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A regular meeting of the Keene City Council was held on Thursday, April 7, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Catherine I. Workman arrived at 7:14 PM. Councilor Madison led the Pledge of Allegiance.

#### ANNOUNCEMENTS

Mayor Hansel announced an upcoming Council workshop on the City's branding project. The project's consultants will be present for the Council workshop on April 20 at the Airport terminal building. The workshop will start at 6:00 PM.

Next, Mayor Hansel encouraged all Councilors to participate in the annual Green Up Keene effort on Saturday, April 23. There will be a drive-through supply pick-up on Railroad Square. There is a map on the City website, where you can sign-up for a specific area. Pre-registration is encouraged.

#### MINUTES

A motion by Councilor Powers to adopt the March 17, 2022 meeting minutes was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman arrived after this vote.

#### NEW STAFF RECOGNITION

The City Manager was excited to introduce the new Fire Chief, Donald Farquhar, who began his position on April 1. Chief Farquhar was a Deputy hired in Keene in October 2021, after which he began managing the operational division of the Fire Department, overseeing day-to-day operations and administration. He also shared senior management duties with the former Fire Chief. The City Manager said he certainly proved his capabilities in those five months and she congratulated Chief Farquhar on his new role.

The City Attorney said it was a great pleasure to introduce the new Assistant City Attorney, Amanda Palmeria, who previously worked as an Attorney for the Department of Justice and a Clerk for the Superior Court. The City Attorney congratulated Attorney Palmeira on her new role.

#### PUBLIC HEARING – EVERSOURCE ENERGY – TREE TRIMMING ON SCENIC ROADS

Mayor Hansel noted that this was a joint public hearing before the Conservation Commission and the City Council. A quorum of the Conservation Commission members were present. Mayor Hansel called the public hearing to order at 7:05 PM and the City Clerk read the hearing notice. Mayor Hansel welcomed the applicant, Dane D'Arcangelo, from Eversource Energy.

Mr. D'Arcangelo, the Arborist for Eversource Energy, explained the request to perform maintenance trimming of trees along scenic roads that were listed for the Council. He said that this consists of trimming around the primary power wire, which is the wire located on the top of

poles. The trimming will be 15 feet above that pole, eight feet to the left and right of that wire, and 10 feet below that wire. In addition to this trimming, he said there was a short list of 12 trees along the scenic roads in Keene that are either diseased, dying, or otherwise defective, which Eversource wants to remove. Eversource not only required permission from the City to do this work, but also from the property owners, to ensure that all parties are in agreement.

In the interest of transparency, Mr. D’Arcangelo stated that a few weeks before this meeting, he discovered that a tree on Nims Road was trimmed prematurely during the first week of March. He said he relayed that information to the City Clerk, Patty Little, when it was discovered, and she informed the Department of Public Works and the City Attorney. Mr. D’Arcangelo said there were no major impacts, but this did violate the State Statute. He invited Paul Arno, Supervisor of the Asplundh Tree Expert Company, to speak about why this violation occurred.

Mr. Arno stated that he supervises the tree crews in western and northern NH. He was made aware of this incident on Nims Road the week before this meeting. Mr. Arno stated that he was present to apologize to the City Council and people of Keene because he said this was “100% on us.” He said Eversource did their part and provided all the required information, but there was a clerical error on the part of Asplundh. He apologized again and then described some positive things that came from this incident. First, they realized that the individual in charge of Nims Road was working with a scenic roads list from 2016. To prevent this in the future, they have implemented a safe step for the work planners when they receive circuit maps from Eversource. Additionally, they will reach out to each town for an up-to-date list of scenic roads. The resulting work plan will be sent to towns and general foremen, as well as Mr. Arno, who hopes this will prevent anything like this from happening again.

Mayor Hansel thanked Mr. D’Arcangelo and Mr. Arno for disclosing this information. The Mayor welcomed comments questions from the Council and Conservation Commission.

Eloise Clark of the Conservation Commission requested that, if possible, they only take off the tree crowns and to leave as much remaining trunk as possible for standing habitat for wildlife, such as birds and insects.

Mayor Hansel welcomed comments questions from the public.

