

A regular meeting of the Keene City Council was held on Thursday, November 21, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, & Mitchell H. Greenwald were present. Kris E. Roberts and Thomas F. Powers were absent. Councilor Williams led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to accept the minutes of the November 7, 2024, regular meeting and the November 9, 2024, special meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

ANNOUNCEMENTS

Mayor Kahn acknowledged birthdays for Councilors Williams and Workman.

Mayor Kahn appealed to the City Councilors to join the City's United Way campaign. The City's HR Director/Assistant City Manager, Beth Fox, was actively recruiting donations from City staff. Councilors could pledge donations too, and the Mayor hoped they would consider doing so like he had. He announced a matching opportunity on December 2 if Councilors' employers did not have matching programs.

The Mayor also announced that the Council's holiday party would be held immediately after the Council meeting on December 19. The Council would be hosted at the official campus residence of Keene State College President, Melinda Treadwell, with the Keene State College cabinet present. Councilors, Department Directors, and Charter Officers should contact Nicole Howe in the Mayor's office to RSVP.

PROCLAMATION – ELECTION OFFICIALS

Mayor Kahn welcomed representation from all of the City's five wards in attendance to accept a Proclamation recognizing all elected, appointed, and volunteer community members who assisted at the recent Presidential Election. The Mayor extended the official congratulations and sincere thanks on behalf of the City of Keene to these citizen volunteers and elected officials for their assistance at the record-breaking 2024 Presidential Election.

PRESENTATION – MASTER PLAN UPDATE

Mayor Kahn welcomed the City's Senior Planner, Mari Brunner, for a presentation on the City's ongoing Master Plan Update.. She recalled that the City's last Master Plan was adopted in 2010, so this project was aimed at both renewing the community vision—one of the two required components of the Master Plan—and updating the Plan document to reflect current trends and issues in the community.

To begin, Ms. Brunner presented the draft Community Vision that came out of the first phase of this long-range planning process, meaning a 15–20 year planning horizon focused on two key

questions: (1) What do we want our community to look like? and (2) How do we get there? Phase 1 of the Master Planning had just ended, and it included the Community Vision and Community Snapshot, which were very future oriented, data-driven and people focused. The first step of Phase 1 included a lot of the background work that the community might not have seen. The second step of Phase 1 was the more in-depth public engagement and outreach, and the third step was synthesis and analysis to distill key themes. At the end of Phase 1, there was a Future Summit and a Community Vision Report.

Ms. Brunner described some of the community engagement at the beginning of this project. First, there was an online community survey. It was longer, taking an average of 24 minutes to complete. There were 648 responses, including a couple of paper surveys. Ms. Brunner called it thoughtful feedback. She said the consultants spent a long time going through every free written response, coding them, and analyzing the key trends and themes from the survey. In addition to that, periodic project newsletters were sent out to keep people updated; people could sign up either specifically for this project or general updates from the City. There was a two-day workshop in late-May with approximately 60 participants, which was a deep dive into a future scenario planning exercise. After the workshop, there were a series of visioning sessions with the community and at the end of those sessions, people filled out a heat map survey. Throughout the project there had also been radio updates, utility bill inserts, comment cards, tabling, and a flash vote survey that garnered 261 responses. Also, during the City's recent Ward Optimization Weeks (WOW!) initiative, City staff organized five community nights and had information about the project available.

To illustrate the community input, Ms. Brunner showed a "plausible scenario matrix," depicting four possible future scenarios that she said were realistic and could happen. Community members explored those scenarios through a two-day Think Tank Workshop and then through subsequent visioning sessions. She referred the Council and public to further details in a comprehensive report available on the Master Plan website.. She explained that attendees at each of the visioning sessions learned about the scenarios and were asked to indicate on a 10 x 10 grid what their most and least preferred futures would be. The matrix Ms. Brunner displayed was the result, and on the website, the data could be filtered by specific groups who completed the survey to explore the various possible scenarios.

Ms. Brunner described one particular possible future scenario, the one with the most change that forecasted the community actively and intentionally exploring new ways to build opportunities that position the community as environmentally sustainable, innovative, and forward-looking. She did not read the whole draft vision statement of the scenario, but highlighted some key takeaways:

- The community is welcoming to newcomers with the reputation of inclusivity and collaboration.
- There's strong investment in future oriented infrastructure that prepares the community to adapt to climate change.
- Housing, utilities, and transportation options are expanded.
- Local character and culture are celebrated.

- The local economy expands with businesses and ventures that span from the local scaled all the way up to the international.

