

11/18/2021

A regular meeting of the Keene City Council was held on Thursday, November 18, 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, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Bryan J. Lake, Raleigh C. Ormerod, and Gladys Johnsen were absent. Councilor Williams led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel announced that due to the Thanksgiving holiday, the MSFI (5:30 PM) and FOP (6:30 PM) Committees would meet on Tuesday, November 23.

Mayor Hansel announced some additional important dates:

- The mid-grant CDBG hearing has been scheduled for December 2 at 7:00 PM.
- The City Council's holiday party will be held immediately after their December 16 City Council meeting. Returning City Councilor, Mike Giacomo, has offered his new residence as the site for the get-together. Councilors may expect to receive an invitation and RSVPs are appreciated.
- Inauguration Day for the Mayor and City Council will be held on Monday, January 3. The City Charter requires that the terms of office are to commence "on the first secular day in January." A secular day is defined, and commonly understood, to be a day not regarded as a religious day. Because January 1, 2022 falls on a Saturday, which is recognized as a religious day in the tradition of Judaism, and because Sunday is recognized as a religious day in the tradition of Christianity, the first secular day in January is Monday, January 3, when the inauguration will be held at 12:00 PM. Further details about the agenda for the day will be provided prior to that date.

MINUTES

A motion by Councilor Powers to adopt the minutes of the November 4, 2021 meeting was duly seconded by Councilor Bosley and the motion passed on a unanimous show of hands with 12 Councilors present and voting in favor.

PRESENTATION – CHESHIRE COUNTY ADMINISTRATOR, CHRIS COATES – COUNTY ACQUISITION OF DILUZIO AMBULANCE

Mayor Hansel welcomed Cheshire County Administrator, Chris Coates of 30 Gilsum Street, and Chair of the Delegation of State Representatives, Daniel Eaton of Stoddard, to update the Council on this County project.

Mr. Coates thanked Mayor Hansel and the City Council for allowing this presentation on Cheshire County moving forward with a letter of agreement to purchase the DiLuzio Ambulance Service in Keene. Mr. Coates provided background and explained what this means for the City of Keene.

Mr. Coates said that in June of this past year, the DiLuzio's contacted the County seeking funds for equipment and the County used \$70,000 of CARES funds to assist them because they believe it is important for the communities in Cheshire County. A few months later, County Commissioner Jack Wozmak and Mr. Coates contacted the DiLuzios, asking how the County could support the ambulance

service after seeing a four-part Sentinel series on the ambulance service crisis in the County. Mr. Coates and Mr. Wozmak had many conversations with chiefs throughout the County to understand the context with one ambulance service over time. Ultimately in January 2021, the DiLuzios asked the County to buy them out and over the next 10 months, the County worked to understand how that could happen, while also working with Senators Shaheen and Hassen to be awarded the CARES money. Through work of the National Delegation, counties in NH were able to get some of these funds despite having lower than the criteria population of 500,000 residents. Therefore, Cheshire County received \$14.7 million, and Keene will benefit by receiving \$248,000 because Mr. Coates said the County felt the City needed that support. He said the only silver lining of Covid-19 was the money coming out of Washington DC. So, simultaneously, the County knew something needed to happen with the ambulance service and through the American Rescue Plan, funds were set aside for that purpose. He said that negotiations are never easy, but over 10 months both the County and DiLuzio have reached a point where they are ready to move forward. The non-disclosure agreement was only lifted just recently, which is why they are now able to inform the City. Mr. Coates has been meeting with other towns in the County and he said the response to this news had been positive because those towns had not reached a decision on how to move forward with ambulance service. The county felt it was important for them to take this next step.