Bradford Hutchinson of 305 Marlboro Street stated that he matriculated at Keene State College in 1998 with a major in Environmental Studies. Thus, he was very interested in this issue. This topic is important to him as he studies what beaver do with trees. First, Mr. Hutchinson said he has had the opportunity to observe Eversource conducting various tasks in different locations throughout the City—such as laying wooden roadbeds in swamps to protect the environment while replacing old wooden poles with metal poles—and said the crews do an excellent job. He said that Eversource representatives are always friendly, very professional, helpful, and personable. Second, Mr. Hutchinson appreciated and complimented this example of corporate responsibility and transparency regarding Nims Road from both Eversource and Asplundh. Third, Mr. Hutchinson spoke specifically about the trees, referring to the Eversource comments on lengths of branches and limbs that would be trimmed. He said that often, the tree is left in a strange topiary shape from being cut around the power lines, citing an example in the Davis

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Street neighborhood behind St. Joseph's School. He said it would be better to do additional cutting within the rules and regulations in an effort toward aesthetics; sometimes that is better for forest management. He said they must take into account not just the power lines but the trees themselves. He agreed that some trees need to be taken out, citing problems with dead limbs dropping into the roadway, for example. As an environmental studies major, Mr. Hutchinson encouraged Eversource and Asplundh to continue their good work, but to keep aesthetics in mind. He said this is important work for Keene winters and not wanting powerlines brought down by limbs. He said that evidence of these trimmings, like saw dust, clears within a few weeks. Mr. Hutchinson stated that this was an example of working as a team to correct a mistake in a responsible matter, which he commended. He concluded stating that Ms. Clark's idea was an interesting one, but he did not suggest drawing wildlife toward roadways. He said the arborists and tree experts have it well under control.

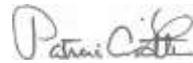
Steve Bill of the Conservation Commission asked whether the remaining stumps would be cut flush to the ground, or whether a property owners has some say in that. Mr. Arno replied that these stumps would be cut as low to the ground as possible. Some of them are close to stone walls and can be dangerous if you get too close to the ground. Nothing would remain taller than one foot. Mr. Arno said they do not offer stump grinding. He continued that these trees in question are dead, dying, or diseased; they are not asking to take down healthy trees. These are trees that would fall down on their own in the coming years and Mr. Arno is willing to absorb the cost he mentioned to help improve reliability on these scenic roads.

Councilor Jones responded to Mr. Bill, stating his understanding that all of these trees are on public property. Mayor Hansel replied that they are scenic roads, so they require Council permission, but some of the trees are on private property, which also require permission from the property owners. Councilor Jones addressed Ms. Clark's comments, stating that her advice should be the norm for all tree cutting in the City; he recalled a City tree cutting policy in the past.

Mayor Hansel thanked Mr. D'Arcangelo and Mr. Arno for bringing this forward.

Hearing no further questions, Mayor Hansel closed the public hearing at 7:21 PM. Written public comments would be accepted until 1:00 PM on Tuesday, April 26. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. The Conservation Commission will be making a recommendation to the Municipal Services, Facilities, and Infrastructure Committee, which will be meeting later this month.

A true record, attest:



City Clerk

## CONFRIMATIONS

Mayor Hansel nominated Gail Somers to move from regular to alternate and Armando Rangel to move from alternate to regular positions on the Planning Board, with terms to expire December 31, 2022. The Mayor also nominated Kristopher Radder to the Airport Development and Marketing Committee, with a term to expire December 31, 2024.

A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

## NOMINATION

Mayor Hansel nominated Gregg Kleiner as an alternate to the Historic District Commission, with a term to expire December 31, 2024. The Mayor tabled the nominations until the next regular meeting.

## COMMUNICATION – FARMER’S MARKET OF KEENE – REQUEST TO USE CITY PROPERTY

A communication was received from Bruce Brickford, seeking the annual license to operate the Farmer's Market of Keene on Gilbo Avenue on Saturdays commencing April 23<sup>rd</sup> and ending October 31<sup>st</sup>. The request includes consideration for free use of City parking spaces. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

## COMMUNICATION – CABANA FALLS WINERY – REQUEST PERMISSION TO SELL ALCOHOL AT THE FARMER'S MARKET OF KEENE

A communication was received from Aly and Carroll Lefebvre of Cabana Falls Winery, requesting permission to sell alcohol at the Farmer’s Market of Keene for the 2022 season. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

