

05/19/2022

A regular meeting of the Keene City Council was held on Thursday, May 19, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Michael J. Remy was absent. Having declared a quorum physically present, Councilor Ormerod—who had previously received the Council’s permission to participate remotely—stated his location and whether anyone was present with him. Councilor Filiault led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor also announced that the Keene Veterans Council has extended its annual welcome to participate in the Memorial Day ceremony and parade on Monday, May 30. The parade will start at 10:00 AM and will form on Gilbo Avenue and proceed up to the Veterans Monument at the Keene Parks & Recreation Center.

PROCLAMATION

Mayor Hansel welcomed the Director of Parks, Recreation, & Facilities for a proclamation declaring May 21, 2022 as National Kids to Parks Day in Keene and urged all citizens to take time and get kids out into the City parks. Director Bohannon welcomed participants at Robin Hood Park on May 21 from 12:00 PM–2:00 PM for a number of kids’ activities and yard games. It would be an introduction to a new amenity in the park arranged by Staff. There are other parks and trails to explore if citizens cannot make those activities.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Powers to approve the May 5, 2022 regular meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

PRESENTATION – LIBERTY UTILITIES – OVERVIEW OF JULY 21, 2021 OUTAGE IN KEENE AND STEPS TAKEN TO IMPROVE THE SYSTEM

Mayor Hansel welcomed representatives from Liberty Utilities for this presentation.

Mr. Neil Proudman, President of Liberty-NH began stating that he had been in the gas industry for 43 years and had never been in a position where an entire system was lost until the event on October 2021 in Keene. He was present to share what he called a rigorous incident analysis. He also wanted to introduce a project they believe would complement the Green Keene strategy. Mr. Proudman introduced his colleagues from Liberty Utilities: Rich MacDonald (VP of Operations for Liberty-NH and Incident Commander for the October 2021 event), Steve Rokes (local manager), Bob Mostone (Director of Gas Operations in Manchester), Bill Clark (Senior Director of Business Development), Morgan MacGregor (Business Development Professional), and Huck Montgomery (Director of Government Affairs).

Mr. Clark began the presentation on the loss of supply to Keene on October 21, 2021. On October 20, 2021 there was failure of the propane system at the Keene plant, causing a loss of

pressure on the low-pressure system. As a result, 1,137 Liberty customers in the City of Keene experienced a loss of service. This was the first time Liberty has dealt with a total loss of an entire system. Mr. Clark continued that prior to the outage, Liberty personnel were performing some planned work at the Keene plant to upgrade an electrical cabinet. The Remote Terminal Unit (RTU) housed inside the cabinet failed shortly after the crew completed drilling a hole in the cabinet for the installation of wiring conduit. It was later determined that metal debris made contact with the RTU circuit Board, causing the malfunction and subsequent plant shutdown. Mr. Clark said that a number of factors contributed to the cause of the failure and exacerbated the issue, which ultimately resulted in a loss of pressure in the system. Emergency response and incident command structure (ICS) procedures were initiated immediately, and work then began to restore the system to normal operation. With assistance from Mutual Aid from the NE Gas Association and the Keene Fire Department, Mr. Clark said the system was re-pressurized, customers were restored, and normal operating conditions resumed on Saturday, October 23, 2021.

Mr. Clark continued sharing an event summary. He reiterated that 1,137 customers were affected, with zero fatalities, injuries, or safety issues reported. The restoration involved 35 Liberty NH employees, 5 Liberty MA employees, 25 National Grid employees, and 9 Unilit employees; these companies are all a part of Liberty's Mutual Aid. Liberty began its thorough internal investigation on October 25, 2021, which concluded with finalized recommendations on November 24, 2021. The conclusion was the RTU issue, but also some procedural things Liberty wanted to change. Mr. Clark showed a map of the City of Keene distribution system. When service is lost, their procedure is to enter every customer's premises to access their meters and shut them off. To begin, they had shut off 1,137 meters before considering putting gas back into the system. They split the City into nine zones that they were able to isolate through gate valves in the system. Once the zones were isolated and the valves turned off, they could begin bringing the system back on in stages zone-by-zone. Mr. Clark displayed a graphic demonstrating the timeline of restoration activities, pointing out the high-priority customer zones, like nursing homes and restaurants, which were repressurized first on the first day of the event.

