON RAILROAD STREET TO A MOBILE VENDOR SPACE**

A communication was received from Denise Meadows, on behalf of Charcoal Charlie Productions, requesting that the City Code be amended to allow an existing loading zone on Railroad Street be converted back to a mobile vendor space. Mayor Hansel referred the communication to the Municipal Services, Facilities & Infrastructure Committee.

**MSFI REPORT – AMENDED REQUEST FOR PROPERTY ACCESS OFF THE OLD GILSUM ROAD THROUGH CITY OF KEENE UTILITY ROAD**

A Municipal Services, Facilities & Infrastructure Committee report read recommending acceptance of the communication from Mr. Leary for access to property off the Old Gilsum Road through the City of Keene utility road. . Mayor Hansel filed the matter into the record as informational with the understanding that Mr. Leary would be submitting an updated request.

**MSFI REPORT – REQUEST FOR USE OF CITY PROPERTY – POLICE DEPARTMENT MEMORIAL STONE – POLICE CHIEF**

A Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Council approve the use of City property to place a Police Department memorial stone outside the Police Department at 400 Marlboro Street. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

**MSFI REPORT – PURCHASE OF THE ROBERT J. PROWSE MEMORIAL BRIDGE – CITY ENGINEER**

A Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Bill of Sale along with Restrictive Covenants for the historical preservation of the Robert J. Prowse Memorial Bridge. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo.

The City Manager stated that the bridge could be stored in its current location for up to 10 years and there was time to seek grants and raise funds before the City was committed to spending additional money to move the bridge to Keene.

The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

**MSFI REPORT – REQUEST FOR EXCEPTION FROM THE PUBLIC IMPROVEMENT STANDARDS – CITY ENGINEER**

A Municipal Services, Facilities & Infrastructure Committee report read recommending that Liberty Utilities be granted an exception from Sec. 70-127 (3) of the Public Improvement Standards in order to restore existing asphalt sidewalks on Roxbury St. with asphalt. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo.

Discussion ensued, with some Councilors expressing opposition to wavering from the concrete sidewalk standard. The City Manager clarified that Liberty Utilities was seeking an exception to replace the sidewalk with asphalt instead of concrete, but that the alternative was for them to cut a trench down the middle of Roxbury Street, which could be avoided through this compromise to place the mains under the sidewalk instead. Some Councilors did not see this as a compromise for the City. There was discussion of the City possibly paying the difference between the asphalt sidewalks that Liberty Utilities proposed to replace and the City's concrete standard as a compromise, which some opposed as a benefit to the utility and not the City.

A motion by Councilor Filiault to send this matter back to Committee was duly seconded by Councilor Chadbourne.

The City Attorney said the new motion took precedent over the previous one to carry out the intent of the report. Councilor Filiault confirmed his intent for the MSFI Committee to continue this discussion and report back to full Council. The matter could later then proceed to FOP if needed.

The motion to send the matter back to the MSFI Committee passed unanimously on a roll call vote with 15 Councilors present and voting in favor.

**PLD REPORT – REPRESENTATIVE JOE SCHAPIRO – URGING THE CITY TO TAKE A POSITION ON HB 266**

A Planning, Licenses & Development Committee report read recommending a letter be sent in opposition to House Bill 266 relative to the enforcement of immigration laws and the prohibition of sanctuary policies to the Keene Legislative Delegation, all State Senators, and the Governor, and that the City Attorney be authorized to speak and testify on the City Council's behalf. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. Discussion ensued on oppositions to HB 266. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

**PLD REPORT – RELATING TO PROPOSED CONGREGATE LIVING AND SOCIAL SERVICE LICENSE – SENIOR PLANNER**

A Planning, Licenses & Development Committee report read recommending that the City Manager introduce an ordinance to City Council related to amendments to Chapter 46 of City Code, and the establishment of a Congregate Living and Social Service License. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

PLD REPORT – CONTINUED DISCUSSION – REQUESTING MINUTES BE KEPT OF MEETINGS BETWEEN THE MAYOR, THE CHARTER OFFICERS, AND THE COMMITTEE CHAIRS

A Planning, Licenses & Development Committee report read referring the matter to the full City Council for their wisdom and discussion. Mayor Hansel filed the report.

A motion by Councilor Bosley to deny the request from Councilor Filiault to have minutes kept at meetings between the Mayor, Charter Officers, and the Committee Chairs was duly seconded by Councilor Greenwald. Discussion ensued.

Councilor Bosley referred to provisions in the City Council Rules of Order by noting that any rules of procedure regarding the City Council or the Standing Committees require an amendment to the Council's Rules of Order. The amendment process requires 2 readings before the City Council and a 2/3 vote for adoption of any amendment. The Councilor continued that any further discussion at the PLD Committee would be in order to discuss whether we are talking about creating minutes, providing summary notes, inviting non-committee members to join, or providing a recording of the discussion. Those details need to be hammered out before the amendment language can be crafted.