## COMMUNICATION – KEENE STATE COLLEGE – REQUEST TO DISCHARGE FIREWORKS

A communication was received from the Keene State College Student Government Class of 2022, seeking permission for the discharge of fireworks on April 30<sup>th</sup> at the Joyce Athletic Practice Field. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

## COMMUNICATION – KEENE FAMILY YMCA – REQUEST TO USE CITY PROPERTY – YOUTH TRIATHLON

A communication was received from the Keene Family YMCA, requesting a license for the Use of Public Ways on June 12, 2022 to host a youth triathlon. The applicant has requested full closure of a section of Summit Road for the cycling portion of the event, which requires City

Council authorization. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

**COMMUNICATION – MONICA MARSHALL – REQUEST THAT RAILROAD SQUARE BE DESIGNATED A SMOKE FREE ZONE**

A communication was received from Monica Marshall, with an amended request that Railroad Square be designated as a smoke-free zone and that the City place picnic tables, benches and plant flowers in the raised beds to encourage more people and young families to use the area. The communication also suggests a public/private partnership between downtown business owners and the City to construct some sort of play structure in the grassy area that leads to the Monadnock Food Co-op. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

**COMMUNICATION – ROGER WEINREICH – REQUEST CONSIDERATION OF THE CONSTRUCTION OF A ROUNDABOUT IMMEDIATELY SOUTH OF CENTRAL SQUARE AS A PART OF THE DOWNTOWN INFRASTRUCTURE IMPROVEMENTS**

A communication was received from Roger Weinreich, recommending that as part of the downtown infrastructure improvements, that the City Council build a roundabout immediately south of Central Square. The function of this roundabout would be to enhance the safety and walkability of the downtown community while also creating an expanded Central Square Park. Mayor Hansel referred the communication to the newly created ad hoc Downtown Revitalization Committee

**COMMUNICATION – COUNCILOR MITCHELL GREENWALD – CONFLICT OF INTEREST – DOWNTOWN BUSINESSES**

A communication was received from Councilor Mitch Greenwald, updating an outstanding conflict of interest statement that he has for several downtown businesses. The City Clerk explained that Councilor Greenwald was updating his outstanding list of conflicts of interests for downtown businesses for which he is either the building owner, property manager, or has a business relationship that would cause him to request consideration of a conflict of interest. Most were outstanding and had been on the record for many years but many were new. A motion by Councilor Powers to suspend Section 26 of the Rules of Order to allow action upon this request was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald abstained. A motion by Councilor Powers to grant the request to abstain was duly seconded by Councilor Bosley.

Councilor Greenwald noted that the Council would be discussing the conflict of interest policy and said this was a part of what they would be enacting. He said these are important issues and he wanted to disclose. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Greenwald abstained.

COMMUNICATION – COUNCILOR RALEIGH ORMEROD – REQUEST FOR REMOTE ACCESS TO MEETINGS AND EXEMPTION FROM 24 HOUR NOTICE REQUIREMENT

A communication was received from Councilor Raleigh Ormerod, requesting to attend Council and Standing Committee meetings remotely from the time period of April 26, 2022 through the end of July 2022 for medical reasons, without having to provide 24 hours' notice prior to each meeting.

A motion by Councilor Powers to suspend Section 4 of the Rules of Order with reference to the 24 hours' notice prior to each meeting for remote access for Councilor Ormerod was duly seconded by Councilor Bosley.

Councilor Ormerod stated that he would be out for a medical conditions for the subsequent three weeks, after which he expects to be recovered fully but because of the condition, he would be unable to participate in any public meetings in person through the end of July. He did not want to leave the Ward One constituents unrepresented. Thus, he asked for an exception to having to provide 24-hours' notice in each instance.

Councilor Remy queried why this permission was needed as Councilor Ormerod was providing three weeks' notice. The City Attorney clarified that Councilor Ormerod would be required to provide 24-hours' notice in advance of each of these meetings through the end of July. This motion would allow him to simply attend remotely without asking permission and a vote of the whole body each time. The motion carried unanimously on a roll call with 15 Councilors present and voting in favor.

MSFI REPORT – THE LICENSING OF CATS TO PROTECT BIRDS AND SMALL ANIMALS

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the communications from Edward Coppola and Vicky Morton regarding the licensing of cats be accepted as informational.