Mr. Clark discussed that Liberty's Emergency Command structure is organized to deal with all logistics of a major event. He said they use best practices that worked quite well while restoring service in Keene. He said the Keene Fire and Police Departments were very helpful in accommodating Liberty's need to access residences and turning off meters expeditiously.

Mr. Clark concluded on the root causes of this incident. Liberty has determined that the most probable root cause of the incident was a failure of the RTU located within an electrical cabinet at the Keene Propane-Air Plant. He reiterated that on the morning of October 20, 2021, Liberty Personnel were performing planned work on the cabinet that housed the RTU. This involved drilling an approximately 3/4-inch hole in the top of the box in order to install a wiring conduit. He said they had protected the components inside the cabinet while drilling, but some of the metal shavings were able to get to the circuit Board. While drilling the hole, the crew attempted to deflect debris away from the components located within the cabinet; no issues were encountered while drilling occurred. The employees had stepped away from the RTU to

complete other tasks and gather equipment for the next steps of the job when the first alarms sounded. Mr. Clark said it was later determined that metal debris made contact with the RTU circuit Board, causing the malfunction and subsequent plant shut down. He displayed photos of the system.

Mr. Clark continued apologizing for “this mishap” and stated that Liberty worked really hard to get the City of Keene back online as quickly as possible. He welcomed questions.

Councilor Giacomo, who is an engineer and leads many Process Failure Mode and Effects Analyses, said he heard a lot about root causes but wondered what the corrective actions would be, whether new trainings were implemented, and why this would not happen again. Mr. Clark said they updated their in-plant operating procedures, they are training additional plant employees, and they have input some other mechanical components in the plant so if this event occurs again, there are more options available for plant operators to keep the plant running manually. Mr. Clark continued that the plant is staffed 24/7 and they have a control room in Londonderry that monitors all of the plant monitoring pressures and things of that nature. He said some technology is outdated and is in the process of being replaced.

Councilor Jones said that Liberty’s sphere of operations is natural gas and he wondered whether there were other locations where they operated the propane mix like Keene’s. Mr. Clark said Keene’s is a unique system—a one-of-a-kind Propane-Air system in the nation. Liberty has other plants in Nashua, Concord, Manchester, and Tilton, where during winter and peak load conditions, they supplement and mix Propane-Air with natural gas and liquified natural gas. Councilor Jones wondered whether the RTU was used because of that mixture or whether it is also used with natural gas processes. Mr. Clark replied that the RTU is a common control component for all systems.

Councilor Greenwald wondered if the drilled hole in question was performed by a licensed electrician. Mr. Clark replied in the affirmative, stating that Liberty’s Production Instrumentation and Regulation employees that handle all plants throughout the State includes three licensed electricians, including the one who drilled the hole in question. Councilor Greenwald wondered whether a license was required for this sort of work that the gas company was exempt from, and Mr. Clark said no.

Councilor Williams said that pressure was lost due to loss of an RTU, and he wondered if there were any redundancies in place. Mr. Clark said they were in the process of adding wiring components to install a programmable logic computer to replace the control technology that operates the production function output of the plant.

Councilor Madison asked whether Liberty was taking any measures to identify other possible single points of failure in the system that could represent a similar vulnerability to the RTU. Mr. Clark replied that he could not specifically answer that other than stating that the technology in the plant is begin upgraded to today’s standards, while some control components in the plant currently date to the 1960s–1970s. The gas control center in Londonderry will have more control over monitoring the Keene plant 24/7 to ensure that if something unusual occurs, there is someone there. Mr. Proudman continued stating that there were some plans that they wanted to

talk about because it is an old plant, and they want to transition from Propane-Air to a different molecule. Before continuing their presentation, Mayor Hansel heard more questions.

Councilor Giacomo stated that Liberty's root cause summary indicated that the operator had moved on to other tasks when the alarms started. The Councilor asked whether that hole was drilled while the box was live; did they not clean-up their shavings before restarting the box? Mr. Clark replied that the operator put a blanket over all the internal components and had removed the blanket after drilling the hole. Mr. Clark was unsure whether the metal was exposed during drilling or when the blanket was removed.