The City Attorney stated that the City Council had very broad authority regarding what it could do with its Rules of Order and how the Council operates. He said it should be clear that the Council has authority to make changes to its Rules of Order. The City Attorney continued that the question should be whether the Council should make this change, which was a policy question the Council had to grapple with. He said it was true that the Council could go above and beyond RSA 91-A to the extent that it chooses. However, the City Attorney said he took issue with blurring the lines of what constitutes a public body, for which others in the public had expressed concerns during discussions on this matter, while other questioned why the Council had not yet gone above RSA 91-A regarding this particular meeting. The City Council has three Standing Committees that were created in the Rules of Order with very substantive advisory roles in the Council's operation. The City Attorney quoted the definition of an advisory committee in RSA 91-A: "Any committee whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendation concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority." The City Attorney said the Standing Committees do just that with business referred to them – they take testimony and evidence to judge the competing interests of various parties and make a recommendation back to City Council. Conversely, the City Attorney said that the meetings under discussion between himself, the City Manager, the City Clerk, the Mayor, and the Standing Committee Chairs are administrative and serve the purpose to ensure that Standing Committee meetings proceed in a fairly orderly manner; he said that nothing of substance is discussed on any of the matters coming before Committee but rather just logistics such as possible meeting duration, technology needed, or Staff attending. Everything he mentioned that occurs at those meetings was allowed under law without creating a public body. The City Attorney was clear that the City was not violating RSA 91-A. One of the principal requirements of both the City Attorney and City Clerk is to ensure that the City Council and its Standing Committees do not violate state statute. That said, the City Council had the option to create the minutes requirement for this administrative meeting within its Rules of Order. He stated that his preference would be to not blur those lines.

He believes firmly in transparency, which he said had been striven for in all public business within the City, but because transparency happens in a public context and if these meetings were operating as such then he advised creating the public body with rules that comply with statute. It was the Council's decision whether to have a hybrid situation for just minutes as suggested, but the City Attorney said it must comply with State law.

Further discussion ensued on the merits of different options. Standing Committee members expressed challenges with receiving agenda packets less than 36 hours before the meetings.

Mayor Hansel said he wanted to be very clear that every one of these meetings he had attended or conducted had never gone off topic. He was unsure whether this issue arose due to Terry Clark's resignation from the City Council or anything else, but he wanted to be clear that no such off-topic discussions occurred and the City Attorney was present at the meetings to ensure just that.

The City Attorney reminded that any audio recording taken of a meeting or document created would qualify as subject to public disclosure.

On a roll call vote of 11-4, the motion to deny Councilor Filiault's request passed. Councilors Filiault, Williams, Jones, and Workman voted in opposition.

#### FOP REPORT – FARMER’S MARKET OF KEENE – REQUESTING A WAIVER OR REDUCTION IN FEES

A Finance, Organization & Personnel Committee report read recommending a waiver of the parking rental fee as well as the \$60.00 access fee to the City’s electrical service for the 2021 season of the Farmer’s Market. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

#### FOP REPORT – REQUEST TO ACCEPT 2021 WELLNESS GRANT – HUMAN RESOURCES DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the wellness grant from Health Trust to be used for employee wellness activities in 2021. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Jones was absent for the vote.

#### FOP REPORT – REPORT ON 2020 DONATIONS AND REQUEST TO SOLICIT DONATIONS FOR 2021 – HUMAN RESOURCES DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to accept donations associated with 2021 solicitation efforts, should they occur related to employee activities. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – LEASE AGREEMENT FOR AIRPORT AMUSEMENTS – RUNWAY FUN PARK, LLC – AIRPORT DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Runway Fun Park LLC for a parcel of land at the airport. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – NPDES TECHNICAL ASSISTANCE CHANGE ORDER 2 – WWTP OPERATIONS MANAGER

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute Change Order 2 with Weston & Sampson Engineers to perform technical services for the City's National Pollution Discharge Elimination System permit renewal process for an amount not to exceed \$25,000 for contract 04-13-18. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager shared that at the April 8 FOP meeting, the Committee would be discussing the details of the new proposed water & sewer rate structure and she hope that Councilors would attend if available. She would also be providing an overview of the some of the challenges and opportunities related to revenues and expenses for the upcoming Fiscal Year 2022 budget conversations.

Additionally, the City Manager shared that hybrid Council Committee meetings would start beginning April 7. Trial runs were underway with the new equipment, which allows integration of the upgraded digital cameras and microphones in Council Chambers with Zoom and Cheshire TV's broadcast, which creates a much better product for the viewers at home and a better experience for Councilors in Council Chambers. It would allow Councilors to see and interact with the people participating remotely on zoom. The City Manager asked for patience and understanding because Staff fully expect the first few times going live to have glitches. However, just like virtual meetings, with some time and practice it would get better and easier. Only Council members would be allowed in the room. Councilors who prefer to still participate remotely would be able to do so through Zoom. The public would participate remotely. Due to capacity limitations from the required six-foot distancing, Staff in the room would also be limited to herself and an Assistant City Manager hosting the Zoom meeting. She strongly encouraged everyone to wear their masks even though there would be six feet of separation between everyone. Presence in the room would be for an extended amount of time and the safest way to do so is to wear a mask. As more people become fully vaccinated, Covid-19 positivity numbers decline, and statewide mask ordinances are re-evaluated, there would be opportunities to revisit this within the next few months. The City Clerk would remind Councilors to bring their Chromebooks and charging cords if attending in person.

