



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
March 17, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- March 3, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations
 - Planning Board
 - Airport Development and Marketing Committee
2. Appointment of an ad hoc Downtown Infrastructure Project Steering Committee

C. COMMUNICATIONS

1. Danya Landis/Machina Kitchen and ArtBar - Request to Use City Public Parking Spaces - Parklets
2. Councilor Remy - Conflict of Interest - KYPN Food Festival
3. Councilors Williams, Workman and Lake - Encouraging the City to Develop a Homelessness Strategy through Programs that Focus on Reducing Harms Associated with Homelessness

D. REPORTS - COUNCIL COMMITTEES

1. Danya Landis/Machina Kitchen & ArtBar - Request to Serve Alcohol at Sidewalk Café
2. Gail Somers/Yahso Jamaican Grille - Request to Serve Alcohol at Sidewalk Café
3. Keene Young Professionals Network – Keene Food Festival - Request to Use City Property
4. Rules of Order – Section 4 – Quorum and Remote Participation
5. Rules of Order – Section 15 – Conflicts of Interest
6. Acceptance of 2022 Wellness Grant - Human Resources Director
7. Acceptance of the Locality Equipment Matching Program Grant - Fire Department
8. Negotiate Lease of Airport Property - Airport Director
9. Airport Operating Rights Agreement - Monadnock Choppers - Airport Director
10. Airport Engineering and Architectural Services - Airport Director
11. Professional Services Contract for Mapping City Cemeteries and Associated Software - Parks, Recreation and Facilities Director
12. Body Worn Camera and In-Car Video System Implementation - Police Department
13. Winchester Street Reconstruction – Consultant Selection for Construction Engineering Services - City Engineer, *and* Winchester Street Reconstruction – Design Consultant Services for Construction Support Services - City Engineer
14. Proposed Capital Improvement Plan (CIP) for FY 2023-2029

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. City Council Goals - City Manager
2. Creation of a Parklet Ordinance - Mayor Hansel
3. Acceptance of Donations - Partner City Committee

G. REPORTS - BOARDS AND COMMISSIONS

1. Capital Improvement Program FY 2023-2029

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Stop Signs – Washington Avenue
Ordinance O-2022-03

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Winchester Street By-Pass Project
Resolution R-2022-03
Resolution R-2022-04
2. Relating to the Appropriation of Funds for the Thompson Road Repair and Stabilization Project
Resolution R-2022-05
3. Council Policy: Relating to the Legislative Process
Resolution R-2022-06

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, March 3, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Catherine I. Workman, Kate M. Bosley, and Thomas F. Powers were present. Councilor Ormerod led the Pledge of Allegiance. Gladys Johnsen arrived at 7:03 PM. Michael J. Remy, Bettina A. Chadbourne, and Mitchell H. Greenwald were absent.

ANNOUNCEMENTS

Mayor Hansel led a moment of silence to recognize the suffering of the people of Ukraine.

After the moment of silence concluded, Mayor Hansel spoke about the importance of the people of Keene standing together in unity to support those community members with family in Ukraine. He went on to say that in a show of solidarity, there would be a candlelight vigil on March 4 from 6:00 PM–6:45 PM in Central Square. Leaders from multiple denominations would be speaking. He encouraged all those able to attend to participate to make this important statement in our community.

MINUTES

A motion by Councilor Powers to approve the minutes of February 17, 2022 was duly seconded by Councilor Bosley and the motion carried unanimously with 11 Councilors present and voting in favor. Councilor Johnsen arrived after this vote was conducted.

PUBLIC HEARING – CAPITAL IMPROVEMENT PROGRAM – 2023-2029

Mayor Hansel called the hearing to order at 7:03 PM and requested comments from the City Manager.

City Manager Elizabeth Dragon stated that this public hearing encompassed Fiscal Year 2023 through 2029 of our Capital Improvement Program (CIP). For the Councilors some of her comments will be repetitive, but she thought it was an important summary to share with the public present and watching at home. She said the City Staff and Councilors had worked hard to produce a Capital and Operating Budget that met and balanced citizen and community needs, and City Council Fiscal Policy. The CIP includes projects with an estimated cost in excess of \$35,000 and anticipated useful life of at least five years. Expenditure and funding activity anticipated from any Capital Reserve fund is also presented in the CIP, regardless of the amount. The City utilizes strategic plans at the Department level to advance projects and initiatives over time such as the Active & Passive Recreation Plan, the Watershed Master Plan, and the Asset Management Plans for road, sewer, water, and sidewalk infrastructure.

This past year, in an effort to more closely align budgets with Council Goals through a strategic governance process, the City Manager said they had attempted to more clearly define the strategic plans and guiding documents that drive recommendations in both the Operating Budget and Capital Plan. Strategic governance brings together strategic thinking with operational governance to create a pragmatic approach to decision making over a long period of time, working to accomplish the goals of the City's Master Plan and the City Council Goals as well as many

smaller departmental level plans. Implementation of those plans occurs incrementally over time, often spanning several years and therefore several budgets. In recent years, the priorities expressed by the community, the City Council, and the Comprehensive Master Plan clearly show an emphasis on City road and bridge systems, flood control, support for public safety services, and other initiatives like the library, parks, and facilities. This past year, the message was clearly received that sidewalk infrastructure deserves the same level of planning for improvements. To that end, Staff created a Sidewalk Infrastructure Asset Management Plan, which was reviewed by the Council and has been incorporated in this CIP document.

The City Manager said that City Staff had been careful to see that all newly identified projects deemed important to realizing the goals and objectives of the City of Keene were incorporated into this plan. Two years ago, Fiscal Policy changes included language about using unanticipated and unrestricted revenues to help advance budgetary policies related to bond debt and capital outlay. Again this year, proposals were put forward in the CIP to do just that in an effort to reduce debt and interest expense. This Plan also moves closer to level funding the use of current revenues and capital reserve appropriations each year of the Plan. This number directly effects the budget each year; it is the net of debt issuance, capital reserves being used, grants or other funding sources to fund projects.

The City Manager stated that the CIP reflects the continuance of the philosophy of seeking opportunities for strategic investments that leverage other resources and partnerships to advance the goals of the City's Master Plan, as reflected in the Library Campus project, the Bike Park, the proposed Skate Park, and the prospective Dog Park projects. Through engagement with residents, employers, non-profit organizations, social service agencies, and other governmental partners and community groups, we collectively advance the City Council priorities.

New for the Fiscal Years 2023–2029 Capital Plan is the introduction of project types. As projects requests are developed and project worksheets created, each project is assigned a category type of either a project or a program. A project could be a single item purchased or a one-time multi-phase project like the Ashuelot River Dam Repair or Removal projects, which is both a design phase and has implementation and construction phases as well. A program is one that is reoccurring and ongoing, often tied to Asset Management Plans and may include regular expenditures and appropriations. Road preservation and rehabilitation, sidewalks asset management, and sewer manhole linings are just a few examples of programs in the Capital Plan.

One of the future initiatives included in the Plan are the new Robinhood Park Improvement Project that focuses on the infrastructure of the entire park, which has aged significantly and focuses on a pool built on the banks of a reservoir that had reached its useful life. She said that this eastside park offers a variety of recreational activities, though weather and climate change have taken a toll on the natural feature of the park. Keeping in line with the Active & Passive Recreation Management Plan, which was used for both the Wheelock and the Pat Russell Parks, the community will have the opportunity to share their ideas and concepts. Engaging the community in the concept and design phase in FY-23 will strengthen the connection between the neighborhood, while promoting a sustainable and climate resilient park for today, tomorrow, and the future.

The City of Keene was recently awarded a NH Department of Transportation Alternative Program (TAP) grant for street and safety improvements in FY-23 along Marlboro Street. This will allow the City to expand the original scope of crosswalk improvements, painted bike lanes, and connection to the Cheshire Rail Trail to include extra safety measures, sidewalk reconstruction, lighting, and an asphalt overlay on Marlboro Street from Main Street to Eastern Avenue. Design and construction of the next multi-phase project is ongoing with the development of the Cheshire Rail Trail System, scheduled to begin in FY-23, dependent on grant funding. While putting the plan together the City Manager was notified that the project was recommended for Congressional Direct Spending, though those funds have not materialized, and the timing of this project is still in flux.

The downtown and infrastructure improvement project is in the early stages with preliminary design beginning this year. The project's focus is on replacement and upgrade of the 120-year-old infrastructure on Central Square, Main Street from West Street, Roxbury Street to Water Street, and side streets including Lamson Street, Church Street, Railroad Street to 93rd, and Gilbo Avenue. Outside of the scope of the CIP are the long-awaited improvements to West Street, with planning and design beginning FY-32. The addition of the West Street corridor improvement project to the NH DOT 10-year plan will allow the City the opportunity to update the water and sewer infrastructure at the same time.

In 2013, the City accepted a Facility Asset Inventory Report from the EMG Corporation, which included nearly all City facilities and is used in the long-term Capital Planning. Many projects have been completed since the report was first issued, such as the Library Annex and the new boilers at City Hall; some are included in this CIP, such as the Parks and Cemeteries Operations building. But the report is nearly 10 years old, and updates are needed to make adjustments in managing future CIP development and projects.

The Wastewater Treatment Plant recently received a draft update on the renewal of the discharge permit from EPA. To meet the permit requirements, modifications to the Plant will be necessary to reduce the permissible levels of aluminum in the plant's effluent. The nature and cost are unknown at this time and it is anticipated that this project will be included in the FY-25 to FY-31 Capital Plan.

After this public hearing, the City Manager said that the CIP would go back to the Finance, Organization, & Personnel Committee for a final review before coming back to Council for a vote on March 17. This document is a plan that is then incorporated into the Operating Budget. The decision to actually appropriate or allocate for the first year of this plan is made by the Council during the Council during the May–June timeframe.

Mayor Hansel opened the hearing to public comment and welcomed general comments before those on the specific sections of the CIP. There were no general comments. Following no comments on the Capital Reserve Funding section for large capital expenses in various Departments (pp. 16–25), there was a public comment on the Community Services section (pp. 30–47).

Mayor Hansel recognized Drew Bryenton of 30 Nelson Street, who spoke as Chair of the Bicycle/Pedestrian Path Advisory Committee (BPPAC). Mr. Bryenton stated that BPPAC supports and encourages the City Council to support the following projects listed in the CIP: the open space trails program on page 41, repaving Apple Way in Fiscal Year 2024, the Transportation Heritage Trail program on page 43 (this is the highest priority project that BPPAC is tracking, and they support all parts of the project, and the Marlboro Street connector project on page 40, 80% of which is funded already a NH Department of Transportation TAP grant.

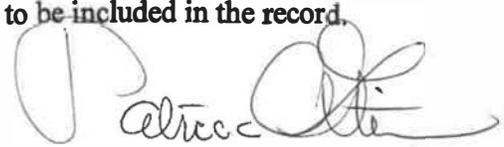
Mayor Hansel continued his department by department review of the CIP. There were no public comments on the Internal Support section, on software upgrades and facilities projects related to roofs (pp. 52–63).

There was one public comment on the Infrastructure (pp.69–103) section, including Public Works projects and the perimeter fence project at the Airport. Mr. Bryenton spoke again on behalf of the Bicycle/Pedestrian Path Advisory Committee. He commented on the sidewalk asset management program, stating that BPPAC supports the investment in pedestrian infrastructure and setting aside funds in the CIP to do so represents a good step forward. He said that walkability is an important reason why many people choose to live in Keene, including older adults, families with kids, young professionals, and others. Investments in our sidewalks is important for maintaining this highly marketable feature in our City. He said the City investment in pedestrian infrastructure is also critical for him. He cited the City’s stated goal of sourcing all transportation related energy from renewable resources by 2050. He questioned what power source is more sustainable than people power? To encourage walking, sidewalks need to be maintained in good working order.

There were no comments on the following funds: Parking, Solid Waste, Sewer, Water, and Equipment funds. There were no further general comments on the CIP.

Hearing no further business, Mayor Hansel closed the public hearing at 7:18 PM. Written public comments would be accepted until 1:00 PM on Tuesday, March 8. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record.

A true record, attest:



City Clerk

CONFIRMATION

A motion by Councilor Powers to confirm the nomination of Linsey Edmunds to the Energy and Climate Committee, with a term to expire December 31, 2023 was duly seconded by Councilor Bosley. Councilor Ormerod expressed his support for this nomination. He continued highlighting the Energy and Climate Committee. However, he said that the Committee was unable to meet in January and at least one other time due to lack of membership, including alternates. He urged his fellow Councilors to recruit community members for the Committee, which has four sub-task groups doing a lot of important work.

The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy, Chadbourne, and Greenwald were absent.

COMMUNICATION – DANE D'ARCANGELO/EVERSOURCE ENERGY – REQUESTING PERMISSION TO REMOVE TREES ON SCENIC ROADS

A communication was received from Dana D'Arcangelo of Eversource Energy, requesting that a joint public hearing be scheduled with the Conservation Commission regarding their request to remove trees on various scenic roads in the City, which include Concord Road, Concord Hill Road, Moore Farm Road, and Nims Road. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee and scheduled a joint public hearing with the Conservation Commission for April 7, 2022.

COMMUNICATION – EDWARD COPPOLA – EXPRESSING HIS CONCERN OVER LOCAL WILDLIFE AND ASKING THAT THE CITY COUNCIL CONSIDER MEASURES TO MINIMIZE THE NUMBER OF BIRDS AND SMALL ANIMALS THAT DOMESTIC CATS KILL WITH THEIR FREE-RANGE HUNTING HABITS

A communication was received from Edward Coppola, requesting that the City Council consider the following measures to minimize the number of birds and small animals that domestic cats kill—such as the licensing of cats, taking steps to control cats from wandering onto other private landowners' yards; requiring that cat owners provide bells or multi-colored “scarves” to alert wildlife of the presence of a cat and advising property owners of their rights regarding cats hunting on their property. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

MSFI REPORT – HARRIS CENTER FOR CONSERVATION EDUCATION – REQUEST TO TEMPORARILY CLOSE JORDAN ROAD FOR UP TO SIX NIGHTS IN MARCH AND APRIL – MIGRATING AMPHIBIANS

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the City Council authorize the closing of Jordan Road from Concord Road to Peg Shop Road for up to six nights in March and April that are coordinated with City staff when conditions are favorable for amphibian migration. City staff may cancel the closure and/or reopen the road at any time if deemed necessary for the convenience and safety of the public. Further, future requests for the closing of Jordan Road for amphibian migration are administratively handled by the City Manager. A motion by Councilor Filiault to carry out the intent of the Committee report was duly seconded by Councilor Williams. The motion carried unanimously with 12 Councilors present and voting in favor.

