

A regular meeting of the Keene City Council was held on Thursday, April 15, 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 were 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, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. The Mayor recognized the Assistant City Clerk who acknowledged a Scribner's error in the term expiration of Lena Kridlo to the Partner City Committee. The minutes were corrected to reflect December 31, 2021 as the term expiration date. A motion by Councilor Powers to accept the minutes from the April 1, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 15 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

#### PUBLIC HEARING – LAND DEVELOPMENT CODE

Mayor Hansel requested that the public hearing notice be read into the record. He then opened the public hearing and welcomed Community Development Department staff to present on the proposed Land Development Code. Tara Kessler, Senior Planner; Med Kopczynski, Director of Economic Development, Special Projects, & Initiatives; and Rhett Lamb, Community Development Director/Assistant City Manager. All three expressed excitement to present this proposal to Council. Staff would share background and a brief presentation on major changes proposed in the Land Development Code with these Ordinances.

Mr. Kopczynski recognized the many City Staff that had worked toward this effort over the last three years. This public hearing was a final opportunity for members of the public to comment. After this hearing, the draft Land Development Code would proceed back to the Planning, Licenses & Development Committee, where no public comment would be allowed. The final draft Code is presented to the Council based on the Committee's recommendation.

Mr. Kopczynski continued with some background, noting that Keene's various Land Development Codes and processes had not been updated comprehensively since 1970, making them outdated and unable to sufficiently address how the community works and functions today. While those regulations helped the City grow to where it is today, Mr. Kopczynski said that updating them would enhance economic opportunities while maintaining the City's unique character. He continued citing the City's 2010 Comprehensive Master Plan, in which one of the top strategies for implementation was to rewrite the City's Land Use and Zoning Regulations to achieve the community's vision proactively for the future. Despite numerous similar reports and directions to modernize these regulations over time to benefit the community, average citizens, and businesses' health, Mr. Kopczynski said that anyone trying to determine the steps to develop or work on their properties currently would report a myriad of unconcise, poorly written, and unorganized regulations to sift through. Mr. Kopczynski concluded by explaining the guiding principles for the proposed Land Development Code update was to make the Code simple, efficient, and thoughtful. To do so, the proposed regulations were intended to be easier to

navigate and provide graphics to outline more clearly the processes from start to finish. The updated structure was intended to provide a clear set of procedures for development queries and to create a more streamlined application process, eliminating the need to navigate multiple points of contact. Although the current regulations worked in the past, they could be outdated and confusing. For example, at one point there were 18 different places to look in Keene's various Codes to find Parking Regulations. Mr. Kopczynski said that this Land Development Code update would help guide Keene into the future, while protecting crucial elements that make Keene a great place to live, work, and play.

Next, Ms. Kessler explained what a Land Development Code is. She said that the proposed Code before City Council was the product of Stage Two, which was a review and direction from City Council on: The Code of Ordinances (Zoning, Public Improvement Standards, Natural Resources, Building Regulations, and Utilities), Planning Board Development Standards and Subdivision/Site Plan Review Regulations, and the Historic District Commission Regulations. She said Stage One was related to form-based zoning. She imagined that there could be a Stage Three to address issues or ideas unincorporated in the first two stages. Ultimately, the goal was to merge all land use regulations into one comprehensible document by removing outdated and inconsistent language to streamline the development process for users.

Next, Ms. Kessler explained the rationale for updating the downtown Zoning Regulations to encourage mixed and modern uses, accommodate density and height (where appropriate), address infill development, establish transition/buffer zones, focus on form and not architecture, and be complementary versus monotonous. In addition to the proposed Land Development Code, Ms. Kessler said that the Ordinances under review also proposed creating six new downtown zoning districts focused on ensuring that new development is consistent and compatible with the look and feel of areas like Main Street and its surrounding neighborhoods. These new districts would also expand areas that were created to be transition or buffer zones between the higher-intensity downtown land uses and the adjacent neighborhoods. She used maps to show a high-level overview of the existing downtown zoning regulations compared to a map of the six new districts proposed. These figures were available in the Council agenda packet at the website [www.KeeneBuildingBetter.com](http://www.KeeneBuildingBetter.com). The six new districts would focus more on the form and placement of buildings on a lot. The Land Development Code would incorporate more graphics and illustrations than the historic Code to aid the user better in understanding what certain dimensional requirements mean.