While anything could happen between now and January 2022, Mr. Coates said they were moving forward toward the final asset purchase agreement. Through two job fairs, 40–45 EMTs on various levels expressed intent to fill out applications. He said the DiLuzios had given tirelessly to this community and kept 14 communities from risk. Fire Chief Howard told Mr. Coates that without DiLuzio as the mutual agreement backup for the City of Keene, there would have been serious challenges. They are working at present toward the ultimate goal that the County will have an asset purchase, taking on the contracts with those 14 towns. Mr. Coates has been telling the towns that moving forward it would be “pay-to-play and what they have been paying all along they have been getting a sweetheart deal and so there would be some level of increase” because this would be an enterprise fund that must pay for itself. Keene would not be paying for this service because they have a separate agreement and has not paid to this point, the other 14 towns would pay. The County is also working on an agreement with Cheshire Medical Center because they have needs for 911 calls and acute care, but also inter-facility transfers between hospitals, which will generate income for the County ambulance service. The County has worked with individuals from Municipal Resource Incorporated to define a model that works financially. The County feels confident to this point. They have put-out an RFQ for billing companies and received those. He said they have also been trying to explain to DiLuzio employees the benefits of coming to the County and he thinks they are excited by it. He said there had been a lot of unknowns, but they have planned as best as possible for this transition, though there would be undoubted bumps in the road, which the City should also be aware of.

Mr. Coates clarified that this in no way effects the City of Keene fiscally because its service is in place and towns without their own services would pay for the County service. This will become another department of the county, like the Department of Corrections. Mr. Coates concluded his presentation stating that Cheshire County felt it was its obligation to step-up and take this on and while it had been

a chore, he said they were getting there and were eager to have an ambulance service starting mid to late January 2022. He welcomed questions.

Councilor Remy appreciated that there would be no ongoing fiscal impacts to the budget but imagined it was taking a significant amount of the funds that would have otherwise helped Keene, which was the only caveat he saw. Mr. Coates replied that to be honest, other Counties are using those funds for internal offsets. He said Cheshire County did look internally first and there is a \$4 million energy audit in place now that would otherwise have hit the tax base. There was approximately \$1 million in overruns for Maplewood, and the County identified that those were only due because of Covid-19 delays, and they would have otherwise hit the mark on dollar. The only thing they could do to cope was to use those monies, so it did not go to the tax base. With the next round of monies, they plan to purchase a generator at the courthouse that helps secure the Sheriff's dispatch. They look internally because they always want to offset costs where they can. He said there was no directive stating that the County had to give back to communities, but they felt it was important especially with Covid-19 challenges. He appreciated the question.

Mayor Hansel said he was encouraged by this because the City cannot serve the community's needs on its own. He said this is a partnership and so to have the County—already established partners—take this on reduces risk of sale to an entity on the open market that might not be a good partner. He said the County is a solid partner and he was encouraged. Mr. Coates informed the Council that they wanted DiLuzio to look at those options. He said of the biggest ambulance services in the country, they would be more likely to go into a City like Manchester because they look at inter-facility transfers foremost versus a company like that coming into Keene taking on 14 separate contracts. Mr. Coates said the County would only be as strong as its partners in this effort. He was clear that this is not a power-grab by the County, but rather the County stepping-up and saying how can we help support. He said partnering with the City of Keene would be important to help with learning curves, especially because there is already a foundation here to build from. He said something really important was to work on cutting down drive times that are up to 15 minutes right now to those other 14 towns in the County because every second counts. He said the bottom line is that if this fails, people die, and that is the reality of operation.

Councilor Greenwald said he was very much in favor of this, and he thanked DiLuzio for its great service and partnership with the City. The Councilor passed along a constituent question: Keene is the major revenue funder for the County. Are there carrying costs for the DiLuzio acquisition that would need to be absorbed or is it all pay-by-ride, so if one town uses the service more, they pay more? What is the real impact to the City of Keene? Mr. Eaton replied that the impact to the City of Keene would be exactly what it is now, nothing. He said the primary purpose of government is public safety and his work with Southwest Mutual Aid for the last 20 years has showed him that in speaking with chiefs, there are safety difficulties, primarily the lack of volunteers, which they all agree is the greatest jeopardy right now. He said the entire system would breathe a sigh of relief now that the County has established this enterprise fund, which would require start-up costs and would utilize the American Rescue Act (ARA) monies. There is no jeopardy for the City of Keene and the advantages to the City would be substantial because the County hopes to expand the service to be a better partner for the City, including possible joint training operations. Mr. Coates added that the County takes its budget process

very seriously and stated that in the year 2021, there were no tax increases from the County's accounting. However, the NH Department of Revenue Administration has a formula based on assessments and evaluations that could add to the taxes in the County and City. Mr. Coates said the County would also strive to do the best they can to maintain services by statute, while best supporting communities. Mr. Eaton said they sent \$1 million out to communities from the CARES funds and he added that there had not been more than a 1% increase in County taxes per year during his 10-year tenure with the Delegation.

