

A regular meeting of the Keene City Council was held on Thursday, July 7, 2022. The Honorable Mayor George S. Hansel and his assisting “Kid Mayors” 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, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Andrew M. Madison was absent. Having declared a quorum physically present, Raleigh C. Ormerod—who had the Council’s permission to participate remotely—stated his location, that he was participating remotely due to health issues, and that his daughter was present with him. Michael J. Remy also requested to participate remotely due to work obligations; he was alone at his location. There were no oppositions to Councilor Remy’s remote participation. Councilor Lake led the Pledge of Allegiance.

#### ANNOUNCEMENTS

The Mayor announced that the Council’s summer vacation schedule would start with the cancelation of the July 27 and 28 MSFI and FOP meetings, followed by the August 4 Council meeting, as well as the August 10 and August 11 PLD and FOP Committee meetings. The Council will return to its normal meeting schedule for the August 18 regular meeting.

Next, Mayor Hansel congratulated a young person in our community who earned a prestigious citizenship award. Evelyn Ormerod, daughter of Keene City Councilor Raleigh Ormerod, was awarded the Robert B. and Janice C. Coates Citizenship Award by the Keene School District. It is the most prestigious award at the Keene Middle School because it is the one award determined by a vote of the eighth graders themselves. There are only two awards annually and the recipients have their names engraved permanently on a large plaque at the Keene Middle School. Through her leadership in many extra-curricular activities including KMS Peace and Justice Club, STEAM Club, Math Club, Band, Athletics, and National Junior Honor Society, Evelyn has inspired her peers with an example of citizenship. The Keene School Board established this award several years ago in honor of Bob and Janice Coates to recognize young people who made significant contributions. Bob Coates immersed himself in the leadership of various community youth efforts including Scouts, baseball, founding the former Monadnock Children’s Center, and serving as Chair of the Keene School Board. Janice was a unique and inspiring educator who fostered a community of trust, respect, and friendship. She also worked at the City of Keene Clerk’s Office for many years and volunteered at many other local nonprofits. Mayor Hansel offered his sincerest congratulations to Ms. Ormerod.

#### MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the June 16, 2022 regular meeting minutes as printed was duly seconded by Councilor Bosley and the motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

## PROCLAMATION – KID’S MAYOR PROCLAMATION

Mayor Hansel introduced the 2022 Keene Kid Mayors, Shrihan Budakoti (10; Keene) and Madison Bullock (10; Surry). The Mayor shared that he had a fantastic day showing the kids around the City, from City Hall to the Fire Department to the Wastewater Treatment Plant. Mayor Hansel began this program in 2021 to engage kids in local government, getting them interested in the City of Keene’s work and highlighting the City’s amazing employees. Mayor Hansel said this is his highlight of being Mayor and he hopes it continues past his tenure. He noted that children have trouble with their voices being heard by City government and this was one way to hear those voices. Both children submitted such excellent essays for this role that Mayor Hansel had to choose both. He hoped more students would be inspired to apply next year. Thus, Mayor Hansel read a proclamation declaring Ms. Bullock and Mr. Budakoti as Kid Mayors for July 7, 2022.

Ms. Bullock said that her letter was about a dog park at the Ashuelot River Park, which she said is a big park for the dogs. Her favorite place to visit in the City was the Wastewater Treatment Plant.

Mr. Budakoti stated that he is entering the fifth grade. He thanked Mayor Hansel and Ms. Bullock for this opportunity to gain knowledge about the City. He listed the various sights they experienced and thanked the tour guides who explained everything so well that the children had nothing left to ask, such as at the Wastewater Treatment Plant. Mr. Budakoti said he observed City staff citing the common staff shortage challenge. He asked the Council directly whether they had ideas to improve jobs around the city.

Mayor Hansel thanked the students for their valuable ideas and service.

## PROCLAMATION – INDEPENDENT’S MONTH

Mayor Hansel read into the record a proclamation declaring July 2022 as Independent’s Month and saluted community members and locally owned businesses that are integral to Keene’s uniqueness. He honored their efforts making this a place we all want to live and work.

The Mayor presented the proclamation to Jen Risley, who said it was great to have Council support for independent business owners. She implored the Council and others to take the Indie Challenge this month, and pledge to buy from one locally owned business one day weekly.