From that community input, City staff and the project consultants worked with the Master Plan Steering Committee to identify six Key Pillars.

- Livable Housing
- Thriving Economy
- Connected Mobility
- Vibrant Neighborhoods
- Adaptable Workforce
- Flourishing Environment

Ms. Brunner then described the next steps in the project. Public discussion boards were being launched on the website for each of the Six Pillars. Concurrently, task forces were being formed for each of the Six Pillars that would kick off in early December and meet through March 2025, focusing on implementing the Community Vision.

All of the details from these efforts would be reported to the Master Plan Steering Committee, which reports to the Council. Ms. Brunner added that once the Master Plan is drafted, there would be another Future Summit, likely in late-May or early-June 2025, to help publicize the Master Plan, which will come to the Council for its adoption process.

Councilor Haas asked if the discussion boards would be moderated. Ms. Brunner said no, that would not be possible because the City is a public entity.

Councilor Jones thanked City staff for the presentation. He had been to most of the meetings and liked the way it was going. For the rest of the Council, he mentioned that the Six Pillars and associated language could still be adjusted. He was pleased to hear the word “implementation,” which he had been asking for all along, stating that the City did not do that with the last Master Plan, even though it was a good Plan. Mayor Kahn thanked staff and looked forward to further updates.

COMMUNICATION – COUNCILOR ROBERT WILLIAMS – POLICY ON THE DISCHARGE OF FIREWORKS

A communication was received from City Councilor Robert Williams, requesting that the City develop policy guidelines for the issuance of fireworks display permits that would limit the number of fireworks displays to be authorized in any single location during a calendar year. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

PLD REPORT – GREATER MONADNOCK COLLABORATIVE – REQUEST TO USE CITY PROPERTY – CENTRAL SQUARE AND RAILROAD SQUARE – 30TH ANNIVERSARY CELEBRATION OF THE RELEASE OF THE FILM, *JUMANJI*

A Planning, Licenses and Development Committee report read, unanimously recommending that that the Greater Monadnock Collaborative be granted a license to use downtown City property from Friday, April 11 through Sunday, April 13, 2025, to host a Celebration of the 30th Anniversary of the film Jumanji, conditional upon the following:

- The signing of a standard revocable license and indemnification agreement;
- That the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000;
- That the Petitioner agrees to absorb the cost of any City services provided to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the Petitioner is permitted to conduct a road race reenactment of the “stampede” depicted in the film and a parade to occur on Main Street on Saturday, April 12, at noon with assistance from the Keene Police Department to temporarily close certain streets or rights-of-way intersecting with the planned route; and
- That the petitioner is permitted to close a portion of Church Street from Main Street to just east of the Hannah grimes parking lot each day of the event from 11:00 AM to 8:00 PM to allow food trucks to participate, with the road being reopened to traffic at the close of each day. Additional road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff; and
- That the petitioner is permitted to use areas on the sidewalk adjacent to the Colonial Theatre on Friday, April 11, as well as Central Square common, Railroad Square and Gilbo Avenue along the bike path on Saturday, April 12 for other planned activities; and
- That the Petitioner is permitted to place portapotties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, April 11, 2025, to Monday April 14, 2025 which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

PLD REPORT – JARED GOODELL – PROPOSED AMENDMENT TO THE ZONING ORDINANCE IN THE LAND DEVELOPMENT CODE – SIDE SETBACKS

A Planning, Licenses and Development Committee report read, unanimously recommending accepting the communication on the Proposed Amendment to Land Development Code – Side Setbacks as informational. Mayor Kahn filed the report as informational.

PLD REPORT – KENNETH KOST – POTENTIAL FOR MIXED USE DEVELOPMENT ON GILBO AVENUE LAND

A Planning, Licenses and Development Committee report read, unanimously recommending accepting the communication on Potential for Mixed Use Development on Gilbo Avenue Land as informational. Mayor Kahn filed the report as informational.

PLD REPORT – RULES OF ORDER AMENDMENTS – SECTION 15 “VOTING AND CONFLICT OF INTERESTS,” SECTION 17 “MOTIONS,” SECTION 25 “COMMUNICATIONS,” AND SECTION 26 “REVIEW OF ITEMS OF BUSINESS”

Mayor Kahn recalled the process that had brought the Council to this point. There was a Council workshop on the Rules of Order in January 2024 to identify items Councilors wanted to discuss, followed by a subsequent workshop to discuss those. The City Attorney produced draft changes that the Council requested. The PLD Committee had been considering potential amendments to the Rules throughout September–November. The Mayor noted that the Rules have 39 sections intended to help guide the Council’s actions. They had been in place since the 1970s, with adjustments. So, he said it was proper for considering changes to the Rules to be a lengthy process. Further changes could always be considered in the future as either State law changes or other Councilors bring matters forward. The Council proceeded debating each section under consideration; for any Rule changes that were up for adoption, a 2/3 majority of the elected Council—or 10 votes—was required.

