

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, February 10, 2021

7:00 PM

Remote Meeting via Zoom

Members Present:

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice-Chair
Philip M. Jones
Catherine Workman
Gladys Johnsen (arrived at 7:12 PM, left at 7:40 PM)

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Rhett Lamb, Community Development
Director/Assistant City Manager
David Hickling, Airport Director
Kürt Blomquist, Public Works Director
Mari Brunner, Planner

Members Not Present:

George Hansel, Mayor

Chair Bosley read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency. She called the meeting to order at 7:02 PM. Roll call was conducted.

Weston Liu – New England Aerobatic Club – Request to Use City Property

Chair Bosley asked Weston Liu to address his communication.

Mr. Liu stated that last year the New England Aerobatic Club (NEAC) managed to have a pretty successful set of visits to the Keene Airport. He continued that as he said in his letter, the NEAC appreciates all the hospitality, especially given the circumstances. The NEAC was happy to support local businesses, and aerobatics is an activity that is good at social distancing. The NEAC would like to repeat their visits to the Keene Airport in 2021. They hope to have another successful year. He is happy to answer questions. He does not know if any of the City's officials were able to come by and see the NEAC; they are always welcome to do so and he hopes they introduce themselves if they see him.

Chair Bosley thanked Mr. Liu for his letter. She asked if it is correct that last year the NEAC made this request in person. Mr. Liu replied yes, and they have been doing it in person since about 2007.

Councilor Greenwald stated that as a representative to the Airport Development and Marketing Committee (ADMC), he wants to say that the ADMC is all in favor of this activity, and has discussed it, and has received no negative comments.

Chair Bosley asked to hear from Airport Director David Hickling.

Mr. Hickling stated that the Airport wholeheartedly support this. He continued that last summer was the first time he got to work with the NEAC. They are a very professional organization, focused first and foremost on safety. They do a great job. They do a lot for the Airport businesses, and a lot of committee members really enjoy it. They definitely support the request.

Chair Bosley asked if there were any further questions from the committee or the public. Hearing none, she stated that she would entertain a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends 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, 2021, 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 5 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.

3) HB 315 – Relative to the Aggregation of Electric Customers – Energy and Climate Committee

Chair Bosley moved agenda item 3) ahead of item 2), due to Councilor Johnsen's absence. She asked Planner Mari Brunner to speak, and Peter Hansel, Chair of the Energy and Climate Committee (ECC).

Ms. Brunner stated that she will have Mr. Hansel begin, to explain the ECC's discussion and why the ECC recommends the City Council oppose HB 315.

Mr. Hansel stated that the information in the agenda packet says a lot about what Keene is facing. He continued that a number of House Bills are before the State legislature and a number

of them would affect the Keene community's ability to go forward with Keene's sustainable energy plan. To touch on a couple of highlights: HB 315, which goes before the State Legislature committee on Friday, would restrict or eliminate access to customer data, which is definitely needed for Keene to proceed with its Community Power program.

Councilor Johnsen joined the meeting at 7:12 PM.

Mr. Hansel continued that Keene would not be able to get addresses of customers in order to communicate with them. The only addresses they would have would be what the City has in their records, which is incomplete and does not have individual customers of electricity throughout the community. It has landlords, maybe, but they might be absentee landlords, and they are not the ones who are paying the bills, in many cases. HB 315 would also restrict municipalities and counties from spending any tax dollars on this program. It would mean that any time that Ms. Brunner, Mr. Lamb, or anyone else in the City has spent in the past (or in the future) on developing this plan or helping implement it would have to be isolated and separated out from all of the other expenses that the City pays. That would be unrealistic and pretty much a deal-breaker for the City. HB 315 also adds layers of regulatory review, mainly that the Public Utilities Commission (PUC) would have to review any plan and any changes to the plan going forward. Judging from the fact that the PUC is very busy, this would needlessly delay any implementation of our Community Power program. It would also stifle any innovation portions that are being worked on with the consultant to try and make this plan as flexible as possible and accomplish the objectives moving forward. It is for those reasons that the ECC recommended that the City get involved in trying to influence this committee at the legislature. The ECC also authorized him, as the Chair, to write a letter on the ECC's behalf directly to the legislative committee. That reads as follows:

