

A regular meeting of the Keene City Council was held on Thursday, February 18, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued that the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their online presence and whether there are others with them in the room. Roll called: 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. Stephen L. Hooper arrived at 7:33 PM. Ward Three Council seat vacant. A motion by Councilor Powers to accept the minutes from the February 4, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 13 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

#### ANNOUNCEMENTS

Mayor Hansel announced that the filing period for the Ward Three City Councilor Vacancy would start at 8:00 AM on Wednesday, February 24, 2021 and extend until 4:30 PM on Tuesday, March 9, 2021. The new Ward Three Councilor would be elected by the City Council during the March 18, 2021 regular meeting, at which time each candidate would have their video and audio turned on and be provided five minutes to address the Council relative to their candidacy. As provided for in Section 37 of the Rules of Order, City Councilors would not be permitted to ask questions of the candidates. There would be an initial “primary” vote of the City Council to narrow the field to two candidates. Voting would occur by roll call, with each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for one of the candidates, the Councilor should vote "no." The two candidates receiving the highest number of votes following this primary vote would be declared the finalists from the primary election. A second vote would then be taken between the two finalists and the candidate receiving the majority of votes from the *elected* City Council – totaling a minimum of eight votes in favor – would be declared the winner. In the event that no candidate for the vacancy receives a “majority vote” of the elected City Council, Mayor Hansel would establish an additional 14-day period for candidates to file. The candidate who is elected ultimately would be sworn in via Zoom and commence their duties immediately as a panelist of the City Council meeting.

#### CONFIRMATION

The Mayor nominated to the Energy & Climate Committee, Denise Thomas to serve as a regular member with a term to expire December 31, 2023. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley and the motion passed unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Jones was not present for this vote.

#### NOMINATION

The Mayor submitted the following nomination for consideration. To the Energy & Climate Committee, Councilor Raleigh Ormerod, with a term to expire December 31, 2021. Mayor Hansel tabled the nomination until the next regular meeting.

**COMMUNICATION – TERRI O’RORKE – NH RESOLUTION FOR FAIR NONPARTISAN REDISTRICTING**

A communication was received from Ms. Terri O’Rorke recommending that the City adopt the NH Resolution for Fair Nonpartisan Redistricting. Mayor Hansel referred this communication to the Planning, Licenses and Development Committee.

**COMMUNICATION – KEVIN LEARY – REQUEST FOR PROPERTY ACCESS**

A communication was received from Mr. Kevin Leary requesting access to the City's right-of-way along Old Gilsum Road. Mayor Hansel referred this communication to the Municipal Services, Facilities and Infrastructure Committee.

**MSFI REPORT – ROXBURY STREET FLOOD IMPROVEMENT PROJECT – PROJECT UPDATE**

Municipal Services, Facilities and Infrastructure Committee report read recommending to accept the Roxbury Street Flood Improvement Project update as informational. Mayor Hansel filed the report.

**PLD REPORT – WESTON LIU – NEW ENGLAND AEROBATIC CLUB – REQUEST TO USE CITY PROPERTY**

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 Aerobic 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, aerobic activity shall not occur below 1,500 MSL, limit aerobic activity to the southern portion of the aerobic box established by the FAA, restrict use of the aerobics 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 unanimously on a roll call vote with 13 Councilors present and voting in favor.

**PLD REPORT – COUNCILOR JOHNSEN – REQUEST OF GOVERNOR SUNUNU THAT TEACHERS BE MOVED UP IN PHASE 1B FOR COVID-19 VACCINE**

Planning, Licenses, and Development Committee report read recommending 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-19 vaccinations. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. Discussion followed with

Councilor Johnsen and several other Councilors speaking in support of the motion. The motion passed unanimously on a roll call vote with 13 Councilors present and voting in favor.

#### PLD REPORT – HB 315 – RELATIVE TO THE AGGREGATION OF ELECTRIC CUSTOMERS – ENERGY AND CLIMATE COMMITTEE

Planning, Licenses and Development Committee report read recommending 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. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald.