Amendment #1: Section 15 “Voting and Conflict of Interests”

A motion by Councilor Bosley was duly seconded by Councilor Jones to request that the City Attorney present to the City Council for first reading proposed changes to Section #15 of the Rules of Order, incorporating the changes suggested by the Mayor and incorporating the revisions that the PLD Committee discussed at their meeting on November 13, 2024.

Councilor Bosley summarized the Committee report, noting the intention to align the Council’s Rule with NH House Bill 1388, which had since been adopted as NH RSA 14-B for the definitions and 14-C for conflict-of-interest, both of which she encouraged her fellow Councilors to review. She said the PLD Committee made an honest attempt to adopt some of that language, which she thought would help to clarify a lot of Council’s intentions in its own conflict of interest Rule. Still, she said it was not perfect, so the Committee wanted to see the City Attorney’s attempt at drafting something for them to continue working through.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

Amendment #2: Section 17 “Motions”

A motion by Councilor Bosley to recommend the adoption of the Rules of Order Amendment – Section 17 “Motions” was duly seconded by Councilor Greenwald.

Councilor Bosley summarized the Committee report, referring to the “Motions” chart in the Rules of Order. She explained that those are not the only motions the Council could ever make.

If the Council does not have motions written into these Rules, it defers to Robert's Rules of Order, which she said is good for the Council to understand. Accepting something as informational is allowed under Robert's Rules, so the Council had never been doing anything inconsistent, but Councilor Bosley said the PLD Committee wanted this type of motion specifically listed in the Rules as something a Councilor could request that would require a second, be debatable on the floor, and require a simple majority vote.

Councilor Greenwald said there are many subtleties and nuances of the Rules of Order. In speaking with Councilors Bosley and Filiault, Councilor Greenwald thought it would be fruitful to have a Council Workshop to better understand the subtleties. To this Section specifically, Councilor Greenwald supported adding the motion to accept an item as informational because it would make official what the Council have been doing legally and correctly.

The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

Amendment #3: Section 25 "Communications"

A motion by Councilor Bosley to recommend the adoption of the Rules of Order Amendment – Section 25 "Communications" was duly seconded by Councilor Jones.

Councilor Bosley said she would return to Councilor Greenwald's suggestions for a Workshop because after her intense review of these few sections, it was clear to her that a lot of Councilors had been operating under certain assumptions. Regarding Section 25 specifically, Councilor Bosley explained that the PLD Committee struck any language from this section that was controversial and added a housekeeping item for the Clerk's office reading, "communications will only be accepted until 4:00 PM on Tuesdays," so that there is a time frame associated with the Clerks acceptance of new communications. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent. Mayor Kahn pointed out that this item in its entirety had been presented to the Council for both first and second readings, leading to this final vote.

Amendment #4: Section 26 "Review of Items of Business"

A motion by Councilor Bosley was duly seconded by Councilor Jones to request that the City Attorney present to the City Council for first reading proposed changes to Section #26 of the City Council's Rules of Order, "Review of Items of Business," with respect to motions submitted by a City Councilor regarding matters that are germane or non-germane.

Councilor Bosley said the majority of the PLD debate was about this Section and there was a 3–2 vote on an amendment that Councilor Williams introduced to revise the Section so that if the Mayor declares a communication as informational because it is not germane, it will go directly to a vote of the City Council as to whether or not to accept the communication as informational. Councilor Bosley said she preferred the original version because it clarified for the public what the Council's process would be for a communication that might not be germane. She thought there had been some confusion for people submitting letters not understanding why those letters might not make it before the Council. Councilor Bosley said she had spent an extraordinary

amount of time reading these sections, looking at data, and trying to understand where communications could potentially go awry in all cases. She found that nothing would ever completely disappear, even when something is referred to the City Manager, because it is the City Manager's responsibility to report back to the Council the outcome of every communication submitted to the City Council. Councilor Bosley said the PLD Committee discussed whether to include that language in Section 26, and there was some consensus from the Committee. She recalled that Councilor Williams had questions about what would happen with a communication being filed as informational and the Councilor's desire to have a vote associated with that action. Councilor Bosley and Councilor Jones did not agree and they were the dissenting votes on that amendment, believing that that Council already had a process for accepting things as informational and there was already an option for Councilors to create a point of order per Section 17 of the Rules of Order to ask for a vote. She said the Council had been operating under this process very properly for many years to allow communications to be accepted as informational, and if a Councilor were to disagree, they could call a point of order and ask for a vote. Because of the 3–2 vote on that amendment, the PLD Committee then voted to ask the City Attorney to revise Section 26 to incorporate Councilor Williams intent.