Mayor Hansel filed the reports as informational. Discussion ensued. Councilor Greenwald noted that this was more than just about the licensing cats, but also about the dangers and damages of feral cats. He said it was a significant issue and that the people who brought it forward were very serious about the damage occurring.

MSFI REPORT – REQUEST TO REMOVE A NEARBY CITY TREE – 79 WOODBURN STREET

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the request from Loretta Simonds for removal of City tree be accepted as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF HAZARDOUS MATERIALS EMERGENCY  
PREPAREDNESS GRANT – FIRE DEPARTMENT

A Finance, Organization, and Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to apply for, execute, expend and accept the terms of the grant agreement for the Hazardous Materials Preparedness (HMEP) Grant application as presented in the amount of \$26,934 for the purchase and installation of conferencing equipment and hazmat plan updates. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT –  
PUBLIC WORKS DEPARTMENT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$12,000 for the installation of security fencing at Babbidge Reservoir. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – LEASE OF CITY PROPERTY FOR RENEWABLE ENERGY PROJECTS  
AT MONADNOCK VIEW CEMETERY AND ROSE LANE – ASSISTANT PUBLIC WORKS  
DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to negotiate and execute a lease agreement with ReVision Energy for a solar array installation at Monadnock View Cemetery and Rose Lane. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – NEGOTIATE LEASE OF AIRPORT PROPERTY – MONADNOCK  
AVIATION – AIRPORT DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Monadnock Aviation for land to develop a new hangar.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Discussion ensued. Councilor Chadbourne commended City Staff for their hard work for bringing this vision for the Airport to fruition. The motion carried unanimously with 15 Councilors present and voting in favor.

**FOP REPORT – ENCOURAGING THE CITY TO DEVELOP A HOMELESSNESS STRATEGY THROUGH PROGRAMS THAT FOCUS ON REDUCING HARMS ASSOCIATED WITH HOMELESSNESS**

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to continue work with a Greater Keene Homelessness Coalition to complete the community mapping process on homelessness, prevention, and a coordinated local response to homelessness. This report will be submitted to the Governor's Council on housing stability; and, further, that she work with the State and Service providers in our region on implementation of recommendations contained within that final report and that the letter brought forward by Councilors Williams, Workman and Lake be directed to a committee at the City Manager's discretion. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

The City Manager said this motion had two parts. The first part talks about the work the City is engaged with already with the Greater Area Homeless Committee and partners in the City. She said that work would continue. The motion also mentioned work the City is doing with partners in the region, and the leadership role our Human Services Department will take working with regional partners. The final part of the motion talks about the Committee to address the letter submitted by the three Councilors. The City Manager continued that she had a brief meeting with those three Councilors to discuss stakeholders. One challenge is that no existing City committee has the appropriate stakeholders involved. Thus, it was clear that a new Committee was needed. They considered a City Manager's Committee that an internal committee did not feel open enough to engage the community and region the same way. Thus, the Mayor graciously approved an ad hoc committee for this purpose.

Councilor Johnsen said it was wonderful to watch Councilor Powers lead this discussion at Committee because the three Councilors brought forward great ideas. She recalled one young man stating that he was not homeless, he lives in a tent. She heard a strong statement from people wanting to live outside.

Councilor Williams thanked everyone who came to the Committee meeting, stating it was amazing to see all those voices in the room. He encouraged those voices to continue taking part.

The motion carried unanimously with 15 Councilors present and voting in favor.

**PLD REPORT – MACHINA KITCHEN AND ARTBAR – REQUEST TO USE CITY PUBLIC PARKING SPACES – PARKLETS**

A Planning, Licenses, and Development Committee report read, directing the City Attorney to prepare an Ordinance based upon the Committee discussion to authorize the placement of "Parklets" in designated areas on public street(s) to allow for expanded outdoor dining.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Discussion ensued.

Councilor Greenwald made clear that he was not speaking about the specific parklet proposed, for which he had a conflict of interest, but rather as a Councilor speaking on a proposed ordinance. He would be voting in favor of preparing the ordinance, and once it was prepared, he would have a list of issues that he wants to see addressed because he has a lot of concerns. Councilor Greenwald said that if it could work out, fine, but if not they just need to make a decision.

Councilor Jones thought that this motion should be to prepare a draft ordinance, because it was clear that there would be a lot of comments on it. The City Attorney clarified that was exactly his plan. He would not be returning with an ordinance number, but rather a draft that would go to Committee and Council for discussion.