"I'm writing on behalf of the City of Keene's Energy and Climate Committee and we respectfully ask you to vote 'no' on House Bill 315. Our ECC committee has recently completed, and our City Council unanimously approved, a 2021 Sustainable Energy Plan, which will help our community transition to 100% renewable energy for electricity by 2030 and for thermal and transportation uses by 2050. One of the linchpins of this plan is for Keene to develop a Community Power Aggregation Program in order to offer Keene electric users low rates for their energy supply and more choice as to where their electricity comes from. Last fall, the City hired a consultant to help us develop a Community Power Plan. This plan was recently completed and submitted to the City for approval. Passage of HB 315 would have serious consequences on our ability to pursue the community power aggregation and place our whole energy plan in jeopardy. I submit that it would ultimately be bad for our electric utility, Eversource, because it would make it more difficult for our residents and businesses to make the transition toward electric vehicles and electric heating systems, such as heat pumps. Over 20 years ago, New Hampshire began to deregulate the electric power industry, a process that has saved rate payers millions of dollars by allowing competition into the marketplace. In 2019 the passage of legislation enabling municipalities and counties to provide community power aggregation was in essence an extension of the deregulation process. HB 315 would be a step

backwards to increase monopoly control of the electric utilities in our state. Please allow us to continue the good work we have begun and vote 'no' on HB 315."

Chair Bosley thanked Mr. Hansel and asked if Ms. Brunner had anything to add. Ms. Brunner stated that Mr. Hansel covered it, and the key here is that HB 315 strips away a lot of the options that people currently have under the law. It takes away a lot of future possibilities that the City of Keene probably would not be doing right away but were hoping to do down the line. She continued it restricts what programs they could even use for energy conservation. The legislation also takes away a lot of the City's control and adds a lot of regulatory review and cost. What the City wants to do is Community Power, and what they heard from the community through the Community Power survey is a lot of innovative things they could be doing with this program, which would no longer be possible if this bill passes as written.

Community Development Director Rhett Lamb stated that Ms. Brunner and Mr. Hansel have covered the majority of the issues, but he would add that there were two parts to this that caught his eye: one, if these amendments were to pass, the City and any other town preparing a community power plan has to send that plan to the PUC to get it approved. As far he is aware, that is unprecedented in the State of NH. He continued that there is no other circumstance that he is aware of where the work they do on the local level has to get approval by a State agency, from the point of view of a plan or even Ordinance adoption. [Second], the City cannot if these amendments were to pass spend any community money to forward its plan, and the City would be subject to review process by the PUC and would not even be able to send City Staff to present. Those two things are, in his view, remarkable and unprecedented and indicate the intent of this legislation to stop the development of community power in municipalities.

Councilor Jones stated that the memorandum from Ms. Brunner shows the recommendation of the ECC's Vice Chair, but it is very generalized. He continued that he is not sure if the ECC is looking for a Resolution, or a letter, or who they want the letter to go to. Does the ECC want the letter to go to the Keene legislators or all the State legislators? The Governor? He asked if the PLD Committee can get some direction on that.

Ms. Brunner stated that the House's Science, Technology, and Energy Committee is reviewing this bill. She continued that the public hearing is this Friday. She is not sure if the PLD Committee will have time to get something to them in time for that, but it is still worth sending a letter to the legislature as a whole, because if it gets through the committee the whole House will be looking at it. They definitely would want to copy their local representatives on that letter as well. She asked if Mr. Hansel had anything to add. Mr. Hansel replied no, what she said is true – he does not know the timing. He continued that the hearing is on Friday and they would have to get the letter to the committee 24 hours in advance. Thus, the letter would have to go out tomorrow in order to get there in time. Ms. Brunner is right – if the PLD Committee has to go to the City Council for approval, their letter would have to go to the full Legislature.

City Manager Elizabeth Dragon stated that she is registered to speak in opposition to this bill on Friday afternoon and is submitting a letter talking about some of these concerns. She continued that she knows the Mayor is also planning to speak, and she thinks Mr. Hansel, too. Thus, they will have some representation in this process on Friday, but it would be great to have the full City Council behind this, if this moves forward to the next step in the process.

Councilor Workman stated that she wants to voice her support for a letter being sent. She continued that she thinks the City Staff and the ECC did a fantastic job putting the plan together and she would hate to see legislation impede implementation of it. Along with supporting other municipalities and showing our support to the State for such changes, when they have the opportunity to come together as a city and voice that, they should do so.

Councilor Greenwald stated that hearing the City Manager say that the discussion is on Friday, at most, if there is affirmative vote of this committee they can communicate that and say that the PLD Committee is unanimously in favor of the letter, because the rest of the City Council will not speak until next Thursday. He continued that he intends to add on to the motion that the letter be sent to all Representatives and State Senators and the Governor.

Chair Bosley asked if members of the public wished to speak. Hearing none, she recognized Councilor Johnsen.

