

A regular meeting of the Keene City Council was held on Thursday, March 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: Stephen L. Hooper, 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, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. Catherine I. Workman arrived late. Ward three Council seat vacant. A motion by Councilor Powers to accept the minutes from the March 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. Councilor Workman was absent for the vote. Ward three Council seat vacant. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel began saying that all were saddened to hear of the passing of former Mayor Philip (Dale) Pregent this past Tuesday. Mayor Pregent served as a City Councilor at large from 2004-2007 and 2012-2013, and served as Keene's Mayor from 2008-2011. With his passing, Keene lost a great champion for our community and Mayor Hansel said we all remain thankful for his lifetime of contributions to the Elm City. The Mayor led a moment of silence.

Next, the Mayor congratulated Councilor Ormerod, who was elected to a seat on the Keene School Board at last week's election. The Mayor thanked the City Clerk, other Staff, volunteers, and election officials who held that election with the constraints of Covid-19, considering those elections always require a lot of dedicated work.

Lastly, Mayor Hansel reminded Councilors that there would be a Council workshop on the Keene Police Department CALEA accreditation on Tuesday, March 23, 2021 at 6:00 PM.

RESOLUTION R-2021-07 – IN APPRECIATION OF MICHAEL A. BURKE UPON HIS RETIREMENT

Mayor Hansel read into the record Resolution R-2021-07. A motion by Councilor Powers to adopt Resolution R-2021-07 in Appreciation of Michael A. Burke upon his retirement was duly seconded by Councilor Bosley and the motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward three Council seat vacant.

ELECTION TO FILL WARD THREE COUNCIL VACANCY

Mayor Hansel reported that two candidates filed for the Ward Three Councilor vacancy, Bryan Lake and Andrew Madison. At this meeting, each candidate would in turn be granted audio and video access for five minutes to address the Council relative to the vacancy. As provided for in Section 37 of the Rules of Order, City Councilors would not be permitted to ask questions of the candidates. There being only two candidates, there would be no initial "primary" vote of the City Council to narrow the field of candidates. Voting would be by roll call, with each City

Councilor stating the name of his or her candidate choice. In the event that a City Councilor would not wish to vote for one of the candidates, the Councilor would vote "no." The candidate receiving eight votes – the majority – would be declared the winner. Mayor Hansel said in the event that no candidate for the vacancy received the “majority vote” of the elected City Council then he could: 1) establish an additional 14-day period for candidates to file, or 2) an elected Councilor could move to suspend that provision and ask for a second ballot. The candidate who is elected would be sworn in via Zoom and would commence their duties immediately, visiting City Hall to sign the necessary paperwork as soon as possible. The Mayor provided each candidate five minutes to address the City Council.

On conclusion of their presentations, Mayor Hansel called for the election of a candidate by City Council. On a roll call vote, Councilors Filiault, Jones, Johnsen, Greenwald and Bosley voted for Mr. Lake and Councilors Hooper, Remy, Manwaring, Giacomo, Williams, Ormerod, Chadbourne, Workman and Powers voted for Mr. Madison. Andrew M. Madison was declared elected.

Before having Councilor Madison take the oath of office, Mayor Hansel expressed his appreciation for Mr. Lake's interest in the position and encouraged him to consider running in the fall 2021 election and to contact the Mayor about other ways to serve his community.

City Attorney, Thomas Mullins, administered the oath of office. Councilor Madison took his seat as Ward Three Councilor.

The Mayor went on to announce that Councilor Madison would join the Municipal Services, Facilities & Infrastructure Committee as their new member, and Councilor Chadbourne would move to the Finance, Organization & Personnel Committee.

DECLARATION OF VACANCY

The City Clerk reported that Cory Watkins was nominated during the last Mayor's term and moved from the City almost immediately, having attended no meetings. The Mayor and Clerk have been unable to secure a written resignation but Mr. Watkins has communicated his desired to not continue verbally. Airport Director, David Hickling, requested that the Mayor declare this vacancy so others could serve. Mayor Hansel declared slot four of the Airport Development & Marketing Committee as vacant.