Mayor Hansel asked whether the emergency response went as well as Liberty could have hoped for or whether anything could go better that Liberty is acting on. Mr. Clark said that 3.5 days was a long time, but he called it a tedious process, which he repeated. Once gas was back into the distribution system under normal operation conditions, they must revisit all the meters, and relight all appliances. He said they have a good incident command structure to manage events like this. He said it is all about safety when restoring to normal operations. They felt that the way they mobilized and resources they enlisted to complete the task was successful. In terms of the event itself, Mr. Proudman stated that the mutual aid mobilization and resources were deployed quickly. They received feedback that communication could have been better on the first day, so they are working to improve that. Additionally, Liberty had a challenge with locksmiths to gain access, but Mr. Proudman said that Chief Howard enabled access to some remaining facilities. He said there is always opportunity for incident commanders to improve communication with communities.

Mr. Proudman added that in his experiences, the customers in Keene were superb, patient, and supportive, for which he thanked the community. Mayor Hansel thought that comment was important because it was a difficult experience with communication to customers lacking and causing a lot of issues for the City. Mayor Hansel was glad to hear it was a good learning experience that cannot happen again because these incidents require a significant number of City resources, when our emergency services are already stretched thin. Mr. Proudman said they are spending almost \$800,000 on upgrading services and it was disappointing to have this occur.

Mayor Hansel stated that another important lesson was having the City's GIS system available to help with the emergency response. He encouraged following-up to integrate Liberty maps into the City's GIS system. Mr. Clark would follow-up with that, and Liberty's GIS system was just upgraded. The City Manager said that was great to hear as she recalled challenges around confidentiality, and it would have been helpful for our teams to help Liberty better; this sounds like something to integrate with our system.

Councilor Chadbourne said she was one of those 1,137 customers without service for several days. The Councilor continued, stating that she also had tenants concerned with what was going on and she did not know. She was disappointed with the non-immediacy of communication. She said that Councilor Giacomo asked two questions and one was not answered so she repeated it: was the box live when they drilled? Mr. Clark said it was all low voltage control components; it

was not a high voltage cabinet. Mr. Clark replied that they reviewed the plan and were satisfied with the response. Liberty also submitted a report meeting their requirements.

Mr. Proudman said that this was a paired down presentation, and many lessons were learned such as pre-job briefs, policies and procedures, operations, and how to deal with events like this moving forward. He apologized if all questions were not answered in the presentation and welcomed being contacted with more questions.

The Liberty Utilities presentation continued with Mr. Mostone and Ms. MacDonald, who wanted to discuss what they called Green Keene. They are contemplating upgrades to ensure their goals and investments are future proof to align with their decarbonization goals (net zero by 2050) and the City's 2050 renewable energy goals. Mr. Mostone share some links demonstrating that in the same way the electric grid can move renewable electrons, gas infrastructure can move renewable molecules, whether natural gas or hydrogen. The links also demonstrated that organizing and building a clean transition that is reliable, resilient, and economic for customers and the downstream gas initiative—which says that natural gas infrastructure will enable a clean energy transition that is economic, safe, and reliable.

Next, Ms. MacDonald said that Liberty had started its Green Keene initiative and she had the pleasure of working on that team, which was working and planning and ideal path forward for the City. The initiative's objective is to transition Keene's aging propane-air facility and distribution network to what has been identified as a safer and more reliable, clean and economic fuel system for Keene customers. Liberty recently announced a commitment to net zero and transitioning to a low carbon economy. They also want to focus on energy reliability and customer experience and affordability, and what it looks like for renewable natural gas or hydrogen in the future. They see alignment with the City's energy goals and an opportunity to future proof Keene's distribution network.

Ms. MacDonald continued that Liberty's recent work has determined that improvements are required in the near term to ensure they are thinking big and growing safely. They want to be thinking about their big sustainability commitments, meeting those goals, and growing at a reasonable pace, while demonstrating best practices. In some of their work, they have identified one of the best paths forward for Keene would be to start the energy transition with a liquified natural gas/compressed natural gas supply, and to investigate renewable natural gas while future proofing for hydrogen. Liberty thinks they can accomplish that by focusing on clean, economical energy, while maintaining their reputation as a safe, reliable, and resilient company. They want to focus on being sustainable and economic, while reducing emissions and future proofing the distribution system. She said that Liberty remains forward thinking and have optimized an investment strategy. They have worked with the Department of Energy and are trying to identify federal resources that will help support clean hydrogen. They are staying engaged with several councils and hydrogen working groups. She said they are keeping up with the Department of Energy's Hydrogen Shot initiative, which is to reduce the cost of clean hydrogen over the next decade, which Liberty wants to be a part of.