FOP REPORT – NEW HAMPSHIRE DEPARTMENT OF JUSTICE GRANT ACCEPTANCE – FIRE DEPARTMENT

Finance, Organization, & Personnel Committee report read recommending to the full City Council the acceptance of the New Hampshire Department of Justice Grant awarded to the Keene Fire Department totaling \$84,425 and to allow the City Manager to do all things necessary for the acceptance and execution of the grant. A motion by Councilor Powers to carry out the intent of

the Committee report was duly seconded by Councilor Madison. The motion carried unanimously with 12 Councilors present and voting in favor.

FOP REPORT – DOWNTOWN INFRASTRUCTURE IMPROVEMENTS AND RECONSTRUCTION PROJECT – CONSULTANT SELECTION – PUBLIC WORKS DEPARTMENT

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute professional service contracts for engineering, technical, and construction services with Stantec Consulting Services, Inc. for the Downtown Infrastructure Improvements and Reconstruction Project. Further, if the City cannot come to an agreement, the City Manager is authorized to move to the second highest ranked proposer. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Madison. The motion carried unanimously with 12 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began by providing an update on the solar project at the Airport to power the Wastewater Treatment Plant. She said construction had started and was going well. The mechanical portions of the project should be complete by April 4 and a few weeks later it should be energized. She said to stay tuned for a ribbon cutting ceremony late April–early May.

Next, the City Manager provided an update on the Council Goals. She provided Councilors a Goals document, as revised during their workshops in November and January. In November, the City Council held the first of two workshops to review and update the 2021 City Council Goals. Councilors participated in small groups and evaluated each of the eight 2021 goals to analyze what had changed in the past year, evaluate future trends affecting each goal, and to identify where specific and measurable actions could be included. This process is a part of the overall strategic governance process, intended to tie updates to existing City reports, assessments, and strategic plans as they might be available to Council Goals. A summary of all discussions, comments, and ideas for each of the eight current goals was then generated and shared with the Council. The summary included a series of “themes” or objectives from each table, which were then incorporated in the Goals document to help bring more specificity to the Goals and prioritize actions steps for the upcoming year(s).

The City Manager continued on the goals, stating that at the second workshop held in January, the Council reviewed the summary of the November workshop and made adjustments to the language included as themes or objectives. The Council was presented with a clean copy of the revised goals document and attached to that a copy that had been marked up to show the changes made at the January workshop. Highlighted in yellow was new or revised language from your January workshop. The goals document is titled 2022–2023 to align with our Budget and Capital Planning process. The language of the eight goals was modified only slightly: Goal #1 regarding managing municipal finances was amended to cite both finances and resources. The bulk of the work related to the Goals document was around adding more specificity to the themes or related objectives. The Goals document will be added to the next Council meeting agenda for approval. If anyone

has questions or thinks something was missed or is not accurately reflected from the two workshops, they should contact the City Manager.

Next, the City Manager provided an update on the Fire Department Staffing Committee. There was a smaller group meeting on Friday, March 11 to look at the data that is available in our Fire House software. This group hopes to better understand the data that is available so that the Committee can determine what data needs to be extracted from the system. This will help the Committee better understand what reports can be generated to analyze trends. Trends related to number of calls, types of calls, location of calls (in or out-of-town), response times, man hours required, etc. The Committee was also investigating whether there is a way to track responses from our mutual aid partners; we know we can track which towns provide assistance at a call, but it is unclear if we can track more than just the town. Can we determine how many people and what equipment responded? Councilors were provided with the notes from the Feb 11 Committee meeting.

Next, the City Manager reported that the City received the “Tree City USA” designation for 2021, making it the City’s 43rd year as a recognized Tree City by the Arbor Day Foundation. The Tree City program was started in 1976 and is one of the Arbor Day Foundation’s oldest programs. It was created to encourage a vision of a greener, healthier America, and hoped that this initiative would inspire change on a nationwide level. In the State of New Hampshire, there are 17 communities that are recognized Tree Cities. The City of Keene is the second longest recognized community, with Durham being first being recognized for 44 years.

Next, the City Manager said the Library was working with the Community Kitchen to encourage people to grow extra produce for donations. This information is being distributed through our seed library and gardening tool programs as well. Some of these foods can be grown in very little space, so it is easy for City residents and patio gardeners.

Lastly, the City Manager alerted the Mayor and Council to the purchase of body-worn cameras and a request to authorize the City Manager to apply for, accept, and expend any and all related grants will be on the FOP agenda in case anyone is interested in attending or tuning in.

MORE TIME – MSFI REPORT – LORETTA SIMONDS – DAMAGE TO A SEWER LINE AND HOUSE FOUNDATION AT 79 WOODBURN STREET AND A REQUEST TO REMOVE A NEARBY CITY TREE

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the communication from Loretta Simonds requesting the removal of a City tree be placed on more time. Mayor Hansel granted more time.

RESOLUTIONS – RELATING TO THE APPROPRIATION OF FUNDS FOR THE WINCHESTER STREET BY-PASS PROJECT – Resolutions R-2022-03 & R-2022-04

A memorandum was received from City Engineer, Don Lussier, recommending that Resolutions R-2022-03 and R-2022-04 be referred to the Finance, Organization, & Personnel Committee for their consideration and recommendation. Mayor Hansel referred Resolutions R-2022-03 and R-2022-04 to the Finance, Organization, & Personnel Committee.

03/03/2022

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FOR THE THOMPSON ROAD REPAIR AND STABILIZATION PROJECT

A memorandum was received from City Engineer, Don Lussier, recommending that Resolution R-2022-05 be referred to the Finance, Organization, & Personnel Committee for their consideration and recommendation. Mayor Hansel referred Resolutions R-2022-05 to the Finance, Organization, & Personnel Committee.

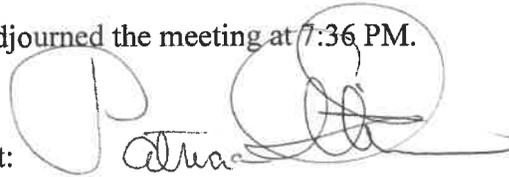
RESOLUTION – COUNCIL POLICY: RELATING TO THE LEGISLATIVE PROCESS – RESOLUTION R-2022-06

A memorandum was received from Mayor Hansel, relating to the City Council Policy on the legislative process, which clarifies what legislative initiatives or agency rules are within the purview of the City Council. Mayor Hansel referred Resolution R-2022-06 to the Finance, Organization, & Personnel Committee.

ADJOURNMENT FOR LEGAL ADVICE

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

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia", written over a circular stamp or seal.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022

To: Mayor and Keene City Council

From: Mayor George S. Hansel

Through: Patricia Little, City Clerk

Subject: **Nominations**

- **Planning Board**
- **Airport Development and Marketing Committee**

Recommendation:

Attachments:

1. Radder, Kristopher_Redacted

Background:

I hereby nominate the following individuals to serve on the designated board or commission:

Planning Board

Gail Somers, slot 10 moving from regular to alternate position	Term to expire Dec. 31, 2022
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Armando Rangel, slot 6 moving from alternate to regular position	Term to expire Dec. 31, 2022
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Airport Development and Marketing Committee

Kristopher Radder, alternate - slot 13 27 Ridgewood Road	Term to expire Dec. 31, 2024
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Heather Fitz-Simon

Subject: FW: Interested in serving on a City Board or Commission

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, March 9, 2022 12:50 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 03/09/2022 - 12:50</p>

<p>Submitted values are:</p>

First Name:

Kristopher

Last Name:

Radder

Address

27 Woodridge Road

How long have you resided in Keene?

5

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Brattleboro Reformer

Occupation:

Journalist

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be interested in serving on:

Airport Development & Marketing Committee

Please share what your interests are and your background or any skill sets that may apply.

I have always enjoyed airports, my family has worked at several over the course of my life. I am a remote pilot right now. My daughter has a strong passion for airplanes and how they work, so we have been studying airplane/airport operations. I am very detailed orientated.

Why are you interested in serving on this committee

With my daughter's strong interest in aviation, I am interested in being part of this committee to help foster programs for young pilots and help the community grow.

Please provide 2 personal references:

Amy Radder



References #2:

Carol Searles





CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Appointment of an ad hoc Downtown Infrastructure Project Steering Committee**

Recommendation:

I hereby appoint the following individuals to serve on the ad hoc Downtown Infrastructure Project Steering Committee, with a charge to review the scope and design of utility replacements as well as improvements to the downtown area. The ad hoc Committee will serve as an advocate for the project and be the host for any public interaction events. Finally, the ad hoc committee will make its recommendations to the City Council with regards to the project.

Mayor George S. Hansel, Chair
Councilor Randy Filiault
Councilor Mitchell Greenwald
Councilor Andrew Madison
Dillon Benik, Bicycle Pedestrian Path Advisory Committee
Alex Faulkner, Amiccis
Alec Doyle, The Colonial Theatre
Mark Rebillard, Deep Roots Massage
Brandie Wells, Soul Emporium
Nathalie Houder, Keene State College
Cheryl Belair, downtown resident
Robert Patton-Spruill, downtown property owner

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Danya Landis
Through: Patricia Little, City Clerk
Subject: **Danya Landis/Machina Kitchen and ArtBar - Request to Use City Public Parking Spaces - Parklets**

Recommendation:

Attachments:

1. Communication_Machina Kitchen & ArtBar

Background:

Machina Kitchen and ArtBar is requesting use of public parking spaces in front of her establishment for the location of parklets that would be used to expand the outdoor dining spaces for the restaurant.

[March 13, 2022]

Dear Honorable Mayor Hansel and City Council:

Machina Kitchen and ArtBar, located at 9 Court Street in downtown Keene, requests the permission to build a parklet so the community members can enjoy our food and beverages (including alcohol) outdoors. This past year our business has been able to strive through adaption, because of this we are thinking outside the box and reinventing our space to fit the needs and the wants of our customers. Even though restrictions have been loosening for COVID-19, many people will prefer outside seating indefinitely. The impact of having outdoor seating made our business last year, and we likely wouldn't be open today if it had not been for the opportunity. Beyond that, we believe that our patio made Court Street more inviting, lively, beautiful, and a more active space.

Last year, the city generously bagged four parking spots in front of our restaurant. This made it possible for us to have six 6-person tables and four 4-person tables in the public right of way (area marked in blue in the below photo). Blocking off these spots was incredibly helpful because the sidewalk in front of Machina is narrow and obstructed by several light posts and mature trees.

Left image: showing the location of the tables and parking spots / Right image: Our patio last season (2021)



We understand we have a limited amount of space accessible for a patio. Our sidewalk is narrowed by the trees and light posts, and we do not have the space to have a deck on the side or rear of our building (both are private property owned by the church). Building a parklet in the parallel parking spaces will expand our seating and create a more enjoyable dining experience in the warmer months. We would be continuing the beauty of downtown by bringing it up Court Street and allowing a safer environment for both our customers while eliminating the concern of the public pulling into the reserved parking spaces. Parklets are becoming very common in New Hampshire cities and have allowed restaurants to provide a more beautiful and verdant environment. Creative solutions, like parklets, have helped restaurants adapt to COVID-19 restrictions and encourage active and safe downtowns.

For inspiration, here are some fun options for parklets that have been created in other cities:



Now for the exciting part- Machina would like to create our own parklet within three parking spots in front of our restaurant at 9 Court Street!

Capacity: We plan to have five 6-person tables and four 4-person tables amounting in forty-six outdoor seats. We currently have capacity for ninety people inside the restaurant. Our bathroom configuration allows for a combined indoor/outdoor capacity of up to 150-persons.

Ground: The parklet will have a wooden deck, flush with the curb, that will allow for proper drainage and creates a smooth transition from the sidewalk to the parklet. The walking space between the curb and the building is eleven feet. The seating will start six feet away from the building to allow for handicap accessible public walking space on the sidewalk.

Base: The base of the fence will be heavy pressure treated lumber that will run the entire length of the fence. This will ground and hold the parklet from moving and will also support the fence. The nine-inch base will create transition between the deck and the road that is similar to the existing 6-inch sidewalk. The fence surrounding the parklet will be anchored to the deck.

Fence: The fence will be constructed using eight-foot tall 4x4 pressure treated posts, supporting either side of the 8-foot-long fence sections (made from painted plywood). Posts will have knee braces that connect to the framework adding extra support. The patio will be well lit with automatic LED lighting and reflective tape on the outside of the fence for visibility as well as cement planters in front of the fence facing Main Street.

Structure: Our parklet will be designed to be easily assembled and disassembled and will not affect the current city infrastructure. We have hired Landis Carpentry to design and build our parklet. They are a local professional contracting business that has experience with building houses and foundations. This section of Court Street has a twenty-five miles per hour speed limit and our parklet will be clearly visible from oncoming traffic in either direction.

www.machinaarts.org
9 Court Street, Keene NH
(603) 903-0011

Diagrams

Visual of parklet in space



Distance between the start of the parklet and the corner of Main St



Distance of parklet from the intersection of Court St and Vernon St





We are incredibly grateful for your attention and consideration of our request. We are very invested in making our city an amazing space for all to thrive and we believe the allowance of our restaurant to create this parklet will only add to the beauty and vibrance of our city; as well as help our business grow and prosper.