## PROCLAMATION – PARKS AND RECREATION MONTH

Mayor Hansel read into the record a proclamation declaring July 2022 as Parks and Recreation Month in Keene and urged all citizens to relish in the wonders of nature around them and to participate in the diverse recreational offerings.

Mayor Hansel presented the proclamation to Director of Parks, Recreation, and Facilities, Andy Bohannon. Mr. Bohannon said this year's theme is We Rise Up, which he thought was evident through projects like the Russell Park construction and rising property values in that neighborhood, and the Cheshire Rail Trail Phase 3 to complete at the end of July. There is a community program guide going live on July 11, including movies in the park and mental health awareness day.

## NOMINATIONS

Mayor Hansel nominated Pamela Russell-Slack and Justin Somma to serve as regular members of the Library Board of Trustees, with terms to expire June 30, 2025. Mayor Hansel also nominated Randyn Markelon to serve as an alternate member of the Planning Board, with a term to expire December 31, 2026. Mayor Hansel tabled the nominations until the next regular meeting.

## COMMUNICATION – CATHEDRAL LEDGE DISTILLERY – REQUESTING PERMISSION FOR SPIRITS TO BE TASTED AND SOLD AT THE KEENE FARMER'S MARKET

A communication read from the Cathedral Ledge Distillery, requesting permission to allow spirits to be tasted and sold at the Keene Farmer's Market.

Mayor Hansel recognized a motion from Councilor Bosley to suspend the Rules of Order to allow action on this request to have permission for Spirits to be tasted and sold at the Keene Farmer's Market, which was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

Councilor Bosley moved that Cathedral Ledge Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2022 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: compliance with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene, including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19); submittal of a signed letter of permission from the Farmers' Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws. Councilor Giacomo seconded the motion. Councilor Bosley provided a background report.

With no Council comments or questions, Mayor Hansel requested the vote. The motion for approval carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

COMMUNICATION – COUNCILOR MITCHELL GREENWALD – AMENDMENT TO THE CITY COUNCIL RULES OF ORDER – REMOTE ACCESS

A communication read from Councilor Greenwald, requesting a further amendment to the Rules of Order that would provide that a member could be allowed to participate remotely for personal reasons up to two meetings per year. This maximum of meetings would not apply to being remote for serious health issues, disability, or out-of-town employment responsibilities.

Mayor Hansel heard from Councilor Greenwald, who said he would discuss his letter with the City Attorney.

Hearing no objections, Mayor Hansel put this item on the table for discussion at the next regular City Council meeting.

MSFI REPORT – CHARLES REDFERN – REQUEST FOR SIGNAGE IDENTIFYING TRAILS

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 5–0, recommending that the City Manager be authorized to negotiate and execute a Right-Of-Way Usage Agreement with the NH Department of Transportation (NHDOT). A motion by Councilor Greenwald to carry out the intent of the Committee Report was duly seconded by Councilor Filiault.

Discussion ensued. Councilor Greenwald mentioned the Pathways for Keene 4 on the 4<sup>th</sup> race, which is a great event that raises a lot of money for projects like the new bridge. Councilor Jones thanked Mr. Redfern for his consistent work, including meeting with the state and bringing this recommendation to the City, identifying the North and South Bridges as integral to Keene’s trail system, which is all about connecting the community. Councilor Jones recalled the vast community effort it took to build the community bridges.

The motion carried unanimously on a roll call vote of 14–0. Councilor Madison was absent.

MSFI REPORT – COUNCILOR JONES – UNSAFE SIGN PLACEMENT

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending the acceptance of the communication as informational. Mayor Hansel intended to file the report as informational. Discussion ensued.

Councilor Jones expressed further concern about signs in rotaries for safety and aesthetics. Thus, Councilor Jones moved to amend the Committee recommendation to refer this matter to Staff instead of accepting as informational. Councilor Bosley seconded the proposed amendment to refer this matter to the City Manager.

Councilor Chadbourne agreed with the amendment and requested that at some point, Staff report back to the Council on this matter. The Assistant City Manager/HR Director, Beth Fox, would pass that message to the City Manager. Councilor Jones suggested small signs he had seen elsewhere that indicate where signs are/are not permitted, which he hoped would deter signs placed in unsafe locations. Councilor Ormerod agreed with Councilor Jones' idea of small signs in the rotaries that would take some burden off City Staff enforcement.