Ms. Kessler continued stating that one of the primary questions members of the public had expressed was how changes in the proposed Land Development Code would impact them. She said that largely, homeowners and residents should not notice any significant impacts from these proposed changes. Still, for residents and business owners, the new Code was intended to make the regulations easier to understand and would depict some changes to permitted uses and the downtown area. The existing "legally conforming" uses/lots would continue as allowed. Ms. Kessler said it was important to note that for developers, this Code would be more navigable and consistent, fostering redevelopment and new construction. She continued that businesses and homeowners could experience more user-friendly permitting processes and ideally, less confusion and frustration with these easier to read Code changes. Additionally, the streamlined Code would make the review and approval process clearer and easier to administer for City Boards, allowing time to serve constituents better.

Next, Ms. Kessler discussed the significant content changes proposed in the Land Development Code. She would not present on the predominant changes that were mostly reorganizations, but rather she would focus this presentation on the most noteworthy changes and specifically those for which there had been the greatest public comment. She reminded that City Staff had been working and presenting a fair amount of detail on all proposed changes through public workshop processes before the Joint Planning Board—Planning, Licenses & Development Committee during November 2020—February 2021 and all documents and videos from those workshops were available at [www.KeeneBuildingBetter.com](http://www.KeeneBuildingBetter.com). Some of the most significant changes included:

- **Permitted & Accessory Uses**

- Clarifies existing terms/uses and introduces new or updated terms/uses.
  - Ms. Kessler said one of the most significant updates to the Zoning Regulations was the introduction of new permitted uses.
- Establishes Conditional Use Permit (CUP) for Congregate Living & Social Service uses and Solar Energy System uses.
  - Ms. Kessler said that some of the proposed new permitted uses that have received the most attention include those regarding congregate living and social service uses including homeless shelters, residential care facilities, drug treatment facilities, and more. The proposed Land Development Code would establish a licensing process for the proposed Congregate Living and Social Service uses. Ordinances were introduced to City Council in 2019 to establish these uses and the licensing process.
  - The proposed Land Development Code would establish CUPs for these new uses that would be issued by the Planning Board as an additional layer of overview to ensure the new use would be compatible with the surrounding areas.
  - Ms. Kessler said it was important to note, regarding Solar Energy System uses, that letters had been submitted for the record questioning the limitation placed on solar in the Agricultural District. She said that solar energy was not proposed in the new Code as a primary use in the Agricultural District because it did not align with the intent of that Zoning District. She said that Staff heard a lot of public comment and concern about the outright expansion of solar in every Zoning District, which was Staff's initial proposal, so she thought there was opportunity for future consideration. She thought there was an opportunity for further public engagement on the issue in the future, but at this time, Staff thought the proposed Code provided direction for affording the opportunity for solar to occur everywhere in the City though it does not exist today.
  - In the current Code, solar energy systems were considered a primary use but not permitted outright, so Staff spent significant time trying to create the opportunity for that use and to expand the opportunity for accessory solar energy systems across the City.
- Permits mixed uses in all districts except residential.
- Removes 25% threshold for what is considered accessory and replaces it with criteria to be use by the Zoning Administrator for evaluation.

- **Parking Standards**
  - Provides more flexibility for onsite parking across the City but especially in the downtown, where currently exempt onsite parking in the Central Business District would expand to include other portions of the downtown.
  - Updates screening standards for parking lots.
  - Proposes to expand the area where onsite parking is not required downtown. Residential uses would be required to provide parking onsite.
- **Steep Slopes & Surface Waters**
  - Proposes to eliminate requirement that surface waters and steep slopes be deducted from the minimum lot size calculation.
- **SEED District**
  - Proposes to reduce the area of the existing SEED District.
- **Historic District**
  - Proposes to exempt buildings younger than 50 years from the Historic District Regulations.
- **Planning Board Development Standards**
  - Addresses known issues (e.g., lack of screening and noise standards).
  - Updates landscaping, lighting, screening, and noise standards and introduces more objective architectural standards.
- **Site Plan Review Thresholds**
  - Proposes to establish a Minor Project Review Committee to expedite review of minor/smaller impact site plan applications.
    - Ms. Kessler said these changes would expedite the development review process for smaller scale projects.
- **Zoning Board of Adjustment Variance & Special Exception Criteria**
  - Proposes to change existing criteria for deciding on a proposed variance to be aligned more closely with NH RSA 674:22,1 a (2).
  - Proposes to change the criteria for granting Special Exceptions.
    - Ms. Kessler said this should provide the Board with more guidance and criteria when evaluating Special Grant Exceptions.