I am happy to address any questions or concerns- I welcome you to call or email me,

My best,

Danya Landis, Machina Arts LLC
Partner, Co-Founder, Art Director
Direct: (603) 205-0135
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03/13/2022
Date

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9 Court Street, Keene NH
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CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Councilor Michael Remy
Through: Patricia Little, City Clerk
Subject: Councilor Remy - Conflict of Interest - KYPN Food Festival

Recommendation:

Attachments:

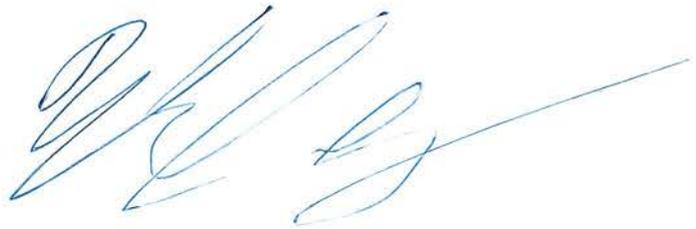
1. Communication_Councilor Remy

Background:

Councilor Remy serves as the event chair for the Keene Young Professionals Network. He is requesting that he be allowed to abstain from the vote on the license for this event.

As the events chair for Keene Young Professionals Network I may have a conflict of interest relating to the application for the Taste of Keene Food Festival. I recused for a conflict associated with the request for financial support in both years that we held the event.

Last year I was found to not have a conflict associated with the application for a license but wanted to allow the council to have an opportunity to weigh in on that again this year.

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to be 'J. H. S.' followed by a long horizontal line extending to the right.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: March 17, 2022

To: Mayor and Keene City Council

From: Councilors Williams
Workman and Lake

Through: Patricia Little, City Clerk

Subject: **Councilors Williams, Workman and Lake - Encouraging the City to Develop a Homelessness Strategy through Programs that Focus on Reducing Harms Associated with Homelessness**

Recommendation:

Attachments:

1. Councilors Williams, Workman and Lake - Homelessness

Background:

Councilors Williams, Workman, and Lake are asking that the City take stock of its housing and homelessness strategy and consider instituting programs that focus on reducing harm associated with homelessness, which affects both people experiencing homelessness and the broader community.

March 15, 2022

City of Keene Clerk's Office
3 Washington St
Keene, NH 03431

To the Honorable Mayor and City Council,

As our regional housing shortage continues, as evictions catch up to pre-covid levels, and as shelters have maxed-out capacity, we see a need for the City of Keene to take stock of its housing and homelessness strategy.

We would like the City Council to consider instituting several new programs that focus on reducing harms associated with homelessness, which affect both people experiencing homelessness and the broader community. We ask the City to undertake the following actions:

- Establish locations around the city to be designated as appropriate for camping. These locations should be provided with city-funded dumpster and latrine services to minimize the impact of campers on the local environment.
- Establish a "safe parking" program, entailing the designation of parking lots where people living in their vehicles would be allowed to park and sleep overnight in relative security.
- Work with our social services partners to provide occupants of camping and parking areas with outreach support and pathways to more stable housing opportunities.
- Review building code and zoning ordinances to make room for lower-cost housing solutions, such as tiny houses, cottage communities, and conversion of existing spaces into accessory dwelling units.
- Work to expedite projects that bring expanded housing capacity into the city, with a balanced focus on both subsidized and market-rate housing.
- Find a long-term solution for the lack of public bathrooms downtown.

We hope that this list of ideas can be refined and expanded, with further input from other Councilors, the Mayor, City Staff, community organizations, and members of the public.

We ask that consideration of funding requirements for implementing these initiatives be included within the planning process for the upcoming budget.



Bobby Williams
City Councilor, Ward 2



Catherine Workman
City Councilor, Ward 4



Bryan Lake
City Councilor, Ward 3



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Danya Landis/Machina Kitchen & ArtBar - Request to Serve Alcohol at Sidewalk Café**

Recommendation:

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends that Machina Kitchen & ArtBar be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Danya Landis of 433 Elm Street, who is the owner of the Machina Kitchen and Artbar, in addition to Brook Shumate of 12 West Street, to speak to this request. Ms. Landis was requesting to serve alcohol at her sidewalk café, which she said had been incredibly valuable to the business. She was thankful for being able to serve alcohol on the sidewalk during these past two years and hoped to move forward continuing the same way. She appreciated the Committee's consideration.

Chair Bosley requested comments from the City Manager, Elizabeth Dragon, who said that this was the first request of the City Council for permission to serve alcohol on the sidewalk. This was the one time that this request comes before City Council, after which the matter would be approved administratively. This is coming before the Council now because during Covid-19 there was flexibility under the emergency management order, and this restaurant was operating under that order for both their sidewalk and sale of alcohol on the sidewalk licenses.

Chair Bosley asked, once this was approved, whether it would fold back into their sidewalk café license. The City Manager replied in the affirmative.

With no Committee or public questions or comments, Chair Bosley entertained a motion.

Vice Chair Giacomo made the following motion, which Councilor Ormerod duly seconded.

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends that Machina Kitchen & ArtBar be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code.

The Chair advised Ms. Landis to work with the City to finalize the license.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Gail Somers/Yahso Jamaican Grille - Request to Serve Alcohol at Sidewalk Café**

Recommendation:

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends that Yahso Jamaican Grille be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Gail Somers of 5 Orchard Street, owner of Yahso Jamaican Grille. Ms. Somers said she was present requesting permission to serve alcohol at the Grille’s outdoor sidewalk café. She said that during the last two years, this feature was very valuable to her business. Ms. Somers added that more importantly, they had operated outdoors with zero incidents. She thought it was prudent and appreciated if they were able to keep operating outdoors in this way. Ms. Somers thanked the Committee for their consideration.

Chair Bosley asked the City Manager whether this was a similar situation to the previous agenda item. The City Manager, Elizabeth Dragon, replied in the affirmative. The Chair continued, stating that the City was operating under emergency management orders originally, so this component would get folded back into the normal café license that would be issued administratively; the City Manager agreed.

With no Committee or public questions or comments. Chair Bosley entertained a motion.

Vice Chair Giacomo made the following motion, which Councilor Johnsen duly seconded.

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends that Yahso Jamaican Grille be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code.

Chair Bosley advised Ms. Somers to work with the City to formalize the license.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Young Professionals Network – Keene Food Festival - Request to Use City Property**

Recommendation:

On a vote of 4–0, the Planning, Licenses and Development Committee recommends that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 4, 2022 with rain date of June 5, 2022 subject to the discretion of the applicant, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Railroad Street and Gilbo Avenue, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 3, 2022 to Monday June 6, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 3, 2022 to Monday June 6, 2022; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:

Chair Bosley welcomed representatives from the Keene Young Professionals Network (YPN): City Councilor Michael Remy and Alana Fiero of 744 W. Swanzey Road, Swanzey. She also welcomed the Director of Economic Development, Special Projects, & Initiatives, Med Kopczynski.

Councilor Remy began describing the event, stating that overall, they sought to expand the footprint by closing down to Railroad Street and having more vendors located in that area. He said they had been working with some of the local businesses and had partnered with the Art Walk to determine the right layout. Their intent would be locate their activities so as not to block the view and access to the downtown businesses. They would begin by filling the median to leave businesses open to the street as much as possible, but if more restaurants wanted to participate, they could use those spaces. Still, the idea was to leave those spaces largely open to downtown business visitors on Main Street, which he said would not be possible for Central Square. Councilor Remy said the beer area was a part of the footprint but off City property, so the City Council does not need to worry about that in terms of the license. He returned to the partnership with the Art Walk, saying that in an effort to connect the events, the Art Walk would fill some of the available spaces with their artists. He continued that there would be an earlier start this year following feedback from some restaurants that it was challenging to get ready for dinner service with last years' event ending at 5:00 PM. Ms. Fiero added that last year they held the event with no incidents. Councilor Remy continued that last year they gave back almost \$50,000 and with sponsors it was over that, with some going to the local restaurants as a part of that. Chair Bosley said that was wonderful and very impressive.

Chair Bosley requested Staff comments from Mr. Kopczynski, who was pleased to be present in this role, filling-in for the Director of Public Works/Emergency Management Director. Mr. Kopczynski was grateful for a chance to laud a successful event in our downtown. He applauded both the Art Walk and the Keene YPN for combining their efforts after some conflicts last year that have been resolved through good communication this year. Along those lines, Mr. Kopczynski said that the parking spaces being used for this event are a minor part of what they are doing to ensure that our downtown is vital. He said that last year, thousands of people visited our downtown, and there would be thousands more this year. He said this was a great event last year and would be again. There had been two separate meetings and there were still some details to work out, but Mr. Kopczynski advised that by all means, this is something the City should go forward with. He was pleased express his support.

Vice Chair Giacomo asked whether the timing was shifted earlier or the whole event timing was condensed. Councilor Remy replied that it was 12:00 PM–5:00 PM last year and this year it would be 11:30 AM–4:00 PM; so, yes to both questions. Vice Chair Giacomo continued asking what effect that would have on the back end of the festival regarding break-down since it would be starting earlier; would that impact the streets reopening? Councilor Remy said the plan was to reopen at the same time as last year, but they would still endeavor to open the streets as soon as possible. Last year, Councilor Remy said clean-up was complicated because one restaurant thought they could remain serving on Main Street.

Mr. Kopczynski said there were still some coordination issues to work out. He said that 144 spaces would be blocked for some period of time, and they would open the streets as soon as they can. They need to direct traffic for parking from Main Street and Gilbo Avenue to both the Gilbo Avenue and the Commercial Street lots. Some work was still needed on directing traffic to the upper Wells Street Parking deck. While there were still some coordination issues to resolve, Mr. Kopczynski said they were quite minor.

Vice Chair Giacomo asked whether expanding the footprint down Main Street would impact the number of barricades and the Staff effort for set-up and shutdown. Councilor Remy said there would actually be a few less barricades from a width perspective but there are a few other side streets to worry about, like Railroad and Church Streets. Councilor Remy said they expected an incremental cost from the City and agreed to cover any cost above what the City provided through the City Council action that had already occurred.

Councilor Johnsen said she was looking forward to the event and asked whether this would exclude a lot of people who work until 5:00 PM. Councilor Remy replied that he hoped not because it is a Saturday event.

In curiosity, Chair Bosley wondered if there were plans for special contests this year. Ms. Fiero said they were working on a spicy contest, whether it could be peppers. Councilor Remy noted that peppers are hard to source this time of the year. He said they learned some things about the tokens last year; the tokens will be \$2 each again this year, but last year there had been a separate ticketing system for the beer tent, which led to complexity, and they hope to revise that under one token system in one line. They are trying to fine tune the challenges from the first year. Chair Bosley said it sounded like it was a very successful event last year and she felt the Committee was excited to support this.

Chair Bosley heard public comment.

Danya Landis of 433 Elm Street, who said that as a restaurant owner, this event was amazing last year because there are few opportunities to reach that many people at once, especially with the challenges of reaching people during the pandemic. This was a return to that community feel and she hoped it would happen again. Chair Bosley was grateful for that feedback.

Mr. Kopczyński said this event had been a good model of how to bring diverse groups together with the City to define problems and find positive solutions to carry-on an event. He applauded the YPN and Public Works Staff for working closely and providing guidance for other groups attempting this sort of event. Chair Bosley was grateful for that feedback, stating that several times she had mentioned that she would like some basic template to facilitate more of these sorts of events and to make that work less daunting. She added these events are invaluable for the success of all downtown businesses.

Chair Bosley recognized Gail Somers of 5 Orchard Street, who wanted to echo Ms. Landis' comments. Ms. Somers stated that it was a great event last year for local restaurants and businesses; she wanted to see it happen successfully again. She noted that the event date had not been stated for the record. Councilor Remy confirmed that the event is scheduled for June 4 from 11:00 AM–4:00 PM, with a potential rain date on June 5; though he stated that is very difficult to move an event like this.

Mr. Kopczyński added that he wanted to thank the City Clerk's office and specifically Assistant City Clerk, Terri Hood, who he said does an amazing job keeping these events going. Councilor Remy continued thanking all City Staff for facilitating more of these opportunities.

Based on Councilor Remy's comments about a rain date, the City Attorney, Thomas Mullins, suggested that the rain date should be included in the recommended motion so they can work with the City directly and do not have to come back for additional approval. Chair Bosley said that sounded ideal.

Councilor Remy welcomed volunteers and sponsors and invited the public to attend. Ms. Fiero said that interested parties could email keeneypn@gmail.com or visit the Keene YPN Facebook page.

Vice Chair Giacomo made the following motion, which Councilor Ormerod duly seconded.

On a vote of 4–0, the Planning, Licenses and Development Committee recommends that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 4, 2022 with rain date of June 5, 2022 subject to the discretion of the applicant, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Railroad Street and Gilbo Avenue, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 3, 2022 to Monday June 6, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 3, 2022 to Monday June 6, 2022; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Councilor Johnsen wondered whether the rain date would limit participation with people in later church services on a Sunday. Councilor Remy said that especially for the church on Central Square, they are aware of the timing, and Keene YPN is coordinating with them to ensure, for example, that a wedding is not letting-out onto Central Square in the middle of a food festival. Fortunately, Councilor Remy said the event is primarily in the afternoon after morning church services. He said the event would not block the Central Square church's parking lot in any way.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order – Section 4 – Quorum and Remote Participation

Recommendation:

On a vote of 4–0, the Planning, Licenses and Development Committee recommends that the City Attorney draft an amendment to Section 4 of the Rules of Order in accordance with the background notes of the Committee’s discussion.

Attachments:

1. Section 4. Rules of Order Amendment
2. Section 4. Rules of Order Amendment - redlined version

Background:

Chair Bosley said this item was referred back to this Committee from more time before the Finance, Organization, and Personnel Committee. She said this letter from herself and Councilors Remy and Giacomo was submitted to the Council before the Covid-19 pandemic, and before the City has acquired the technology to support the Council through the pandemic. She said it was timely that it was back before the Committee now that they could speak to the issue with more experience, and there is now the equipment available in the Council Chambers to support remote participation.

