

11/04/2021

A regular meeting of the Keene City Council was held on Thursday, November 4, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Bryan J. Lake, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Raleigh C. Ormerod was absent. Councilor Jones led the Pledge of Allegiance.

#### ANNOUNCEMENTS

Mayor Hansel congratulated all winners of the municipal election. He also congratulated everyone who ran in the election, who deserve respect for putting their names forward for public offices. He hopes that those who did not make the City Council this time will have another chance in the future because it is a great opportunity to serve the community. Mayor Hansel also thanked all the election workers and those behind the scenes making the election happen, particularly the City Clerk, Patty Little, and her team.

The Mayor also announced two special City Council meetings, both beginning at 6:00 PM. The first will be on Tuesday, November 9 for the evaluations of the City Attorney and the City Clerk, and the second special meeting will be on Tuesday, December 7 for the evaluation of the City Manager. This is an important responsibility of the City Council, who employ these three Charter Officers, to provide them regular review and feedback to perform their jobs best. Mayor Hansel looked forward to all City Councilors participating.

Finally, Mayor Hansel announced that the November 11, 2021 Finance, Organization, and Personnel Committee meeting was canceled.

#### MINUTES

A motion by Councilor Powers to adopt the October 21, 2021 minutes as presented was duly seconded by Councilor Bosley. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

#### PROCLAMATION – PEDALING FOR PREVENTION

Mayor Hansel welcomed Mike Mariani and Devin McLaughlin, who cycled cross country to raise awareness for suicide prevention, to join him at the microphone for the presentation of a Proclamation of Pedaling for Prevention.

Mr. McLaughlin thanked everyone for coming to hear this Proclamation, which he said was impactful and meant a lot to him and Mr. Mariani. He continued saying that the trip meant so much to them both, given that suicide was close to home for them. He said they put their heads together to try to make light out of the dark time they went through following Mr. Mariani's brother's death. Mr. McLaughlin said that the bike trip in June 2021 was an experience they could not have imagined growing up in small town Keene; it was everything they could have wished for and the helping hands of strangers they met along the way were crucial to their success. He was grateful to the whole staff at the City of Keene for showing its support and donating to their cause.

Mr. Mariani said the impetus for this ride was missing people and trying to reduce stigma regarding suicide. When the trip began, they were unsure how well it would work and they reached out to every person they passed by, which illuminated that one in four people really are affected by suicide. He said it is an issue that needs to be taken care of, but it is very difficult to find ways to reach out to people and help them. Mr. Mariani said he and Mr. McLaughlin were trying to do their part to reduce the stigma by talking about it. Mr. Mariani appreciated everyone present that helped them accomplish this.

#### CONFIRMATION

Mayor Hansel nominated Peter Temple to the Airport Development and Marketing Committee, with a term to expire December 31, 2021; he will be eligible for two full terms after this confirmation. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### COMMUNICATION – KEENE DOWNTOWN GROUP – REQUEST TO USE CITY PROPERTY – ICE AND SNOW FESTIVAL

A communication was received from Mark Rebillard of the Keene Downtown Group, with their annual request for the 2022 Ice and Snow Festival scheduled for February 5, 2022. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

#### COMMUNICATION – COUNCILOR BRYAN LAKE – CONFLICT OF INTEREST – PROPOSED USE OF FORMER WHELOCK PARK CAMPGROUND

A communication was received from Councilor Bryan Lake, acknowledging a potential conflict of interest that he may have regarding two proposals currently before the City Council. Both are for the use of City land at the former Wheelock Park Campground; one for use as a disc golf course and the other for use as a dog park. As a member of the Keene Disc Golf Club and an active member in the broader disc golf community working with Director Bohannon on this project, Councilor Lake believed that he may have a conflict of interest. Councilor Lake requested that he be recused from the discussion and vote on both proposed uses.

Mayor Hansel recognized Councilor Lake to address his communication. Councilor Lake added that he has been helping the Keene Disc Golf Club and working with Parks, Recreation, and Facilities Director, Andy Bohannon, to seek a new location since this summer 2021, before he was a Councilor. Given there is the dog park group also competing for the location at the former Wheelock Park Campground, he felt there was apparent bias.

Discussion ensued. Councilor Greenwald said that conflicts of interest are about pecuniary, financial interests that create conflicts. He said the City Council needed to discuss this issue in more depth because all Councilors are members of various organizations and must sometimes participate in uncomfortable votes if they have no pecuniary interest; it might be different if Councilor Lake were on a board of directors, for example. Councilor Greenwald stated his intention to vote no. Councilor Bosley recalled that the City Council had amended their Rules of Order, indicating that potential conflicts of interest, including board positions and other volunteer

associations, should be disclosed to the Council so the full group can decide. Councilor Bosley said the forum to bring this up again would be an upcoming Planning, Licenses, and Development Committee meeting when Rules of Order amendments would be discussed.

A motion by Councilor Powers to recuse Councilor Lake due to conflict of interest was duly seconded by Councilor Bosley. On a show of hands vote of 13-1, the City Council recused Councilor Lake from discussing and voting on proposed uses for the former Wheelock Park Campground. Councilor Remy voted in opposition.

**FOP REPORT – ACCEPTANCE OF DONATION AND UPDATE ON SKATE PARK PROJECTS – PARKS, RECREATION, AND FACILITIES**

A Finance, Organization, and Personnel Committee report read on a vote of 4-0, recommending that the City Manager be authorized to do all things necessary to accept a donation of \$200,000.00 for the purpose of building a new skate park.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

**FOP REPORT – ACCEPTANCE OF LAW ENFORCEMENT SUBSTANCE ABUSE INITIATIVE GRANT – POLICE DEPARTMENT**

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2022 Law Enforcement Substance Abuse Initiative Grant in the amount of \$29,000.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Discussion ensued. Councilor Williams expressed his opposition because this felt to him like a continuation of the drug war, he has concerns about criminalization of substance use disorder, and he would like to find another way to address the issue.

