



City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 2, 2020
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- March 19, 2020

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Strategies to Achieve 100% Renewable Electricity in Keene by 2030 - The Cadmus Group

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
Historic District Commission
Heritage Commission

C. COMMUNICATIONS

1. Bruce Bickford/Farmers Market of Keene - Request to Use City Property

D. REPORTS - COUNCIL COMMITTEES

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to Emergency Management
Resolution R-2020-10

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, March 19, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. The Mayor recognized the City Attorney to advise the Council on the State Law relative to electronic participation.

The City Attorney stated that under the NH Right to Know Law, RSA 91-a:2, III (b), a public body such as the City Council is authorized to meet by electronic means without a quorum of the public body being physically present at the location of the meeting in the event of an emergency as determined by the Chair and under circumstances where immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action.

The Attorney continued that in a memorandum issued March 16, 2020, from Governor Sununu and Attorney General MacDonald regarding compliance with RSA 91-A, in light of the COVID-19 Virus, the Mayor may determine that an emergency exists because the body needs to conduct its regular meeting to continue to move business forward, but that enough City Council members are at sufficiently high risk for purposes of the COVID-19 Virus to be able to attend the meeting so that the physical presence of a quorum is not practical. Continuing on, the Attorney stated the Mayor make may a determination that an emergency meeting of a quorum of the body by electronic means is justified and necessary based on the following facts:

- 9 members of the City Council are in a category defined as at high risk to the COVID-19 Virus, and it is not reasonably practical to expose them to that risk;
- The Governor's Declaration of Emergency and Executive Order 2020-04, dated March 13, 2020, and Memorandum on Compliance with the Right to Know Law dated March 16, 2020, permits and encourages governmental bodies to conduct regular public meetings on an emergency basis using electronic communications to continue to move the business of the City forward;
- The matters to be considered at the meeting are necessary to the continued operation of the City and to the continued safety and welfare of its residents and businesses;
- Transparency and public participation are preserved by providing continued public access to the City Council Chambers meeting room during meetings, and providing that all statements, motions or discussion by the City Council shall be audible to all the members and to the public.

In response, the Mayor declared that an emergency exist under RSA 91:A:2, III(b) and that the requirement for a quorum of the City Council to be physically present in the room is waived. The Mayor stated that while these are unprecedented times, it is in preparation for exactly these circumstances that we and importantly previous City Councilors, Mayors, and City Managers have prepared for. We have taken so much care to hire the right people for just these types of circumstances. This is why we voted to properly fund and support our robust City infrastructure

and assets. This is why we support our front line responders, such as police and fire, with equipment and training they needed.

The Mayor stated that before we get too far into it, he urged everyone to take a deep breath and expressed his gratitude to everybody in the community stepping up and rising to the occasion. This includes City staff and Councilors, small and large businesses, non-profit organizations and those who are practicing good hygiene and proper social distancing. As challenging as these circumstances are, he is encouraged by all examples of kindness, volunteerism, and comforting words that were displayed on social media and throughout the community. Small businesses are sharing best practices for curbside pick-up. Larger businesses are donating their spare 95N masks to the hospital. Neighbors are checking in on elderly or vulnerable neighbors to ensure that they have everything they may need to be comfortable at home. These are hopeful stories that were not expected in the community, but are appreciated and are necessary now more than ever.

The Mayor had further information on the technology that will be used for all public meetings. Until further notice, Councilors are strongly encouraged to use Webex video conferencing to participate in Council meetings and Standing Committee meetings. The public is still encouraged to watch via the City's website or on cable channel 1302 and 1303. This technology is well proven and should allow us to interact, deliberate, vote and eventually hear live public testimony. The Mayor asked for everybody's patience while we get accustomed to using this new method to conduct business.

The Mayor announced the Councilors are participating on-line and a roll call will be required for every vote. As the Clerk calls the roll, the Mayor asked that each Councilor identify their on-line presence and if there are others in the room, please identify their relationship. Roll called: Stephen L. Hooper present with his spouse, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley and Thomas F. Powers were present. Councilor Terry M. Clark was absent from on-line meeting. The Mayor led the Pledge of Allegiance. A motion by Powers to accept the minutes from the February 20, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Clark was absent.

ANNOUNCEMENTS – MAYOR

Mayor Hansel announced that all Standing Committees for next week would be canceled. He added this would allow staff to work out the details with the technology and to allow public comments as part of the on-line meeting.

PROCLAMATION – PATRICIA A. LITTLE – KSC OUTSTANDING WOMEN OF NH

The Mayor presented a proclamation to Patricia A. Little, City Clerk, for receiving the 2020 Keene State College President's Outstanding Women of New Hampshire award and designating March 20, 2020 as "Patricia A. Little" day in the City of Keene.