Chair Bosley welcomed Councilor Michael Remy to speak to this issue. Councilor Remy said they actually submitted this letter shortly into the pandemic, asking for the ability to continue doing participating remotely after the pandemic emergency order ended. He said the Council had proven it was capable of holding meetings with some of its members remote. He said there had been some bumps and occasional technical difficulties, but that the vast majority of the time it had worked perfectly. Personally, Councilor Remy said his initial reason for submitting this letter was because remote participation would allow a broader group of the community to potentially hold future City Council seats; he cited it being very difficult for him as a person who travels for work, and challenges for others on Council with children. He cited other situations like someone’s car breaking down. Councilor Remy stated that he did not personally see the need to limit the reasons. He understood why some wanted to limit the reasons, noting that there could be an abuse of the privilege. Personally, Councilor Remy did not think anyone who abused remote participation would be re-elected, which was where he thought accountability would come into play. He appreciated the interest in putting restrictions on the ability, like not allowing it for vacations longer than two weeks.

Councilor Remy stated his position that remote participation would largely allow for broadening who can participate on the City Council, and he thought any step in that direction was a great thing.

Councilor Giacomo said he had been reading through some of the drafts that this Committee had worked on and stated that he agreed there were a number of things he would consider as reasonable reasons to be absent from a meeting. He said that trying to outline all those reasons could go on forever and would be fruitless. However, he said that keeping it as strict as had been proposed did not necessarily accomplish what the original intent of this was, which was to open the Council to be more accessible to those who cannot always be there. He was especially referring to parents, because he only saw a death in the family as the only reason listed regarding family, which he did not want to be the only reason. He thought it was something missed in the earlier draft. He said he understood physical disability, having recently needed to miss a meeting entirely. Vice Chair Giacomo said he understood the great need for Councilors to contribute at every meeting because that is what they are elected for. If he had the option to participate remotely during the situation he cited, he would have. He thought there was a big change from earlier drafts, with many things fine-tuned. He thought this was more relevant now than when the letter was submitted, despite needing some edits.

Councilor Bosley reminded everyone that the previous Planning, Licenses, and Development Committee did a lot of work with the City Attorney to draft the language that was presented to the Council. That draft was not adopted by the Council last year and she did not want to see the new draft's verbiage fall apart on the Council floor. Thus, she asked the Committee to really work through the language thoughtfully at this meeting. Ultimately, Chair Bosley believed that there needed to be allowance for some form of remote participation. While she did not claim to know the perfect language, she thought the Committee could really flesh it out. To Vice Chair Giacomo's point, the Chair had to bring her daughter to this meeting to sit in the audience because of the Chair's obligation to be present. She said that someone without childcare might be able to participate remotely and perhaps some of these decisions should be at the Chair's discretion. She said the Committee should perhaps outline broader things that would always be permissible for remote participation, with an additional opportunity for the Chair's discretion. Chair Bosley cited the poor road conditions getting to this meeting this evening and she thought that remote participation could have been allowed as long as a quorum was present in the room, which was allowed under the State law. However, she said the Council made it very clear last year that they want some guidelines set for this. She said the Committee could also "beat this to death at this meeting, send it to Council next week, and watch it all happen again in this room." The Chair asked the Committee to be conscientious of that while discussing the proposed language.

Councilor Remy highlighted that this matter was not adopted by Council the last time it was heard, and noted that was because one Councilor was absent, who could possibly have been participating remotely that could have made a difference. He said that went to show that when someone is absent, the rest of the Council might not represent their interests, as it had been suggested they would. Councilor Remy said that one vote does matter.

Chair Bosley said she had just a few short years on Council and recently saw a split vote at City Council because a member was absent, which she said really goes to show that every vote matters—in greater elections and when voting at Committee. She had personally voiced that she wanted to see this language regarding remote participation as broad as possible and to let the public tell Councilors when they think it is being abused. However, she said she understood and was willing to compromise and find a happy medium where everyone was comfortable with a version moving forward.

Councilor Johnsen thought the Chair really said it well. She continued that when she looked outside

this evening, she was unsure how she could drive in the unplowed conditions and was really scared. Had the Chair not been kind enough to pick her up in her four-wheel drive vehicle, she said she would have likely ended up in a ditch trying to get down her hill. The Councilor cited another time she wanted to participate via Zoom when she had Covid-19 and did not want to miss the meeting, which creates a disconnection for her. She said it was really important for Councilors to be a part of meetings. Councilor Johnsen said remote participation also helps when someone is not feeling well but still wants to connect. She hoped the Council could do something about this. She does not believe in missing meetings and Councilors should do everything possible to be there, but she could not have tonight without the ride.

Councilor Ormerod asked if this rule would apply to all City Committees. The City Attorney, said this rule regarding remote participation would only apply to the City Council and its Standing Committees. Councilor Ormerod asked whether this applied to the Joint Planning Board—Planning, Licenses, and Development Committee, and the City Attorney said it applied to half of that Committee.

Councilor Ormerod continued, saying this Council put a lot of effort into writing a statement of Diversity and Inclusion, and he thought they needed to show they were up-to-date on where that thinking is. He had served on other boards, where there are people with temporary and permanent disabilities, who sometimes participate remotely. He said we want to have participation from people with younger families as well, too. He added that it was necessary to remember that there are rules for participation, and if a body implements rules that are barriers to that participation, they are interfering with “our” ability to fulfill “our” duty. He said there should not be barriers when the technology exists and there are a number of ways to do this. Councilor Ormerod strongly supported this amendment and said it needed to be in the bylaws so that people could debate it during elections if they want to, and bring up others’ participation if they feel they should not be re-elected. He said the Council should be more inclusive in taking advantage of the available technology and live in this world where many global and local businesses operations are running remotely. Councilor Ormerod believed that the Council needed to align with the interests of their constituents by operating the same way they do.

Chair Bosley said it sounds as though some consensus was happening at the Committee level and she was going to get to public comment shortly. She hoped everyone had read through the amendment thoroughly, because she felt the language was fairly broad. She said it started to get into physical attendance with, “shall be deemed to not be reasonably practical in the event of ...” which was where she wondered if the Committee wanted to make any changes to the language. Alternatively, the Committee could send the amendment to Council the way it was.

Vice Chair Giacomo agreed that the rest of the amendment seemed pretty rational until it reached “reasonably practical,” which he thought was subjective and he does not care for subjective language. After that language, he thought this Committee needed to figure out what would happen and what this might be. He said there could be legal issues with this as well; obviously a quorum must still be present in the room. He wondered whether there was any legal reason why discretion of the Chair or a vote of the quorum present are not effective ways of allowing the remote participation.

The City Attorney said this would always fall back on the State Statute, which says that a public body may allow remote participation. He said the Committee could write into the amendment that the Chair has discretion. However, he said there were two issues: 1) if there is consensus as there is often, then the result is the decision of the Chair, though the body has the right to challenge the Chair’s decision with a proper motion, and 2) this is a minor factor, but he said the Council often stumbles over too much discretion, and there is always a possible situation when that discretion could be used inappropriately. Thus, he suggested language for the amendment that is not too ambiguous, and he felt that discretion of the Chair and body could be very ambiguous.

Councilor Remy said he would potentially challenge that it could be written as “physical attendance shall be deemed to not be reasonably practical at the discretion of the Chair” or the physical body present.” He said that would take away the restrictions and leave it up to the individual to state why they cannot be reasonably present, in addition to the fact that abuse would not lead to re-election.

The City Attorney commented that the Councilors should remember that, yes, an individual can state that it is not reasonably practical to be physically present, but it would still be at the discretion of the body whether to allow that. The Chair said that in the State Statute, every time a remote participation request is made, the body still must vote; for instance, if someone had requested to participate remotely in this meeting, she would have opened the meeting, explained the request, and then asked the Committee for a vote of confidence. The City Attorney said this goes back to the discretion; the Chair could simply state they were inclined to allow the remote participation if no one on the Committee objected. Not each request must be called to a vote. The Chair asked whether the individual would need to state their reason. The City Attorney said the individual would still have to state why.

Councilor Remy asked whether it would be reasonably defensible to say that by a super majority of 10 having to approve this change to the Rules of Order that they are thereby authorizing that. He asked the City Attorney whether by approving this Rule amendment authority for every request being authorized moving forward. The City Attorney said the individual would still have to state why, and if the Council had a rule, the individuals’ reason would have to fall within that rule. Then, the individual would still have to state their reason to the body and the body would still have the right to deny that request. He said that at that point, this would only be a guideline for the body to consider the request; it does fall within particular parameters, yes, but there still may be some reason by the body decides that that action is inappropriate.

Councilor Johnsen added something that was helpful as a member of the Heritage Commission today during this weather, which was that as soon as she alerted the Commission that she was unable to travel, they had her (and others) on Zoom in no time. While she could not vote, she said they are working on some huge projects, and it was wonderful to be able to continue that conversation and not stop the process. Chair Bosley noted that Councilor Johnsen was identifying an incident where it was helpful to have the Zoom technology available. Chair Bosley continued that she does worry, because for every meeting, there are a lot of reasons/obligations that people have not been able to or will not be able to participate in the future. She said it was a concern of hers. She said that remote participation would not allow fixing any of that because a quorum must be physically present still, but it does allow some leniency. Chair Bosley would have loved to allow Councilor Johnsen to participate remotely for this meeting, so that she could have participated in this conversation and not been in danger.

Chair Bosley opened the floor to public comment.

City Councilor Randy Filiault said it would be no surprise that he was adamantly opposed to any change to this Rule of Order. He said Keene was incorporated as a City in 1874 and stated that he was not implying things should stay the way they had always been, but added that in a way his feeling was, “If it ain’t broke, don’t fix it.” He realized there was technology but said having the technology did not make it better. He said there was a 15-member Council and if a few cannot make it to a meeting, the remaining Councilors would pick-up the slack until they could come back. He said they were “opening a can of worms” with this amendment. He said someone must alert the City Manager and Mayor within 24 hours if they cannot be present and then it is at the prerogative of the Council whether to allow remote participation. He envisioned challenges leading to a lawsuit when telling one Councilor they could participate remotely and then telling another they could not. He knew

that some Councilors were just trying to open it up a bit and be fair, but he only thought it was opening to a bunch of lawsuits. He said if you cannot make it to a Council meeting, then you cannot, and not everyone can make it to a Council meeting. He asked that if trying to open this up to everybody, for example, what do you do with the people who work second shifts but who want to be City Councilors; “do we give them an extra hour of work or let them go in later?” He said there is a whole group of people like those who work second shifts who want to be City Councilors but cannot. He said sometimes Councilors’ jobs impede them being at Council meetings or they do not feel well and do not make it, and they just have to stay home and allow the rest of the Council to get the job done. Councilor Filiault stated that this had never been a problem in the past and he “thinks it is all just kind of individual egos that want to do this, like I have to be out-of-town all the time.” He said if you cannot make it to a meeting then you cannot. The Councilor said this was the City of Keene and it was not like the Councilors were state representatives who needed to drive two hours to Concord in a snowstorm. He said all Councilors live in town and can make it to meetings, like they have been since the 1800s. Councilor Filiault repeated that allowing remote access was opening a can of worms and that he could not predict the future legal ramifications. He thanked the Committee for their time.

Chair Bosley wanted to point out a few of Councilor Filiault’s comments, like that this has worked since the 1800s. She said that may have been true for a certain number of people but that our Council had not been diverse at all, which she said was sad. She thought there was an opportunity to change that with this amendment, or to give a perception to people that they might have some more access to serve in this role in our community. Chair Bosley said that if the opportunity exists, why not offer it to people. She also thought there should be some things listed under “reasonably practical” that are outlined very clearly, like health issues, disability, and possibly out-of-town employment responsibilities. She continued that then perhaps there was appropriate terminology for the Chair’s discretion, for instance, in a childcare or road condition situation. She thought there needed to be some sort of decision-making process. She said she was able to make it to this meeting, but that she almost made contact with a City vehicle in the process because of the conditions. Thus, if she had a Councilor who lived downtown and could make it to City Hall easily, she would use her discretion expect them to be at the meeting, versus a situation like Councilor Johnsen’s, for example. She did not think that the Chairs should be deciding whose health issues or disabilities are more important than others’. These examples are reasons why she wanted more specific language and a broad list of categories that are deemed acceptable. She thinks that offering this accommodation to someone with a disability is essential to avoid lawsuits. Chair Bosley continued that the City invested in the remote participation technology and should use it. She welcomed comments and edits from her fellow Councilors.

Councilor Giacomo knew the death in the family and vacation for two weeks were added after the original language and thought that then then could say “other extenuating circumstances as allowed by the Committee Chair.” The City Attorney said to keep it within the language used by the Statute, so at the end of this proposed list it could say “or otherwise at the reasonable discretion of the public body,” which means if no one objects to a Chair’s discretion to allow remote participation, it would be allowed. He said that still preserves the right that already exists for a member of the body to object.

Councilor Ormerod asked, when someone objects, if it would still be up to the Chair to make the ruling or would they need 100% consensus to continue. The City Attorney said it would be a vote under the Rules that exist now; the objection to the Chair’s decision would be put to a simple majority vote. Chair Bosley inquired whether the member participating remotely would vote and the City Attorney responded at that point they would not be considered a member of the body.

The Chair asked whether the committee was comfortable, at the end of “responsibilities,” inserting the City Attorney’s language in place of the yellow highlighted portion of the document in from of

them. The City Attorney clarified that would mean the Committee wanted him to strike the proposed language on vacations and family death provisions. He wanted to be sure he was clear about how the Committee wanted the language drafted. Chair Bosley said yes, because that allows that public body to make those decisions on an individual basis, which she believed still left protection for health issues, disability, and employment responsibilities that all received support at full Council. Then, it would allow some grey areas for things like childcare, road conditions, and a death in the family.

The City Attorney he wanted to tune-up an earlier comment. He continued that once this Rule is in place, if an individual clearly states that their reason for being unable to participate is one of those three specifically permitted reasons, then it would be problematic and very difficult to say no to that and doing so would require a two-thirds vote because it would be a Rule at that point. The Chair said she was comfortable with that.