NOMINATIONS

Mayor Hansel made the following nominations to City boards and commissions. To the Energy & Climate Committee, Suzanne Butcher, with a term to expire December 31, 2023. To the Airport Development & Marketing Committee, Alona Florenz, with a term to expire December 31, 2023. To the Partner City Committee, Lena Kridlo, with a term to expire December 31, 2023. To the Ashuelot River Park Advisory Board, Ruzzel Zullo, with a term to expire December 31, 2022. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – DENISE THOMAS – RESIGNATION – ENERGY & CLIMATE COMMITTEE

A communication was received from Denise Thomas, resigning from the Energy & Climate Committee, to which she was confirmed recently. A motion by Councilor Powers to accept the resignation with appreciation for service was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

**COMMUNICATION – DAVE KIRKPATRICK/CHESHIRE TV – PROPOSED
TERMINATION OF CONTRACT**

A communication was received from the Executive Director of Cheshire TV, Dave Kirkpatrick, requesting a public hearing on the proposal to terminate the contract between the City of Keene and Cheshire TV. Mayor Hansel referred this communication to the City Manager, whose responsibility it is to negotiate ongoing contracts.

Councilor Filiault stated his concerns regarding the referral of this matter to the City Manager and urged the Mayor to honor the petitioner's request that this be discussed by the City Council. Mayor Hansel responded that the City Manager is responsible for overseeing a variety of contracts and in his opinion it was not within the Council's purview to examine those ongoing contracts. Mayor Hansel was unwilling to change his stated action.

Pursuant to Section 13 of the Rules of Order, Councilor Filiault challenged the ruling of the Chair. Councilor Greenwald seconded.

Councilor Filiault spoke to his challenge stating this was simply about transparency. Whenever a constituent asks to speak to the Council, he said there should be full transparency and they should be allowed to do so.

The Mayor in response stated that the City Council entrusts the City Manager with overseeing contracts for the City, which is not a responsibility of the City Council, and it would be an overstep for the Council to be involved in that way. The Mayor reiterated that his reason for sending this to Staff was because the communication addresses specifically the ongoing contract. Mayor Hansel continued that if there were some other interests in Cheshire TV or its ongoing arrangement with the City, then any Councilor was welcome to send a letter saying they want to examine the relationship between the City and Cheshire TV.

The Mayor noted that in voting on the challenge of the Chair, votes in favor would affirm the Mayor's action and votes in the negative would agree with the challenge and search for another sort of action.

On a roll call vote with 11 Councilors voting in favor, and Councilors Filiault, Williams, Jones and Greenwald in opposition, the Mayor's action was upheld and the communication from Mr. Kirkpatrick was referred to the City Manager.

**MSFI REPORT – GRANT APPLICATION FOR TRANSPORTATION HERITAGE TRAIL –
CITY ENGINEER**

Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to apply for a Transportation Alternatives Program grant for the Transportation Heritage Trail; and further, that the City Council forward a

support letter, signed by the Mayor, to the New Hampshire Department of Transportation on the project. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

MSFI REPORT – PRESENTATION ON HUNDRED NIGHTS

Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Council accept the presentation on Hundred Nights as informational. Mayor Hansel filed the report as informational.

PLD REPORT – FARMERS MARKET OF KEENE – REQUESTING TO USE CITY PROPERTY AND REQUESTING A WAIVER OF REDUCTION IN FEES

Planning, Licenses & Development Committee report read recommending granting the motion according to the dates and terms indicated, with the financial matters to be discussed by the Finance, Organization & Personnel Committee.