While Councilor Bosley welcomed the rest of the Council's input at this meeting, she implored the Council to consider waiting for a Workshop that she and Councilor Greenwald suggested in early 2025 to really understand the nuances of the powers the Council wields from its own Rules and the way they are written. Councilor Bosley said her recent conversations with the City Attorney taught her several things she did not understand that the Council controls beyond accepting something as informational or calling for a vote, such as questioning the Chair or referring something to a Committee. She thought the Council would benefit from more education on its authority in the Rules of Order before making further changes to those Rules. Councilor Bosley explained that voting no on this motion would revert the Council to its original Section 26 language, which she said had worked and served the Council, so she was comfortable maintaining that language until after the Workshop mentioned.

Councilor Filiault spoke about the importance of Councilors reading and understanding all of the details of their Rules of Order and taking them seriously. He felt that the Council was trying to fix something that was not broken with this review of Section 26. He thought some Councilors did not understand the Rules of Order and accompanying power the Council wields. While the Mayor has certain purview, the Council would always have the final vote, which he said had always been the case per the Rules. He recalled a recent issue that arose and failed without a second, which he said would be true of any Rule. Councilor Filiault cited examples from the Rules that Councilors could pursue as long as they have a second, such as motioning to pull an item from the table or to postpone an item. He said that if Councilors do not understand the power they wield, they would not know when they could use that power or when someone else might be misusing their power. He said it would be up to his fellow Councilors to know whether he is really within his rights if he calls a point of order, for example, and vice versa. He described a situation in which a Councilor who knows the Rules of Order better than others could always be one step ahead of their fellow Councilors. Councilor Filiault said this whole debate over Section 26 stemmed from a communication submitted and a Councilor who challenged the Chair

on whether the matter should be heard but did not get a second; he said by the other 14 Councilors not seconding, they gave up their power on that night. Therefore, Councilor Filiault said Section 26 did not need a rewrite, because the Council's power was always written in the Rules of Order.

Councilor Filiault continued, encouraging fellow Councilors to make an appointment with the City Attorney to learn more about the Rules of Order, especially any time a Rule changes. Further, if the Councilor thinks he might reference or use a Rule during a Council or Committee meeting, he consults the City Attorney in advance. Councilor Filiault recommended not changing Section 26 at this time because if the PLD Committee could not reach consensus, then he knew the Council would not at this meeting. So, he agreed with the recommendation to have a workshop in early 2025 to flesh out all questions on this section and the others before making any more changes to the Rules of Order. He said the Rules are too important to try to change on the fly on the Council floor, especially with some Councilors absent. Councilor Filiault said the Rules of Order define the City Council.

Mayor Kahn noted that a simple majority vote was needed for the Committee's recommendation to ask that the City Attorney to prepare revised language for Section 26.

Councilor Remy said he agreed with much of what Councilor Filiault said. Councilor Remy liked the language in the original motion (on the Councilors' desks): "communications requesting that the City Council consider matters that may not be germane to either the State of New Hampshire or the City, or over which the City Council may lack the authority to take action, shall be placed on the City Council agenda for a determination by the City Council as to whether or not to accept the communications informational." He liked that it did not actually change anything but clarified the Council's process for accepting communications as informational. Councilor Remy also stated his understanding that when the Mayor accepts something as informational, the Councilor would actually be *suggesting* that the Council accepts it as informational and by no Councilors voicing opposition, the Council would be consenting to accept it as informational. He said the same would be true for the Mayor referring communications to committees. Councilor Remy thought the original language would clarify for the public the Council's authority to accept as informational the matters the Council finds non-germane.

A motion by Councilor Remy to amend the motion before the Council, replacing it, to recommend the adoption of the Rules of Order Amendment Section 26, "Review of Items of Business," as presented originally to the PLD Committee, was duly seconded by Councilor Bosley.