Councilor Filiault suggested taking this process slowly because by the time the new Downtown Committee was done with its work, we could be looking at a whole different downtown.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Greenwald abstained. Discussion ensued.

#### PLD REPORT – RULES OF ORDER – SECTION 15 – CONFLICTS OF INTEREST – CITY ATTORNEY

A Planning, Licenses, and Development Committee report read, recommending the adoption of Section 15, Voting and Conflict of Interest, as amended by the Committee. Councilor Jones voted in opposition.

The City Clerk noted a Scribner's error in the third line of the fourth paragraph, where the word "Councilor" was missing and it should have said, "Shall identify for the Mayor and each Councilor, the person's employer..." She assured that the change was appropriately documented in the City Attorney's corrected version. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Discussion ensued. The motion carried on a roll call vote with 14 Councilors present and voting in favor. Councilor Jones opposed.

#### CITY MANAGER COMMENTS

The City Manager began with an update from the Community Development Department. The City Manager had selected the next Community Development Director. He is currently going through background checks and therefore she was not ready to announce his name. He is coming from Colorado and right now we are tentatively looking at his arrival around the end of June or beginning of July. John Rogers has been doing a great job filling-in as the Interim Community Development Director. He and his team have been extremely busy, but they are successfully moving projects forward.

The Community Development Department is reviewing Chapter 18 of the City Code, which covers building codes as well as housing and property standards to ensure compliance and alignment with State RSAs. One of the possible recommended changes will be to the housing standards section of Chapter 18 to reflect the housing standards covered under the State

minimum housing standards for rental/leased dwelling units. We are also anticipating that the State will be adopting the 2018 Building Codes from the currently adopted 2015 Codes, and Chapter 18 will need to reflect that change.

The City Manager reported that we are likely see some demolition activity on the Cobblestone building in the next few weeks, once Liberty Utilities has dealt with their utility connections, which is tentatively set for next week.

The City Manager shared some encouraging news that we have a total of about 20 single-family house permits with the Elm Street and Old Walpole area as the site for several proposed new single-family homes.

The City Manager provided the notes from the Fire Staffing Committee's March 22 and April 1 meetings. There would be group meetings the subsequent two Fridays and hopefully they were coming close to recommendations they would bring forward.

Next, the City Manager provided a fire inspections update. The Fire Department will be hosting a municipal gas inspector class being taught by the New Hampshire Office of Professional Licensure & Certification and Liberty Gas. The class is scheduled for Wednesday, April 27. The class will provide instruction on inspection and acceptance testing of gas piping, connections, and appliances. This will result in Community Development and Fire Department Inspectors being able to approve initial permits and final inspections for gas piping and gas burning appliances. This has been an issue for the Department since Captain Bates retired, and it will be great to have multiple people in both departments trained to perform this function. We continue to be well supported by the State Fire Marshal's office, which has been a productive and positive relationship in the inspections process.

The City Manager said the Fire Department is evaluating the IworQ software program currently in use with the Community Development Department. The software is very promising. We are working through some technical questions with the software vendor and expect to make a final determination within the next week. Transition to this program will create better synergy between the two departments and provide a higher level of customer service. Staff are striving for one place to go for all permit needs and better coordination between the two Departments.

The City Manager reported that business and building owners have been very responsive and timely with remediation of code violations. We have started the practice of personally revisiting every business/building owner that have active code violations. We are using these interactions to provide technical assistance and advocacy in support of their corrective actions.

She said Staff completed a full review of all occupancies that had been designated as assemblies and/or have active liquor licenses. Assembly permits are required for any building with an occupancy of 100 or greater. Any occupancy with a liquor license, regardless of occupancy load requires an annual life safety inspection to maintain their liquor license. The FD had been working to address confusion between assembly permits and annual life safety inspections. We identified 24 occupancies that had an occupancy load lower than 100 and did not have a liquor

license. These occupancies do not require an assembly permit and so we will instead continue to offer them an annual life safety inspection.