PROCLAMATION – VIETNAM VETERANS

The Mayor read a proclamation for the Vietnam Veterans, which designated March 29, 2020 as Vietnam Veterans Day in the City of Keene.

NOMINATIONS

The following nominations were received from the Mayor: Catherine Workman to serve as an ex-officio member on the Historic District Commission with a term to expire December 31, 2021; and Gladys Johnsen to serve as an ex-officio member on the Heritage Commission with a term to expire on December 31, 2021. The nominations were tabled until the next regular meeting.

COMMUNICATION – CHESHIRE HOUSING TRUST – APPLICATION FOR A LODGING HOUSE LICENSE

A communication was received from Cheshire Housing Trust, submitting their application for a lodging house license. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – ROBERT DILUZIO, SR./SCI CORP. – RELEASE OF RIGHT-OF-WAY

A communication was received from Robert Diluzio, Sr., SCI Corp., stating they are negotiating the sale of a piece of property on which the City of Keene has a right-of-way to “pass and repossess” and they are requesting the release of that right-of-way. The communication was referred to the Finance, Organization and Personnel Committee.

PLD REPORT – NEW ENGLAND AEROBATIC CLUB – REQUEST TO USE CITY PROPERTY – DILLANT HOPKINS AIRPORT

Planning, Licenses and Development Committee report read recommending that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2020, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than five for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Clark was absent.

PLD REPORT – ALBERT GRAUER – APPLICATION FOR A LODGING HOUSE LICENSE
– 85 WINCHESTER STREET

Planning, Licenses and Development Committee report read recommending that a lodging license be issued to Mr. Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

- No more than 8 persons may reside on the premises.
- No less than 4 vehicular parking spaces must be provided on the premises.
- Compliance with all applicable laws, ordinances, codes, and rules and regulations.
- The continuation of the license is subject to and conditioned upon the successful passage of two inspections to be conducted by the City.

The report continued that the owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 19th day of March, 2021, and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation.” A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a roll call vote with 14 Councilors present and 13 voting in favor. Councilor Clark was absent. Councilor Williams did not respond to the request for his vote.

FOP REPORT – REQUEST FOR APPROVAL TO SOLICIT DONATIONS TO BE USED AS PRIZES – FOURTH GRADE WATER SCIENCE FAIRS – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to solicit and accept donations to be used as awards and prizes for the 2020 City Fourth Grade Water Science Fair. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – ACCEPTANCE OF DONATION - FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$100.00. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – AVON STREET WATER AND SEWER REPLACEMENT PROJECT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to replace the water and sewer utilities on Avon Street. Further, the report further recommended that the City Manager be authorized to do all things necessary to use \$65,000 from the project balance of the Sewer Main Improvement Capital Project (08055) and \$70,000 of unspent personnel and operating funds in the FY20

Water Fund Operating Budget for this work. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – SALE OF CITY OWNED PROPERTY – TAX DEEDED PROPERTIES – ASSESSING DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to sell the following tax deeded properties by sealed bid: 9 Marshall Street Map 521 Lot 22 and 366 Roxbury Street Map 571 Lot 5. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – ACCEPTANCE OF LAND DONATION – 0 OFF MAPLE AVE. – ASSESSING DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to accept the donation of land from Douglas P. Croteau and William M. Johnson located at 0 Off Maple Ave, identified as tax map 508 Lot 15. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – ROXBURY STREET BRIDGE OVER BEAVER BROOK PROJECT – INCREASE IN PROJECT BUDGET – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to transfer \$65,643.78 to the Roxbury Street Bridge over Beaver Brook project account (90186-A) from: the unspent balance of \$10,465.50 from the Emergency Bridge Repairs account (90024-18); the balance of \$7,868.98 from the Undesignated Bridges interest account (T0617-J) and the unspent project balance of \$47,309.30 from the Main Street Bridge replacement project (90151). A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – 12 GILBO AVENUE – PARKS, RECREATION AND FACILITIES DEPARTMENT

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 with John Brown for the space located at 12 Gilbo Avenue. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT – CAPITAL IMPROVEMENT PROGRAM – FY 2021-2027

Finance, Organization and Personnel Committee report read recommending the adoption of the Capital Improvement Program FY 2021-2027. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

CITY MANAGER COMMENTS

The City Manager began her comments regarding the COVID-19 pandemic. She advised that the City continues to have a measured approach by making the necessary adjustments as the situation evolves. She added the staff utilizes the most recent information from the State through our participation in re-occurring conference calls and the City adjusts our plans accordingly.

On March 16, 2020 - timed with the closure of our schools - the City also closed both the Recreation Center and Library buildings through April 6, 2020, which is the same period the Governor ordered for closure of all schools in New Hampshire.