Councilor Johnsen directed her comment to Councilor Filiault, stating that she would not have been able to drive tonight, and she does not want to be left out. She anticipated that she was the oldest City Councilor at present, that she knows she brings a lot to the Council, and she enjoys being present.

Chair Bosley said it seemed the Committee had cleaned-up the language some. Seeing no further comments from the Committee, she asked what the Committee's intention was. She asked where this the amendment that the City Attorney is drafting with Committee guidance would go next. The City Attorney replied that it would still just be a recommendation and the language could be available at the next Council meeting, but the Council had not yet voted to include this in their rules. In response to the Chair, the City Attorney said that would be accomplished by stating the recommended motion that the City Attorney draft an amendment to Section 4 in accordance with the background notes of the PLD Committee's discussion. Then the City Attorney would prepare and submit proposed language that would not be operative until the City actually voted.

Councilor Johnsen asked if the City Manager had comments on this. The City Manager replied with gratitude for being asked. The City Manager said she understood both sides of this issue and she knew that some communities had really struggled with this. She said that some communities had created very liberal rules for remote participation, which had created quorum issues for them. She continued that other communities struggled with this topic because they had not invested in the equipment that the City had to make this successful. Thus, the City Manager was happy to see some guidelines because she was nervous about leaving it too vague. She said it would be much harder to leave the decision strictly to the Chairs. She thought the Committee had struck a good balance.

Chair Bosley welcomed remaining public comments and recognized Danya Landis of 433 Elm Street. Ms. Landis did not plan to stay for this portion of the meeting but found it quite interesting. She wanted to remind everyone how lucky we are to have so many young people on City Council, which she said was not typical in NH or New England as a whole and we want to continue that. She thought it was great the Council was even talking about this and hoped that it passed because she wants people in her generation to have the opportunity to raise their voice and talk; this is the way our world is moving and people with young families and young professionals who travel probably want to be on Council and this would give them the chance. She did not want to close those doors. She said this was not the 1800s, this is 2022, and she thought it was important to utilize the technology if they have it.

With no further comments or questions, Chair Bosley entertained a motion.

Vice Chair Giacomo made the following motion, which Councilor Johnsen duly seconded.

On a vote of 4–0, the Planning, Licenses and Development Committee recommends that the City Attorney draft an amendment to Section 4 of the Rules of Order in accordance with the background notes of the Committee’s discussion.

Councilor Ormerod asked whether this would be prepared for the next City Council meeting. The City Attorney said it would go to the City Council as a recommendation. If the City Council approves it, it would still come back to this Committee as a formality under the Rules for an amendment. However, because it is a Rule, the City Council could suspend the Rules of Order to act on it at the Council meeting. Because this is a change to the Rules, it will ultimately require a two-thirds vote.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL
AS RECOMMENDED BY THE PLD COMMITTEE**

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In the event that a quorum is not achieved, the meeting shall be rescheduled by the Mayor or the Temporary Chair. Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be “reasonably practical” in the event of serious health issues, disability, out-of-town employment responsibilities, or otherwise permitted in the reasonable discretion of the public body. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL
AS RECOMMENDED BY THE PLD COMMITTEE – REDLINED VERSION**

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. ~~In the event that a quorum is not achieved, case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ Chair. **Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be “reasonably practical” in the event of serious health issues, disability, ~~or~~ out of town employment responsibilities, or otherwise permitted in the reasonable discretion of the public body. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.**



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order – Section 15 – Conflicts of Interest

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Attorney draft an amendment to Section 15 of the Rules of Order in accordance with the background notes of the Committee's discussion.

Attachments:

1. Section 15. Rules of Order Amendment
2. Section 15. Rules of Order Amendment - redlined version

Background:

Chair Bosley said the Committee did a lot of work on this as well last year. She said this issue was important to her and she briefly recalled the moment she realized that the Conflict of Interest section of the Council's Rules of Order needed tuning-up. She said the instance regarded a Councilor requesting a budget increase for a non-profit board. She said he was green on the Council at the time, and it was her first budget season. She was caught off guard and was uncomfortable when it happened on the Council floor, and was unclear about her responsibility because it was not spelled out clearly anywhere, nor was the individual's responsibility to disclose. She realized then that the Rules needed to be clearer on what the responsibilities as fellow Councilors are when they encounter such a situation. Chair Bosley said that an important thing for her was adding the obligation for members to complete what the Rules refer to as a Statement of Interests, which "shall identify each person in a Councilor's household or persons, employers, and any boards and commissions, organizations, and associations, or other entity which person is a member of, and whether the person holds a leadership position in that organization. The Statements of Interest shall be available at the office of the City Clerk for public inspection." She said this Council had talked a lot about transparency and that this was just another opportunity to prove they were being transparent. She said there were a lot of grey areas, and they should always err on the side of caution. The Council would make the decision whether someone is recused. Still, the Chair said not having that information available publicly would diminish transparency. She said she loved the language that the PLD Committee had worked on and thought it was smart. She thought it missed the mark because the greater document failed last year. She hoped that they could clean-up the language and get it back in front of the full Council again. She welcomed comments and questions from the Committee.

Vice Chair Giacomo said he was not on the Council when they voted on this matter last time. He continued stating that he has a serious problem with the end of the first full paragraph. He was fine with it saying “membership and organization generally, and not in the leadership capacity, shall not be considered personal conflict of interest.” However, he found the next sentence deeply problematic: “A conflict of interest shall be deemed to exist when a Councilor’s spouse, parent, child, or other member of the Councilor’s immediate family has a conflict of interest.” Vice Chair Giacomo said they had just finished defining a conflict of interest as either pecuniary or personal and thus having a child in a certain program that the City sends something to, that child would not be getting a benefit. He added that “child” is not restricted to kids and until very recently a majority of the Council had children of adult ages, who do not live at home. He thought that if there was going to be a family clause, it had to be strictly pecuniary interest, otherwise it would get into a complicated grey area very quickly. He thought the list he quoted could be pared down to the spouse or other person who contributes to the household income to keep it about finances. While that section did not work for him, he thought it was a good amendment overall.

Councilor Ormerod said he had a similar question, wanting to understand the intent, because it seemed far reaching to include children, parents, and siblings. In his case he has five siblings living in three different countries on a number of boards that could someday move to Keene. He really wanted to understand that it seemed that if the Council wants to disclose all the boards they are on, do they have to declare all the boards their family members are on too? He sought clarification and guidance on what seemed pretty onerous. Would it have to be done each January? Say he changes boards in the middle of the year, or his small company is sold to a larger global player. He thought pecuniary interest was a good idea to simplify things but he was truly trying to understand the intent to arrive at something less onerous.

Chair Bosley said that in her situation, she asked the Council to recuse her for her spouse’s employment over a financial matter, because the employer was requesting City funds. While she would not say which way she would have voted, but if she had voted against it, that could negatively impact her spouse’s employment if they thought his wife was unsupportive. She did not know whether she was far reaching, but she felt that there was a really close connection with spouses. However, she did not think this needed to go as far as parents and children; her mind went to adult children and not preschool. Thus, she wanted this section tuned-up and asked the City Attorney if it was possible. The City Attorney replied in the affirmative, stating that the language presented was the original Conflict of Interest clause, when there was no personal interest, only pecuniary. Over time, he said that questions and concerns were raised about personal aspects in addition to financial. The old Rule also included fiduciary obligations, which generally requires a lawyer to figure out. Whereas he said one does not have to be a lawyer to identify an individual who might be voting on something they could receive money from. Thus, he said the presented language was a way to try moving away from fiduciary aspects toward a more generalized personal aspect that people can understand. Back to the specific point, the City Attorney said he could craft language that basically says for spouses, parents, children or other members of the household, that it must be a pecuniary interest, to remove this issue; it does not matter whether an adult or minor child is in or out of the household, if there is a pecuniary interest and financial advantage it would be a conflict of interest. He would craft the language making it specifically pecuniary.

Councilor Ormerod still wondered about the Statements of Interest. He wondered about if a Councilor is a shareholder in a place, which are often private and non-disclosable, so he was trying to understand the intent of that. He was also trying to understand, for example, if a Councilor who invests thematically and handles that through a third party, whether that is cleared from fiduciary. He wants to have people who to invest in the community, bring more business, create economic development, grow the tax base, and provide the quality of life. He thought some clarification on that

would help. He asked the intent and burden/scope of the Declaration of Interests. The City Attorney said it was fairly narrow and it was modeled to a small extent on the statement that is required by individuals who sit on boards for the State of NH. This applies to identifying one's employer but that does not mean that you must disclose your status as a shareholder in a corporation. On the other issue of boards, commissions, or organizations of which you are a member, the City Attorney said that you would simply disclose those, but it only means something if you are in a leadership role, which must be disclosed. He said it was drafted with the intention to not reach further than that.

Councilor Ormerod asked how often the Statement of Interests must be updated and the City Attorney said annually each January. Councilor Ormerod posited that he was serving in a leadership capacity on a board that were absorbed by a larger corporation, whether he would have to notify the City Clerk immediately of an updated membership or just each January. The City Attorney said there were two reasons for this: 1) to let the world know to the extent that they want to know. It only must be updated once per year in January. However, if a Councilor's personal circumstances change during the year and now fall within the conflict of interest policy, it would be incumbent on the Councilor to disclose to the City Clerk and City Council, which would determine whether it was a true conflict. Chair Bosley thought it only really happened when a negotiation or a financial matter comes before the Council; she thought the Keene Young Professionals Network (YPN) was a good example, with Councilors sitting on that Board and coming to the Council asking for a license. She said there was no financial gain for the YPN for that license, but they are going to the Finance, Organization, and Personnel Committee seeking funds, which changes the conversations. The Chair thought that those were the subtle nuances that need to be exposed on when it is appropriate to disclose a conflict and to allow the Council to decide whether to err on the side of caution; as opposed to an individual sitting quietly with the knowledge that they could be doing something that could be perceived as un-transparent.

Councilor Ormerod said he could go for that. He had questions on the employment issue because he is self-employed and has sources of passive income like many others, all of which he said would be onerous to list. The City Attorney replied that if you are self-employed, you simply must list that, no clients or anything else.

The City Attorney noticed that the word "household" was undefined in the Rules, which he would rectify. So, he would make a defined phrase for "household" as the pecuniary interests regarding parents, children, or other immediate members of a Councilor's family.

Chair Bosley pointed out a housekeeping issue under quorum and remote participation, where there was still reference to a "Chairman," which should be changed to "Chair." The City Attorney agreed.

Vice Chair Giacomo thought that like anything, there were a lot of "devils in the details" on this matter. Regarding Councilors who sit on other boards, he said the Keene YPN instance presented a really curious situation because the YPN is not its own organization, but merely a sub-organization under Hannah Grimes, which is the actual fiscal agent and 501(c)3 partner for the YPN. Thus where the money for the festival was going got quite confusing. He said this brought up that one person on "our Board" was also on the Hannah Grimes Board and controls their checkbooks, bank accounts, and everything else. So, he said there could be "weirdness that arises with this." Ultimately, he said it was about being honest and declaring what you can and being open about. Vice Chair Giacomo said that last year at the FOP meeting vote on the YPN money, Councilors Giacomo and Remy offered, and the Council voted to recuse them. It was a split vote, however, with only half the Council seeing the conflict. He said it is about honesty and not about trying to find loopholes.

The Chair thought that ultimately, everyone wanted to walk away from making these decisions feeling good about the fact that everyone came to the table with good intentions. She said that was it

for her. Additionally, Chair Bosley said she believed that even in the situation she cited earlier, there were not bad intentions, but it did not feel right to her. She said from the public perception, there were any number of ways to spin things and everyone is human and should just do as well as they can each day. The Chair thought this was a good move forward.

The City Attorney confirmed that a draft would go to Council and then would come back to PLD for one more vote, unless the Rules of Order were suspended at the Council meeting.

Councilor Remy said the only thought he had when getting into employment and sources of income was that “substantial” sources of income might be more appropriate. He thinks that if he received \$1 million each year from a park organization that was influencing his decision to make more parks in the City, but it was not his employer, it would still influence his decision and be a conflict of interest. He understood that it towed the line of campaign matters but thought it was conflict. The City Attorney clarified that the Councilor was saying that if for some reason a Councilor received funding in some fashion from a parks organization and there was a matter before the council dealing with a change to City parks, which Councilor Remy was saying would trigger a conflict of interest for him. Councilor Remy replied in the affirmative. He said, for example, if he received a significant campaign contribution as source of income and the donor came before the Council asking for something, he thought that would be a conflict of interest. He did not think anyone was getting substantial campaign contributions, but thought to Councilor Ormerod’s point, that there were other sources of income that can generate conflicts.

The City Attorney said at some point he would have to default because you cannot draft over everything. He had to default back to what they just talked about—you have to act in good faith and if you are not going to, there is no policy in the world that can catch that unless someone calls it out in another manner. Thus, he said he did not want to make the language so complicated that it is hard to understand and apply. The City Attorney thought the high points of risk were whether someone is getting money directly for something before the Council as a clear pecuniary interest that someone should not vote on or whether someone has a personal interest like the one Councilor Remy described where it is not directly pecuniary.

Chair Bosley provided an example. She posited that a Councilor had a piece of real estate they wanted to sell to the City, but their employment is not selling real estate. She did not think that Councilor should vote on the City’s decision to purchase the land. The City Attorney confirmed that would be a pecuniary interest. The Chair continued stating that invariably what the City Attorney was saying was that if an individual had an interest in some organization and a contract with the City were negotiated, it would also be a conflict.

The City Manager said they were trying to get at the idea of even if it is not one’s employer. For example, if a self-employed Councilor had a contract with Stantec and received a substantial amount of money from them, that would be a financial interest but not a direct employer. Councilor Remy said he was trying to account for those things outside a direct employer. He considered the Statement of Interest and the Chair agreed, asking how far that should go. The City Attorney reminded that they were conflating things at this point. He said the language regarding pecuniary interest is fairly broad and would cover the situation the City Manager just explained, but it would not fall into a Statement of Interest potentially, because it does not fall into one of those categories. The City Attorney continued that the Statement of Interest is sort of an alert to what these categories are, it does not remove the obligation for the individual to state that they have a conflict.