A motion by Councilor Bosley was duly seconded by Councilor Greenwald to make the following amendment to the Committee report by replacing the recommendation with the following: Move to recommend that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturday from April 24, 2021 to Saturday, October 30, 2021, and 22 spaces along Gilbo Avenue on Tuesday from May 4, 2021 to Saturday, October 30, 2021. Said permission is subject to the following conditions: compliance with the customary licensing requirements of the City Council and obtainment of a City Food License from the Health Department. In addition, it is a recommendation that the Farmers' Market of Keene be allowed to erect sandwich board signs on City properties prior to the start of sales subject to the review and approval by City Staff with respect to the number and locations. The signs must be removed immediately after the sales are concluded. As part of the licensing conditions during the following NH emergency declaration due to the novel Corona Covid-19 and as amended the Farmer's Market of Keene shall follow, maintain, and monitor for social distancing of at least six feet from customers and vendors, provide adequate space for vendor and patron flow to maintain social distancing practices, prohibit product sampling, use non-porous tables that can be easily disinfected, discontinue the use of display items that cannot be cleaned and sanitized, have access to and utilize hand sanitizer between transactions, disinfect surfaces between customers, and follow any other requirements that may be issued by the City and/or State for health and safety of vendors, customers, and public. And further move to recommend that the request to waive or eliminate parking rental fees and electrical use be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

In response to inquiry from Councilor Jones, Councilor Bosley said that during the Planning, Licenses & Development Committee meeting, Councilor Greenwald was unable to locate the text of this motion, and so the original motion above reported by the Clerk was to send the matter forward to Council for her to make this amendment with the full text and to send the necessary matters to Finance, Organization and Personnel Committee.

The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

PLD REPORT – GRANITE ROOTS BREWING – REQUESTING PERMISSION TO SELL ALCOHOL AT THE FARMERS' MARKET OF KEENE

Planning, Licenses & Development Committee report read recommending that Granite Roots Brewing be granted permission to sell alcohol at the 2021 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmers' Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws. During and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (Covid-19) and as amended, Granite Roots Brewing shall be subject to, and shall comply with the licensing conditions applied to all vendors participating in the Farmers' Market of Keene; provided, however, that the City Manager is authorized to allow Granite Roots Brewing to offer individual product samples to patrons in accordance with the requirements of the State Liquor Commission, either at the conclusion of the State of Emergency as declared by the Governor, or at such time thereafter as determined to be appropriate by the City Manager. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – ACCEPTANCE OF DONATION – FIRE CHIEF

Finance, Organization & Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of \$500.00 from Dr. Daniel Rath. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – LABORATORY RENOVATION DESIGN ENGINEERING CHANGE ORDER – WASTE WATER TREATMENT PLANT OPERATIONS MANAGER

Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute Change Order 1 to contract 04-21-22 with Underwood Engineers for engineering and technical services for upgrades to the existing heating and ventilation system in the Laboratory for an amount not to exceed \$4,400. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT – WASTE WATER TREATMENT PLANT OPERATIONS MANAGER

Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$8,500 for the installation of security fencing at Babbidge Reservoir. A motion by Councilor

Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – SUPPORT FOR MAST GRANT APPLICATION – PARKS, RECREATION AND FACILITIES DIRECTOR

Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to sign a letter of support of the staff's submission of a Monadnock Alliance for Sustainable Transportation (MAST) Grant. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

CITY MANAGER COMMENTS

The City Manager began her comments by announcing there would be a Council workshop on Tuesday, March 23 at 6:00 PM on the Police Department CALEA accreditation.

She went on to say that the annual “Green Up Keene” event where the community comes together to beautify Keene was set for Saturday, April 24. Typically, several hundred people participate to help clean our streets and parks. Last year, this event was canceled due to concerns around Covid-19. This year, there would be Covid-19 modifications: pre-registration was encouraged instead of the usual registration table, and there would be no-contact pick-up of bags and gloves at the Public Works Department. A map of groups and areas adopted would be posted on the City website.