Ms. Kessler noted that there were two Ordinances placed on more time for which Staff would recommend not adopting until finalized later at the time of City Council vote on the Land Development Code. Ms. Kessler was available to answer questions about those Ordinances.

Ms. Kessler concluded summarizing that many of the proposed changes she listed were in response to the project goals to create a simple, efficient, and thoughtful set of regulations, while trying to protect and balance quality development with the City's Master Plan goals.

Next, Mr. Kopczynski described outreach that had occurred to date to engage the public over the past three years: presentations to community groups and organizations, meetings with individuals and small groups, community forums, development community roundtable, neighborhood meetings, downtown storefronts open house, local media (radio, TV, newspaper, social media), project website, City Council presentations, Joint Planning Board/Planning Licenses and Development Committee presentations and public workshop phase, Ad Hoc Steering Committee presentations, direct mailers to more than 5,000 residents in 2019 and to all (more than 6,000) property owners in October 2020 and April 2021, exercises with the public to demonstrate how

zoning works, direct outreach to downtown businesses, many public hearings, and hundreds of visits and phone calls to individuals and groups by Mr. Kopczynski and Ms. Kessler. Mr. Kopczynski said that there was little doubt that the City Staff and City Council had done everything possible for the proposed Land Development Code and to share the proposed changes with as many people possible for commentary. The Community Development Department presentation concluded with the Mayor's thanks.

Mayor Hansel opened the hearing to public comment.

Tom Savastano of 75 Winter Street began by complimenting the Joint Committee and Community Development Department staff for the care they took in this process, stating his belief that they did excellent work reviewing this carefully, which he appreciated. After reviewing all the documents online, Mr. Savastano said he had one final concern, for which he requested Council attention, on the topic of the Special Exception Zoning changes in Article 25 Section 6.6. He sent a letter to all City Councilors and the Mayor on March 19, to which they could refer on the topic. He also cited concern with Article 20 Section 1.2 number five, which states that the purpose of the Site Development Standards is to protect abutters from unsightly hazards and nuisances that are detrimental to property values. Mr. Savastano believed that the same standard should apply to Special Exception cases in Article 25, which is something he did not address in his letter. He also felt that Article 25 should have a standard on property value.

June Churchill of 95 Old Walpole Road began stating that obviously the proposed Land Development Code did not impact her home particularly. However, she was just appointed to a leadership role at her church, which would be impacted by the changes to the Central Business District that would place the church now in the Downtown Limited District. She found and read all the proposed changes, but said she felt challenged finding the current standards for comparison. Mayor Hansel advised Ms. Churchill to contact the Community Development Department directly and a representative there would walk her through everything. Ms. Churchill concluded stating that she was very impressed with this meeting and that she was delighted with the user-friendly website setup, for which she thanked those who worked on the project.

Elsa Worth of 40 School Street said that downtown diversity brings new energy and economic growth to the City. She thought this project had been carried out very mindfully over these three years, with significant public input from diverse stakeholders, from eager entrepreneurs to struggling neighbors. She was impressed with those efforts to encourage and support new growth, movement, and change from the existing tangle of regulations. She supported this movement to update the Codes, which she said would increase the possibility for economic growth and development in Keene, while doing a better job and compassionately recognizing needs of those in the community with little voice. For those reasons, Ms. Worth thought the proposed Land Development Code would lead to a more compassionate and inclusive community and would therefore be a positive step in the community's common life. She commended the designers of this Land Development Code who worked so hard on clear communication to bring the codes into the 21<sup>st</sup> century, provided so many opportunities for people to share their input, and listened carefully to that input.