Chair Bosley thought education of the Council about this particular Rule was needed in addition to cleaning-up the language. She said the Rules are a lot to absorb as a new Councilors and ongoing education is important. The Chair requested comments from her peers on the Committee to ensure

everyone was on the same page.

Councilor Johnsen stated that three Councilors were recently elected to the Keene School Board and wondered if there would be a point at which they have a conflict. The City Attorney said to remember that this is about pecuniary interest in a private financial matter that is generally unavailable to the public, which is the same reason that Councilors can vote on the budget even though they are taxpayers; it is why Councilors can vote on the Zoning Ordinance even though they may be subject to the Ordinance. Those members would need to state that they are on the School Board.

The Chair asked about the Wilson Dam project. The City Attorney stating that it would present a more direct issue because that is a direct cost to their employer and not to the Board they are on, so it would fall into that same sort of gap category. The City Attorney said that if a Councilor is in a leadership position on a Board that would benefit from a negotiation with the City then they should recuse.

The Chair said they could come up with a million scenarios. She thought having this conversation was the important part because it planted these seeds with people, who can ask further questions of the City Attorney. The Chair felt they had some direction and with no further comments, she entertained a motion.

Vice Chair Giacomo made the following motion, which Councilor Ormerod duly seconded.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Attorney draft an amendment to Section 15 of the Rules of Order in accordance with the background notes of the Committee's discussion.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL
AS RECOMMENDED BY THE PLD COMMITTEE**

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration.

A conflict of interest shall be defined to exist when a proposed action, decision, or discussion ("Issue"), would affect the Councilor's pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally ("Pecuniary Interest"). A personal interest is any non-pecuniary interest by a Councilor in the outcome of an Issue in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the Issue by a Councilor ("Personal Interest"). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family ("Immediate Family") has a Pecuniary Interest in a proposed Issue.

A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest.

When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the Issue. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the Issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on Conflict of Interest notwithstanding whether or not the Mayor is entitled to vote on an Issue. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for each person in the Immediate Family the person's employer, and any board, commission, organization, association, or other entity which the person is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL
AS RECOMMENDED BY THE PLD COMMITTEE – REDLINED VERSION**

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration.

A conflict of interest shall be defined to exist when a proposed action, decision, or discussion ("Issue"), would affect the Councilor's pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally ("Pecuniary Interest"). A personal interest is any non-pecuniary interest by a Councilor in the outcome of an matter Issue in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the matter Issue by a Councilor ("Personal Interest"). Membership in an organization generally, and not in a leadership capacity, shall not be considered a ~~Personal conflict of interest~~. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family ("Immediate Family") has a Pecuniary conflict of interest in a proposed Issue.

A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest.

When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the matter Issue. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue Issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on Conflict of Interest notwithstanding whether or not the Mayor is entitled to vote on an matter Issue. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for each person in the ~~household Immediate Family~~ the person's employer, and any board, commission, organization, association, or other entity which the person is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of 2022 Wellness Grant - Human Resources Director**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the wellness grant from HealthTrust to be used for employee wellness activities in 2022.

Attachments:

None

Background:

Assistant City Manager/Human Resources Director Beth Fox addressed the Committee first and stated the City's wellness coordinators implement programs related to wellness and health activities for employees in the organization. She noted this program has been in effect for three years and staff would like to continue the program.

Councilor Lake made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the wellness grant from HealthTrust to be used for employee wellness activities in 2022.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of the Locality Equipment Matching Program Grant - Fire Department**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to accept and expend the GOEFERR Locality Equipment Matching Program Grant.

Attachments:

None

Background:

Deputy Fire Chief Donald Farquhar stated this grant for the Fire Department comes from the GOEFERR Locality Equipment Program Matching Grant. This grant in the amount of \$49,342 was designed to asset costs associated with Covid 19. The City's match would be \$5,482, which will come out of the normal operating budget for equipment.

This Deputy Chief stated this grant allows the department to purchase several valuable pieces of equipment, all of which were slated for future years CIP projects. This grant will allow the department to purchase two Lucas 3 devices, which is a mechanical chess compression device, an excellent tool for mechanical CPR. The department will also be able to purchase 10 new AED's which will be distributed throughout the Fire Department fleet, which allows a greater chance for the first arriving Fire Department to have an AED on board. The third item purchased will be a Nitriox System which is a system that delivers nitrous oxide for pain relief.

Councilor Madison made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to accept and expend the GOEFERR Locality Equipment Matching Program Grant.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Negotiate Lease of Airport Property - Airport Director**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager or her designee be authorized to do all things necessary to negotiate and execute a lease agreement with Mr. Kevin Provost for land associated with a privately owned hangar.

Attachments:

None

Background:

Airport, Director, David Hickling was the next to address the Committee regarding a lease negotiation with Kevin Provost, owner and operator of Monadnock Choppers, a flight school. This is a lease for property that is under a hangar, which Mr. Provost owns and there are no more renewal options on this lease. As a result, staff is looking to do a new lease for that land which is under his private hangar. Mr. Hickling noted this business is growing and is looking to expand and maybe build a new hangar sometime in the future.

Councilor Remy made the following motion, which was seconded by Councilor Chadbourne.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager or her designee be authorized to do all things necessary to negotiate and execute a lease agreement with Mr. Kevin Provost for land associated with a privately owned hangar.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Airport Operating Rights Agreement - Monadnock Choppers - Airport Director**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager or her designee be authorized to do all things necessary to negotiate and execute an Operating Rights Agreement with Monadnock Choppers to provide aircraft maintenance services at the Keene Dillant-Hopkins Airport.

Attachments:

None

Background:

Mr. Hickling addressed this item as well. He indicated the airport is doing well and currently has only one provider for aircraft maintenance, Monadnock Aviation. Mr. Hickling stated Mr. Provost and Monadnock Choppers have qualified aircraft mechanics who are FAA certified and meet the minimum standards to be able to provide these services. Mr. Provost is looking for an operating agreement to be able to provide these services.

Mr. Hickling stated this will provide for a few things; it will keep some of the based aircraft from going to other airports to get their maintenance or having to wait months to get in with the current provider. This will provide additional revenue for the airport if these maintenance services are provided here.

Councilor Remy asked how much of this revenue comes into the City. Mr. Hickling stated a certain percentage comes to the City. The percentage would be negotiated into the agreement – it would be 2% to 3% and based on the volume of business and percentage of revenue.

Councilor Chadbourne made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager or her designee be authorized to do all things necessary to negotiate and execute an Operating Rights Agreement with Monadnock Choppers to provide aircraft maintenance services at the Keene Dillant-Hopkins Airport.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Airport Engineering and Architectural Services - Airport Director**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into an agreement with McFarland Johnson Inc. for Airport Engineering and Architectural Services for the Keene Dillant-Hopkins Airport.

Attachments:

None

Background:

Mr. Hickling stated this request is to enter into an agreement with an engineering consultant for airport capital projects. Mr. Hickling stated the airport has been working with the current engineer for about 5 years. He noted the FAA recommends that every 5 years other sources for airport engineering and architectural services be sought out.

At the end of December, responses from a Request for Proposals were received. The four proposals were reviewed by City staff based on certain criteria. McFarland Johnson was the selected candidate to complete this work. Mr. Hickling indicated one of the things they look for is somebody who has experience with Airports, FAA Funding sources and Federal Aviation Regulations. McFarland Johnson really stands out in this respect as 50% of the work they do is airport work.

Mr. Hickling stated another aspect that they looked for was a company that had experience with renewable energy, which they demonstrated they did in their proposal. Another aspect they demonstrated is experience with diverse funding.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into an agreement with McFarland Johnson Inc. for Airport Engineering and Architectural Services for the Keene Dillant-Hopkins Airport.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Professional Services Contract for Mapping City Cemeteries and Associated Software - Parks, Recreation and Facilities Director**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to approve the expenditure of Cemetery Trust Fund B – Capital Reserve for \$8,000 (\$5,000 mapping + \$3,000 annual maintenance fee) to hire Bahar Mapping for a professional services contract to map the City cemeteries, which includes an interactive navigation station that allows the ability for cemetery guests to "find their love one." In addition, the authorization includes approval for up to 3 years of an annual maintenance fee of \$3,000, which may include a periodic increase.

Attachments:

None

Background:

Parks, Recreation and Facilities Director Andy Bohannon was the next speaker. Mr. Bohannon stated this request is regarding funding for mapping services of City cemeteries. This is a software system that can be used to find somebody's loved one.

In 2011, the City was on an oracle platform and were able to create in-house service, which software was eventually sunset. In 2017, the City was going to be replacing that particular software with a bigger package for cemeteries, and at the same time the City was looking at Cart-a-graph, an asset management tool. Cart-a-graph is not meant to be used as a cemetery database and there is no public interface with it. So people who want to access their genealogy are not able to log in and find the location of their family members.

Mr. Bohannon stated the software being proposed will navigate some of these challenges. The application will be able to use data from the City's GIS system, which was used to map the City's cemeteries. He added there will be a \$3,000 annual fee. What is being proposed would give individuals the opportunity on their phone, laptop, or any other device to look up their ancestors and it will produce something similar to a Google map to find the particular location. Mr. Bohannon stated the funds for this project comes from the Cemetery Trust. The Trustees have already approved the funds. Mr. Bohannon stated what he is looking for is the initial \$5,000 for mapping fees and the

\$3,000 annual maintenance fee. He added if the City is not happy with the service it can be terminated at any time.

Councilor Remy asked whether there would be any type of signage located at the entrance to the cemeteries to inform people this service exists. Mr. Bohannon answered in the affirmative and added a QR Code will be added directing people to the website.

Chadbourne asked how many cemeteries the City has. Mr. Bohannon stated the City has nine cemeteries of those three are more historical. The historical cemeteries are located on Washington Street, one by the Country Club and one on Hurricane Road. The Councilor felt this was a great service at a reasonable price, but asked if there was user fee. Mr. Bohannon answered in the negative. Mr. Bohannon added part of the reason for the low fee is because of the all the work that has been done to this point with our mapping.

The Chair felt this was a great plan.

Councilor Madison made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to approve the expenditure of Cemetery Trust Fund B – Capital Reserve for \$8,000 (\$5,000 mapping + \$3,000 annual maintenance fee) to hire Bahar Mapping for a professional services contract to map the City cemeteries, which includes an interactive navigation station that allows the ability for cemetery guests to "find their love one." In addition, the authorization includes approval for up to 3 years of an annual maintenance fee of \$3,000, which may include a periodic increase.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Body Worn Camera and In-Car Video System Implementation - Police Department**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to begin implementation of the Body Worn Camera and In-Car Video program; to apply for, accept and expend any available grant funding related to the Body Worn Camera program funding; and pursuant to Section 2-1336 of the City of Keene Code of Ordinances, waive bidding requirements in Section 2-1332 (1), and Section 2-1335 as recommended by the City Manager.

Attachments:

None

Background:

Police Captain Todd Lawrence stated he was before the Committee to address body worn cameras and the in-car video implementation. He indicated in June 2020 as a result of a directive put forth by the City Council which tasked the City Manager to have the Keene Police Department research the implementation of a body worn camera system; the department formed a committee and in July 2020 had several vendors provide quotes for review.

The Committee selected one vendor out of the group that provided a demonstration; Body Worn by the Pylon Corporation. On August 27, 2020 the Police Chief came before this committee in order to present the initial findings of the demonstrations and to seek approval to move forward with an evaluation period with the body worn camera system. The Council approved that trial and the evaluation period occurred in November of 2020. Findings from that trial were presented to this Committee on February 11, 2021. Staff's recommendation at that time was to delay any decision until other funding was available through either State or Federal legislation.

At the present time the Department has applied for the United States Department of Justice Body Worn matching grant up to \$100,000, and also the State of New Hampshire Body Worn Camera matching Grant up to \$50,000. The current cost of a five-year paid upfront contract for 44 body worn cameras and 16 car cameras is at a cost of \$445,025. This would be for the equipment, the software used to operate the system and support for that system. There will also be training involved which is

an additional \$39,690. If the matching funds of \$150,000 are obtained, it would leave Keene with total costs of \$334,715 for this five-year program.

Councilor Remy asked the City Attorney if his office was ready to support this action when it goes live. Attorney Mullins stated they are in the process of setting that up.

Chair Powers asked the Manager to explain how the rest of the funding was going to be calculated in the financing. The City Manager stated they will be taking the City's portion of funds from an account that they created called the Police Department Equipment. The Fund currently has a balance of \$460,000. The Chair noted as a result no monies are being added to the budget for the next year and because this is a five year program, staff will be back in five years to discuss how the funding will continue for the future. The Manager stated staff will be back next year to put this initiative into the capital plan.

Councilor Madison asked whether these funds include the costs associated with record keeping and maintaining the video recordings. Captain Lawrence responded the software includes the storage of videos and data.

Councilor Remy noted this action came about because of a petition from the public. He asked whether the Police Department was in support of this action as well. Captain Lawrence answered in the affirmative.

Councilor Remy made the following motion, which was seconded by Councilor Chadbourne.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to begin implementation of the Body Worn Camera and In-Car Video program; to apply for, accept and expend any available grant funding related to the Body Worn Camera program funding; and pursuant to Section 2-1336 of the City of Keene Code of Ordinances, waive bidding requirements in Section 2-1332 (1), and Section 2-1335 as recommended by the City Manager.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.13.

Meeting Date: March 17, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Winchester Street Reconstruction – Consultant Selection for Construction Engineering Services - City Engineer, and Winchester Street Reconstruction – Design Consultant Services for Construction Support Services - City Engineer**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Greenman-Pedersen, Inc., (GPI) for an amount not to exceed \$670,000 for Construction Engineering Services required for the Winchester Street Reconstruction Project.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with McFarland Johnson, Inc., for an amount not to exceed \$70,000 for Construction Support Services required for the Winchester Street Reconstruction Project.