The City Manager noted she was in the process of finalizing a budget for Fiscal Year 2022 to present to the Council. Everything must be finalized and off the printers at the end of March to allow for submission to the Council in May. Revenues have definitely been a concern this year due to impacts from Covid-19. The American Rescue Plan signed recently included an estimated allocation to the City of Keene of \$2.2 million over the next two years (50% this year and 50% one year later). Within the next 60 days, the Treasury Office would be providing guidance as to what would be considered an allowable expense. One category the City Manager was particularly interested in was the ability to apply these funds to offset our lost revenues moving into Fiscal Year 2022. In addition, we anticipate an infrastructure stimulus bill and the potential of earmarked projects in the near future. We have gone through a process internally to identify projects in our Capital Improvement Plan, which might qualify for these funding sources. We have an upcoming meeting with Kuster's office to discuss the various infrastructure projects the City has planned. We also have an upcoming meeting to discuss projects that might qualify for Northern Borders funding which is not part of the stimulus package. In addition, we are anticipating additional funds becoming available through the CDBG program. The City Manager would not know the parameters of the funding until the infrastructure bill and Treasury guidance comes out. In the meantime, she was preparing to respond quickly to access as much funding as possible and be as competitive as we can. If we are able to fund projects on our Capital Improvement Plan, it would help mitigate tax rate impacts in future budgets while also stimulating our local economy. She was planning a high-level update regarding these and other budget impacts at FOP in April before the Council's budget process starts in May.

The City Manager heard from Access AV that there is a delay in installing the final pieces of equipment to facilitate hybrid City Council Standing Committee meetings. The installation should have occurred this week and was now scheduled for March 29. She was hopeful that we can install, test, and be ready for the first cycle of Committee meetings on April 7 and 8.

The City Manager went on to announce the Clerk's office has recently changed the software application used for dog registration. Today was day 2 of the new Interware Software application and 234 dogs were registered, the majority of which were registered on-line. She was one of those 234 people. While there was a small fee to complete the transaction online, the City Manager said it was easy, convenient, and you can use a credit card or do an ACH transaction using a check. So far, the City Manager called this a successful roll-out of this application and another way our residents can access services from the comfort of their homes.

The City Manager continued with updates on Covid-19. At the weekly Covid-19 meeting with our partners on March 17 she learned that the State was looking to reduce the six-foot required distancing to 3 feet for educational institutions K through college. This is only for controlled and monitored educational classroom settings. It was also reported that the requirement to wear a mask is not likely to end anytime soon; likely not until we have reached 80% herd immunity. She heard from the Superintendent they have 530 staff members signed up to receive the Covid-19 vaccine, with 35% of staff scheduled or have already having received their first dose. Additional time slots are opening up for more appointments this Saturday. Today K-1st grades returned to four days of in-person learning weekly. Keene State College (KSC) reported that they had 18 positive cases and were still reporting a less than 1% positivity rate. KSC numbers have dropped considerably over the last two weeks (Their most recent peak was 02/22/21).

She continued that Cheshire Medical reported their testing positivity rate had increased from 6.4% positivity last week to 8.2% this week (these numbers do not include KSC – if they did the percent positive would be lower because of the number of tests they conduct each). The hospital also stated that they are admitting between four to six patients to the hospital on average for Covid-19 related illness. This is up a bit from the last report. The good news was that they were not seeing as much mortality with the cases they were seeing, likely at least in part due to the increased number of people vaccinated who are the most medically vulnerable. The hospital was beginning to also relax their visitation policies. The City Manager acknowledged the important role the hospital has played in the City's Covid-19 response and the data that Dr. Caruso shares with us each week had been a vital part of our decision making processes. The State's numbers have been difficult at times to reconcile in a timely fashion and so relying on information from our hospital about percent positives, hospital trends around capacity to treat the very sick, the mortality rates that they are seeing, and just overall data regarding the need for testing based on numbers of people seeking a Covid-19 test. This information has helped our emergency team make real time decisions and she could not thank the hospital enough for their partnership throughout this pandemic.