Councilor Jones thanked the presenters for taking a proactive approach to what could have been a disastrous situation. He asked whether this was a brick-and-mortar purchase or just the business. Mr. Coates said this is an asset purchase, meaning that the County absorbs DiLuzio's employees, contracts, the ambulances, and any other equipment. The County will use the DiLuzio facility for 1–2 years, while they look for a new location based on where they see the calls are most. Still, there are some fire departments currently doing great things, like in Fitzwilliam, that the County wants to support versus competing with, such as with supplemental staffing during off-hours. He said often calls go out and there is no one to answer, especially for fires, and backup for Keene will not arrive for 30 minutes. He said there are real crises, and we need solutions that the County must address. They want to collaborate with their current partners.

Councilor Jones added that demographics have changed and there used to be a lot of home-based companies, like in Troy, which would let their volunteers respond to situations and we do not have those employers any longer. Councilor Jones knew the Sheriff's office and State Police had contracts with some towns and asked if this would be a similar contract. Mr. Coates replied that it is a similar service, but the reality is that the costs would increase a little bit, but because of the American Rescue Plan funds, they were able to offset and phase-in those costs over three years. Thus, it would not be a shock to communities.

The City Manager, Elizabeth Dragon, thanked Mr. Coates and Mr. Eaton for this presentation and their work on this project. She said that ambulance services in the region had been a concern for some time and she was glad that this project would bring that concern to the forefront. She said it was important to remember that Keene has its own service and has contracts with other communities. She thinks that setting-up this new service as a pay-to-ride was the best scenario the City could ask for. Two years ago, the City moved from a handshake agreement with DiLuzio to a negotiated contract for mutual aid. The City did an analysis of how many times the City was responding versus DiLuzio to ensure it was still a mutual agreement because it's important to the City that it remains of mutual benefit. The City Manager thanked the presenters again and said she looked forward to being a part of the conversation as this moves forward. Mr. Coates noted that the City Manager had been a great supporter along with Don Caruso and others in the community who have known about this, and he was glad the non-disclosure agreement was lifted so they could share this with the Council and community.

Mayor Hansel appreciated Mr. Coates and Mr. Eaton giving this presentation and starting this off right with communication. The Mayor thinks this will be challenging but he is hopeful for the future. Mr. Coates is happy to field more questions as they arise.

PLD REPORT – MARK ZUCHOWSKI – PURSUANT TO SECTION 5 OF THE KEENE CITY CHARTER – ALLEGATION OF FRAUD OR MISCONDUCT IN CONNECTION WITH THE MUNICIPAL ELECTION

Planning, Licenses and Development Committee report read recommending to take no further action on the allegations presented by Mark Zuchowski, as he failed to provide factual basis to establish a claim of fraud or misconduct in the conduct by the City of the municipal general election held on November 2, 2021.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. The motion passed on a unanimous show of hands vote with 12 Councilors present and voting in favor.

PLD REPORT – PROPOSED AMENDMENTS TO THE RULES OF ORDER – CITY CLERK AND CITY ATTORNEY

Planning, Licenses and Development Committee report read recommending the adoption of the proposed Rules of Order as amended.

A motion by Councilor Bosley to adopt the proposed Rules of Order as amended was duly seconded by Councilor Greenwald.

Discussion ensued.

Councilor Manwaring stated her concerns about the conflict of interest issue and noted that there was discussion at the PLD meeting of an unnamed Councilor who did not disclose conflict of interest, which Councilor Bosley later confirmed was in reference to Councilor Manwaring. Thus, Councilor Manwaring felt it necessary to explain the instance in question to the whole Council. The instance in question was a budget hearing when she supported full funding for Hundred Nights, Kids Collaborative, and two others; she asked for level funding for all four agencies under consideration because it was during the Covid-19 pandemic when they could not fundraise. At the time, Councilor Manwaring had just become a Hundred Nights Board member, which she did not disclose because she said that in all honesty, it did not occur to her, and she was operating on the concept of whether she would make money. She apologized to Councilor Bosley and the rest of the Council for not disclosing her Board membership at the time.