Ms. MacDonald continued explaining that Liberty had engaged a third-party expert to evaluate “Art of the Possible” for Keene, which is a vision and blueprint for pathways to 2030, while considering Keene’s energy goals. They also engaged that third-party expert in a Gas Supply Analysis for Keene, looking at compressed/liquified natural gasses (CNG/LNG), renewable natural gas (RNG), and hydrogen. Ms. MacDonald said it was recommended that Keene begin with a CNG/LNG solution, which she called an ideal start to support the transition to a safer, cleaner, and more reliable fuel source.

Ms. MacDonald discussed next steps. Liberty believes they could develop a working partnership with the City of Keene to work toward their mutual 2050 energy goals. Liberty will continue leveraging federal energy resources and operating with best practices. Leveraging their expertise as a leading energy company and focusing on that pathway to 2050. Liberty really wants to begin transitioning its Keene system to be 2050 ready and they feel Keene would be a great City to work with on this. Mr. Mostone added that the Monadnock Marketplace has already been transitioned to CNG and was not affected by the outage, as it is a separate distribution system with redundancies that have been working exceptionally well.

Mr. Mostone continued discussing the renewable molecules. He said that one of the great things about both RNG and hydrogen is that they are not necessarily dependent on pipelines. They can be produced locally wherever there are wasting wires and supplemented by truck delivery. He displayed a landfill process, stating that as waste breaks down organically in the landfill, methane, carbon dioxide, and other gasses are created; the gasses are cleaned and treated so the RNG goes through an upgrader until it is pipeline ready and interchangeable with the conventional natural gas molecule. When RNG is injected into a pipeline, the equipment does not know the difference. Mr. Mostone said the second form of RNG is predominantly food waste, dairy waste, and wastewater treatment facilities; 40% of the US’s waste is comprised of organic materials. If left untreated, organic materials give off gas, venting fugitive methane emissions into the atmosphere. Thus, by collecting the surface level methane, upgrading its pipeline quality, and injecting it, a lot of these gasses can reach carbon negative. Mr. Mostone continued that of these molecules, hydrogen could be used for electrical generation, thermal load, processing, load mobility, and fuel cell vehicles. Now, hydrogen can be blended in many instances into the natural gas stream. Currently, studies show that approximately 20% by volume load of hydrogen can be blended into a natural gas network without affecting equipment. Going up to 100% hydrogen would affect end use equipment, which would require upgrading. Mr. Mostone concluded mentioning that another renewable energy system and use for hydrogen is building heat and power. If Keene has a 100% hydrogen network, they could use it for microgrids, fuel cells, transportation, and more. He welcomed questions.

Councilor Williams said this sounded interesting. He said Keene needs to go green, but he was concerned about starting with CNG, which is a fossil fuel. He wondered if there was enough supply of RNG to come along and replace it. He asked about the transition process, supplies available to make it happen locally, and how long it would take. Mr. Mostone stated that there are supplies locally. He provided the example of a Liberty’s project before the NH Public Utilities Commission for Landfills in Bethlehem to track RNG created at the landfill down to

their system in Tilton. There, the annual volumes that one landfill would produce was more than two times the annual usage of all Liberty's Keene system. A landfill produces the same amount of RNG daily and thus there is usually over supply in the summer and vice versa in the winter, so balancing is critical. There are massive landfills that could supply 1/3 of NH's gas supply needs. Hydrogen can occur anywhere that there are wires and can provide for solar, wind, and conventional electricity. Mr. Mostone explained how natural gas can be used as feed stock, which he said was not a good idea here.

Councilor Giacomo said Keene looked into natural gas in the past and they know the huge economic benefit of piped in natural gas compared to the current blend system. He said there is a lot of pushbacks against pipelines so being able to create natural gas locally would be a huge incentive and reason to look into this. However, he said the infrastructure would need to be built to produce all of that. He was curious, with the age of Keene's landfill, how much methane was being produced there. Additionally, he questioned hydrogen, and stated that electricity cannot be created with a molecule that required electricity to make. He asked whether methane degradation with landfill age would factor into the cost analysis. Mr. Mostone replied that it does. He continued that last time they looked at the Keene landfill being capped, the volumes they could pull from the landfill and upgrade to pipeline quality did not warrant an investment in an upgrade for that facility. Regarding hydrogen, he stated that they were seeing a lot of movement in the electrolyzes that are getting off of non-flattened metal groups, which would bring the price down, allow load following on curtailed energy processes, and then storage would be the next key. The Department of Energy goal is to bring one kilogram of hydrogen down to \$1 in one decade. Thus, \$1/kg would translate to 770 in MMBtu, which if successful, is much less than what the City is paying currently for natural gas.