Next, the City Manager reported that Representative Kuster is visiting April 19, tentatively 1:00 PM. In addition to the \$415,000 Congressionally directed funding from Shaheen's office for the body worn camera program and \$325,000 for our Sewer Force Main Inspection and Rehabilitation project to do an engineering assessment of the sewer force main, we were also successful, through Kuster's office, getting a Congressionally directed funding project in the amount of \$394,800 for the design and construction of Phase I of the Transportation Heritage Trail. This phase will entail repairing the rail bed from Eastern Ave to Rt. 101 and preparing the embankment on the north side of Rt. 101 for the Prowse Bridge. This work is expected to happen in 2023. In addition, the City Manager said we are in the process of submitting new applications for Capital improvement projects already identified by the City for the next round of funding. It seems these Congressionally directed funding opportunities would continue. This week was the deadline for Kuster's office and next week is the deadline for Shaheen's office. Requests will include funds to assist with projects such as the downtown project, renaming the Heritage Trail work, a parking garage, and Fire Station 2. The Director of Parks and Recreation is also submitting for the Recreation Center as well.

The City Manager reported a Zoom meeting with the Legislative Delegation on Monday, April 4. We typically hold this meeting around crossover time. Many of the bills we had previously been tracking have not made it to crossover, so this allows us to focus on only the remaining ones. The City Manager provided Councilors a copy of the memo that went out to the entire Delegation as a follow-up to the meeting. The memo highlights some of the bills of concern that we are either supporting or opposing.

The City Manager continued noting that this week, the Governor has appointed her to the New Hampshire Opioid Abatement Advisory Commission, This Commission shall consult with and advise the Commissioner of the Department of Health and Human Services relative to the proper administration and management of the Opioid Abatement Trust Fund and shall approve all qualifying grants, loans, and matching funds coming from that fund. The Commission has been meeting for a while, but the City Manager's first meeting will be Monday, April 11 and so she will have some catching up to do. The City is one of the 23 towns/cities/counties that joined the opioid lawsuit. We had been supporting a bill in the Legislature to increase the percentage of funds coming directly to participating entities from the court settlements, changing the distribution from 15% to 40%. Unfortunately, the bill was sent to interim study, and we made no progress. At least participating on this Commission will give us a voice on how the remaining funds are spent. Therefore, the City Manager was grateful that she was asked and happy to serve.

The City Manager reported that the Keene Rotary held a fundraiser to help our sister city Einbeck, Germany to provide aid to Ukraine citizens. The Rotary raised \$10,000 and donated those funds.

Next, the City Manager said the NH Managers Conference is going to be held here in Keene this year (June 15–17). Typically, about 40–50 city/town managers from across the state attend this conference. The City Manager was thrilled to be able to host them here in Keene.

The City Manager continued noting that Staff were getting close to finalizing the budget. The goal is to hopefully get it off to the printer late next week so that it will be back in time for the May 1 deadline. The City Manager said it had been a tough budget to balance with fiscal policy. She had to commend the work of our Finance Director, Merri Howe, and our Senior Accountant, Karen Gray; in addition to their regular duties, and the time consuming Financial software conversion, they have also been spending an enormous amount of time working with the City Manager on funding scenarios (sending spreadsheets and info back and forth after hours including this past Sunday), helping her brainstorm ideas to bring us in compliance with fiscal policies, and then putting it all together for a final product. The City Manager said she is very lucky to have them on her team.

The City Manager concluded her report with the Eminent Domain court decision for the Winchester Street project. The Superior Court has ruled in the City’s favor on all issues in connection with the challenge by Sandri to the eminent domain action and to the property taking necessary to accomplish the Winchester Street construction project. Sandri now has 10 days from April 5 to file a Motion for Reconsideration with the Court. Sandri would then have 30 days from the date of the decision on the Motion for Reconsideration to file an appeal to the NH Supreme Court. In the absence of filing a Motion for Reconsideration, an appeal must be filed within 30 days from the date of the decision, April 5. The City Manager said this was good news. Both our City Engineer, Donald Lussier and the City’s Attorney on the matter, Attorney Tom Clausen, were favorably mentioned in the decision as being more credible and persuasive than Sandri’s technical team. The Judge wrote that “the City ... has presented substantial evidence displaying a pressing need for the Roundabout and its significant benefits. Sandri, on the other hand, has shown only speculative harm.” The City Manager wanted to recognize Don Lussier specifically for his work on this case. She said he represented the City in an extremely professional and knowledgeable manner and is a big part of the reason for our success. The City Attorney said that Gene McCarthy, who is with our engineering services, was also instrumental; he and Mr. Lussier handled the trial together.