Councilor Manwaring continued noting that in the proposed changes to the Rules of Order, she did not see Councilors' expressed concerns about conflict of interest addressed, stating that the rules are so vague still that anyone could make the mistake she did. She requested better clarity. She also said the issue of bias was not addressed sufficiently in the Rules. Councilor Manwaring wanted an agreed upon process of disclosures. Particularly with budget discussions upcoming, she thought the matter of conflict of interest needed to be resolved quickly and with clear consensus.

Mayor Hansel said that Councilors could propose language changes to the proposed Rules. Regarding the more philosophical questions, he said his plan was to seek consensus of the Council and then have the City Attorney craft the appropriate language before the next Council meeting, if the Council was not ready to move forward with adoption.

Councilor Greenwald said this discussion was not about the Charter but the Rules of Order, which are apparently easy to amend. He thought a lot more discussion was needed because Councilor Manwaring raised good points and all Councilors are members of various organizations, so these Rules needed clear specification. He thought this was a good start. Councilor Greenwald thought it was easier in the past when conflicts were only about pecuniary interests, which was how he thought it should be still.

Councilor Bosley said this was discussed at length by the PLD Committee and one of the things that came up throughout that conversation identifying various situations where Councilors were on boards and did not appear to have conflicts of interest on an item, did appear to have conflicts of interest, were receiving or potentially receiving funding for an organization that they sat on a board for, or maybe asking the City to do a project that might support an organization that they sat on a board for. There were so many different slight variations of how you might have a bias in a situation or conflict of interest that Councilor Bosley said the Committee was stumped. After an hour of talking about what the language needed to say to make it very clear that this is relevant and important. There were suggestions to have Councilors disclose at the beginning of each year, so the information is open to the whole Council as well as an educational process on conflicts and biases during orientations or annually. They did replace the word “shall” with “must” to emphasize the importance of disclosure and letting the Committee decide whether to recuse the Councilor. She supported the City Attorney drafting different language in response to these concerns.

Councilor Filiault said that the more he heard at the PLD meeting and this meeting, he did not feel the Council was ready to vote on the extremely important Rules of Order. He said it felt like they were winging it during this conversation, which was not enough diligence when there was no clear definition of conflict of interest. Councilor Filiault expressed further concern about the allowance of electronic participation for various reasons like sickness, vacation, or important events. His personal stance was that aside from electronic participation in support of the American Disabilities Act (ADA), he was completely against the remote option and said that if once weekly participation in meetings was not possible, then perhaps those individuals were not right for Council. He could imagine someone taking advantage of the option and adding to the Mayor’s workload. The Council operates fine with a quorum when members are absent. Councilor Filiault was adamantly against the allowance of electronic participation and against the Council voting on these proposed Rules at this meeting.

Mayor Hansel stated he was prepared to table this matter if it became obvious that a lot of changes were still needed. However, he said this was time sensitive and while he understood the points voiced, he said the Rules are easily changeable compared to the Charter, for example. The Mayor wanted the Council to workshop these ideas at this meeting to provide the City Attorney consensus to draft new language before the next Council meeting. Mayor Hansel asked for feedback from the rest of the Council on the two main concerns posed—remote participation and conflicts of interest.

Councilor Powers suggested asking other communities what they were doing regarding remote participation. He believes that if Councilors cannot be present, then they should be absent, because the electronic participation is too much to ask of Staff and connection issues make for complications during the meeting; he said it was not a great business atmosphere. On conflicts of interest, he said it must be about monetary issues. Still, he said the other thing that had not been discussed and should be likely placed on the table is the issue of public perception of the Council being unclear on what

constitutes a conflict of interest. If the Council does not know then the public does not know. The issue needs to be defined so people understand it.

Mayor Hansel spoke about conflict of interest, having dealt with it a lot as a Councilor and Mayor. He said he liked Councilor Bosley's idea of Councilors disclosing organizational affiliations and whether the Councilors are paid by those entities annually so anyone could request the information, enhancing transparency. He said it comes down to whether the Councilor benefits financially and whether the Councilor is intimately involved with negotiating a contract with the City. Mayor Hansel said that many Councilors are able function as such, above their other affiliations, to make decisions. Those were the Mayor's suggestions.