Councilor Bosley said she had been trying to take the path of least resistance, but she supported Councilor Remy's request. Councilor Bosley was comfortable with the language presented to the PLD Committee as originally proposed. She noted that copies of this version of Section 26 had been placed on their Council desks this evening. Councilor Bosley continued that she did not think the Council was ready to have the City Attorney spend any additional time rewriting Section 26 at this time.

Councilor Haas agreed with Councilors Remy and Filiault. Councilor Haas also agreed that there was some education occurring, noting that it is common to develop patterns of behavior but that sometimes it is necessary to challenge those behaviors. While this whole exercise might have seemed burdensome or could ultimately prove unnecessary, it would have ultimately be educational. So, Councilor Haas agreed with Councilor Bosley that either option could work at this time, with one being wordier, which could pose challenges. Councilor Haas said this exercise alone had been worthwhile and he looked forward to more of these exercises.

After requesting brief clarification, Councilor Jones said he agreed with the amendment but also agreed that there should be a workshop because he thought there was a lot everyone could learn from this process. He thought that if he asked 10 Councilors the definition of “germane,” he would get 10 different answers. He added that the Council never considered this from the taxpayers’ perspectives, noting that staff time has a value. While he knew it could not be exact, during the workshop, Councilor Jones asked for an estimate of the process that staff goes through when deciding whether a communication is germane or drafting a resolution, for example.

Councilor Williams said he supported his amendment at the PLD meeting so he would vote against this one. He did not think it was fair for the Council to expect petitioners who send letters hoping for action to have arranged with a City Councilor in advance and pleaded their case; he called an extra burden on that individual or organization, who might not have many resources. So, Councilor wants to give those community members every opportunity to be heard and he thought that it would be valuable to require an affirmative vote of the Council to acknowledge that a communication is being accepted as informational for the reason that it is not germane. Councilor Williams knew there had been controversy about what “germane” means, which was why he thought it should come to an automatic vote rather than one that requires a motion and a second. Still, he did support the idea of a workshop to hear what the City Attorney would propose for a revision. Councilor Williams indicated his desire to table this matter until after a workshop, but the Assistant City Attorney, Amanda Palmeira, said there was a motion on the floor with an amendment and that needed to be closed first.

Councilor Favolise referred to a point Councilor Remy raised about a part of Section 26 that Councilor Favolise was unsure he agreed with regarding whether the Mayor would be assuming a motion from the Council to refer something to Committee. Councilor Favolise read, “all items to be placed on the City Council agenda for the first time shall be referred by the mayor as appropriate,” which he said was different to him than something like a motion to adjourn that is assumed at the end of the meeting by the Mayor. If trying to avoid what Councilor Filiault mentioned—getting into these detailed questions on the floor—Councilor Favolise wanted to ensure the Council had a really good understanding of the existing process and what the process would be that they were voting on. Based on his reading of the Rule, Councilor Favolise did not agree with Councilor Remy’s interpretation, so Councilor Favolise sought the Assistant City Attorney’s input. Ms. Palmeira said that Councilor Favolise was correct in that the Rule would allow the Mayor to refer and that would not necessarily take the same form as a motion. However, the Attorney said Councilor Remy’s interpretation of how the Council could react to

the Mayor's referral was accurate in that if the Council as a body does not agree with the Mayor's referral, it could be challenged or called for vote.

Ms. Palmeira returned to Councilor Williams' desire to table this item, confirming that a request to table would take precedence over a motion to amend. A brief discussion ensued as Councilor Williams learned his options for tabling or postponing. Tabling would not be debatable, and the item could be removed from the table at any time for a workshop. Postponing would be debatable and would be specified to a definite date.

A motion by Councilor Williams to table the main motion and the pending amendment to Section 26 of the Rules of Orders was duly seconded by Councilor Bosley. The motion to table carried on a vote of 7-6. Councilors Bosley, Tobin, Remy, Filiault, Haas, and Jones voted in the minority. Councilors Roberts and Powers were absent.

Councilor Favolise asked if this would revert to Councilor Bosley's original motion and Ms. Palmeira said no, Section 26 was tabled.

Councilor Filiault said that the Council had just made his case. He said all they needed to do was vote on the original motion and schedule the workshop, but now it was tabled and could be pulled from the table by any Councilor at any time, so he said everyone should be ready.

FOP REPORT – HOLIDAY FAMILY SPONSORSHIP

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to accept donations associated with the City's 2024 Holiday Sponsorship Program. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – CABLE FRANCHISE AGREEMENT

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to negotiate and execute a renewal Cable Television Franchise Agreement with Spectrum Northeast, LLC. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Lake.

