

9/15/2022

A regular meeting of the Keene City Council was held on Thursday, September 15, 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, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Kate M. Bosley, Mitchell H. Greenwald, and Thomas F. Powers were present. Robert C. Williams was absent. Councilor Filiault led the Pledge of Allegiance.

## ANNOUNCEMENTS

Mayor Hansel announced that the City had a successful primary election the past week with lots of volunteers. He added that our City Clerk and her staff did an excellent job, as always, noting that the Clerk has facilitated countless successful elections. All the work that goes into elections is unbelievable, and important to ensure public confidence in the process. Mayor Hansel said it was great to see the community step-up and participate.

Mayor Hansel reported that the annual dinner at the Fire Station is Thursday, October 13 at 6:00 PM. The Finance, Organization, and Personnel Committee meeting for that evening will be canceled to allow more time for the Council, Staff, Fire Personnel, and retirees to meet, greet, and eat. The request for the parade, scheduled for October 9, will be acted upon later on the agenda.

## MINUTES OF THE PREVIOUS MEETING

A motion by Councilor Powers to adopt the September 1, 2022, regular meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Williams was absent.

## PRESENTATION – SHARING AN ARTIFACT FROM THE SEPTEMBER 11 ATTACK ON WORLD TRADE CENTER – WESLEY FELIX

Mayor Hansel introduced Wesley Felix, noting that Mr. Felix is a Keene resident with personal ties to the clean-up, recovery, and rebuilding project for the Twin Towers following the 9/11 attacks. In honor of the 21<sup>st</sup> anniversary of those attacks, Mr. Felix was welcomed to present an artifact from the Twin Towers he received and to make a statement to help everyone remember.

Mr. Wesley was grateful for this opportunity to share and read the following statement:

*This World Trade Center piece to me represents unity. It was a time when politics, race, and religion meant nothing, just people around the world comforting those who were hurt and those who lost loved ones. It was a turning point in society, and not just New York or the United States. But the world was actually united as one, comforting and caring for the thousands of people who tragically lost their lives over the evil action of a small group. This piece brought strength in our world. It was an honor to be part of the recovery and rebuild of this project. I was also a*

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*survivor, too. This tragic moment helped pave a way to make our country take security seriously. To look at our lives and to thank God for what we have. And at that point it was the love in our hearts that helped and comfort others in their time of need. This was the one event that brought us all together. Now we have division in our lives. Our security is gone, and we are farther apart than ever before. I have shared this piece with my schools in California, showing those across the country that we have been far. They may have been far away, but it affected people all over the world, and to never forget what we lost because we dropped our guard and allowed many to die who should have still been alive to date. Now I moved from New York to New Hampshire, and seek of a safer life for my family. I met George Hansel in the spring of 2019. After we bought our home, he welcomed us to the community, and he wasn't in any political position that I knew of. But his greeting made us feel like we made a good choice to invest in our kids' future community, so that they can grow and flourish as good people in society. I would like to thank him for his kind ways and his commitment to helping this community be a better and safer place. On one last note, I brought this World Trade Center piece up to the town in hopes that it would help in the healing unity and reminder of what's at stake when we lose focus on our community security and the caring concerns and the safety of our future.*

A standing ovation ensued. Mayor Hansel thanked Mr. Felix.

#### PRESENTATION OF RETIREMENT RESOLUTION – MARY ALTHER, REVENUE COLLECTOR

Mayor Hansel welcomed Mary Alther, former Revenue Collector, to present her with a retirement Resolution that the Mayor read. Ms. Alther said thank you and that it was an honor to work here.

#### NOMINATION

Mayor Hansel nominated Molly Ellis to serve as a regular member of the Heritage Commission, with a term to expire December 31, 2025. The Mayor tabled the nomination until the next regular meeting.

#### CONFIRMATIONS

Councilor Powers moved to confirm the nomination of Claire Oursler to shift from an alternate member to a regular meeting on the Energy and Climate Committee and for Charles Redfern to become an alternate member on the Energy and Climate Committee. Claire Oursler's term would expire December 31, 2022 and Charles Redfern's term would expire December 31, 2023. The motion to confirm was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Williams was absent.