The motion passed on a show of hands vote of 13-1. Councilor Williams voted in opposition.

**FOP REPORT – ACCEPTANCE OF FEDERAL FORFEITURE MONIES – POLICE DEPARTMENT**

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept Federal forfeiture monies in the amount of \$33,100.23.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

**FOP REPORT – NEGOTIATE A LEASE OF AIRPORT PROPERTY FOR HANGAR DEVELOPMENT – AIRPORT DIRECTOR**

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Construction/Lease Agreement with Monadnock Choppers, LLC, to develop an aircraft hangar on City-owned property at the Keene Dillant-Hopkins Airport.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

**FOP REPORT – ACCEPTANCE OF FFA ARPA GRANT FOR AIRPORT – AIRPORT DIRECTOR**

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a grant for the amount of \$59,000 from the Federal Aviation Administration as part of the FAA ARPA Grant program.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

**FOP REPORT – 12 GILBO AVENUE LEASE – PARKS, RECREATION & FACILITIES DIRECTOR**

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos and Demitris Georgiadis for space located at 12 Gilbo Avenue.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

**FOP REPORT – ACCEPTANCE OPIOID SETTLEMENT PROPOSAL – CITY ATTORNEY**

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to participate in the proposed National Opioid Settlement and authorize the City Attorney to execute all necessary documents.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

The City Manager commented that there was an effort being led by the Sullivan County managers to change the allocation of these funds from the current 15% to 53%, going directly to the 23 counties and towns that sued. The City Manager intended, without objection, to sign on and support the City of Keene to advocate for increasing that percentage. In response to the Mayor, there were no Council objections to the City Manager's intention.

Discussion ensued. Councilor Johnsen asked if this was affiliated with anything going on nationally. The Mayor believed these were the local plaintiffs for the national settlement.

Councilor Williams asked if there was a sense of when these funds might arrive and when they do, what the plans were for using them. The City Manager did not have a sense of when the funds could arrive and she was not sure yet what strings would be attached to the money; the State intends to create a trust fund and distribute the funds via that trust, so it was still unclear at this time. When the funds do arrive to Keene, Councilor Williams said he hoped that there would be public discussions at Committee, including public health experts, to find a way to use these funds to support the opiate victims.

The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

#### CITY MANAGER COMMENTS

The City Manager only provided one update. She said that the NH Municipal Association's annual conference would be on November 17 and this year, there would be a panel on community power, in which the City Manager was asked to participate to discuss the process used to create Keene's Community Power Plan with consultants, Good Energy and Standard Power.

#### CITY OFFICER REPORT – CANVASS OF GENERAL ELECTION RESULTS – CITY CLERK

A memorandum from the City Clerk was read recommending that the candidates receiving the highest number of votes for their respective offices are declared elected and that the Charter amendment relative to ward lines be declared adopted.

A motion by Councilor Powers to recommend that the candidates receiving the highest number of votes for their respective offices are declared elected and that the Charter amendment relative to ward lines be declared adopted was duly seconded by Councilor Bosley. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

#### MORE TIME REPORTS – REBECCA LANCASTER – DESIGNATION OF A SITE FOR A COMMUNITY DOG PARK; AND ROBERT JOHNSON – PROPOSAL TO BUILD A 9-HOLE DISC GOLF COURSE AT FORMER WHEELOCK PARK CAMPGROUND; AND MONICA MARSHALL - REQUEST THAT MAIN STREET BE DESIGNATED AS A SMOKE FREE ZONE

Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the designation of a site for a community dog park on more time. Mayor Hansel granted more time

Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the proposal to build a nine-hole disc golf course at the former Wheelock Park campground on more time. Mayor Hansel granted more time.

Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the request that Main Street be designated a smoke free zone on more time. Mayor Hansel granted more time.

#### RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE WASTEWATER TREATMENT PLANT (WWTP) CAPITAL RESERVE FUND BALANCE FOR THE WWTP LABORATORY RENOVATION PROJECT – RESOLUTION R-2021-40

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Finance, Organization, and Personnel Committee report read recommending the adoption of Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2021-40 was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

**RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE SEWER FUND UNASSIGNED FUND BALANCE FOR THE WASTEWATER TREATMENT PLANT’S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROJECT – RESOLUTION R-2021-41**

Finance, Organization, and Personnel Committee report read recommending the adoption of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant’s National Pollution Discharge Elimination System (NPDES) Permit Project. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2021-41 was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

**RESOLUTION – RELATING TO THE OFFICE OF THE CITY TREASURER – RESOLUTION R-2021-43**

A memorandum from Finance Director/Treasurer, Merri Howe was read recommending that Resolution R-2021-43 relating to the appointment of the City Treasurer have a first reading in front of the City Council and that it be referred to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Resolution R-2021-43 to the Finance, Organization, and Personnel Committee.

**RESOLUTION – RELATING TO THE OFFICE OF THE CITY TREASURER – RESOLUTION R-2021-44**

A memorandum from Finance Director/Treasurer, Merri Howe was read recommending that Resolution R-2021-44 relating to the appointment of the Assistant City Treasurer have a first reading in front of the City Council and that it be referred to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Resolution R-2021-44 to the Finance, Organization, and Personnel Committee.

**ADJOURNMENT**

There being no further business, Mayor Hansel adjourned the meeting at 7:36 PM.

A true record, attest:



City Clerk