This afternoon during the Governor's press conference, the State's positivity rate had also ticked-up slightly to 3.6%. They announced 24% of the NH's population having received their first dose of vaccine and 12% being fully vaccinated. They plan to hold some additional regional vaccine

clinics this month and vaccinate another 20,000 people. Here in Keene at Krif Road we were vaccinating about 800 people daily at present. We are one of the most successful regions at getting the vaccine out the door. Soon our wastewater testing would include testing for Covid-19 variants. The City Manager said that starting Monday, March 22, anyone 50 or older would be able to register for the vaccine.

REPORT – RESIGNATION OF DAVID WHALEY – ASHUELOT RIVER PARK ADVISORY BOARD

Memorandum received from the Director of Parks, Recreation & Facilities recognizing David Whaley's resignation from the Ashuelot River Park Advisory Board, to which he served for three years. It was noted that Mr. Whaley provided great insight and time to the betterment of the park that was appreciated and would be missed. A motion by Councilor Powers to accept the resignation with appreciation for service was duly seconded by Councilor Bosley. The motion passed unanimously on a roll call vote with 15 Councilors present and voting in favor.

REPORT – REQUEST TO ENDORSE CARBON FEE & DIVIDEND – ENERGY & CLIMATE COMMITTEE

Memorandum received from the Energy & Climate Committee along with a draft resolution endorsing national legislation to reduce the costs of climate change. The memorandum indicated that at their regular meeting on March 3, 2021, the Energy and Climate Committee voted unanimously to recommend that the City Council adopt the resolution from the Clean Energy Team with reference to the City of Keene's Sustainable Energy Plan's goals. Mayor Hansel referred the memorandum and draft resolution to the Planning, Licenses & Development Committee.

REPORT – PROPOSED FORMATION OF THE GREATER GOOSE POND COMMITTEE – CONSERVATION COMMISSION

Memorandum received from the Conservation Commission indicating that at their regular meeting on February 16, 2021, the Commission voted unanimously to recommend that the City Council establish a Greater Goose Pond Forest Land Stewardship Committee with the charge to advise the City Council and other City boards and commissions regarding implementation of the 2019 Greater Goose Pond Forest Land Stewardship Plan including the stewardship of natural resources, preservation of wildlife habitat and forest ecology, and promotion of recreational and educational opportunities; and, that the committee should be comprised of members representing the following areas of expertise and interest: a representative from the Conservation Commission, a person with professional experience as an ecologist/biologist/naturalist, a professional forester, an abutter to the property or a resident of the nearby neighborhood, a representative of the New England Mountain Bike Association, a member of the community who is an active park user, a person with experience in community education and outreach, and a student representative from Keene State College or Antioch University New England. The report was referred to the Mayor's office and Mayor Hansel planned to meet with the Conservation Commission to get more information and see if this could happen with an ad hoc Committee.

03/18/2021

MORE TIME – KEVIN LEARY – AMENDED REQUEST FOR PROPERTY ACCESS OFF THE OLD GILSUM ROAD THROUGH CITY OF KEENE UTILITY ROAD

More time was granted by the Chair for the following items in Committee: Kevin Leary, - Amended Request for Property Access off the Old Gilsum Road; Representative Joe Schapiro – Urging the City of Keene to take a Position on HB 266; and, Councilor Filiault – Requesting Minutes be Kept of Meetings between the Mayor, Charter Officers and Committee Chairs.

PLD REPORT – ORDINANCE O-2021-01 – RELATING TO CHAPTER 18 BUILDING REGULATIONS

Planning, Licenses & Development Committee report read recommending the adoption of Ordinance O-2021-01. A motion by Councilor Bosley to adopt Ordinance O-2021-01 Relating to Chapter 18 Building Regulations was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

RESOLUTION R-2021-14 – REALLOCATION OF BOND FUNDS – WASTE WATER TREATMENT PLANT PERMIT

Memorandum received from the Wastewater Treatment Plant Operations Manager, and the Public Works Director, recommending that Resolution R-2021-14 be referred to the Finance, Organization and Personnel Committee. The memorandum was filed as informational. Mayor Hansel referred Resolution R-2021-14 to the Finance, Organization & Personnel Committee for review.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:18 PM.

A true record, attest:


City Clerk