Mayor Hansel said there were various steps listed—where we are, potential RNG, and then hydrogen—and asked, between the current state and RNG, what are the limiting factors keeping Keene from getting there: regulatory or licensing? Mr. Mostone said it was neither right now. He continued stating that getting the infrastructure set-up is important. He said the skid on Production Avenue could receive RNG today. As they progress from the marketplace forward and get customers, it is really about seeing what is available locally versus what can be trucked in, and then there is economic justification moving forward. Liberty wants to ensure that if significant investments are made in the new supply facility to increase reliability, resiliency, and bring down costs from the Propane-Air, they want to ensure it is not “scrapped in six years” and starting from scratch.

With no further questions, Mayor Hansel thanked the Liberty Utilities representatives for the information. The representatives look forward to following-up with the Keene Energy and Climate Committee, who Mayor Hansel called engaged in this process. Liberty looks forward to a dialogue and meaningful working process with the City.

CONFIRMATION

Mayor Hansel nominated Kenneth Kost as an alternate to the Planning Board, with a term to expire December 31, 2024. A motion by Councilor Powers to confirm the nomination was duly

seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor.

COMMUNICATION – CHARLES REDFERN – REQUEST FOR SIGNAGE IDENTIFYING TRAILS

A communication was received from Charles Redfern, requesting signage identifying the trails. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

COMMUNICATION – KEENE ELM CITY ROTARY CLUB – USE OF CITY PROPERTY – CLARENCE DEMAR MARATHON

A communication was received from the Elm City Rotary Club, requesting an event license for the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 25th 2022. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee and said it would be placed on more time to allow for protocol meetings to occur.

COMMUNICATION – RESIGNATION OF DELENE WHITE FROM THE PARTNER CITY COMMITTEE

A communication was received from Delene White, resigning from the Partner City Committee after 2.5 years of service. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor.

FOP REPORT – ADAM TOEPFER – KEENE PRIDE – REQUEST THAT THE CITY ABSORB THE COST FOR POLICE, PUBLIC WORKS AND FIRE PERSONNEL FOR BLOCK PARTY – SEPTEMBER 18, 2022

A Finance, Organization, and Personnel Committee report read, accepting the communication from Keene Pride as informational. The City Clerk acknowledged that Keene Pride had withdrawn its request for financial assistance for their block party. Mayor Hansel filed the report as informational.

FOP REPORT – PUBLIC TV PROGRAMMING SERVICES AGREEMENT – ACM/IT DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Council authorize the City Manager to negotiate and execute an agreement with Falls Area Community Television for the operation of public programming services on the local public community access television channels provided by Spectrum. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. Discussion ensued.

Councilor Jones expressed his long held belief that franchise fees from cable subscribers should not be used for the benefit of general taxpayers. He noted that over the years he has attempted to

secure votes that would restrict the cable franchise fees to only benefit the cable subscribers. He wanted to offer an amendments to the FOP report to have all allocations and expenditures of franchise fee money be agendized and sent through the FOP Committee, so the cable TV subscribers have a chance to comment each time the City spends their money.

The City Manager said that franchise fee dollars are used for PEG, which is public, educational, and government. The equipment used to broadcast the Council meeting on cable and the AV Technician are paid for by those franchise fees, which are components of the government piece. There is \$200,000 available for PEG, and after the educational piece, the City Manager said the public piece is small. The conversation tonight was to allocate a portion of the franchise fees to the public programming. She said the proposal was for a three-year contract with the Falls Area Community Television and it would be for the remaining dollars available because the rest are allocated to the governmental and educational pieces of PEG. She said it would be hard to come back every time franchise fees are expended because the City would be basically paying the contractor a monthly fee.

A motion by Councilor Jones to amend the committee recommendation to provide that all appropriations and expenditures from the franchise fees be agenized before the FOP Committee for approval was duly seconded by Councilor Workman.

Councilor Williams thought that some of the franchise fees should benefit the taxpayer. He said that these are wires going through the right-of-way; he thinks they should pay taxes and that some of that money should come back to the City. He said there are many other wires that do not pay fees and probably should, specifically the many private fiberoptic networks that are ugly as well. He thinks some of those franchise fees really should come to the City.