Councilor Johnsen stated that she has been in touch with some fellow former Representatives. She continued that she served for eight years, and she got the sense that sometimes the legislature does not think about Keene. Keene is doing a wonderful job and she is so proud of the Mayor's work and this Energy Plan, and she wants to reinforce what her colleagues just said: Keene needs to be as assertive as they can be, because there are some strange issues going on in Concord. She likes what Councilor Greenwald just said, about everything Keene can send along as reinforcement.

Councilor Jones asked the City Manager if the NH Municipal Association (NHMA) has taken a position on this bill. The City Manager replied that she does not think that they have. Mr. Lamb stated that it is a relatively new statute altogether, adopted fairly recently in 2019, and only a handful of communities are starting to move in that direction. He continued that it may not have risen to the level of NHMA at this point.

Mayor George Hansel stated that Keene's voice will certainly be heard on this issue because they discussed this at length at a meeting of all 13 mayors in NH. He continued that they discussed a lot of legislation; for this one in particular, he offered to take the lead on drafting a letter that all the mayors would sign. There is Keene's voice, along with the City Council and the ECC, and his voice, and they are reaching out to all the other mayors, who will also be supporting Keene's advocacy efforts on this. That is all great. To Councilor Johnsen's point, Keene's voice will definitely be heard in this case.

Chair Bosley stated that she also supports all of the work that Keene has been doing and she feels that they have been doing a very good job in making sure Concord knows that Keene is part of the state and here trying to make a difference.

Councilor Greenwald made a motion for the Planning, Licenses, and Development Committee to recommend that the City Council take a formal position in opposition to House Bill 315 and communicate such to the Governor, the State Senate, and State Representatives. Councilor Jones seconded the motion.

Councilor Johnsen stated that she thinks Senator Jay Kahn will be helpful if they need it.

On a vote of 5 – 0, the Planning, Licenses and Development Committee recommend that the City Council take a formal position in opposition to House Bill 315 and communicate such to the Governor, our State Senator and the State Representatives.

1) Councilor Johnsen – Request of Governor Sununu that Teachers Be Moved Up in Phase 1B for COVID vaccine

Chair Bosley asked to hear from Councilor Johnsen.

Councilor Johnsen asked if committee members received a copy of the letter. Chair Bosley replied yes. Councilor Johnsen stated that she will email them some of the information she has about this. She continued that she is a retired educator and taught for 36 years, Kindergarten through graduate. When school starts, whether it is a new semester or a new year, teachers get sick, because the students get sick. Now there is COVID-19. Her daughter is a teacher in Colorado and the governor there had teachers moved to phase 1B (for COVID-19 vaccinations) so teachers are protected. Keene Superintendent Robert Malay wrote a letter and gave her permission to say his name and refer the committee to his letter. It reads: *“Students returned to hybrid classes this past week. Even though the school administration has prepared all that can be done to make the classrooms safe, there is still an important need. The teachers are not considered as yet to be essential workers, who should be vaccinated against COVID-19. Rather they are further down in the phasing process.”*

Councilor Johnsen continued that she connected with Mayor Hansel and City Attorney Tom Mullins before starting this; she wants folks to know she has been through the channels. Many students in Keene come from two- and three-generation households such as hers. She knows Dartmouth-Hitchcock and MAPS have created programs to help seniors who are helping to raise children, often as a result of the opioid crisis. Children and teenagers, whose forebrains have not yet fully developed, have to be reminded repeatedly to wash their hands and wear a mask. She is glad her teenaged grandson is back in school two days a week, but she remains very concerned because students are not protected from COVID-19.

Councilor Johnsen continued that she did some research. In August of 2020 the Federal Government, including the former Vice President, as part of a committee of over 25 Democrat and Republican governors, declared that teachers are considered essential workers. She did not want this to be political, but it is very hard to discuss it without sounding political. Twenty-five states have gotten in on this, if not more. Our NH Governor has laughed at this and said online: “Teachers are using this as a political issue; they just don’t want to get back in the classroom.” That could not be further from the truth. This has nothing to do with politics; it has to do with the health of our teachers. They are our children’s first responders in this city. She believes they should support Keene’s teachers.

She continued that she has the Superintendent’s letter and will email it to the PLD Committee. He said the purpose of the letter is to *“advocate for our frontline workers to be included in group 1B scheduled to receive the COVID-19 vaccine”* before the end of January. It goes on to say *“Even though you know our schools are safe, we want our workforce to be as safe as possible while they are facilitating the essential operations of teaching.”* She continued that our teachers are placed in a lower phase and he wants them in 1B, which is the group she is in, as a senior, and she still cannot get a shot until March. Superintendent Malay’s letter continues, *“The staff in the classrooms directly interact with our student population and should be considered as first responders. It is the frontline teachers and support staff who are on the scene providing care and attention...Our districts have put in safety procedures similar to those in other school districts around the state, and we believe in our procedures and work diligently to ensure that everyone is complying with them. I’m asking that you reconsider putting the following school-based staff in group 1B to be included in this next phase: teachers, related service providers and support staff, nurses, counselors, social workers, bus drivers, food services and buildings and grounds staff [and so on and so forth]. There are additional personnel that are equally important to our operations but these are the individuals who are primarily on the frontlines interacting with large numbers of people. Even though I’m empathetic with the decisions you have to make, I’m respectfully asking that you please reconsider where our essential workers should be moved up on this vaccine list.”*