Councilor Giacomo commented as the City Council representative to the Ad Hoc Community Power Committee, stating how much work the Committee, Staff, and hired consultants dedicated to developing the Keene Community Power Plan. He urged the Council to support the motion on the floor, noting that HB 315, "would effectively kneecap" the efforts put forward to-date and make it virtually unfeasible to progress the Community Power Plan as it exists currently. While Councilor Giacomo thought the public comment period had passed for HB 315, he thought this letter would be a great formal gesture by the City. Mayor Hansel stated that a letter would still be useful as this moves forward to the Senate. The City Manager noted that the public hearing for HB 315 was continued and she had not yet been able to testify. She said it would be helpful to have this letter for reference when she has her opportunity to comment, which would likely be on February 22. There was still time for public comment through the State's website and Councilor Giacomo encouraged his fellow Councilors and constituents to take the opportunity to submit their comments for the public record.

The motion passed unanimously on a roll call vote with 13 Councilors present and voting in favor.

#### FOP REPORTS – ACCEPTANCE OF DONATIONS – PARKS, RECREATION & FACILITIES

Finance, Organization and Personnel Committee report read recommending that the that the City Manager be authorized to do all things necessary to accept a donation of \$687.98 from the Friends of Open Space in Keene for the care and maintenance of the Church Street pocket park.

A second Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$10,000 for the construction of a pergola in the Ashuelot River Park from the Keene High School Interact Club and the Monadnock Regional High School Interact Club, and to award a contract to Bensonwood for the design and materials. A motion by Councilor Powers to carry out the intent of both reports was duly seconded by Councilor Remy.

Councilor Hooper joined the meeting at 7:33 PM.

The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor.

## FOP REPORT – ROXBURY STREET SEWER REPLACEMENT – FUNDING REQUEST – CITY ENGINEER

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to reallocate \$215,000 of unspent project balance from the Sewer Improvements Project (08055) to the Roxbury Street Flood Improvement Project for the replacement of sewer mains on Roxbury Street between Central Square and Beaver Brook. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor.

## FOP REPORT – CONTINUED DISCUSSION – EVALUATION PROCESS FOR CHARTER EMPLOYEES

Finance, Organization and Personnel Committee report read recommending to continue moving forward with the evaluation process for charter employees. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor.

## CITY MANAGER'S COMMENTS

The City Manager began with Covid-19 updates. At the February 17 weekly meeting, she heard good news from the hospital that the statewide positivity percentage was dropping and had been in the 2% range. Local percent positives dropped from 6% early last week to 4.1% at the end of last week. Covid-19 related hospitalizations also continued to drop. Keene's waste water testing results indicated that levels of Covid-19 in the waste water system had drop to pre-Thanksgiving levels. Keene was still awaiting anxiously the addition of more vaccines from other vendors like Johnson & Johnson.

Keene State College (KSC) had a successful move-in and initial process to screen students. Out of 3,486 samples there were 21 positives, or a 0.6% positivity rate, which was much lower than what Plymouth State University and University of NH were seeing. KSC reported that the uptick had been with off-campus students. KSC would move to testing students twice per week beginning February 22.

The City Manager concluded on Covid-19 stating that the SAU reported their target goal of mid-March to bring kindergarten and first grade back to four days weekly in-person. The Superintendent reported that this group of students had struggled most with remote learning.

The City Manager reported on an upcoming City Council workshop, likely during the third or fourth week of March, which Police Chief Steve Russo was working to schedule with our accreditation agency, the Commission on Accreditation for Law Enforcement (CALEA). Paul McMillan, CALEA's Northeast Regional Program Manager, would discuss how CALEA accreditation relates to standards and compliance on implicit bias, ethics, de-escalation, and hiring practices. In addition to policy and procedures, CALEA also reviews Police Department activity to determine compliance. Mr. McMillan would review the type of data that is collected to prove, assess, and finally determine Keene's compliance with the nationally accepted