Councilor Jones said what the City Manager said was exactly right. He said that now the franchise fees are subsidizing what the entire community is getting. He stated that at one time, only cable subscribers had access to the public access channel and now the public has all access to that, which the cable subscribers are helping to pay for. The City Manager replied that franchise fees the City receives are in essence a tax for the use of the City's right-of-way and therefore there are no restrictions on the use of those funds. In reality, the fees could be rolled directly into the general fund for any purpose. Keene has not done that and has used the franchise fee dollars for broadcasting programs over the cable channel in the PEG categories.

The City Manager continued stating that to date, they have used the government and educational components, and the public programming is the final piece. Through what is broadcast on the cable channel is also broadcast on YouTube. She said this is a good thing because some of the cable channel equipment has not been good enough sound and quality, which they are working with the provider to try upgrading it. However, everything the City produces is going out through the cable channel. She said that if the dollars are used for that purpose, then the City at least needs to broadcast it through the cable channel.

Councilor Roberts said that cable companies and those using telephone poles now pay taxes and he was a part of the committee that argued to ensure they all do. He continued that someone with a contract does not want to wait each month for the FOP Committee to approve something,

which then must go to the City Council. He said this should be done one way efficiently and the provider needs normal rules and a steady flow of income.

Councilor Lake asked where the franchise fee comes from. The City Manager said that providers decided to collect that tax from their users. Mayor Hansel said it is how they bill it to their users. Councilor Lake stated that regardless, the City is taxing the provider and they are passing it on to their customers. He believed Councilor Jones' point was that the City is funding something given to all citizens based on a small subset of individuals. Councilor Lake agreed with Councilor Roberts that the Committee should not be approving this each month. He thought there was a simpler solution to Councilor Jones' goal, on which he was happy to collaborate on. The Councilor would like to see more funding going to support the public content.

Councilor Chadbourne asked whether the IT Director/Assistant City Manager, Rebecca Landry, could comment. Director Landry said the question at hand was using the franchise fee money to do anything other than broadcast over the channels. She wanted to clarify that this has been ongoing for a long time, it is not new. The former operator, Cheshire TV, was streaming over the web. So, this is not necessarily a new practice. Also, when talking about taxation, she said that Spectrum does pay a pole tax and the utility pole owners pay a tax. She said the City does not know the other "attachers," but would be happy to send them a tax bill as well.

Councilor Jones said about 20 years ago as Chair of the ad hoc that was discussing the cable franchise, he gave his word that any franchise fees from the cable subscribers should not be subsidizing the taxpayer. He agreed that the Telecommunication Act of 1996 does allow passing the fee onto the subscriber, but that does not mean it should be done.

The motion to amend the Committee recommendation failed on a roll call vote of 1–13 opposed. Councilor Jones voted in favor. Councilor Remy was absent. The motion to carry out the intent of the Committee report passed on a roll call vote of 13–1. Councilor Jones opposed. Councilor Remy was absent.

FOP REPORT – FIRE STAFFING COMMITTEE REPORT AND RECOMMENDATION – CITY MANAGER

A Finance, Organization, and Personnel Committee report read, recommending accepting the report, which includes a recommendation to hire four firefighters, one per shift, and this will be revisited once the department is notified of the outcome of the AFG grant submission. If awarded, the SAFER grant would temporarily assist with the funding of these positions. Other recommendations of the committee should be pursued immediately. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

PATHWAYS FOR KEENE – REQUEST TO USE CITY PROPERTY – 4 ON THE 4TH ROAD RACE

A motion by Councilor Bosley was duly seconded by Councilor Giacomo to recommend that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2022,

subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 23 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing. Councilor Bosley summarized the background.

Councilor Jones stated for the record that he is a member of the Board of Directors of Pathways for Keene. He promoted this great summer activity and solicited volunteers.

Councilor Filiault asked whether the Rules of Order need to be suspended to act on this. The City Attorney replied that generally the Council can “take the item from Committee.” If there were an objection to hearing this item from Committee then there could be a motion to suspend the rules to act upon the request. Councilor Filiault said that historically, whenever a non-agendized item had arisen they voted to suspend, so he was unclear. Mayor Hansel asked the same question before the meeting and said that if Councilor Filiault was objecting, he could vote to suspend the Rules of Order. Councilor Filiault advocating honoring protocol.