Councilor Johnsen continued that that NH Representatives Mel Myler, David Luneau, and Mary Heath also wrote a letter, and they were far more expressive in their political backgrounds. Although it is not what she read in her documentation, those four Representatives say that NH is one of only two states that is not vaccinating teachers, and they start their letter with *“We were shocked when we learned last week that...members of the ski patrol were moved to the front of the line. New Hampshire is already falling behind regionally when it comes to administering the COVID vaccine. Now parents, students, and teachers are rightly concerned. Governor Sununu’s decision to exclude K-12 educators in phase 1 of the vaccine roll-out defies CDC guidelines, which recommend prioritizing frontline educators in phase 1B. This decision not to vaccinate our teachers also contradicts repeated calls the Governor has made for schools to reopen. By not prioritizing vaccines for our teachers and school staff, our teachers are on the frontline facing this pandemic.”* Councilor Johnsen continued that the letter goes on. She will send copies of it to the committee. She would like Mayor Hansel to, if he would, write a letter to

Governor Sununu on behalf of the City Council, recommending that Keene teachers are supported by being moved to phase 1B. It is crucial. If she does not stick up for the teachers, then her career is not worth what she did.

Chair Bosley stated that as a mother of a 9- and 11-year-old, she is absolutely in support of anything they can do to get kids back into an environment where they are being educated full-time. She continued that if vaccinating our teachers makes that happen, they need to be in support of that. It is really crucial. It is hard to see the damage being done to children when they should be with their educators, learning and absorbing material, and for parents to be not working and trying to step into this role as substitute teachers when they are not educated to do and may be dealing with special needs and special circumstances. It is a terrible cycle. She is definitely in support of what Councilor Johnsen is asking for and hopes it helps move things along and makes things better for everyone.

Councilor Jones thanked Councilor Johnsen for what she has done. He continued that he already sent his letter in and supports a letter coming from the City Council also. Councilor Johnsen does not need to email them the Superintendent's letter because it is public on the Education Association's website, along with a lot of other input.

Councilor Greenwald stated that his wife is a retired teacher and his daughter is a current teacher, who is struggling with this whole issue. He continued that he thinks he heard on the radio today that the Governor said something about teachers being essential workers kind of the same as ski lift operators. He asked if the City Manager has heard anything about this. The City Manager replied no, she had not heard about that, but in preparation for tonight, she looked again at the phases. She continued that teachers are scheduled to be a part of phase A, which is the next phase, after the phase that is currently being vaccinated. One of her questions is: since most people in phase B have either signed up to be vaccinated or are in the process for getting an appointment, even moving teachers to phase 1B is not really going to change the timeline, because they are next anyway. Thus, if someone were to go into the system right now and register, they would get the next available appointment. She is not saying one way or another whether a letter should be sent, but just talking about where we are in the vaccination phase and where the teachers are coming in, and right now they are coming in to be scheduled next. She believes a majority of people in phase 1 have already registered, if the numbers are accurate from the State. They will fall after the people who are currently registered, even if they are moved to phase 1B.

Councilor Greenwald stated that that makes sense. He continued that regardless, he thinks this letter should go to the Governor, our State Senator and State Representatives, to show the consensus of the City Council that they need to move teachers and indicate that they are highly valued, primary resources, and valued employees of our children.

Councilor Johnsen's connection was lost at 7:40 PM.

Chair Bosley stated that she seconds Councilor Greenwald's words. She continued that to add on to what the City Manager said, she read today that there are an additional 3,400 vaccines per week coming into the State. It sounds like Walgreens might be set up to distribute those and they will be trying to move all of the current applications along faster than they had originally been able to schedule those, so if there is a possibility that they can get the teachers' applications in and get them vaccinated sooner, that would be fabulous. She is in support of this all around.

Chair Bosley asked if there were any more questions from the public. Hearing none, she stated that she would entertain a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the Mayor send a letter to the Governor, our State Senator and State Representatives requesting that teachers be moved up to phase 1B for COVID vaccinations.

There being no further business, Chair Bosley adjourned the meeting at 7:43 PM.

Respectfully submitted by,
Britta Reida, Minute Taker