Joslin Kimball Frank of 104 West Street began by congratulating those who worked hard on what she called a wonderful update. In the proposed Land Development Code, her home would be in the Downtown Growth District, where her home is the only one remaining on the south side of West Street. She said she was concerned with developing "beyond us," whether green

spaces would be promoted to disperse building density, and whether there would be parking garages to clear some parking surfaces that take up a lot of useful space currently. She encouraged small parks in all the new Downtown Districts. Ms. Kimball Frank concluded that she was happy where she lived, but feared what would happen to her once rezoned in the Downtown Growth District.

Mayor Hansel read into the record a communication in objection to Zoom proceedings submitted for the record, dated April 15, 2021, from Peter Espiefs of 29 Middle Street that read:

*I OBJECT to your scheduled Zoom meeting to take up zoning matters, including those which will have serious consequences to property owners, including myself, who reside in and own real estate in this section of the City. As you know, early in these proceedings I, and other neighbors, had requested that the rezoning process be continued until the Pandemic was over, and the usual open "public" hearings could take place, because your Zoom presentations were truly not available to, nor a substitute for, real "public" participation. That request was not accepted by you. Since then you have been operating under some State administrative license that permitted Zoom proceedings. I do not believe the authority for such Zoom proceedings passes the Constitutional or Statutory test for "public" participation required in such proceedings. I object, and again request, that you postpone all zoning matters and deliberations that may affect the rights of property owners and the "public" until such time as public business can be conducted in the prescribed manner affording full public participation.*

In response to Mr. Espief's communication, Mayor Hansel said that there was discussion very early in this process and the City examined its ability and legal right to hold these proceedings to keep the Land Development Code update on track. He said that Staff had been listening to Mr. Espief's objections throughout this process and moved ahead in the way that was possible legally and tried to maximize public input and participation to the greatest extent throughout.

Amy Harmon of 14 Foster Street said that she lived three blocks from the proposed homeless shelter and expressed significant concern for her property value.

The Assistant City Clerk read into the record a communication submitted for the record, dated April 15, 2021, from Robert and Jeananne Farrar of 59 School Street that read:

*In the year 2000 the City of Keene, New Hampshire voted to form and support a Heritage commission and a Historic District Commission to protect and preserve our Main Street. It has long been known as one of "the most beautiful main streets in New England." That mandate also brought with it a charge to protect our gateways and other historic objects of "place." Our Main Street has done nothing but deteriorate since that time. It abounds with bars, tattoo parlors, and restaurants with little regard for the beauty of the area or other, other than the plantings. Presently, we are faced with the expansion of municipal zoning issues that will no longer serve as service as buffer zones, but will effectively destroy one of the most historical and beautiful neighborhoods in the City. This may mean a financial loss and, as well, a loss of homes. School Street was one of the earliest streets in this city during the 1700s, and was well traveled even back then. This will expand the core of the city into some of its most historic homes and buildings. Please don't do this. We do not believe a Zoom meeting represent a true public meeting and seriously doubt that it represents a majority of the 300+ properties involved. Many of us*

04/15/2021

*do not Zoom! Perhaps it would serve us all well to hold this meeting at a time when the public can attend more easily. We have lived at 59 School Street for well over 60 years. Our home is a historic home, and was built in 1842 as are many other homes in this neighborhood. We feel that moving the neighborhood buffer zone into a Downtown Transition Zone designation would be detrimental. Office buildings do not make good neighbors. Neither do surface parking lots. Oftentimes they are targets for criminal mischief. We are already dealing with the encroachment of the city on Summer Street; neighbors with parking meters outside their doors; changes driving patterns; increased traffic, etc. Do not undervalue the importance of good and historic neighborhoods! My question is: WHY are you doing this, and WHAT do you plan to gain by advancing this agenda? This issue needs more thought.*

With no further comments, Mayor Hansel closed the public Hearing at 7:41 PM. He advised that written comments would be accepted up to 4:00 PM the following Tuesday, April 20.

A true record, attest:



Assistant City Clerk

#### CONFIRMATION

The Mayor submitted the following nomination: to the Energy & Climate Committee, Bryan Lake, with a term to expire December 31, 2021. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

#### NOMINATION

The Mayor submitted the following nomination: to the Assessor's Board, Jason Frost, with a term to expire December 31, 2023. Mayor Hansel tabled the nomination until the next regular meeting.