A motion by Councilor Filiault to suspend the Rules of Order was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote of 13–1. Councilor Roberts opposed. Councilor Remy was absent. The Rules were suspended. There was no further discussion. The motion granting permission to Pathways for Keene carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

KEENE SWAMP BATS – REQUEST TO DISCHARGE FIREWORKS – JULY 3 AND JULY 16, 2022

A motion by Councilor Greenwald to suspend the Rules of Order was duly seconded by Councilor Filiault and the motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. The Rules were suspended. Councilor Remy was absent.

A motion by Councilor Bosley was duly seconded by Councilor Giacomo to recommend that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Sunday, July 3rd, 2022 and Saturday, July 16th, 2022 on Alumni Field at no later than 10:00 PM subject to following conditions: the signing of a revocable license and indemnification agreement; that the Keene Swamp Bats provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with any recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the July 16th display. The Petitioner agrees to absorb the cost of any City services

over and above any amount of City funding allocated in the FY 23 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing. Councilor Bosley summarized the background.

Councilor Jones said that since this did not go to Committee for public input, he wanted to mention that sometimes people with autism or animals could be sensitive to fireworks. He asked Staff to put out an advanced notice of these events and not rely on the Swamp Bats to do so. Mayor Hansel said it sounded like the City would consider it, but it is not a City event, so he did not want to set a precedent for broadcasting events. Mayor Hansel and Councilor Jones suggested asking the petitioner to do so. Councilor Williams agreed.

Councilor Williams outlined his concerns with fireworks a few weeks ago and he still felt this was too enthusiastic. He suggested that each organization only be permitted one fireworks event annually, whereas this application was for two. He also suggested that the Swamp Bats investigate alternatives to fireworks, like drone shows. The motion carried unanimously on a roll call vote of 13-1. Councilor Williams opposed. Councilor Remy was absent.

CITY MANAGER COMMENTS

The City Manager reported that the New England Aerobatic Club would be visiting the Keene Dillant Hopkins Airport this Saturday, May 21, for their first planned practice day of the season.

She also announced that budget meetings would continue on Thursday, May 26 at FOP at 6:00 PM. The Committee would be making their recommendation on the budget, which would move forward to public hearing the following Thursday (June 2) at 7:00 PM. The City Manager concluded noting that the vote on the budget would occur at the June 16 Council meeting

PB-PLD REPORT – RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE – ORDINANCE O-2022-04

A Planning, Licenses, and Development Committee report read unanimously requesting that the Mayor set a public hearing on Ordinance O-2022-04. A Planning Board report read unanimously finding Ordinance O-2022-04 consistent with the City's Comprehensive Master Plan. Mayor Hansel set a public hearing for June 16 at 7:00 PM.

MORE TIME – RELATING TO THE FY 2022–2023 FISCAL YEAR BUDGET – RESOLUTION R-2022-09

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending placing this item on more time. Mayor Hansel granted more time.

MEMORANDUM – RELATING TO CLASS ALLOCATIONS & SALARY SCHEDULED – ORDINANCE O-2022-05

A memorandum read from the ACM/HR Director, Elizabeth Fox, recommending referring Ordinance O-2022-05 to the Finance, Organization, & Personnel Committee. Mayor Hansel referred Ordinance O-2022-05 to the Finance, Organization, and Personnel Committee.

MEMORANDUM – RELATING TO LICENSES AND PERMITS – PARKLETS –
ORDINANCE O-2022-07

A memorandum read from the City Attorney, recommending that Ordinance O-2022-07, which would establish a permitting process for parklets, be referred to the Planning, Licenses and Development Committee for their review and recommendation. Mayor Hansel referred the Ordinance to the Planning, Licenses, and Development Committee.