Next, the City Manager was happy to announce the hiring of Amanda Trask in the new role of Social Host Ordinance/Community Liaison Specialist, which was created to support the newly

adopted Social Host Ordinance. This is a 20-hour per week position funded jointly by the City and Keene State College. Ms. Trask graduated from Keene High School, attended Keene State College, and earned a Bachelor's degree in Health and Psychology. Later she completed her Masters in Acupuncture at New England Medical School and Masters at Tufts Medical School in Pain Research, Education, and Policy. She has worked for Cheshire Medical Center in Keene as a program director and KSC as adjunct professor where she has taught for 10 years. She would start her new role this month.

This week, the City Manager signed onto a letter with the town & city managers in the communities of Manchester, Nashua, Henniker, New London, Plymouth, Hanover, and Durham, requesting the opportunity to work with the Governor and the NH Department of Health and Human Services to develop a plan to include the extension of vaccinations to roughly 20,000 temporary NH residents densely congregated and interspersed with our residents in these NH college communities.

The City Manager discussed legislative crossover that would happen in the next few weeks. She said there were many problematic and downright troubling bills coming out of the House and Senate this year. She had scheduled a meeting with Keene's legislative delegation to discuss these on Wednesday, April 14.

The City Manager continued providing her Covid-19 update. She said that at the meeting with our partners this week she heard that while KSC numbers have ticked-up slightly to 18 active cases, that was still a less than 1% positivity rate. KSC was planning an outdoor commencement this year. To keep their numbers manageable and allow for social distancing, parents would not be able to attend unfortunately. Cheshire Medical Center reported that the positivity numbers were still staying elevated but their percentage positive dropped from 6.8% last week to 4.9% this week. They had four Covid-19 patients in the hospital. Last week the Krif Road vaccination site vaccinated 1,300 people in one day. On average they were vaccinating about 1,000 people per day. The Krif Road site had vaccinated about 30,000 total people in our region. Lastly, just a reminder that on April 2 anyone over the age of 16 could register for the vaccine.

Youth Services Manager/Juvenile Court Diversion Coordinator, Demi Kirby, was recently awarded the Monadnock Region Outstanding Women Award. As our Youth Services Manager, she had been able to increase the number of youths Keene serves, growing cases from 13 per year when started to an average of 33 cases per year now. She is passionate about prevention and intervention for high-risk youth and providing parents and the community with opportunities to improve. She volunteers with the YMCA's Monadnock Youth Coalition along with several other community clubs and organizations. The City Manager shared in congratulating Ms. Kirby.

#### **PB-PLD REPORT – LAND DEVELOPMENT CODE AND DOWNTOWN ZONING**

A report from the Joint Planning Board – Planning, Licenses and Development Committee report read recommending that the Mayor set a Public Hearing date for O-2020-10A and O-2020-11A for April 15, 2021. Mayor Hansel scheduled the public hearing for Thursday, April 15, 2021 at 7:00 PM.

#### **MORE TIME – DARREN HUMPHREY – REQUEST TO USE CITY PROPERTY**

04/01/2021

A Planning, Licenses and Development Committee report read recommending on a vote of 5-0 to place this item on more time to allow Mr. Humphrey to submit a feasible plan for outdoor seating. Mayor Hansel granted more time.

**SEWER SERVICE AND INDUSTRIAL PRETREATMENT – ORDINANCE O-2021-02**

A memorandum from the Director of Public Works/Emergency Management Director, Kurt Blomquist, read recommending that Ordinance O-2021-02, Relating to Sewer Service, be read and referred to the Municipal Services, Facilities and Infrastructure Committee. Mayor Hansel filed the memorandum and referred Ordinance O-2021-02 to the MSFI Committee for first reading.

**RESOLUTION – REALLOCATION OF BOND FUNDS – WWTP PERMIT**

A Finance, Organization & Personnel Committee report read recommending the adoption of Resolution R-2021-14. Mayor Hansel filed the report. A Motion by Councilor Powers to adopt Resolution R-2021-14 was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

**RESOLUTION – REQUEST TO ENDORSE CARBON FEE AND DIVIDEND – ENERGY AND CLIMATE COMMITTEE**

A Planning, Licenses & Development Committee report read recommending that the City Manager introduce a Resolution (patterned on the draft Resolution with minor comment and revisions from the City Attorney) that would endorse the Federal Carbon Fee and Dividend Legislation and that an accompanying letter be sent along to our Federal Delegation, the President, Governor, and Keene’s Legislative Delegation. Mayor Hansel filed the report. Resolution R-2021-18 was read by title only. A motion by Councilor Bosley to adopt R-2021-18 was duly seconded by Councilor Greenwald and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor. Resolution R-2021-18 was declared adopted.

**ADJOURNMENT**

There being no further business, Mayor Hansel adjourned the meeting at 9:44 PM.

A true record, attest:   
City Clerk