Councilor Remy recalled the Taste of Keene event last year, for which he presented to PLD and FOP, requesting a license to close a street as well as financial support from the City; he was not recused for the license to close a street but was recused from the financial negotiation. He said he could understand the distinction between those two requests. He agreed that there are grey areas but said some have become clearer to him as time has passed. He supported annual disclosures of organizational affiliations for identifying potential biases. On remote participation, he disagreed with those in opposition, stating that because a Councilor cannot be present physically does not mean that they and their constituents should not be represented in the Chambers. He said that not everyone has the privilege to leave their family or jobs every Thursday night to be present at City Hall. He thinks the Council should appreciate that they are lucky to have remote participation so that more of the population can be represented in the room.

Councilor Bosley appreciated Councilor Remy's comments clarifying the issue of being in a negotiation of the City as a pivotal point of all conflicts of interest. She suggested using that language in the rewrite. Councilor Bosley also noted that there was a recent Council workshop when remote participation was discussed at length and while all Councilors might not have attended, there was a consensus of the majority in the room to provide for this participation. She thought the City Attorney had drafted reasonable and practical language on the matter, outlining the clear cases in which such participation would be permissible. Allowing remote access allows more people to run for Councilor, of which Councilor Bosley was in favor.

Councilor Greenwald said the Council was not going to agree on anything at this meeting but said he agreed with everything Councilor Filiault said about electronic participation, which Councilor Greenwald was also against. Councilor Greenwald agreed it could snowball into a situation of someone spending half the year away from Keene and so he suggested language limiting the allowance to vacations of 14 days; it is up to an individual whether they want to Zoom in from their vacation. He said this was a good discussion but that a more in-depth workshop of this issue was needed, and he supported tabling the matter.

Councilor Williams stated that he made his stance clear during the last discussion about this and that he is in favor of remote access, particularly for people with disabilities. He did agree with Councilor Greenwald's idea of limiting the stipulation to vacations no more than 14 days.

Councilor Jones agreed with Councilors Powers and Filiault, stating that the Council has functioned for years with no issue when members are absent for these various reasons. He thought the remote

privilege could be abused and that the Rule should remain as they were pre-Covid-19. On conflicts of interest, he recalled Councilor Lake's recusal at the last meeting and stated that he did not think there was a conflict until Councilor Lake stated that he had a bias. Councilor Jones said the Council needed to determine what to do when Councilors express biases.

Councilor Madison said he wholeheartedly agreed with Councilor Bosley on remote participation, and he said the PLD minutes stated the reasons clearly. He agreed that City Council needs to be more accessible to potential Councilors from diverse economic backgrounds and abilities.

Councilor Workman was one of the Councilors in favor of remote participation originally and while her position had not changed, she noted that her support was from the perspective of this existing Council, and she did not think anyone would abuse the privilege. She said the Council needed to look at the whole Rules of Order to ensure what is best moving forward for all future councils. She said the ability for remote participation was built-in already for people with disabilities so that was a moot point.

The City Attorney, Thomas Mullins, said the Councilor's statement was correct generally, because the City is obligated to comply with the ADA. However, the City Attorney said that this was a threshold question: what is the Council's policy and procedure? How do people know and interact with the policy? He said it is a matter of risk analysis. Still, the Council is obligated by law to provide this opportunity to those with a disability defined by the ADA; the City Attorney's assessment of the current state of the law with respective policies and procedures was that the Council's risk would be lower if there were a written policy with respect to that.

Councilor Workman was not opposed to adding that policy because the Council should accommodate those with disabilities. Regarding remote participation for vacations and sick days, she thought the Council should lead by example and demonstrate work-life balance by not participating remotely in those instances; the Council would still function despite absences.