On March 18, 2020, after community transmission (person to person transmission) of COVID-19 began occurring in other areas of our State and following the announcement, by the Keene State College President of the first positive COVID-19 test tied to the community. We began limiting access to the remaining City facilities, requesting instead that people call ahead for an appointment. There is a phone directory on the City's website with numbers for our various departments. We are asking people to use our online services whenever possible. All of the City Departments remain staffed and operating. We have adjusted our internal meetings to comply with social distancing recommendations. The Department Head meetings have been moved to this same virtual format used in this meeting. Holding only much smaller meetings with staff in the third floor conference and all meetings with a member of the public on the second floor.

In response to this change, the Library created a curbside pickup service. The public can order a book or video online or can call in during regular hours and then pick up curbside. She continued the City departments are finding more ways to engage virtually, for instance, our Recreation Department is sending weekly challenges to our Catch Program, which is an after school program. They are sending out links for the participants to play and engage online.

The City is encouraging residents to use our online services where possible: The City is also encouraging use of our trail system. There is a section on Parks & Trails on our website, which displays an interactive Parks & Trails maps. This tool identifies on an interactive map with photos locations of our open spaces, trails, and playgrounds.

We will continue to provide information to the public through the local media outlets and the City's social media accounts, which share the Mayor's messages and updates as well.

The Manager continued this has been a trying time for everyone, filled with uncertainty. Our City staff has really stepped up and come together to help one another and the public. They have been thoughtful, flexible, and compassionate.

Our emergency management team (Kurt Blomquist (EMD), Fire Chief Mark Howard, Health Officer John Rogers, and Police Chief Steve Russo) as well as the Charter Officers and the rest of our Department Head team has been phenomenal. Putting in long days and sometimes nights, including the weekends navigating these challenging times.

The employees in all departments have been willing to pitch in wherever needed. One example, a parking enforcement officer is working in the Revenue Collector's office assisting with appointments and answering questions. We are very fortunate to have such a great team.

MORE TIME

More time was granted by the Chair for the following item in Committee: Pathways for Keene – Request to Use City Property – 4 on the 4th Race.

FOP REPORT AND ORDINANCE O-2020-05: RELATING TO ALTERNATES TO BOARDS AND COMMISSIONS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2020-05: Relating to Alternates to Boards and Commissions. The report was filed into the record. Ordinance O-2020-05 was read for the second time. A motion by Councilor Powers for the adoption of the Ordinance O-2020-05 was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

PLD REPORT AND ORDINANCE O-2020-03: RELATING TO LODGINGHOUSE LICENSES

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2020-03: Relating to Lodginghouse Licenses. The report was filed into the record. Ordinance O-2020-03 was read for the second time. A motion by Councilor Bosley for the adoption of the Ordinance O-2020-03 with an effective date of July 2, 2020 was duly seconded by Councilor Greenwald. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

FOP REPORT AND ORDINANCE O-2020-02: RELATING TO SEPTAGE AND HOLDING TANK DISCHARGE CHARGES

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2020-02: Relating to Septage and Holding Tank Discharge Charges. The report was filed into the record. Ordinance O-2020-02 was read for the second time. A motion by Councilor Powers for the adoption of the Ordinance O-2020-02 was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent.

03/19/2020

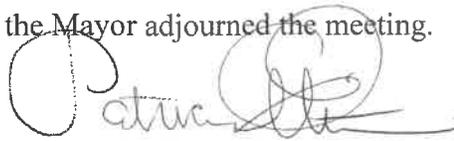
FOP REPORT AND RESOLUTION R-2020-04: RELATING TO GENERAL OBLIGATION
COURTHOUSE BONDS OF 2013 SERIES B PARTIAL REDEMPTION

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2020-04. The report was filed as informational. Resolution R-2020-04 was read for the second time. A motion by Councilor Powers for adoption of the Resolution was duly seconded by Councilor Hooper. On roll call vote, 14 Councilors were present and voting in favor the motion passed. Councilor Clark was absent. Resolution R-2020-04 declared adopted.

ADJOURNMENT

At 8:28 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia", written over a circular stamp or seal.

City Clerk



City of Keene, N.H.
Transmittal Form

March 17, 2020

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.1.

SUBJECT: Confirmations

COUNCIL ACTION:

In City Council April 2, 2020.

Voted unanimously to confirm the nominations.

In City Council March 19, 2020.

Tabled until the next regular meeting.