JOINT PB-PLD REPORT – ORDINANCE O-2022-02 – RELATING TO ZONE CHANGE – 19 WHITCOMB'S MILL ROAD – RURAL AND AGRICULTURE TO LOW DENSITY 1

A memorandum read from Senior Planner, Mari Brunner, with a Joint Planning Board–Planning, Licenses, and Development Committee report that read with the following actions:

A motion was made by Mayor George Hansel that the Planning Board find the proposed Ordinance O-2022-02 consistent with the Community Goals and Master Plan. The motion was seconded by Councilor Michael Remy and was unanimously approved.

A motion was made by PLD Chair Kate Bosley that the Planning Licenses and Development Committee request that the Mayor set a public hearing on this item. The motion was seconded by Councilor Phil Jones and was unanimously approved.

Mayor Hansel set a public hearing for May 5 at 7:00 PM. This matter is a zoning amendment and is currently before the Planning, Licenses, and Development Committee.

MSFI REPORT – RELATING TO STOP SIGNS – WASHINGTON AVENUE – ORDINANCE O-2022-03

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending the adoption of Ordinance O-2022-03. Mayor Hansel filed the report as informational.

A motion by Councilor Greenwald to adopt Ordinance O-2022-03 was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – IN APPRECIATION OF MARK F. HOWARD UPON HIS RETIREMENT  
RESOLUTION R-2022-07

A memorandum read from the Human Resources Director/Assistant City Manager, Elizabeth Fox, recommending the adoption of Resolution R-2022-07. A motion by Councilor Powers to adopt Resolution R-2022-07 was duly seconded by Councilor Bosley. Mayor Hansel thanked Councilor Powers for being instrumental in the retirement celebration for Chief Howard and to all those who attended. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FOR THE CITY HALL PARKING STRUCTURE MAINTENANCE PROJECT – RESOLUTION R-2022-08

A memorandum read from the City Engineer, Don Lussier, recommending that Resolution R-2022-08 be referred to the Finance, Organization and Personnel Committee for their consideration and recommendation.

Mayor Hansel referred Resolution R-2022-08 to the Finance, Organization, and Personnel Committee.

RESOLUTION – RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF THE COMMERCIAL STREET PARKING AREA - RESOLUTION R-2022-13

A memorandum read from the City Engineer, Don Lussier, recommending that the City Council accept a Petition for the Absolute Discontinuance of a Portion of the Commercial Street Parking Area submitted by the Public Works Director and refer said Petition to the Municipal Services, Facilities and Infrastructure Committee.

Mayor Hansel referred Resolution R-2022-13 to the Municipal Services, Facilities, and Infrastructure Committee. A site visit is set for April 21, 2022 at 5:45 PM and the public hearing is scheduled for April 21, 2022 at 7:00 PM. Sandwiches will be available in the adjoining conference room prior to the Council meeting.

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

At the City Council meeting on March 17, 2022, the Council voted with 12 in favor and 3 opposed to table the following item until the next regular City Council meeting.

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10, Relating to the Legislative Process.

A motion by Councilor Powers to adopt Resolution R-2022-06 was duly seconded by Councilor Remy. Discussion ensued.

Councilor Chadbourne spoke in opposition. She stated that under this Resolution, if a member of the public wants to address the Council and it is not deemed a local matter, then it would go to Councilors' mailboxes, and if a Councilor wants to pursue, it would require a 2/3 vote in order to be heard. She spoke with members of the City staff and learned that there were only 7 Resolutions during her 10-year tenure and several letters requested of the Mayor. She read those Resolution titles by year, some of which she said fit into the Master Plan and vision for the City. Councilor Chadbourne considered supporting this initially, but she believes anything brought to the Council should be considered because government is set-up for the people. She cited a trickle-up effect and supported keeping the process open to the public.

Councilor Remy spoke in favor in the Resolution. He thinks there is a stronger voice when it is small and measured. While Councilor Chadbourne only cited those seven issues, he imagined that most passed by more than 2/3 and would have been eligible to move forward under this Resolution. He does not think the City should be taking positions on issues that might be outside its purview unless 2/3 of the Council supports it.