Mayor Hansel asked the City Attorney about reasonable accommodations, noting that City Hall is ADA accessible. The City Attorney agreed about the building but said the underlying question is whether someone is able to get into the building. A reasonable accommodation is one that is fact-specific to the individual who qualifies under the ADA. There could be an individual who quite literally cannot enter City Hall but there may be the obligation to provide them a reasonable opportunity for them to participate. Mayor Hansel said that technically City Councilors are employees of the City, so would this not default to however things are handled for an employee as well. The City Attorney said potentially, but that is the point, even in our employment situation we have policies and procedures with respect to one's rights as a disabled individual as an employee. He said the issue he raised was not whether any specific individual has a disability that requires reasonable accommodation but that as a matter of the course, there needs to be a policy and procedure that allows for assessing that and that allows for that individual to be reasonably accommodated. He used the analogy of workplace harassment policies and procedures; if you are in a judicial situation or at an administrative agency the first thing they would ask to see are the policies and procedures, and to not have those is almost *prima facie* position regarding the administrative agency or the court that one is not following the requirements of the statute. Mayor Hansel asked why it would not default to the City's policy for

their employees. The City Attorney replied that because even though Councilors are W2 employees, they are still elected officials, with a different status than employees.

Councilor Filiault said his point was made that there were more questions than answers and suggested moving on with tabling the matter.

Mayor Hansel provided his synopsis of the discussion. In listening, he heard the room fairly split on remote attendance and so he suggested moving forward with the language allowing remote attendance and those in opposition could offer an amendment with advice from the City Attorney. On conflicts of interest, Mayor Hansel said he heard some direction for modifying the Rules and asked to hear from the City Attorney.

The City Attorney thought he heard a few areas discussed, the first was about being involved in direct negotiation with the City and then there was the question of bias. He asked if the Council wanted language included for providing a statement to the City on some annual basis regarding the boards, etc., that Councilors serve on; the Council demonstrated consensus on adding that language. The City Attorney also said the Council should remember too that this will always be an unfortunate grey area, which is attempted to be resolved by the fact that 14 Councilors must decide whether a conflict exists, and there is a wisdom in the group.

Councilor Chadbourne did not recommend adopting this Rules at this meeting and she was not pleased making changes on the floor. She supported remote participation and thought the proposed language clearly outlined the allowances, which were perhaps too narrow in her opinion. She said it was important to allow people to participate and votes matter even if they are remote. Councilor Chadbourne thought the conflicts of interest discussion was interesting. She suggested that someone who realized that Councilor Manwaring overlooked her conflict could have had her back and reminded her that she might have a conflict. She said it is important for Councilors to make these disclosures when they are elected.

Mayor Hansel said the conflict of interest language would be reworked by the City Attorney and the remote participation language would remain until a Councilor proposes an amendment at the next meeting.

Mayor Hansel laid this matter on the table without objection until the City Council's December 2, 2021 regular meeting.

In response to the City Attorney, there was consensus from the Council they are content with all language in the proposed Rules of Order other than conflict of interest and remote participation.

CITY MANAGER COMMENTS

The City Manager began her comments by discussing the continued conversation about municipal aid (which includes meals and rooms revenue). She spoke with Cheshire County Administrator, Chris Coates, about a joint City/County meeting with our Senator and members of the House to discuss municipal aid and the gradual downshift from the State that has occurred over many years. This is not a new topic, but it is an important one to keep in the minds of our legislators. The City Manager had also spoken with Senator Kahn, who suggested the timeframe be mid to late January when we will also

have a better sense of bills in the House and Senate. The current plan is to also invite NHMA to speak on the topic and include an invite to area towns, like the legislative meeting we have held in the past closer to cross over. The City Manager would keep the Council informed as she receives more details.

Next, the City Manager reported on the Keene State College (KSC) student designs on the community billboards project. The final phase of the community billboards project in front of the US Post Office has been completed with the installation of backer boards on the stanchions, reflecting the design work of several KSC design students in the class of Professor Robert Kostick. These backer boards are mounted permanently to the sign stanchions—both in front of the US Post Office and at a more recent installation in Fuller Park. Any licensed sign will be mounted in front of these permanent backer boards. When there are no licensed signs, the backer boards will depict attractions in the City. This was all a part of an effort to improve the usability of these sign stanchions, by moving away from plywood signs to vinyl signs, and to use the stanchions to promote community assets whenever a licensed sign is not erected.

The City Manager continued sharing thanks to the Public Works Department. The artist who recently had her art installed at the airport, Martina Angela Muller, wrote to the City Manager, thanking our Public Works Department for their efforts to install the stainless-steel sculpture. The team used heavy equipment to prepare the hole and install the piece of art on a gravel bed. Ms. Muller wrote that Staff were fast, efficient, sensitive, and respectful of the art and artistic input that they were given. She was extremely grateful for their help and the support of the City, which the City Manager wanted to share with the City Council.