MEMORANDUM – RELATING TO THE APPROPRIATION OF FUNDS FOR MUNICIPAL BUILDING ROOFS; RELATING TO THE APPROPRIATION OF FUNDS FOR ROAD REHABILITATION; RELATING TO THE APPROPRIATION OF FUNDS FOR THE SALT SHED REPLACEMENT; RELATING TO THE APPROPRIATION OF FUNDS FOR THE WELLS STREET PARKING STRUCTURE MAINTENANCE; AND RELATING TO THE APPROPRIATION OF FUNDS FOR THE 3MG WATER TANK REPAIR: RESOLUTION R-2022-10; RESOLUTION R-2022-11; RESOLUTION R-2022-12; RESOLUTION R-2022-14; AND RESOLUTION R-2022-15

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that Resolutions R-2022-10, R-2022-11, R-2022-12, R 2022-14, and R-2022-15 relating to appropriation of funds for Municipal Building Roofs, Road Rehabilitation, Salt Shed Replacement, Well Street Parking Structure Maintenance, and 3MG Water Rank Repair projects be introduced and read at the May 19, 2022 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council. Mayor Hansel referred Resolutions R-2022-10, R-2022-11, R-2022-12, R-2022-14, and R-2022-5 to the Finance, Organization, and Personnel Committee.

FOP REPORT – RELATING TO THE APPROPRIATION OF FUNDS FOR THE PATRICIA T. RUSSELL PARK PROJECT AND THE CARPENTER STREET FLOOD MANAGEMENT PROJECT – RESOLUTION R-2022-16 AND RESOLUTION R-2022-19

A Finance, Organization, and Personnel Committee report read on a vote of 4–0 recommending the adoption of Resolution R-2022-16. A Finance, Organization, and Personnel Committee report read on a vote of 4–0 recommending the adoption of Resolution R-2022-19. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2022-16 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor.

A motion by Councilor Powers to adopt Resolution R-2022-19 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor.

FOP REPORT – PATRICIA T. RUSSELL PARK/CARPENTER ST. FLOOD MANAGEMENT PROJECT – CONSULTANT SELECTION FOR CONSTRUCTION ENGINEERING SERVICES – CITY ENGINEER

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 professional service contract with SLR International Corporation for an amount not to exceed \$200,000 for Construction Engineering Services required for the Patricia T. Russell Park / Carpenter St. Flood Management Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – PATRICIA T. RUSSELL PARK/CARPENTER ST. FLOOD MANAGEMENT PROJECT – REQUEST TO REALLOCATE FUNDS – CITY ENGINEER

A Finance, Organization, and Personnel Committee report read, recommending that the City Council reallocate \$310,000 from the Police Department Equipment Project (90324) and move the funds to the Patricia Russell Park Improvements Project (90316). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

A Finance, Organization, and Personnel Committee report read, recommending that the City Council reallocate \$100,000 from the Roxbury Street Flood Management project (90298-21) and move the funds to the Carpenter Street Flood Management Project (90298-22). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – RELATING TO THE APPROPRIATION OF FUNDS FOR GEORGE STREET BRIDGE REPLACEMENT PROJECT RESOLUTION – R-2022-17

A Finance, Organization, and Personnel Committee report read on a vote of 4–0 recommending the adoption of Resolution R-2022-17. Mayor Hansel filed he report.

A motion by Councilor Powers to adopt Resolution R-2022-17 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – GEORGE STREET BRIDGE REPLACEMENT DESIGN CONSULTANT SELECTION – CITY ENGINEER

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional and technical services contract with McFarland-Johnson for engineering services required for the replacement of the George Street Bridge over Beaver Brook for an amount not to exceed \$245,000 (subject to NHDOT approval) with funding from Project Cost Center 90328-

05/19/2022

22. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

MEMORANDUM – RELATING TO THE ESTABLISHMENT OF A PARKS AND FACILITIES INFRASTRUCTURE CAPITAL RESERVE – RESOLUTION R-2022-18

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that Resolution R-2022-18 relating to the establishment of a Parks and Facilities Infrastructure Capital Reserve have a first reading in front of the City Council and that the Resolution be referred to the Finance, Organization and Personnel Committee. Mayor Hansel referred Resolution R-2022-18 to the Finance, Organization, and Personnel Committee.

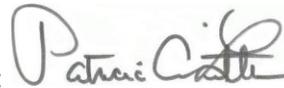
MEMORANDUM – RELATING TO AN APPROPRIATION OF FUNDS AND USE OF UNASSIGNED FUND BALANCE FOR THE FY 2022 FIRE DEPARTMENT PERSONNEL BUDGET – RESOLUTION R-2022-21

A memorandum read from the Finance Director/Treasurer, Merri Howe, and Fire Chief Howard, Donald Farquhar, recommending that R-2022-21 relating to an appropriation of funds and use of unassigned fund balance for the FY 2022 Fire Department personnel budget have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee. Mayor Hansel referred Resolution R-2022-21 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:45 PM.

A true record, attest:



City Clerk