#### APPOINTMENT OF AN AD HOC WINCHESTER STREET COMMITTEE

A memorandum Mayor Hansel was read, which appointed the following individuals to serve on the ad hoc Winchester Street Committee charged with providing planning, guidance, and general direction for the Lower Winchester Street Reconstruction Project, in partnership with affected residents, local businesses, the City of Keene, and the Town of Swanzey staff, and the New Hampshire Department of Transportation. The Committee will specifically focus on balancing the needs of all the various project stakeholders and providing a conduit for the community to have their concerns addressed during the design process. The Committee will provide advice to the City's consultants through the review of collected data and draft work products. Ultimately, the Committee will make a recommendation to the City Council with respect to the scope of improvements and the preferred alternative. The following membership was recommended: Douglas Hamshaw, Trevor Bonnette, Jimmy Tempesta, Christopher McCauley, Douglas Fish, Sarah Bollinger, and Jim Lamp. A motion by Councilor Powers to confirm the appointments was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Williams was absent.

#### PLD REPORT – RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE – RURAL DISTRICT AND CONSERVATION RESIDENTIAL DEVELOPMENT SUBDIVISION REGULATIONS

A Planning, Licenses, and Development Committee report read, recommending that the City Council refer Ordinance O-2022-09-A, relevant to the Land Development Code, back to the Joint PB/PLD Committee for a discussion regarding separating the issues in the Ordinance. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo.

Councilor Greenwald noted that he had asked that the City Clerk place copies of two letters that he had written with regard to the Ordinance. The motion carried unanimously with 13 Councilors present and voting in favor and Councilor Roberts voting in opposition. Councilor Williams was absent.

#### PLD REPORT – COUNCILOR MITCHELL GREENWALD – AMENDMENT TO THE CITY COUNCIL RULES OF ORDER – REMOTE ACCESS

A Planning, Licenses, and Development Committee report read, recommending the amendment to the Rules of Order regarding remote access be placed on more time to allow City Staff to develop proposed language to Section 4, considering Councilor Greenwald's letter and the PLD discussion. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Williams was absent.

## FOP REPORT – SPECTRUM SERVICE ISSUES – COUNCILOR RANDY FILIAULT

A Finance, Organization, and Personnel Committee report read, recommending accepting the report as informational. Councilor Filiault spoke about the FOP Committee meeting, at which a Spectrum representative from the corporate office attended. He said the representative did acknowledge the issues they are working on. The FOP Committee requested that Spectrum send a representative back once every 30 days to address the Committee until the issues are resolved. If any constituents report problems, those communications can be sent to the City Attorney's offices, the City Manager's office, or the IT Department. They can also be sent to Councilor Filiault, who said it looked like the problem would be fixed. Mayor Hansel filed the report as informational. The Mayor said FOP updates are scheduled for October 13 and November 10.

## FOP REPORT – PRIMEX3 CONTRIBUTION ASSURANCE PROGRAM (CAP) – PROPERTY AND RELIABILITY PROGRAM – ACM/HUMAN RESOURCES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex3 in a multi-year Contribution Assurance Program (CAP) through FY26 that has provided predictable contributions and stable property and liability insurance coverage. 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 14 Councilors present and voting in favor. Councilor Williams was absent.

## CITY MANAGER COMMENTS

The City Manager reported that today, Councilors should have received a press release announcing the upcoming appointment of our next Police Chief. Captain Steve Stewart will serve as our next Chief effective Monday September 19. Captain Stewart has served as a member of the Keene Police Department for the past 18 years. During the last seven years he has been a member of the command staff serving in his role as Captain of field operations. An interview team made up of both City leadership staff and community representatives unanimously agreed that Captain Stewart is an excellent choice for Chief. The interview team described Steve as highly qualified, someone who leads with integrity, is collaborative and reflective and will serve the department and the community well. Joining the City Manager on the interview team were: Keene State College President Dr. Melinda Treadwell, Franklin Pierce Chief Diversity Officer Dr. Pierre Morton, Dan Langille the City Assessor, Kurt Blomquist the Public Works Director, and City Attorney Tom Mullins. The City Manager said it was her honor to promote Captain Stewart to Chief. She is confident that he will continue the great work of our Police Department into the future. His inquisitive nature leaves him open to new ideas and seeking greater understanding of all issues. This will serve us well as we work to ensure we are a welcoming and safe community for all to live, work, and play. The new Chief will be at the October 6 Council meeting, when retired Chief Steve Russo will be presented with his retirement resolution.

The City Manager continued with Covid-19 updates. On September 9, the emergency management team met with Superintendent Rob Malay and KSC president Melinda Treadwell. The group reconvened to discuss how the return to classes was going and what impacts Covid-19 was having. Superintendent Malay shared that return to school was going well and they are following CDC guidelines. They administer tests only for symptomatic students and will do so as long as the State continues providing testing supplies free to districts. Their policies now include the acceptance of home testing results—if a parent prefers to conduct their own test in place of the school doing it, the school will send home a testing kit with the student. KSC is following a similar model; they are no longer doing surveillance testing except in the case of an outbreak in a targeted population. They are only testing symptomatic students. UNH has shut down their testing lab and so KSC has contracted with a third party. They are also providing self-swabbing kits as needed and plan for vaccination clinics on campus.