Attachments:

None

Background:

Mr. Lussier stated these two items are related to contracts to get the project just discussed completed. The first contract is with Greenman-Pedersen, Inc., (GPI), for construction administration and oversight for the project. Mr. Lussier stated Federal Highway no longer allows the Design Engineer to oversee the construction phase and a different consultant has to be hired to oversee the work and this is what GPI will be doing.

The second Memorandum is for a smaller contract with McFarland Johnson, the design engineer. They will be involved in the project, but more as an expert providing information which only a design engineer can do. Day to day oversight will be the responsibility of GPI. Mr. Lussier added GPI was selected last spring through a calls-based selection process. Last summer, a construction inspector was selected for the Cheshire Rail Trail and the Winchester Street project. The solicitation at that time was structured in a way that the City could select one or two different consultants for the two different projects; GPI was chosen at that time by the selection Committee as the preferred option for both projects. It was done through the normal qualification based process.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Greenman-Pedersen, Inc., (GPI) for an amount not to exceed \$670,000 for Construction Engineering Services required for the Winchester Street Reconstruction Project.

Councilor Madison made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with McFarland Johnson, Inc., for an amount not to exceed \$70,000 for Construction Support Services required for the Winchester Street Reconstruction Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.14.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Proposed Capital Improvement Plan (CIP) for FY 2023-2029**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of the Capital Improvement Plan for FY 2023-2029.

Attachments:

None

Background:

Chair Powers stated the Committee and public has had an opportunity to review the CIP. All concerns raised by the Council have been addressed by staff. He continued members of the public came to the public hearing and supported projects they were interested in seeing move forward for the benefit of the community. There were no public comments in opposition to the proposed CIP. At this point, if anyone on the FOP Committee wishes to speak to a particular item this is their opportunity, otherwise it is time to entertain a motion.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of the Capital Improvement Plan for FY 2023-2029.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Elizabeth Dragon, City Manager
Through:
Subject: City Council Goals - City Manager

Recommendation:

That the City Council adopt the City Council goals for 2022-2023.

Attachments:

1. City Council Goals FY 2022-2023 (clean copy)

Background:

In November 2021, City Council held the first of two workshops to review and update the 2021 City Council goals document. Councilors participated in small group discussions to review each of the eight 2021 goals. The groups discussed what had changed over the past year, future trends affecting each goal, and then worked to identify where specific and measurable actions could be included in the document. This process connects existing city reports, assessment documents, and strategic plans to council goals as part of an overall “Strategic Governance process”.

A summary of all discussion, comments, and ideas for each of the goals was reviewed at a second workshop in January. The summary included a series of “themes” or objectives from each table, which was incorporated into the goals document. These themes/objectives bring more specificity to the goals document and prioritize actions for the upcoming year or years.

The language of the eight goals was modified only slightly- Goal #1 regarding managing municipal finances was amended to say both finances and resources. The bulk of the work was around adding more specificity in the way themes or related objectives.

Council goals are used as part of the Capital Planning process and the upcoming FY23 operating budget.

City Council Goals 2022-2023

Goals 1-3

1. Manage Municipal finances and resources in a manner to minimize the burden to the property taxpayer
2. Support the Diverse needs of all Keene residents
3. To help stabilize and revitalize existing businesses along with the arts and other nonprofit organizations and attract new ones to the community.

Related objectives:

- Diversify revenues and evaluate revenue collection models (including online payment technology) to improve fiscal stability.
- Improve communication and information sharing, and interaction with the public to help the council and public better understand city services, costs, value and priorities.
- Capitalize on funding opportunities when they arise e.g. Federal infrastructure bill, CDBG, and other State and Federal programs.
- Support businesses throughout the pandemic.
- Utilize the Capital Improvement Program (CIP) process to stabilize infrastructure, large building, and large one time capital needs on the tax rate.

Goals 4-5

4. Infrastructure - Continue to ensure that Keene's municipal infrastructure supports the varied needs of Keene residents and businesses.
5. Collaborate with federal and state authorities to support an effective pandemic response.

Related objectives:

- Improve communication and publicity regarding how the city prioritizes and funds infrastructure projects e.g. monthly reports and dashboards
- Implement plans and asset management strategies for municipal infrastructure including sidewalks, parking, flood management, parks & recreation, roads, and utilities.
- Develop, adopt, and begin to implement an EV charging strategic plan.
- Incorporate risk analysis into asset management planning.
- Implement strategic parking plan including maximizing downtown parking to support economic development.

Goals 6-8

6. Make quality housing as affordable and available a possible.
7. Environmental - advance Keene's sustainable Energy plan.
8. Public Engagement - Conduct effective, ongoing public communications and engagement with Keene residents and businesses and with other partners as we negotiate these challenging times.

Related objectives:

- Over the next three years, encourage the construction of new housing units consistent with Keene's share of statewide housing goals-230 new housing units.
- Establish a "vision" for diverse housing options in Keene to help communicate the importance of housing to the community, to overcome hesitancy, and to encourage landowners to invest.
- Identify areas in the City for potential higher densification to allow additional housing units to be built.
- Continue to evaluate development standards and code to support economic development strategies and community vision.
- Implement City's Energy plan-which includes implementation of Community Power plan.
- Maintain Keene's status as the leading sustainable city in NH and incorporate this identity in the city's branding strategy.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Creation of a Parklet Ordinance - Mayor Hansel**

Recommendation:

Attachments:

None

Background:

The outdoor dining season is fast approaching and City staff have been meeting about the drafting of an ordinance that would allow an expansion of outdoor cafe licenses in parklets. Those initial discussions reveal that there are many components including placement locations and restrictions, acceptable vehicle impact barriers, acceptable parklet designs, electrification requirements, parking space allocations, etc. that need to be considered. I am requesting that the City Council indicate whether it is ultimately receptive to the idea of parklets in downtown parking spaces before further City staff time is dedicated to the development of an Ordinance. In addition, I am requesting that the PLD Committee consider an accelerated meeting schedule to accommodate a review and ultimate recommendation on a parklet ordinance.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.3.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations - Partner City Committee**

Recommendation:

To authorize the City Manager to do all things necessary to accept donations in the amount \$120, proceeds from raffle tickets and "Taste of Keene" fundraiser beer sales in the amount of \$452.95, a total of \$572.95 raised by the Partner City Committee in 2021.

Attachments:

None

Background:

This donation represents the amount raised by the Partner City Committee from participation in the 2021 "Taste of Keene" food festival in July of 2021 for raffle ticket sales and Einbeck beer tasting ticket sales.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Mari Brunner, Planner
Through: John Rogers, Building/Health Official
Merri Howe, Finance Director/Treasurer
Subject: **Capital Improvement Program FY 2023-2029**

Recommendation:

Mayor Hansel moved that the Planning Board recommend to the City Council that the Capital Improvement Program for 2023-2029 is consistent with the Comprehensive Master Plan. The motion was seconded by David Orgaz, and passed by unanimous vote.

Attachments:

None

Background:

Included below are the draft minutes of the February 28, 2022 meeting where this item was discussed by the Planning Board.

“Finance Director Merri Howe and Public Works Director/Assistant City Manager Kurt Blomquist addressed the Board. Ms. Howe indicated the CIP document can be found on the City’s website. Ms. Howe stated the Capital Improvement Program (CIP) is a comprehensive program that covers a seven-year period. It covers projects and equipment that are estimated at \$35,000 or more with a useful life of over five years. The CIP is presented bi-annually and reviewed annually during the operating budget process.

Ms. Howe stated the CIP is a tool for planning the City’s future that is guided by fiscal policy for which goals are set by the City Council and are outlined in the City’s Comprehensive Master Plan. The City’s master plan is the planning tool that guides the City’s vision and the CIP projects presented in this book. Each project presented in this book, if applicable, is tied to a master plan focus area. For example, the Transportation Heritage Trail Program focuses on a healthy community, one of the vision focus areas. The Parking Structure Maintenance Program is tied to a vision of a vibrant downtown. There is a lot of thought and planning that goes into these projects. With that she turned the presentation over to Senior Planner Mari Brunner.

Ms. Brunner stated the Master Plan update is scheduled for fiscal years 24 and 25. This would be a two-phase project. The first phase would be updating the community vision and updating data and trends in the plan. There will also be a housing analysis done as part of the first phase. The second

phase would take the information received and input it into the document. Ms. Brunner added the Planning Board does have a significant role in the Master Plan update and, historically, the City has looked to the Board to contribute heavily to the process.

The Chair asked for clarification on what Ms. Brunner had stated about housing analysis. Ms. Brunner explained housing has been identified as a significant item not only for Keene, the County and the State, but for the entire country. Hence, the plan is to do an in-depth housing analysis; what is available and what is needed. Chair Russell Slack asked whether there is conversation being undertaken related to workforce housing. For instance, if a large housing project is being planned, is there a requirement that a certain percentage be dedicated to workforce housing? Ms. Brunner felt there was mention of that in the last master plan but there had not been anything put in place. The Chair felt the price of housing these days is something that would need to be looked at very closely.

Public Works Director/Assistant City Manager Kürt Blomquist addressed the Board next. He indicated this coming Thursday the City Council will be conducting a public hearing on the CIP. He noted the theme of the CIP this year is “Strategic Governance: the Path to Our Future.” This is important because as the departments started reviewing projects it was determined that there are two levels of projects: one-time projects and maintenance projects.

One-time projects refer to when something new is being built. The next level of projects are capital maintenance projects to provide the various services for the community. He added one of the items that has been emphasized over the past few years is the development of asset management plans. He explained an asset management plan is how the City would take care of what it already owns. The first component of developing an asset management plan is to conduct an inventory to see what the City owns, the second step is to determine what condition these assets are in, and the third step is to answer the question – what does the City want for services out of those assets? Mr. Blomquist stated one of the new programs this year is sidewalks. In the past, sidewalks were grouped with larger projects and completed at that time. He noted the city’s asphalt sidewalks are the ones in the worst shape and those would be focused on first.

Mr. Blomquist then referred to the large “one and done” projects and gave a few examples:

The downtown infrastructure project which starts in fiscal year (FY) 23 would be a complete rework of all infrastructure in the downtown area. The present infrastructure ranges from the 1890’s to the 1930’s. This is a 7.4 million project spread out over three years.

The next is the Transportation Heritage Trail, which is a four million dollar project to reconstruct three bridges over the multi-use trail.

The third project is the lower Winchester Street project, which last had work done in the 70’s – this work would include adding pedestrian and bicycle facilities and bringing the corridor up to date.

The West Street corridor is scheduled just outside the CIP, starting at the bike path at Route 9/10/12 and moving east into the City.

In the Parking Fund, the City is looking at electric vehicle infrastructure for city operations and the general public, along with the construction of a parking structure scheduled for FY27.

Marlboro Street reconstruction to include complete street improvements to Marlboro Street to encourage redevelopment in the area.

Chair Russell Slack asked for clarification on the sidewalk project. Mr. Blomquist referred to page 89-90: Approximately 17 miles of sidewalks have been deemed to be in substandard condition. Sidewalks are part of the general fund and one of the Council’s goals is to minimize the impact on the

Keene tax rate. The City Engineer has been able to identify about \$270,000 in sidewalk work over the next five years. Most of the work would be on the asphalt sidewalks located in the southeastern section of the city.

In FY23, work will start on lower Main Street near the Route 101 corridor through the cemetery, and some sidewalks on School Street and North Lincoln Street.

FY24 will be Belmont Avenue, Jennison Street and River Street. Mr. Blomquist stated this is a focus on sidewalks, not part of a larger project.

Chair Russell Slack noted there is a lot of federal monies available for different projects and asked for Mr. Blomquist's opinion on it. Mr. Blomquist agreed and added the monies at the present time are going to be funneled through existing programs and staff is definitely looking into those programs. However, most programs have not published their guidelines yet, but as soon as the Appropriation Bill passes through Congress, staff will start focusing on those funds.

Mr. Farrington commended the plan and how it was presented. Mr. Farrington asked about triggers – changes in the population and how that would affect the plan and items included in the plan. Mr. Blomquist stated in his department a review is done annually of their equipment. For instance, in the transfer station, if an equipment comes up for replacement but it is still in working condition and can be pushed out for another year, that is what will be done. However, there could be items like the Drummer Hill water tank that failed earlier than was planned for replacement.

A motion was made by Mayor George Hansel that the Capital Improvement Program for 2023 – 2029 is consistent with the Comprehensive Master Plan. The motion was seconded by David Orgaz and was unanimously approved.”



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Donald Lussier, City Engineer
Through: Kurt Blomquist, ACM/Public Works Director
Elizabeth Dragon, City Manager
Subject: **Relating to Stop Signs – Washington Avenue
Ordinance O-2022-03**

Recommendation:

That Ordinance O-2022-03 be referred to the Municipal Services, Facilities and Infrastructure Committee for consideration and a recommendation back to the Council.

Attachments:

1. Ordinance O-2022-03

Background:

Public Works received a resident request to evaluate the configuration of the Washington Street / Washington Avenue intersection. During the course of that review, it was discovered that the existing stop signs are not currently listed in City Code. The Engineering Division believes that the signs are warranted and in conformance with the Manual on Uniform Traffic Control Devices (MUTCD).

Ordinance O-2022-03 will codify the existing signs. Minor changes to the configuration of this intersection will be made as part of the upcoming 2022 Pavement Preservation project. These changes will involve the arrangement of pavement markings only; no changes to the infrastructure are proposed.



CITY OF KEENE

O-2022-03

Twenty-two

In the Year of Our Lord Two Thousand and

Relating to Stop Signs on Washington Ave

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded text to the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Washington Avenue for eastbound traffic turning left onto Washington Street.

Washington Avenue for eastbound traffic turning right onto Washington Street.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds for the Winchester Street By-Pass Project**
Resolution R-2022-03
Resolution R-2022-04

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-03.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-04.

Attachments:

1. Resolution R-2022-03
2. Resolution R-2022-04

Background:

City Engineer Don Lussier addressed the Committee next. Mr. Lussier stated he was before the Committee to discuss the Winchester Street Reconstruction project. He indicated this is a significant construction project the City envisioned for season.