RECOMMENDATION:

I hereby nominate the following individuals to serve on the designated board or commission:

Historic District Commission

Catherine Workman, ex-officio
32 Colorado Street

Term to expire Dec. 31, 2021

Heritage Commission

Gladys Johnsen, ex-officio
417 Pako Avenue

Term to expire Dec. 31, 2021



City of Keene, N.H.
Transmittal Form

March 29, 2020

TO: Mayor and Keene City Council

FROM: Bruce Bickford, Farmers Market of Keene

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Bruce Bickford/Farmers Market of Keene - Request to Use City Property

COUNCIL ACTION:

In City Council April 2, 2020.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Bickford

BACKGROUND:

The Farmers Market of Keene is requesting the use of parking spaces on Gilbo Avenue for their members to vend their produce and wares on Saturdays starting on April 25th and continuing to the end of October and on Tuesdays starting on May 5th and continuing to the end of October.

The Farmers Market is also asking for a reduction in the charge associated with their use and/or "complimentary" parking for their customers.

In City Council April 2, 2020.
Referred to the Planning, Licenses and
Development Committee.

RECEIVED
CITY OF KEENE

MAR 20 2020

OFFICE OF
CITY CLERK

3/19/2020

Patricia C. Calkins

City Clerk

TO: City of Keene, New Hampshire

The Farmers Market of Keene respectfully requests the continual use of the Gilbo Ave parking spaces previously used for the last few years.

We would like to begin on Saturday April 25 and continue to use on Saturdays until the end of October from 9 AM to 1 pm hours of operation, Tuesdays from May 5th until the end of October. With a slight adjustment in operating hours of 3 pm to 6 pm instead of the previous year 4 pm to 7 pm.

We have truly appreciated the use of this space on city property and would like to continue this collaboration with the city of Keene.

We would like to investigate the possibility of reduction of fee and/or the possibility of some grace parking for customers in particular on Saturday markets.

Sincerely,

Farmers Market of Keene
PO Box 425
Keene, NH

Bruce Bickford
188 Upper Walpole Road
Walpole, NH 03608
603-209-7100
#brucebickford65@aol.com

COM



City of Keene, N.H.
Transmittal Form

March 31, 2020

TO: Mayor and Keene City Council

FROM: Elizabeth A. Dragon, City Manager

ITEM: K.1.

SUBJECT: Relating to Emergency Management

COUNCIL ACTION:

In City Council April 2, 2020.

Voted unanimously to suspend the Rules of Order to act upon the Resolution.

RECOMMENDATION:

That the City Council move to suspend Section 35 of the City Council Rules of Order to consider and act upon Resolution R-2020-10 relating to Emergency Management.

ATTACHMENTS:

Description

Resolution R-2020-10-A

BACKGROUND:

The recent Declaration by the Governor of a State of Emergency related to the COVID-19 crisis has prompted a general review of emergency management procedures, policies and requirements for the City to properly manage any emergency. This includes providing the authority to the City Manager to expend funds as may be necessary to confront and to remediate the current State of Emergency, and any emergency that may be declared by the City Manager in accordance with City Code section 30-59. The attached Resolution is intended to provide the City Manager with the necessary flexibility to expend funds, including unexpended personnel funds, for this purpose.



CITY OF KEENE

R-2020-10-A

In the Year of Our Lord Two Thousand andTwenty.....

A RESOLUTION Related to Emergency Management

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: The City Council adopted Resolution R-94-32, Relating to City of Keene Budgetary Policies, which further clarified Resolution R-94-9-a; and

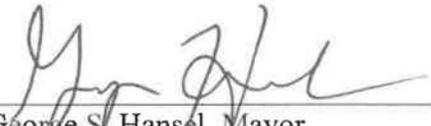
WHEREAS: Paragraph 2, of Resolution R-94-32, states “Any unexpended funds in a personnel line can not [sic] be expended without prior approval from the City Manager and the City Council; unless funds are being expended to fill the vacancy, recruiting, or to employ temporary help.”

WHEREAS: Upon review of Resolutions R-94-32, the City Council wishes to further revise said Resolution to include that any unexpended funds needed for necessary expenditures to meet an emergency as determined by the City Manager in accordance with City Council Code section 30-59, may be used to the fullest extent possible without prior approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keene that Paragraph 2 of Resolution R-94-32, be amended as follows:

That the City Manager be, and hereby is, authorized during a time of emergency as determined by the City Manager in accordance with City Code section 30-59, to expend funds as may be necessary and prudent to confront and remediate the emergency, including the expenditure of unexpended personnel funds for such purpose and as may be determined by the City Manager, without the prior approval of the City Council.

Provided, however, that the City Manager shall provide an accounting of the expenditure of the funds to the City Council as soon as reasonably possible under the circumstances of the Emergency. And provided further that this Resolution shall be rescinded when the current COVID-19 State of Emergency is declared to be ended by the Governor.


George S. Hansel, Mayor

PASSED April 2, 2020

A true copy;
Attest: 
City Clerk