The City Manager reported that Revenue Collections was forced to close Monday and Tuesday September 12 & 13 due to unforeseen circumstances—illness of employees in the office and the death of a staff member's immediate family. The office partially reopened on Wednesday. Assisting residents by appointment only and squeezing in some additional walk-in customers. This was accomplished by utilizing a staff member certified by the State for Motor Vehicle Registrations who had taken a new position in the city about a month ago in a different department. We will continue taking appointments through Friday. The City Manager expects it to be once again fully staffed on Monday September 19. The Revenue Collections Office would like to extend a special thank you to the staff member pitching in from the Assessing Department (Lani Bixby) and to the Town of Swanzey Town Clerk, Heather Estrella, for assisting the City of Keene in helping our customers with those motor vehicle situations that required immediate assistance. The City Manager appreciated the patience of all our customers and the support of City Hall staff who were so understanding and helpful during this time.

Next, the City Manager referred to a UNH Trails to Downtown blog post. There was a recent blog post about the UNH Trails to Downtown study here in Keene. Director of Parks, Recreation, & Facilities, Andy Bohannon, had done a presentation about the results of this study at MSFI back in April. When we think about trails, we often focus on the health benefits and quality of life impacts, but do not often discuss the positive economic impacts of a trail. This report focused on ways to make stronger connections between our 40 plus miles of trails to our downtown, as a way to boost our businesses. If anyone is interested in reading the full report, it is posted on the City's website on the Parks page and the link is entitled *Strengthening Connections: Downtowns & Trails ~ Keene, New Hampshire 2022 Final Report*.

The City Manager concluded her report announcing the very successful ribbon cutting ceremony at Summit Road to celebrate the completion of the Cheshire Rail Trail Phase 3 project. This project improved trail infrastructure from Hurricane Road to Summit Ridge Road via the Ammi Brown trail. This project helps connect our neighborhoods to downtown and the business community. The City Manager said that two trailhead parking lots were built as part of this project at Whitcombs Mill Road and Summit Road/Park Avenue.

**CITY OFFICER REPORT – 2022 ANNUAL FIRE PREVENTION PARADE – FIRE CHIEF**

A memorandum read from the Fire Chief, Donald Farquhar, recommending that the City Council move to grant the Fire Department permission to use City property for the 2022 Annual Fire Prevention Parade to be held on Sunday, October 9, 2022.

A motion by Councilor Bosley to suspend the Rules of Order to allow action upon the request for use of City property for the 2022 Annual Fire Prevention Parade was duly seconded by Councilor Giacomo. The motion carried on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Williams was absent.

A motion by Councilor Bosley to recommend that the Fire Department be granted permission to use City property for the 2022 Annual Fire Prevention Parade to be held on Sunday, October 9, 2022, was duly seconded by Councilor Giacomo. Councilor Powers provided the background report.

Councilor Powers reflected on the “good old days” with fire prevention parades that were big, long, and a lot of fun. He said that over time, it has changed, but in the last two or three years Covid-19 presented challenges. Councilor Powers said this year the parade is back, large, and pretty nice. The Councilor encouraged all his peers and members of the community to participate in the parade and the award ceremony with refreshments after at Fuller Park. The route had changed this year, beginning on Optical Avenue, which allows for easier assembly to come down Water Street, up Main Street, and straight up Washington Street. A large turnout is expected as it was advertised widely.

Councilor Giacomo said he loves this parade and used to march in it 25 years ago with the Keene High School marching band. Still, the Councilor said this was an entire parade for the Fire Department, but yet not a single representative from the Fire Department showed up to the Memorial Day Parade this year. He understood staffing challenges and extra work. Still, if the City is going to have an entire parade, he would like to see the Fire Department come back to support the Memorial Day Parade again too; he said it was disappointing to not see them this year and there were many disappointed kids. The motion carried on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Williams was absent.

**RESIGNATION – MARTHA CURTIS FROM THE CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD**

A communication was received from Martha Curtis, submitting her resignation from the Congregate Living and Social Services Licensing Board. 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 with 14 Councilors present and voting in favor. Councilor Williams was absent.