Next, the City Manager provided her regular Covid-19 update. Covid-19 positivity rates and hospitalizations remain high. Staffing issues continue to impact all hospitals and their bed capacity. We saw a bit of an uptick around the Halloween timeframe and then the positivity rate dropped down slightly this week. Positivity rates at Cheshire Medical Center remain around the 8% range. In addition to the social media information the city has been sharing weekly, Staff were preparing to send out messages to the businesses who took the Keene Safe Pledge, encouraging everyone to remain vigilant and take extra precautions next week around the Thanksgiving holiday. She said vaccination remains our best defense against transmission and the impacts of Covid-19. Access to both Covid-19 vaccinations and boosters is available widely at local pharmacies and other convenient locations. You can select a location and register online for an appointment at www.vaccines.gov, or select a vendor with walk-in appointments and obtain your vaccination or booster now. The City Manager said she was scheduled for her booster at Walgreens the next morning and the process to set up the appointment was very easy.

The City Manager continued sharing great news from the Government Finance Officers Association (GFOA) of the United States and Canada. She received notification on this day that the City of Keene was awarded the Certificate of Achievement for Excellence in Financial Reporting for the Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2020. This is the Finance Department's third consecutive year receiving this award. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report. The Certificate of Achievement is the highest form of recognition in the area of

governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City Manager congratulated the Finance Director, Merri Howe, and her entire Department, with special recognition to Karen Gray who alongside Ms. Howe played a lead role in the preparation of these financial statements.

The City Manager concluded her comments by sharing that members of our community could receive free meals on the Thanksgiving holiday at the following locations: Keene Oddfellows (take-out 4:00 PM–6:00 PM), Keene Assembly of God (11:30 AM–3:00 PM), the Fraternal Order of Eagles (12:00 PM–3:00PM, with some delivery availability to Keene residents).

The City Manager concluded by wishing everyone a happy Thanksgiving.

FIRE DEPARTMENT MEMORANDUM – 2021 HOMELAND SECURITY GRANT PROGRAM AWARD – HAZMAT – FIRE CHIEF

A memorandum was read from the Fire Chief, Mark Howard, recommending that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$28,571.43 from the 2021 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant.

Because this was a time sensitive matter, Mayor Hansel requested a motion to suspend the Rules of Order to take action this evening.

A motion by Councilor Powers to suspend the Rules of Order to allow action on this item on first reading was duly seconded by Councilor Hooper, and the motion passed unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Lake, Johnsen, and Ormerod were absent. The Rules were suspended.

A motion by Councilor Powers to authorize the City Manager to do all things necessary to accept a grant in the amount of \$28,571.43 from the 2021 State of New Hampshire Homeland Security Program HazMat Grant was duly seconded by Councilor Bosley and the motion passed unanimously on a show of hands with 12 Councilors present and voting in favor.

ECC REPORT – RESIGNATION OF HILLARY BALLANTINE AND CARY GAUNT FROM THE ENERGY AND CLIMATE COMMITTEE

A memorandum was read from City Planner, Mari Brunner, recommending that the City Council accept the resignations of Cary Gaunt (effective December 31, 2021) and Hillary Ballantine (effective immediately) from the Energy and Climate Committee.

A motion by Councilor Powers to accept the resignations with regret and appreciation of service was duly seconded by Councilor Bosley and the motion passed on a unanimous show of hands with 12 Councilors present and voting in favor.

PB/PLD REPORT – ORDINANCE O-2021-14: RELATING TO AMENDMENTS TO THE BUSINESS, GROWTH, AND REUSE DISTRICT – JOINT PB/PLD

A memorandum was read from the Community Development Director, Rhett Lamb, identifying the following Joint Planning Board, and Planning, Licenses and Development Committee actions:

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A motion was made by Mayor Hansel that the Planning Board find this Petition consistent with the City's Master Plan. The motion was seconded by Councilor Remy and was unanimously approved.

A motion was made by Chair Bosley that the Planning, Licenses and Development Committee request that the Mayor set a public hearing date for Ordinance O-2021-14. The motion was seconded by Councilor Philip Jones and was unanimously approved.