#### COMMUNICATION – BREWBAKERS CAFE – REQUEST TO SERVE ALCOHOL ON CITY PROPERTY – SIDEWALK CAFE

A communication was received from Jeff Murphy, the owner of Brewbakers Café, requesting permission to serve alcohol on City property associated with the administratively issued Sidewalk Café License for his location on Emerald Street. Mayor Hansel referred the communication to the Planning, Licenses & Development Committee.

#### COMMUNICATION – KEVIN LEARY – REQUEST FOR ACCESS TO PROPERTY – OLD GILSUM ROAD

A communication was received from Kevin Leary, with a new request for access to the Fontaine property through the Old Gilsum Road. Mayor Hansel referred the communication to the Municipal Services, Facilities & Infrastructure Committee.

**COMMUNICATION – CONCERNED CITIZENS OF CHESHIRE COUNTY – EFFICACY OF FACE COVERINGS**

A communication was received from three individuals identifying themselves as the “Concerned Citizens of Cheshire County,” requesting an opportunity to present to the City Council the “often ignored” science on the efficacy of face coverings. Mayor Hansel referred the communication to the Planning, Licenses & Development Committee.

**COMMUNICATION – MINDY CAMBIAR/HUNDRED NIGHTS SHELTER – REQUEST TO USE CITY PROPERTY – PARKING OF COACH BUS**

A communication was received from Mindy Cambiar, on behalf of Hundred Nights Shelter, requesting to use City property located at 350 Marlboro Street to store their coach bus. Mayor Hansel referred the communication to the City Clerk because the request can be dealt with under the General Use of City Property, which was an administrative license of the City Code.

**COMMUNICATION – EDWARD COPPOLA/THE STONEWALL FARM BOARD – SOLAR RESTRICTIONS IN THE AGRICULTURAL ZONING DISTRICT AS CONTEMPLATED IN THE LAND DEVELOPMENT CODE**

A communication was received from Edward Coppola and the Stonewall Farm Board, expressing concern over the prohibition of ground mounted solar arrays over 2,000 square feet in size within the Agricultural Zone as contemplated by the proposed Land Development Code. Mayor Hansel filed the letter as informational.

**COMMUNICATION – PETER ESPIEFS – REGARDING THE CONGREGATE CARE AND SOCIAL SERVICE LICENSE – ORDINANCE O-2021-04**

A communication was received from Peter Espiefs, expressing his concern with the proposed Congregate Care and Social Service License Ordinance. Mayor Hansel filed the communication as informational.

**MSFI REPORT – REQUEST FOR EXCEPTION FROM THE PUBLIC IMPROVEMENT STANDARDS – CITY ENGINEER**

A Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Council accept the oral report as informational. Mayor Hansel filed the report as informational.

**MSFI REPORT – DENISE MEADOWS – REQUEST TO CONVERT LOADING ZONE SPACE ON RAILROAD STREET TO A MOBILE VENDOR SPACE**

A Municipal Services, Facilities & Infrastructure Committee report read recommending that staff draft an amendment to the City Code to create the mobile vending spot. Mayor Hansel tabled this report until later in the agenda during the discussion of Ordinance O-2021-03.

**FOP REPORT – DAVE KIRKPATRICK/CHESHIRE TV – REQUESTING AN OPPORTUNITY TO ADDRESS CITY COUNCILORS REGARDING THE CURRENT SITUATION WITH CHESHIRE TV**

A Finance, Organization & Personnel Committee report read recommending to accept Mr. Kirkpatrick's Cheshire TV Presentation as informational. Councilor Filiault noted there is approximately one month left on the contract termination clause with Cheshire TV and he urged open communication between Cheshire TV and the City staff so that the Councilors stay abreast of this important issue. Mayor Hansel filed the report as informational.

**FOP REPORT – AD HOC RACIAL JUSTICE AND COMMUNITY SAFETY COMMITTEE**

A Finance, Organization & Personnel Committee report read recommending that the City Council accept the Ad Hoc Racial Justice and Community Safety report as informational. Mayor Hansel filed the report as informational and thanked the Committee members, including co-chairs Dr. Dottie Morris and Rick Van Wickler, as well IT Director/ACM Rebecca Landry and Councilor Catherine Workman. The Mayor said that the Committee should be proud of their hard work and report, which he appreciated.

**FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION & FACILITIES DIRECTOR**

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$200 and that the money be used by the Parks, Recreation and Facilities Department. 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 in favor.

**FOP REPORT – ACCEPTANCE OF THE 2017 HOMELAND SECURITY GRAND AWARD – HAZMAT ALLOCATION – FIRE CHIEF**

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$16,738 from the 2017 State of New Hampshire Homeland Security Program (SHSP) - HazMat Allocation. 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 in favor.

**FOP REPORT – PANJANDRUM FOUNDATION GRANT – POLICE CHIEF**

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a grant from the PANJANDRUM Foundation in the amount of \$5,000 to fund Ethics and Implicit Bias training for the Department. 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 in favor.

**FOP REPORT – FAA CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATION ACT (CRRSAA) GRANT FOR AIRPORT – AIRPORT DIRECTOR**

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a grant for the amount of

\$23,000 from the Federal Aviation Administration as part of the FAA Coronavirus Response and Relief Supplemental Appropriation Act. 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 in favor.

#### FOP REPORT – AIRPORT RESTAURANT LEASE – AIRPORT DIRECTOR

A Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Mama McDonough's Irish Pub to operate a restaurant in the airport terminal. 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 in favor.

#### FOP REPORT – CONTINUED DISCUSSION: WATER AND SEWER METHODOLOGY AND RATES

A Finance, Organization & Personnel Committee report read recommending that the City Council adopt the proposed sewer and water rate and charge structure for the users of the City's sewer and water systems and direct the City Manager to do all things necessary to implement them. Mayor Hansel referred the issue back to the FOP Committee while noting that he had personally heard from Councilors Ormerod and Bosley, who raised some good points regarding the proposed methodology.

#### FOP REPORT – AUTHORIZATION TO PROVIDE TESTIMONY – HB 111 – CITY ATTORNEY

A Finance, Organization & Personnel Committee report read recommending that a letter of opposition to HB 111 relative to Establishing a Cause of Action Against the State to Protect Individual Rights be sent to the Keene Legislative Delegation and the Governor and that the City Attorney be authorized to speak and testify on the City Council's behalf. 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 in favor.

Mayor Hansel said he was unsure why the City Attorney was singled-out in this way in terms of having to obtain the City Council's authorization to testify. The Mayor noted his intent would be to submit a communication to the City Council, with a request to remove that stipulation from City Code.

#### CITY MANAGER COMMENTS

The City Manager began addressing the Ad Hoc Racial Justice & Community Safety report. She said there should be no doubt that racism does exist right here in our community, our region, our state; intentional racist behavior as well as unintentional acts or comments that are insensitive toward those who are of a different race or ethnic background. She was very proud of our organization and this community, but said we can always do better and should continually strive to do so. She would be continuing her review of the recommendations in the report with our departments to determine what sort of improvements we might be able to make as an organization and an employer. Several recommendations were made to continue initiatives

already happening in departments, like the Keene Police Department, which she knew the Chief intended to continue and strengthen where possible. She planned to follow Chief's Russo's lead and engaged the Cohen Center to see if we can create ethics and bias training for all of our departments. In addition, she planned to investigate what partnership opportunities might be available for community outreach and education. There were other recommendations in the report related to City-wide hiring and recruitment practices that she would ask the HR Department to review and report back on. There was a recommendation related to the Library regarding expanding their collection on diversity that the Library was already pursuing. There was a recommendation regarding intentionally factoring diversity into community-driven development projects like the skate park, for which she would follow-up with Director Bohannon to discuss further. There was a brief discussion at our property and development meeting as to any other upcoming community projects that might present an opportunity for more diversity to be incorporated. The Manager noted she would continue to share progress with the Council.