Councilor Jones said he appreciated more density per linear mile, which was something the City had been requesting for a long time, so he thanked staff. He recalled expressing his concerns about franchise fees over the years, but he thought cable TV was a fading technology, especially as companies were running copper through the City and with streaming. He supported approving this. The City Manager said this agreement would extend the cable TV system to areas with 20 dwelling units or more per mile of the cable system, which would be an increase from the previous density requirement of 15 units per mile. So, she clarified that it would not actually be favorable, but because cable had already been extended to the majority of the community, it would not likely have an impact. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – JAIDA CARLAND – CONCERN OVER THE IMPACT OF PARKING TICKET RATES ON SMALL BUSINESSES AND THEIR EMPLOYEES

A Finance, Organization and Personnel Committee report read, recommending that the communication Concern Over the Impact of Parking Ticket Rates on Small Businesses and their Employees be referred to the City Manager and have her bring back proposals to the Committee. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – RELEASE OF NON-PUBLIC MINUTES – COUNCIL POLICY

A Finance, Organization and Personnel Committee report read, recommending that the City Council amend its previously adopted policy on the release of non-public minutes to satisfy the statutory obligation under RSA 91-A to review previously adopted non-public minutes for a determination as to whether the circumstances for sealing the non-public minutes no longer apply, and that such review and determination of the release occur annually in January of the tenth year from the year in which the non-public minutes were sealed. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – KEENE TRANSFER STATION CONTRACT FOR TRANSPORTATION AND DISPOSAL

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to execute a contract with Waste Management New Hampshire (WMNH) to provide transportation and disposal services for refuse received at the Keene Transfer Station for a period of five (5) years with options to renew for additional years beginning January 1, 2025. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Greenwald said that while he realized there would be an overwhelming majority in favor, he would be voting against this. He agreed that a request for proposals (RFP) was issued. He also agreed that it had been a lot of years since anyone else had responded to this, so it was right to solicit more bids. He stated that Waste Management NH had some business practices that he had problems with, in terms of residents being unable to terminate at will, among others. He was unsure how aggressively the City advertised the RFP. Councilor Greenwald said he confirmed that the other firm he thought was going to respond to the RFP—but did not—was aware it. He said there were more than two in this area. He asked how long this contract would be for and the City Manager said five years with options for future renewals. Councilor Greenwald stated that he had been around a long time and so had Waste Management NH.

Councilor Madison said Councilor Greenwald was correct that there were more than two waste haulers in the area, but they need a location to take the garbage and in that regard, Councilor Madison said there were only two places. He said the City could choose a different hauler and

pay higher disposal fees, or pick one of the two companies that run their own facilities; otherwise, it would go to the landfill in Berlin. Councilor Madison said this would be a growing issue over the next few years and putting this off for five years would give the City time to make hard decisions about what it does with its trash, noting that there would be fewer and fewer locations to consider.

The City Manager did not think that putting this back out to bid again would garner any others because there were two very large hauling companies. She said that the larger waste management companies had been buying up the smaller haulers and for the City to get favorable pricing, it needed one of the larger haulers. The City Manager thought the City went through the proper process and thought this was a fair contract moving forward with Waste Management NH.

Councilor Haas asked about cost increases with this new contract and escalations over time. The Public Works Director, Don Lussier, replied that they offered two different transportation and disposal rates, which the City Manager would be authorized to negotiate. They offered one rate based on what the City put in the proposal: \$105/ton for transportation and disposal of waste from the City's facility to their landfill. They also offered a lower rate of \$100/ton if the City would be willing to give them a lower rate on the gate fee the City charges for the waste they bring into the facility. Mr. Lussier said staff had been considering the best option for the City based on various scenarios (e.g., the number of tons they could deliver, number of tons they are obligated to deliver, etc.). The five-year contract would have a 4% per year escalation fee. Councilor Haas asked if that would be an increase over the City's past contract and Mr. Lussier said he believed so. The City Manager would provide further details to Councilor Haas after the meeting.

The motion carried with 11 Councilors present and voting in favor and 2 opposed. Councilors Filiault and Greenwald voted in opposition. Councilors Roberts and Powers were absent.

FOP REPORT – 2025 FLYOVER AND CITY BASE MAP UPDATE PROJECT – BID AWARD RECOMMENDATION

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 with the selected firm, Kucera International Inc. for their professional services; and should negotiations fail, allow for negotiations with the next highest ranked firms in order. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Lake.