**MORE TIME – KEENE KAWANIS CLUB – REQUEST TO USE CITY PROPERTY – TREE LIGHTING CEREMONY**

A Planning, Licenses, and Development Committee report read, recommending that the request for use of City property for the tree lighting ceremony be placed on more time to allow the protocol meetings with City staff to occur. Mayor Hansel granted more time.

**ORDINANCE FOR FIRST READING – RELATING TO PROBATIONARY FIREFIGHTERS – ORDINANCE O-2022-13**

A memorandum was read from the Assistant City Manager/HR Director, Elizabeth Fox, recommending that the City Council refer Ordinance O-2022-13 to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2022-13 to the Finance, Organization, and Personnel Committee.

**ORDINANCE FOR FIRST READING – RELATING TO THE USE OF CENTRAL SQUARE COMMON AND RAILROAD SQUARE – ORDINANCE O-2022-14**

A memorandum was read from the City Attorney, Thomas Mullins, recommending that Ordinance O-2022-14, relative to the use of Central Square Common and Railroad Square, be referred to the Planning, Licenses, and Development Committee for review and recommendation. Mayor Hansel referred Ordinance O-2022-14 to the Planning, Licenses, and Development Committee.

**ORDINANCE FOR SECOND READING – RELATING TO WATER AND SEWER UTILITY CHARGES – ORDINANCE O-2022-10**

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Ordinance O-2022-10 with an effective date of November 1, 2022. Mayor Hansel filed the report. The City Clerk noted that there were several Scrivener's errors within that would be corrected before the Mayor signs the Ordinance. A motion by Councilor Powers to adopt Ordinance O-2022-10, with an effective date of November 1, 2022, was duly seconded by Councilor Remy.

Councilor Filiault requested that the City Council hold off on this vote for a least one year. He said that many constituents have exceeded their ability to pay even basic expenses right now for a multitude of reasons. The Councilor made the same comments when discussing parking fees. He understood that this was a small amount, but it is another small amount that many constituents cannot afford. Councilor Filiault was sure this could be absorbed into the City budget but knew most people could not in their budgets. The Councilor said his second reason was basic economics. He said that for the last several years, the City has raised water costs while telling people to use less water and invest in water efficient upgrades.

Councilor Jones echoed Councilor Filiault. He recalled past community nights when the public could come and engage with the various City departments. During those times, the public was encouraged by the Water Department to purchase water saving mechanisms and now they will be paying more for using less water. He said it does not work to raise prices when business goes down. He encouraged working on a more effective plan, perhaps even a flex plan where rates go up during peak hours and go down during lower use hours, so the impact is not falling so hard on the constituents.

Mayor Hansel asked the City Manager whether this rate increase was contemplated in the budget that the City Council adopted, He inquired of the ramifications if the Ordinance was not adopted. The City Manager replied that typically the Ordinance adjustment is done closer to the budget time because the City Council made the decisions related to how much they wanted to spend on water and sewer back when they voted in the budgets.

A FOP conversation was about how to break those costs down by fixed and volumetric rates, but keeping the total amount of revenue the same, because our revenue does need to match our expenses in the budget. She said this rate adjustment will cover the budget that we are currently in, which began on July 1. The rate adjustment is for the Water Department, which is struggling the most in terms of having any sort of fund balance, or equity in its account. The City Manager said the Water Fund has about a \$1 million, but that is equal to about 110 days of operating expenses for the Water Department, where you should really have about 270 days of operating expenses in your fund balance. The City Manager said it was clear we are pretty short in the Water Fund, and not increasing the rates would definitely be a challenge. The majority of Water and Sewer Department costs are essentially fixed and so there is not a lot of room to move things around, and the cost of their chemicals are increasing. The cost of the electricity is increasing—all of these things are fixed when processing and it is difficult for the Water or the Sewer Department to make adjustments.

The City Manager continued stating that the place the Council has room to make adjustments in the future is how the Council decides to spend funds on capital expenditures. She said the Council knows that there are many capital needs, for which costs are increasing as well. She said that there is not a lot of room in terms of the Water Fund or money left to absorb any kind of hit. She said a great concern is that the City still needs people to be conserving water, which will help them overall, but that does not mean the cost of processing and providing water and sewers is going down. The City Manager said that the volumetric cost is going to continue to go up in the future, unless the cost of chemicals, electricity, and all those other things start to go down. The City Manager thought that for the Water and Sewer Departments, in particular, is that for many years we held the rates, and we did not make any adjustments. She thinks that now we are at the point where that is much harder to do because we've eaten away at our fund balance accounts. She said the Council does have a budget and if they did not make a rate adjustment, there would not be the revenue to equal the budget, which would mean a hit to the Water Department Fund Balance.