standards. This would be a great opportunity for the Council and public to understand and ask questions about the level of scrutiny involved in this voluntary accreditation process. The Governor's Commission on Law Enforcement (LEACT) recommended voluntary CALEA accreditation. Keene is one of the few departments in NH that is accredited. Chief Russo also hoped to include someone from LEACT to discuss the Commission's recommendations on accreditation and why it is important. Specifically, LEACT's 15<sup>th</sup> recommendation was that, "All NH law enforcement agencies should be encouraged to pursue CALEA accreditation. In the absence of CALEA accreditation, agencies should continually review and maintain policies consistent with nationally accepted best practices," and the 31<sup>st</sup> recommendation was that, "NH Police Standards Training Council should maintain and publish a list of all currently CALEA accredited law enforcement agencies." The City Manager concluded requesting two things from the City Council: please inform her if there is something specific that you would like covered beyond this and please help share the meeting date/time once set. The City Manager would love to see great attendance from the public because she feels this is valuable and timely information.

Next, the City Manager discussed the Flight Deck restaurant at the Keene Dillant Hopkins Airport. The City lease for the Flight Deck was expiring and they had decided to not renew. Even before Covid-19, the restaurant was unfortunately only open 20 hours weekly, and those hours were adjusted several times making it difficult for visitors flying-in or driving by to know what to expect. Given Covid-19, the Flight Deck was offered a six-month extension of the current lease terms to allow the owner to see how the business might start to rebound post-Covid-19 before negotiating a longer lease with the City. Staff had reached out once more the morning of this meeting to ensure that was something they were still not interested in. While a follow-up phone call was scheduled for February 23 with the owner, Tracy Keating-Gunn, she had stated that she would not change her mind about ending the lease. The next step for the City would be a request for proposals (RFP). At least one other current restaurant owner had expressed interest if a RFP were issued, so the City Manager was hopeful to have another restaurant in the space soon. The RFP would go out in the few weeks and Staff had encouraged the Flight Deck to submit new proposed terms if they change their mind.

Before concluding, the City Manager wanted to recognize Ms. Keating-Gunn and the Flight Deck for their part in bringing life and vitality back to the space and the Airport. The City Manager understood that the space had been vacant for some time before Ms. Keating-Gunn took this lease. Ms. Keating-Gunn is a successful, ambitious business owner who exudes an entrepreneurial spirit. Over the last few years, the City Manager had seen her expand her business ventures both here in Keene and beyond, and the City Manager expressed appreciation for Ms. Keating-Gunn's work, which the City Manager planned to share during their upcoming call.

Mayor Hansel referred to the Police Department and CALEA and stated his hope that the whole City Council would recognize the importance of this workshop. He said this community conversation would ideally build upon and focus what began at the initial broader public hearing. He urged Councilors to think about how the issue could be refined further, to work hard

02/18/2021

disseminating this information to constituents if possible, and to urge participation; the Mayor said this is the City Council's responsibility given that it is a top constituent concern.

**MORE TIME – BODY WORN CAMERAS – POLICE CHIEF**

Finance, Organization and Personnel Committee report read recommending that any decision on the Body Worn Camera program be delayed until current legislation is voted upon and proposed State or Federal funding sources are identified. Mayor Hansel granted more time.

**RELATING TO "BEE CITY USA" – RESOLUTION R-2021-06**

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Resolution R-2021-06. Mayor Hansel filed the report. A motion by Councilor Manwaring to adopt Resolution R-2021-06 was duly seconded by Councilor Giacomo. Discussion followed. Councilor Remy inquired about the process for acceptance of a donation offered by Mr. Therriault to pay the \$200 application fee noted in the Resolution. Mayor Hansel stated that the fee could be paid from the Conservation Commission budget and when the actual donation is provided, it would be accepted using our typical process. In response to Councilor Chadbourne, the City Attorney offered that rather than sending the donation through a separate process, it could be added to the Resolution language at this point. The Mayor indicated his preference not to link the offered donation to the Resolution language annually and suggested instead to let this be a Conservation Commission matter and Mr. Therriault could choose to donate to their budget.

The motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor.

**ADJOURNMENT**

Hearing no further business, Mayor Hansel adjourned the meeting at 8:01 PM.

A true record, attest:

  
City Clerk