Mayor Kahn said this would be the preliminary step to the five-year reassessment that would begin the year after this project ends. The City Manager agreed, adding that this information would be used to update the City's tax maps. There is a flyover every five years and a more detailed one every 10 years.

Councilor Haas commented on how important this is, noting that he could think of many more applications this could have for the City beyond the tax maps, like his experience in the insurance industry, or he cited Councilor Madison's environmental experience, and other things

like traffic planning. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – TAX DEEDS FOR UNPAID 2021 PROPERTY TAXES

The Clerk noted there were two recommendations contained in the report. Finance, Organization and Personnel Committee report read, recommending that it would be contrary to the public interest to take the following properties by tax deed at this time, and that tax deed waivers be granted for the properties, including 31 Oriole Avenue and continuing as follows predicated upon further recommendations to the City Council after final review of the payment status of each account. A motion by Councilor Remy to carry out the intent of the first Committee report was duly seconded by Councilor Chadbourne.

Owner	Address	Map & Lot
BALDWIN JUSTIN W	796 COURT ST C	219002000009073
BEMIS VIRGINIA E ESTATE OF & HEI	23 MINERVA LN	240008000000000
BERGERON DONALD J REV TRUST	229 CHURCH ST	573065000000000
BERMUDEZ BRENDA L	39 SCHULT ST	242008000239000
COLBY RICHARD L	18 BLUE JAY CT	219001000117000
DAHOOD DOUGLAS M	3 SPARROW ST	219001000105000
FISH NINA	139 CARROLL ST	536045000000000
HANNON LISA	53 STARLING ST	219001000366000
HARPER RICHARD A	27 MINERVA LN	240007000000000
HARPER RICHARD A	38 KELLEHER ST	594020000000000
KARANKO LAWRENCE E	26 STARLING ST	219001000327000
KRAUSS ROBERT R	244 BASE HILL RD	247004000000000
LACLAIR MICHAEL D	50 HILLTOP DR	503025000000000
LATHERS JOEL M	305 ROXBURY ST	570039000000000
LORTIE LEONARD M	163 ISLAND ST	592025000000000
MALONEY EDWARD J	26 ORIOLE AVE	219001000016000
MORAN MARYANN E	21 SPARROW ST	219001000094000
NELSON JAMES A	34 BLUE JAY CT	219001000131000
OLLIKKALA GLENDA M	14 SCHULT ST	242008000214000
PATNAUDE DENA R	115 WOODBURN ST	537014000000000
ROSE AMY	19 BRANCH RD	240022000000000
WILLIAMS DEBRA J	17 CHICKADEE CT	219001000249000
WINSLOW DAWN C	20 WINCHESTER CT	592006000000000

A motion by Councilor Remy to amend the motion to remove the property 1 Schultz Street from the second list to the first list was duly seconded by Councilor Chadbourne. The motion to amend carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

The motion to carry out the intent of the first Committee recommendation, as amended carried unanimously with 13 Councilors present and voting in favor.

Finance, Organization and Personnel Committee report read, recommending the execution of tax deeds for the following properties excluding 31 Oriole Avenue. A motion by Councilor Remy to carry out the intent of the first Committee report was duly seconded by Councilor Chadbourne.

CHAFFEE WILLIAM	703 MARLBORO RD	248023000000000
MOLA GINO CHARLES	1 SCHULT ST	242008000201000
PATNAUDE MICHAEL S	717 MARLBORO RD	248005000000000
WILLIS DANIEL	31 ORIOLE AVE	219001000019000
SWEENEY EDWARD C III	0 APOLLO AVE	509020000000000

A motion by Councilor Remy to amend the motion and the tax deed list to remove 1 Schultz St. as it had been moved was duly seconded by Councilor Lake. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent. The motion to carry out the intent of the second Committee report as amended carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

CITY MANAGER COMMENTS

First the City Manager reported that to improve communication with both employees and the public, she would be piloting a podcast with the City’s AV Specialist, Asah Cramer. This would be an opportunity to discuss and review decisions made by the Council the night before, to be available for the public via a new SharePoint site: The City Manager’s Corner. This would be a pilot effort to see if there is interest. This site would also include memos and updates. SharePoint is a hub intended to reduce paper use and streamline process for employees to quickly find HR related forms, for example, and the goal is to automate certain processes. One memo was already available discussing the evolution of the Assistant City Manager roles to the Deputy City Manager structure and a description of their duties. A second memo discussed the City’s use of contracted part time employees for specific purposes, projects, and training.