Mayor Hansel filed the memorandum and set a public hearing for December 2, 2021 at 7:10 PM.

MORE TIME – PLD REPORT – KEENE DOWNTOWN GROUP – REQUEST TO USE CITY PROPERTY – ICE AND SNOW FESTIVAL

Planning, Licenses and Development report read recommending that the request for use of City property for the Ice and Snow Festival be placed on more time. Mayor Hansel granted more time.

ORDINANCE FOR FIRST READING – REDISTRICTING OF WARD LINES – AD HOC REDISTRICTING COMMITTEE – ORDINANCE O-2021-15

A memorandum was read from Kendall Lane, Chairman of the Ad Hoc Redistricting Committee, recommending that Ordinance O-2021-15 relating to City Ward Lines be referred to the Finance, Organization and Personnel Committee, and that the Mayor set a public hearing date for Ordinance O-2021-15.

Mayor Hansel referred Ordinance O-2021-15 to the Finance, Organization, and Personnel Committee and set a public hearing for December 2, 2021 at 7:20 PM.

RESOLUTION – RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND – RESOLUTION R-2021-42

A memorandum was read from Finance Director, Merri Howe, recommending that the City Council suspend its Rules of Order to adopt Resolution R-2021-42 relating to the appropriation of funds for the Solid Waste Fund for FY 20/21.

A motion by Councilor Powers to suspend the Rules of Order was duly seconded by Councilor Bosley. On a roll call vote, the motion passed unanimously with 12 Councilors present and voting in favor. Councilors Lake, Johnsen, and Ormerod were absent. The Rules were suspended.

A motion by Councilor Powers to adopt Resolution R-2021-42 was duly seconded by Councilor Bosley and the motion passed on a unanimous show of hands with 12 Councilors present and voting in favor.

RESOLUTION – IN SUPPORT OF A MEDICARE FOR ALL PLAN – RESOLUTION R-2021-46

A memorandum was read from the City Manager, recommending that Resolution R-2021-46, in Support of a Medicare for All Plan have a first reading in front of the City Council and that it be referred to the Planning, Licenses and Development Committee. Mayor Hansel referred Resolution R-2021-46 to the Planning, Licenses and Development Committee.

RESOLUTION – IN APPRECIATION OF WILLIAM RHETT LAMB UPON HIS RETIREMENT – RESOLUTION R-2021-45

11/18/2021

A motion by Councilor Powers to adopt Resolution R-2021-45 was duly seconded by Councilor Bosley. Councilor Jones indicated he would vote no, as he told Mr. Lamb he would.

The motion passed on a unanimous show of hands with 11 Councilor present and voting in favor. Councilor Jones voted in opposition.

Everyone looked forward to honoring Mr. Lamb in-person at the next Council meeting.

NON-PUBLIC SESSION

At 8:30 PM, a motion by Councilor Powers for the Council to go into non-public session for the purposes of discussion of a land matter under RSA 91-A (II) d was duly seconded. On a roll call vote, 12 Councilors were present and voted in favor. Councilors Lake, Johnsen, and Ormerod were absent. The Director of Parks and Recreation, City Assessor, and Director of Economic Development were requested to join the session. Discussion was limited to the subject matter. The session concluded at 9:00 PM. A motion by Councilor Powers to keep the minutes in non-public session was duly seconded. On a roll call vote, 12 Councilors were present and voting in favor. Councilors Lake, Johnsen, and Ormerod were absent.

A true record, attest:



City Clerk

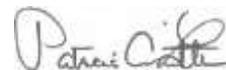
MOTION OUT OF NON-PUBLIC – PURCHASE OF PROPERTY IDENTIFIED AS TAX MAP AND LOT NUMBER 586-001

A motion by Councilor Powers to authorize the City Manager to do all things necessary to negotiate and execute a Purchase and Sale Agreement for the purchase by the City of real property identified as Tax Map and Lot #586-001, and, as part of the consideration for the purchase, to swap with the Seller real property now owned by the City identified as Tax Map and Lot #575-015 was duly seconded by Councilor Bosley. The motion passed on a show of hands with 11 Councilors voting in favor. Councilor Filiault voted in opposition.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 9:01 PM.

A true record, attest:



City Clerk