On a roll call vote of 14–0, the motion to amend the Committee's recommendation and refer this matter to Staff carried unanimously. Councilor Madison was absent.

Councilor Greenwald believes many signs are placed because people do not know, whereas the Council is familiar with the Code of Ordinances or State policies. Thus, he shared that political signs should only be placed on private property, not in the public way and not on rotaries; the State would remove them from public locations and City Public Works would remove them from City property. He encouraged anyone to speak with the City Clerk about where signs are allowed legally with election season looming.

Councilor Jones said his motion was not about signs, just to send the matter to staff.

The motion to carry out the intent of the Committee report, as amended, carried on a roll call vote of 14–0. Mayor Hansel referred this matter to the City Manager. Councilor Madison was absent.

#### MSFI REPORT - WARRANT FOR UNLICENSED DOGS - CITY CLERK

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Keene Police Department be directed to issue civil forfeitures to those dog owners who have failed to license their dog by April 30, 2022. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried on a roll call vote of 14–0. Councilor Madison was absent.

#### FOP REPORT - ATTORNEY THOMAS HANNA - JRR PROPERTIES - DONATION OF LAND AT 0 ASHUELOT STREET - GREEN SPACE

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute an agreement on terms and conditions acceptable to the City to accept the land donation offer of a portion of 0 Ashuelot Street for use as a city park conditioned upon the successful completion of any regulatory approvals necessary for JRR properties to complete the proposed development of the proposed adjacent property. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Discussion ensued. Councilor Greenwald spoke in opposition because he felt there was a greater need for affordable housing than greenspace. He recalled past housing proposals and stated that it is possible to have housing developments that respect the land and leave open spaces for residents to enjoy. Councilor Greenwald also reminded that property taxes would be paid on a housing project. If it becomes a park, it is something else for the City to maintain. Councilor Filiault agreed that more housing is needed, but he did not think it was the government's business to tell a private property owner what to do with their land. Regardless of the outcome—housing or greenspace—Councilor Filiault said it was a win for the City. Councilor Roberts agreed with Councilor Greenwald, reiterating the need for workforce housing. Councilor Roberts cited other examples and said that if government should not be involved, it should go both ways, whether someone wants greenspace or housing. Councilor Roberts said people need to be able to afford to live in Keene and he cited politics as a reason why workforce housing has been a discussion in Keene for 20 years.

Councilor Jones asked Staff whether the donation of the property was subject to this use by the city as a greenspace. Mayor Hansel assumed yes and the City Attorney confirmed. Mayor Hansel said it would not be acting in good faith to accept the donation and then sell it for some other purpose.

Councilor Bosley noted she was not present for the original proposal for apartment complexes at this site and could not recall what zoning issue impeded that at the time. The City Attorney could not recall what the Zoning was at the time of that proposal, but that the proposal had changed, and this applicant would also require a Variance from the Zoning Board of Adjustment. Councilor Bosley recalled that the Zoning Ordinance was just changed to allow for residential uses in the Commercial District. Thus, she wondered if the donor of this land was aware of that possibility to develop their land differently. The City Attorney's understanding was that the donors were well aware of their rights and allowed uses and what they are trying to do, which would have been allowed under the prior version of the Land Use Code, but is not in the current version.

Councilor Giacomo suspected that if the donor was allocating half the property to the Monadnock Conservancy, then they were not likely interested in development. He agreed with the need for more housing and finding a place and owners interested in that. If the Council rejected this donation, Councilor Giacomo imagined the owners would find another similar purpose.

Councilor Williams felt the greenest thing to do was to allow for housing. He cited the great location of this parcel for housing near to the downtown and West Street. He said if housing were not built there it would be on the perimeter, which would take more greenspace ultimately. He wanted to see canoe access created there and some apartments—a great place to raise a family by a park.

The motion to carry out the intent of the Committee report carried on a roll call vote of 10–4. Councilors Williams, Roberts, Workman, and Greenwald voted in opposition. Councilor Madison was absent.

**FOP REPORT – FABIAN FRIEDLAND/KEENE ISLAND CONDO ASSOCIATION AND KEENE ISLAND HOLDINGS – REQUESTING LEASE OF CITY PROPERTY FOR PARKING – ISLAND STREET**

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 for the proposed parking and other uses of the City-owned Island Street property. 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 of 14–0. Councilor Madison was absent.