Councilor Remy said he received some information on what the actual usage was for most constituents in the area thanks to Public Works. He said that 74% of the population uses less than 1,800 cubic feet and from the analysis he was given shows that 90% of the population uses 5/8-inch central lines, meaning they would see an actual reduction in the fixed amount. So, he said, when they save and reduce water usage, they would see a reduction and the annual increase for the average of those 74% is \$14. So, it is \$3.50 if the bulk of the increase is not on the residential side. If it is on the commercial side, the Councilor said he understood where everyone was stretched. Still, he said he did not know if we were going after the right thing if this is what we are fighting for.

Mayor Hansel said the reduction in usage is coming from the commercial users, which has been a trend over the years. He said his company was a high-water user, which was a huge expense, so they invested money to cut water usage to nearly zero over time. He knew other industrial users were facing the same thing. He envisions the commercial users are going to be paying a bit more for their share even though they have been reducing their actual usage quite a bit. He thinks that is a fairer deal from the residential rate.

Councilor Jones understood the need for this and would vote for it, but he thought there should be another business approach in the years to come, including more innovation, so that when business is slow, rates do not increase; you adjust accordingly. He said everybody needs to do that. He suggested looking outside the box sometimes.

Councilor Roberts was in agreement but said this was just like the parking. He said it is an enterprise fund and income and expenses must balance. He said if we do not balance, we have to take any deficit out of the general fund. So if we are not making the users pay, then we could end up making a lot of non-users cover the difference.

Councilor Greenwald said he had some real issues with this, and he wanted to commend the Director of Public Works for a fantastic presentation, stating that all the analyses explained a lot to him. He said the time for this discussion was when the Council was adopting the budget and the numbers were decided; that is when they should also be debating parking rates. He supposed everyone had some issues with this, such as his unhappiness with charging for the fire line. Still the Director pointed out to him that if there is no charge, there will be a charge elsewhere. Unfortunately, the budget must be balanced. If the Council wanted to cut back on some capital project, it should have been discussed at budget time, which he suggested for next year.

Councilor Madison recalled that he knows a lot about water. He said this town must provide drinking water to residents and there is only a certain amount of water available for use at any time, not just for fire protection, but also key users like hospitals. They must have access to high quality, clean water at all times. Having that safe, ready to access drinking water is why the rate must increase. The chemicals must be paid for, in addition to the personnel to operate equipment,

with fewer people in the industry. He agreed that there must be a stable balance to the fund. He hoped others would vote in favor as well.

Councilor Giacomo said that he heard some great points. He said this year has been absolutely brutal, and the rate increases are across the board in every facet of people's lives. He said the problem is we do not know the future, and without small incremental increases, then in future years "we will have to pay the piper," which was his only concern. While he would love to put this off for a year. He said it is hard to know the right time to increase rates, but whenever that time does come, it is going to be even more. These were his concerns. He understood the reluctance but said it could be worse without these small incremental increases.

The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor and 1 voting in opposition. Randy L. Filiault voted in opposition. Councilor Williams was absent.

#### ORDINANCE FOR SECOND READING – RELATING TO CHAPTER 22 – CEMETERIES

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending the adoption of Ordinance O-2022-12. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Ordinance O-2022-12 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Filiault voted in opposition. Councilor Williams was absent.

#### RESOLUTION – IN APPRECIATION OF DIANE C. RICHARDS STAUDER UPON HER RETIREMENT – RESOLUTION R-2022-28

A memorandum read from the Assistant City Manager/HR Director, Elizabeth Fox, recommending the adoption of Resolution R-2022-28. A motion by Councilor Powers to adopt Resolution R-2022-28 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Williams was absent.

#### RESOLUTION – RELATING TO APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE SALE OF PROPERTY TO PROVIDE FUNDS FOR THE AIRPORT FEUL FARM CAPITAL PROJECT – RESOLUTION R-2022-32

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending the adoption of Resolution R-2022-32. A motion by Councilor Powers to adopt Resolution R-2022-32 was duly seconded by Councilor Remy.

Councilor Madison was in favor of this but asked why these items were not included in the original project design. The City Manager replied that from her understanding, the City Engineer

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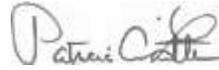
put them in, and she could not explain why they were not included in the original project, but NH Department of Environmental Safety reminded him that they needed to add those safety features.

Councilor Jones asked whether there was an incentive with the Swanzey ERZ Zone and the City Manager replied no. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Williams was absent.

#### ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:07 PM.

A true record, attest:



City Clerk