Councilor Workman spoke in opposition and thanked Councilor Chadbourne for her argument. Councilor Workman thinks we are creating legislation for something that is not a problem. She did not understand the point of this conversation. She agreed that there is a process that works right now and which gives people an opportunity to weigh-in. She said the Council's job is to act on the people's behalf and they should do that.

Councilor Filiault spoke in opposition, agreeing with Councilors Chadbourne and Workman. He said there were words in the Resolution that were concerning, such as not wanting to deal with partisan resolutions; he asked who decides what is partisan. He has a problem with elected officials leaving that determination to Staff. He noted that there are not many of these annually. The Council should never get to the point of allowing Staff to determine what elected officials should see; the Council determines what is relevant. He said the Council is elected to deal with these matters whether they are partisan or not. Mayor Hansel noted respectfully that partisanship was not part of the resolution, and so Staff would be determining what is of local relevance. Councilor Filiault countered that partisanship was in the background minutes. He cited examples that were partisan that might not have come to the Council in the past if determined by Staff. He said he elected officials should do the job.

Councilor Greenwald said there were a lot of issues that the Council does not need to weigh-in on but said this was not a problem; he called it a solution in search of a problem. The Council

should be able to discuss anything and can decide if it is not appropriate. The existing procedure has worked well over time and if the Council wants to talk about something they will find a way. He did not find this to be meaningful.

Mayor Hansel noted that he does not usually weigh-in on policy issues, but said that at the beginning of his term, he and Staff were spending significant time writing letters on behalf of the City Council to what he called no effect. He questioned the effectiveness of letters the Council has him send to the Legislative Delegation about nuclear war. Mayor Hansel said he and Staff have plenty to do. He said local relevance could be argued for almost anything and for an issue to not qualify would have to be pretty disconnected locally.

Councilor Bosley spoke in opposition. She sat as the Chair of PLD through Covid-19 and she had to mediate conversations during Zoom when special interest groups were bringing out-of-state people into meetings to give testimony. Now that element is gone, and she did not think this would be a problem anymore. She thought about Councilor Madison's effort into the Ukrainian issue and said that sometimes coming before Council for a letter or resolution is not effective, but putting effort into a vigil was more meaningful. She suggested that the public remember just coming to Council might not be the best way to handle something important to them. She would not quiet any citizen coming before a Committee.

Councilor Williams spoke in opposition. He heard from his constituents that they appreciate the ability to do this and so he would support their ability to continue to do so.

Councilor Giacomo said from what he read this was not preventing or inhibiting anyone from bringing issues before Council, but rather it was trying to cut down on statements sent off to the state and "put into the circular filing bin." He thought we could discuss important topics as a Council and if someone is being silenced on a significant enough issue, a Councilor could raise it and 2/3 of the Council could support it. He said that the Resolutions Councilor Chadbourne listed were undoubtedly local. He thought this was trying to get rid of people coming in trying to get Keene to make a statement on their behalf, which he said was not the Council's function. He said it can be partisan and if it is, it is problematic because the Council Creed says the Council will not hear anything partisan.

Councilor Madison said he was conflicted, but he spoke in opposition. He was originally a proponent and then he broke his own rule by emailing members of the Council to attend a vigil and dress at Council in support of Ukraine. He agreed it had not been an issue in the last 10 years and probably less since 1884. But he has been seeing in the last five years more letters coming into the Council that are not from Keene constituents and who do not want to take the matters to their state representatives or their own town councils. He agreed that this matter would be less of an issue now that Zoom meetings were not occurring.

Councilor Filiault commented "If it ain't broke, don't fix it. It ain't broke."

Councilor Chadbourne said sometimes it is really effective when people come to the Council and not their State officials. She cited an instance that was a NH organization and the State body kept tabling it, leaving transgendered people open to discrimination in the state. So, they began at the

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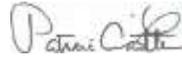
local level and got 12 towns to sign-on, which got the State passing anti-discrimination laws. To the Mayor, Councilor Chadbourne said she also asked the Mayor's secretary for how many letters he wrote, and during her 10-year tenure, Mayor Lane wrote one letter and Mayor Hansel had written at least 7. However, she felt they were mostly important at the State level, and she liked to think they did not end up in the "circular file."

On a vote of 5 in favor vs. 10 opposed the motion failed. Resolution R-2022-06 was defeated.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:48 PM.

A true record, attest:



City Clerk