During the most recent meeting with Keene's Legislative Delegation on April 14, the group discussed bills that survived to date and were about to cross over from the House to Senate and vice versa. Department heads provided a list of problematic bills and/or bills that they support. She combined all of the Departments' feedback into one document that she shared with our Delegation. She would also share this list with Council. Registering your support or opposition remained fairly easy using the online option as individuals did recently for the bills related to community power. If you review the list of bills and have questions, please feel to reach out to the City Manager. She was happy to report HB 266 regarding immigration laws opposed by the City had been tabled and so had HB 111 regarding qualified immunity, which were both very troubling bills.

She had also been meeting monthly with the Federal delegation offices of Ann Kuster and Jeanne Shaheen to strategize on funding sources that have become available at the Federal level. To date we have put forward a portion of the Heritage Trail project and Winchester Street project for consideration. We have also put forward letters of interest for potential projects that would qualify for Northern Borders funds (Beaver Street Bridge over Beaver Brook and work in Gilbo area to support realignment of Wilson St). We are currently monitoring additional transportation and broadband related projects that could become eligible for any funding approved in the President's proposed recovery plan. This work supports Council Goal Two.

The Manager continued that the Taste of Keene event was scheduled for Saturday, June 5, 12:00 PM-5:00 PM. This event was growing and would be our kick-off event for the summer. Please check-out the [www.TasteofKeene.com](http://www.TasteofKeene.com) for more information and share the excitement. All safety protocols required at that time would be in place. She was excited to welcome everyone to downtown Keene. This would be a great opportunity for people to sample dishes from a variety of our excellent restaurants and local breweries.

The City Manager reported that Senator Kahn led meetings with a local group of providers to discuss issues around treating mental health and substance misuse. The Police Chief and Fire Chief attend on a regular basis and the City Manager attends when able. She attended the most recent meeting held on April 9 when Phil Wyzik, Executive Director for Monadnock Family Services, reported that the State was looking to create a statewide call center for psychiatric counseling and they were close to announcing the successful bidder for this project. In addition, they were moving to create more mobile crises units in the state and utilize organizations like

Monadnock Family Services. Over the past year, Police Chief Russo had been talking with Mr. Wyzik about similar support for police services. Mr. Wyzik shared at the meeting that the issue continues to be finding enough qualified staff wanting to do this kind of work. Further, he was worried that State would underfund the effort. As of July 1, the State was planning to require mental health service providers who receive State funding, like Monadnock Family Services, to provide this type of mobile crises support. The City Manager spoke to Mr. Wyzik last week reiterating Keene's support to build on the model the State was creating to support the City's emergency services if staffing and funding become available. Keene had a mental health crisis before Covid-19 and from what the City Manager heard it has only gotten worse. She would report as the State moves their plan forward. The City Manager added that at the same meeting, a comment was made by an employee at MAPS Counseling, stating that they were seeing the impacts of stress on their clients and she provided a nice reminder to us all. We have been operating under a great deal of stress since March 2020 and it is important that we all support each other in finding ways to care for ourselves so that we can continue to take care of others. The City Manager worries about our departments that have carried such a heavy load for an extended amount of time and said everyone must support and encourage them as individuals and as teams to find ways to care for themselves so they can continue to care for others.

Regarding the Chamber of Commerce branding effort, the City Manager said she attended a meeting on April 18, during which the Chamber provided an update on their branding project. It is likely that they will be awarded an EDA grant to assist with this project. They had sought \$500,000 but heard the maximum would likely be \$300,000, which would then be combined with the \$100,000 in donations/pledges that they have. Therefore, making the project a \$400,000 project versus the \$600,000 planned originally. The plan was for this to be a three-year project to brand the region that is made-up of 30-40 towns. Beyond the three years, the Chamber would be looking to create an ongoing commitment through fundraising to expend about \$200,000 per year to continue promoting the brand. Individual communities were encouraged to promote the regional brand once created and to create their own local brand to distinguish what makes them special in this region. For Keene, the City Manager had included some findings that she would share for Council review during the upcoming City Manager budget proposal.

The City Manager said all Councilors should have received the 2021 construction season update this week. In the next two or three weeks, Councilors would begin seeing crews working on City infrastructure projects, including some punch list work and final restoration on Blossom Street/Ridgewood Road in May. The Woodward Pond Dam rehabilitation work would also begin again, along with a list of other projects scheduled for this season, such for Roxbury Street.