**FOP REPORT – ACCEPTANCE OF NEW HAMPSHIRE JUVENILE COURT DIVERSION NETWORK SBIRT FUNDING – YOUTH SERVICES**

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend funds provided by the New Hampshire Juvenile Court Diversion Network for Youth Services programs. 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 of 14–0. Councilor Madison was absent.

**FOP REPORT - COLONY COURT SEWER REPLACEMENT PROJECT - CONSTRUCTION CHANGE ORDER - 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 contract change order with J.A. McDonald, Inc. for an amount not to exceed \$850,000 on the Colony Court Sewer Replacement 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 of 14–0. Councilor Madison was absent.

**CITY MANAGER COMMENTS**

Assistant City Manager/HR Director, Beth Fox, reported on behalf of the City Manager.

The Assistant City Manager began with a brief update on the Comstar data security breach. Councilors would recall that the City contracts with Comstar to provide billing services for the City’s ambulance service. A security breach occurred within the Comstar electronic servers earlier this year, which did not impact any of the City’s electronic systems. On July 1,

Comstar sent required notices to all individuals impacted by the security breach. Comstar's investigation of the incident to date has not provided any evidence that personal information contained on its servers was subject to actual or attempted misuse by any third party. However, Comstar is offering to provide complimentary credit monitoring and identity theft restoration services to individuals impacted by the security breach. The City encourages individuals who have received the notice to contact Comstar using the phone number provided in the notice, and to take advantage of the credit monitoring and identity theft protection services.

The ACM reported that construction season is fully underway, with lots of activities in the City streets. Visitors and residents are asked to look up and be careful when approaching and traveling through the numerous work zones. The upper Winchester Street Reconstruction Project is fully underway. The Patricia Russell Park and Carpenter Street Drainage Project is going well. The City's longline painting contractor will be working at nights through the next week. Road Rehabilitation work is underway on various streets and City Highway crews are out doing shoulder work, roadside mowing, and drainage spot repairs. Water/Sewer crews are working on the annual sewer main cleaning. The ACM said to stay in the know on all Public Works happenings, see the latest YouTube videos on various projects, and join the Public Works Department Facebook page.

The ACM recalled earlier at this meeting, the Parks, Recreation, and Facilities Director, Andy Bohannon, touched on some of the activities and opportunities being offered through Parks & Recreation this summer.

In addition to those activities, the ACM shared that opportunities for summer learning and reading programs are also in full swing at Keene Public Library. Some upcoming events for adults as well youth include a "Titanic Murder Mystery Interactive Dinner Theater" on Thursday, July 14 at 6:00 PM; attendees will be invited to have a light dinner with Captain Smith and solve the murder of Titanic's First Officer before the ship sinks. The ACM added that through the week of July 18, the Library is celebrating Sherlock Holmes with daily Holmes-themed programs, including for adults on July 18; a New Hampshire Humanities presentation explores the origins of the famous detective and tracks his incarnations in literature, film, advertising, and modern media. On July 20, the movie "Mr. Holmes" would be screened. Youth programs that week include a series of activities including a birthday party for Dr. Watson, a program on How to Think Like Sherlock Holmes, and another to learn about invisible ink, fingerprinting, and ciphers. In addition, that week for all ages, the Edge Theater Company will perform four live "radio plays" July 21 through 24. Check the library section of the City's website for more information about these programs and other activities coming up at our City's Library.

The ACM also shared that this summer through August 30, the Library is serving free community lunches Monday through Friday, from 12:00 PM–1:00 PM. No registration or application is needed. Meals are provided in partnership with the USDA, Community Kitchen,

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New Hampshire Hunger Solutions, and New Hampshire Food Bank. To date, this program has been providing 30–50 meals daily.

Lastly, the ACM welcomed the new Community Development Director, Jesse Rounds, to his first Council meeting after his first week working with the City.

MORE TIME – ATTORNEY MICHAEL BENTLEY – AGATHA FIFIELD – REQUESTING THE CITY RESUME MAINTENANCE OF BLAIN(E) STREET – PRIVATE WAY

A Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the communication on more time. Mayor Hansel granted more time.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:05 PM.

A true record, attest:



Assistant City Clerk