The City Manager also reported that effective January 1, the City’s GIS Technician, Will Schoefmann, would be relocating from the Community Development Department to the IT Department because his services are for the entire City, not just for planning and zoning. Mr. Schoefmann had done a lot of great work for the City. The IT Department would be using a work order system for GIS services that would help to better focus, prioritize, and track the work that Mr. Schoefmann does across the City, because so much could be done with GIS that the City had not tapped into yet. The City Manager was excited about this transition.

Lastly, the City Manager reported that the New Hampshire Municipal Association and University of NH Carsey School of Public Policy teamed up to offer up to a 20% tuition discount for eligible employees and appointed and elected officials who are affiliate groups of NHMA—for which the City qualifies. Anyone interested in more information was encouraged to contact the City Manager.

REPORT – ACCEPTANCE OF DONATIONS – FINANCE DIRECTOR

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council accept the donation of coffee valued at \$225 from BrewBakers Café and the City Manager be authorized to use the donation for the Holiday Luncheon. A motion by Councilor Remy to accept the donation totaling \$225 and that the City Manager be authorized to use the donation in the manner specified by the donor, and to thank them very much, was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

RECOMMENDATIONS REGARDING INVASIVE SPECIES EDUCATION AND MANAGEMENT – CONSERVATION COMMISSION

A memorandum read from the Senior Planner, Mari Brunner, recommending that the Conservation Commission’s communication regarding invasive species education and management be referred to the Municipal Services, Facilities and Infrastructure Committee for further discussion and consideration. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

SIGN CODE MODIFICATIONS REQUESTED BY MAYOR KAHN – JOINT PLANNING BOARD AND PLANNING, LICENSES AND DEVELOPMENT COMMITTEE

A report read from the joint Planning Board and Planning, Licenses and Development Committee, unanimously recommending sending the item regarding Sign Code Modifications back to City Council. Mayor Kahn referred the Sign Code modifications to the Planning, Licenses and Development Committee.

RESIGNATION – PARTNER CITY COMMITTEE

A memorandum was received from Executive Secretary, Nicole Howe, recommending that the resignation of Gregory Kleiner from the Partner City Committee be accepted with regret and appreciation for service. A motion by Councilor Greenwald to accept the resignation with appreciation for his years of service was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

MORE TIME – RELATING TO LICENSES AND PERMITS – ORDINANCE O-2024-18

A Planning, Licenses and Development Committee report read, unanimously recommending placing Ordinance O-2024-18 on more time. Mayor Kahn granted more time.

ORDINANCES FOR FIRST READING – RELATING TO AMENDMENTS TO THE ZONING ORDINANCE – INTERIOR SIDE SETBACKS IN THE DOWNTOWN EDGE ZONE – ORDINANCE O-2024-24

A formal petition read from Jared Goodell, as well as Ordinance O-2024-24, relative to Interior Side Setbacks in the Downtown Edge Zone. Mayor Kahn referred Ordinance O-2024-24 to the Joint Planning Board and Planning, Licenses and Development Committee.

11/21/2024

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND TO THE FY 25 OPERATING BUDGET – RESOLUTION R-2024-37

A Finance, Organization and Personnel Committee report read, recommending the adoption of Resolution R-2024-37. Mayor Kahn filed the report. A motion by Councilor Remy to adopt resolution R-2024-37 was duly seconded by Councilor Lake. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

RESOLUTION – IN APPRECIATION OF PATTI L. GAGNON UPON HER RETIREMENT – RESOLUTION R-2024-39

The City Clerk pointed out a Scrivener’s error that was corrected in advance of the vote and corrected copies of the Resolution were placed on the Councilors’ desks.

A memorandum read from the HR Director/ACM, Beth Fox, recommending the adoption of Resolution R-2024-39. A motion by Councilor Remy to adopt Resolution R-2024-39 with appreciation for Ms. Gagnon’s 20 years of service to the City was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

RESOLUTION – RELATING TO DEVELOPMENT ON CLASS VI HIGHWAYS AND PRIVATE ROADS – RESOLUTION R-2024-43

A memorandum read from Senior Planner, Mari Brunner, recommending that Resolution R-2024-43 be referred to the Planning, Licenses and Development Committee for their review and recommendation. Mayor Kahn referred Resolution R-2024-43 to the Planning, Licenses and Development Committee.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:51 PM.

A true record, attest: 

City Clerk