Mr. Lussier explained the City has been working on the design phase of this project since 2016. The project originally goes back to the mid to late 90's. This project will be the reconstruction of the Winchester Street corridor from the existing roundabout at Route 101 to the Island Street, Pearl Street intersection along with the replacement of Island Street Bridge.

The design was completed last year to include acquisition of property rights. The project was put out to bid in September 2021 and bids were received in December 2021.

Unfortunately, because of the construction costs these days the bids came in significantly higher than was expected. As a result, the local share of the budget needs to be increased. The project is being funded with 80% Federal money and the City is only responsible for 20%, which is still a substantial amount. Resolution R-2022-03 is specifically for the appropriation from the General Fund. This

project also includes funds from the Water and Sewer Funds. He indicated the good news is that the sewer project is coming in under budget. The General Fund needs about an additional \$584,000 for the City's share of the project cost, which will bring the total City's appropriations for this project to include water and sewer up to 2.7 million dollars. Staff is requesting the \$584,000 to be funded through a bond issuance. The majority of the general fund appropriation for this project will be debt funded. So this would increase the amount of debt funding for the project.

For the Water Fund, staff is asking to take an additional \$150,000 out of the Water Infrastructure Capital Reserve.

Councilor Chadbourne made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-03.

Councilor Chadbourne made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-04.



CITY OF KEENE

R-2022-03

In the Year of Our Lord Two Thousand and Twenty-Two

A RESOLUTION Relating to the Appropriation of Funds for the
Winchester Street By-Pass Project

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

That the sum of five hundred eighty-four thousand dollars (\$584,000.00) is hereby appropriated for the State By-pass Project (also known as the Winchester Street Reconstruction Project)(90266), and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to five hundred eighty-four thousand dollars (\$584,000.00) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE

R-2022-04

Twenty-Two

In the Year of Our Lord Two Thousand and
Relating to the Appropriation of Funds from the
A RESOLUTION
Water Infrastructure Capital Reserve for the State Bypass Utilities Project

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

That the sum of one hundred fifty thousand dollars (\$150,000.00) is hereby appropriated from the Water Infrastructure Capital Reserve (614) for the State Bypass Utilities Project (05092) as part of the Winchester Street Reconstruction Project.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds for the Thompson Road Repair and Stabilization Project
Resolution R-2022-05**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-05.

Attachments:

1. Resolution R-2022-05

Background:

Mr. Lussier stated in the fall of 2019 the residents of Thompson Road requested the Public Works Department look at their roadway. There was concern expressed the road was in poor condition, guardrails were loose etc. It was discovered the slope was settling in - sloughing being the technical term. It was alarming enough for staff to request an expert review of the situation. A Geotechnical Engineer was hired to perform some boring, take soil samples and evaluate the conditions. At the end of that process, the report indicated the slope was marginally stable, meaning it wasn't a crisis, but it was not something the City would like to see with a steep slope.

The City requested the engineer to dig a bit deeper and give some recommendations for improving the slope stability and fixing the roadway.

Presentations were made before the MSFI regarding this issue. The plan because this was a slow moving process to schedule the project via the CIP (this was back in 2020). In the fall of 2021, a resident contacted Public Works again and requested another review of the roadway. What was discovered at that time is that the roadway had settled an additional eight inches in some areas. Deterioration was happening a lot faster than expected. It was not included in the CIP as staff was going to be back before the Committee to discuss this item to start this work immediately.

Mr. Lussier stated the appropriation of funds is for the design phase, which would begin immediately, once the design is completed, construction phase will be discussed.

Councilor Lake asked whether the funding is to stabilize that road or to decide whether a new road needs to be constructed. Mr. Lussier stated staff left it with MSFI was not go with a different path. He called the Committee's attention to the options summarized on the next page of the Memo. Relocating the road would mean, moving the road going off Chapman Road branch off three-quarters of the way up Thompson Road and then abandoning the existing roadbed. This seemed like an attractive option. However, because the rail bed is so narrow, the cost for that option is essentially equal to the cost for repairing it in place, possibly a little bit more. It also implies some pretty significant property issues. The City would have to acquire property perhaps demolish a house in order to put the road where the house currently is. It also crosses a couple of undeveloped parcels that were put under conservation easement. Mr. Lussier stated he wasn't sure of the legal implications of taking something that is in conservation easement and turning it into a public road. This was another obstacle. The other real drawback was the location of the water main. Relocation of the road would require building a new water main, which could be very costly.

Hence, staff's recommendation to MSFI was the restore in place option. MSFI did not take a vote on a preferred approach.

Councilor Lake noted the Engineer had indicated deterioration and asked whether the road could be stabilized in the long run. Mr. Lussier stated they will be able stabilize it, the question is how bad the road will get before construction can be completed.

Chair Powers asked for the timeframe for this work. Mr. Lussier stated construction is not likely to happen in 2022; it will take most of the summer in order to get the design completed. There is also some potential property implications for repairing it in place. Part of the recommendation given to MSFI is that the road will be widened from its current approximately 12.5 feet to at least 18 feet, which is still pretty narrow, but it would be enough for two cars to pass safely. In order to do that and in order to do the construction, the City will be touching private property. The residents on Thompson Road are going to be amenable to seeing that happen. However, one of the property owners is Antioch University. They hold their property as protected land and there will be some implications with cutting trees on this protected property.

Councilor Remy asked if any of the residents or neighbors from whom property will be taken could be resistant to it. Mr. Lussier stated in the short term, the City is absolutely going to need to be on private property otherwise there isn't enough room to do the construction and maintain access to those properties. The City will basically need to abandon the neighborhood for about six months and the resident will not want that. In the long term if the property owners are not amenable to giving up their property for the extra roadway, they will be stuck with a road that does not pass two cars.

Attorney Mullins asked whether the Antioch property is also under conservation easement. Mr. Lussier answered in the affirmative.

Councilor Remy made the following motion, which was seconded by Councilor Chadbourne.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2022-05.



CITY OF KEENE

R-2022-05

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

A RESOLUTION Relating to the Appropriation of Funds for the Thompson Road
Repair and Stabilization Project.....

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

That the sum of two hundred ten thousand dollars (\$210,000.00) is hereby appropriated from the unallocated General Fund balance to the Thompson Road Repair and Stabilization Project.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Council Policy: Relating to the Legislative Process
Resolution R-2022-06**

Recommendation:

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10.

Attachments:

1. Resolution R-2022-06

Background:

City Attorney Mullins stated this was a request to look at the Council's Legislative Initiatives and how the Council reviews and deals with those questions. There have been questions that have been raised over the years about the propriety of the City Council weighing in sometimes on issues that could be seen as not related to the City. As a result, staff took the existing Council policy and amended it to try and incorporate some of those questions and concerns.

He indicated what is in front of the Committee tonight is that draft for its review. The Attorney noted what is being attempted is to determine what these legislative initiatives are. Whether those legislative initiatives constitute matters from either the State or Federal Government and how that may impact local government from an administrative, community planning, budgetary and service delivery level.

He indicated he retained much of the existing language, including a reference to working with the New Hampshire Municipal Association with respect to their review of legislative initiatives and their recommendations with respect to that. It also includes existing language providing for the City Manager and staff to be involved in the legislative process and review legislative initiatives, as well as the City Council to consider those as well.

If a matter submitted to the City Clerk does not fall within this policy - rather than placing it on the agenda, it would be placed in the mailboxes for each of the members of the Council. If a Councilor wanted the issue considered, they would need to seek a suspension of the Rules of Order, which

would require a two-thirds majority vote.

Councilor Remy felt having a strong opinion about a few important things is more impactful than having a “shotgun” approach and weighing in on everything. He felt this amended Council policy was very helpful.

Councilor Chadbourne felt there are several constituents who have had opinions on both sides of the fence. She indicated one of the most important issues for her in the past 10 years as a City Councilor is when she and Councilor Jacobs brought before the Council a request to draft a resolution relative to adding gender identity to the list of protected classes in the city’s employment policies. She continued they had been approached by a New Hampshire transgender group. Transgender people see a lot of discrimination and nothing was happening on the State level; the matter was just being tabled.

Hence, this group started a statewide initiative and started approaching towns on an individual basis asking for support. Counselor Jacobs and herself brought this item to the Council and what they discovered was in the City Handbook there was nothing that protected transgender people. If the City had a transgender employee, they could be discriminated against just like they could be discriminated against at the State level. With all of these towns weighing in and coming forward, it changed the conversation at the State level and they were able to push through legislation that protected the rights of the transgender population. Councilor Chadbourne stated this had not started at the local level it would never have moved forward at State level.

Councilor Chadbourne stated as she started thinking about the past and her particular situation and what a difference that that made – she stated she couldn’t support this. The Councilor felt it was important on occasions to weigh in. She went on to say, the Attorney did refer to suspending Council rules to make sure there was enough consensus. She agreed the City Council is responsible for representing the City, review budgets, and things like roads, bridges etc. But the City Council also represents its constituents for all their concerns and sometimes those concerns can be beyond that specific purview. Councilor Chadbourne stated she knows there is strong support for what was presented tonight but wanted to bring her concerns for consideration as well.

Councilor Madison asked Councilor Chadbourne whether the proposal brought to her by that group was a change to City policy or was that a petition to bring to the State. Councilor Chadbourne stated it was a petition to bring to the State but that forced them to look at other things, including the City Handbook and that is when it was realized there was no protection for Transgender City employees.

Councilor Madison asked whether that group wanted to City to take a stance on this issue and then send a letter to the Governor or the legislature or for the City to enact the policy. Councilor Chadbourne stated they didn't ask anything from the City – this was research she did on her own. What they asked was for support to the State. What was created was a Resolution. Councilor Madison asked whether this was a group of individuals were from Keene or from outside of Keene. Councilor Chadbourne stated they were from both Keene and outside of Keene. Councilor Madison asked whether this group had also gone to their Legislators and State Representatives. Councilor Chadbourne answered in the affirmative.

Councilor Remy felt this was a great example of a place where the Council should step in and be able to override the Council policy; however, to take a stance on a policy it should have to be a super majority with a two-thirds vote.

Councilor Lake stated he echoes Councilor Remy’s thoughts and felt the intent of this is to reduce the number of Resolutions and Partisan Resolutions while still allowing the caveat that was outlined,

when something rises to the occasion of needing to go past that threshold of having a majority like a supermajority to move forward.

Councilor Madison stated he agrees with Councilor Remy, when the Council takes a stance on a few important issues such as the issue Councilor Chadbourne had mentioned, we speak with a powerful voice. He stated he has been noticing a trend of some political groups, especially some groups from outside of Keene coming to Keene and requesting Keene take a stance on Partisan issues. He stated this has been concerning for him and noted this is why we have Congressional Representatives, State Senators, and unfortunately these individuals are not really reaching out to those Representatives and asking for support. They are asking the City to do the outreach for them. He felt having this two-thirds majority threshold makes sure the lower level issues that don't really impact the City, that are more partisan don't come before the Council but major important issues such as human rights, issues that can impact the residents of the City financially or impact delivery of services can come before the Council, and we can make the decision to take a stance on those and send a message either to Congress or to the State House in Concord.

Councilor Chadbourne made the following motion, which was seconded by Councilor Remy.

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10.

Councilor Chadbourne voted in opposition.



CITY OF KEENE

R-2022-06

In the Year of Our Lord Two Thousand and Twenty-two

A RESOLUTION Council Policy: A Resolution Relating to the Legislative Process

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

WHEREAS: Legislation and Agency Rules adopted by the Federal Government and by the General Court of the State of New Hampshire (“Legislative Initiatives”) can impact local government from an administrative, community planning, budgetary and service delivery level (“Local Impact”); and

WHEREAS: The City of Keene’s effectiveness in influencing Legislative Initiatives is dependent upon identifying which Legislative Initiatives have a direct Local Impact, identifying procedures to communicate accurate and timely information about the Legislative Initiative, and creating opportunities to share perspectives; and

WHEREAS: With respect to Legislative Initiatives by the State of New Hampshire, which shall take priority under this policy, the City of Keene considers the New Hampshire Municipal Association as the single most important resource to learn about Legislative Initiatives and to represent the City’s interests in Concord; and

WHEREAS: The City of Keene’s administrative staff are authorized and encouraged to take an active role in the legislative process by identifying Legislative Initiatives that have a direct Local Impact, and testifying in person or through written submissions on Legislative Initiatives that have a direct Local Impact and pertain to their specific professions or expertise; and

WHEREAS: The City of Keene’s administrative staff and Keene City Council also take an active role by identifying for consideration by the City Council any Legislative Initiatives that have, or may result in, a direct Local Impact; and

WHEREAS Legislative Initiatives that do not have a direct Local Impact are beyond the purview of the City Council and constitute initiatives on which the City Council should not be requested to render an opinion;

NOW THEREFORE BE IT RESOLVED that participation in the New Hampshire Municipal Association’s legislative policy committees will be encouraged for City Councilors and

PASSED

City staff; and that those Legislative Initiatives with a direct Local Impact which are adopted by NHMA may be submitted to the Keene City Council for consideration and action; and

BE IT FURTHER RESOLVED that the City Manager, with the assistance of the City staff, will identify any other significant Legislative Initiatives that have a direct Local Impact that has not been incorporated into the NHMA legislative policies and may, in appropriate instances, take action with respect to the Legislative Initiatives, or communicate those Legislative Initiatives together with the potential Local Impact to the respective Standing Committee of the Keene City Council for recommendation; and

BE IT FURTHER RESOLVED that Legislative Initiatives that do not have a direct Local Impact shall not be placed before the City Council for consideration; provided, however, that the City Clerk shall place into the City Council mailboxes a copy of any communication regarding a Legislative Initiative which is determined to not have a direct Local Impact; and

BE IT FURTHER RESOLVED that the Mayor will be encouraged to host periodic meetings of the Keene City Council and the Keene Legislative Delegation to discuss and advance the City's positions on important legislative issues.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.



City Clerk