The Public Works Department would be starting the water spring flushing program Sunday, April 18 and it would continue for the following five weeks. Public Works crews would be working between 10:00 PM and 7:00 AM. If a resident experiences discolored water, they should wait a few minutes and run cold water for five to eight minutes. If it does not clear, turn-off and wait 20 minutes and repeat the steps. If it persists, they can contact the Public Works Department at 352-6550. Residents could keep-up on the schedule through the Public Works Facebook and Twitter accounts.

This year's Green Up Keene would be Saturday, April 24. The Public Works Department would not be holding the traditional supply pickup at Railroad Square due to Covid-19 concerns, but were working on the possibility of a drive-thru supply pick-up at the Keene Public Works

Department on Saturday (more details to follow.) Groups were also welcome to pick-up their supplies the week leading to Green Up Keene at the Public Works Department by scheduling a time for contact-free pickup. If interested, please contact the Public Works Department.

Lastly, the City Manager provided her Covid-19 update from the partners meeting on April 14. The Governor had announced that all schools would go back to five days per week in-person learning by April 19. Our Superintendent, who had been moving in that direction, requested some relief to be able to return all schools to five days in person when they return from their April break and the request was granted. This week, the high school spring sports teams took to the fields once again and were very excited to do so. They had also started looking at plans for graduation at alumni field. The State's number of cases was around 500 per day, which we had not seen since November and the hospitalizations had increased by 20% in the State recently. Dr. Caruso shared his weekly testing numbers and locally, our positivity rate went up from 3.2% to 4.0%, but our local hospitalizations had remained stable. Dr. Caruso stated that we were in a third wave of Covid-19 for this region and the prediction was that the State would hit about 20% of the numbers we saw back in January. He shared some good news though that what they were seeing across NH in hospitals were patients much younger than they saw in January, and not as many ICU patients. While people are getting sick, not as many people are dying. He then shared a chart illustrating the percentage of people immunized in different age brackets as compared to what they were seeing in the hospital. 65-75% of people between the ages of 60-70 had been vaccinated fully and this correlated with the reduction in numbers of people in that age group seen at hospitals. Therefore, Dr. Caruso felt vaccinations were working and as younger individuals become vaccinated he would expect to see those hospital visits also decline.

Further on Covid-19, the City Manager reported that the Governor announced that he was letting the mask mandate expire on April 16. This would cause confusion because the City of Keene still had a local mask Ordinance that remains in place. This afternoon Staff pushed-out notices and social media to explain that while the State mandate would expire, the local Ordinance would remain in effect. Yesterday at her Covid-19 meeting, the City Manager requested some input from Dr. Caruso regarding the City's mask Ordinance; what measurement/data point makes sense for the City Council to consider when deciding the right time to remove the local Ordinance? We were anticipating the Governor's change prompting a discussion at the local level. Dartmouth themselves were no longer requiring masks when holding internal meetings because the majority of their staff were fully vaccinated. Dr. Caruso suggested that we utilize the statistics coming out of the Krif Road vaccination site when discussing the Ordinance. Using these statistics, we can determine when this region of the State would reach the 60-80% vaccination level needed for herd immunity. The site was vaccinating between 1,000 to a high this week of 1,900 people in one day. This site serves the Cheshire County region of 76,000 plus another town or two bringing us to about 100,000 people. Yesterday, Dr. Caruso stated he believed 43,000 had been vaccinated to date. She had hoped the Governor would renew his mandate for at least one more 21-day period to allow for more vaccinations. We could reach the 60% lower end of the range potentially at the end of those 21 days if the pace continued at Krif Road. The PLD Committee would be hearing from our health officer next week in regarding recommendations for the Council to consider as deciding the right time to sunset the Mask Ordinance. The Governor announced the "safer at home" and opening guidelines for businesses like restaurants would no longer be a mandate after May 7 and they would become universal best practices; things like distancing and barriers would become recommendations.

04/15/2021

AHCPC REPORT – CITY OF KEENE COMMUNITY POWER PLAN

An Ad Hoc Community Power Committee report read unanimously approving the City of Keene Community Power Plan as amended and recommending adoption to the City Council. The report was referred to the Finance, Organization & Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO DESIGNATED LOADING ZONES –  
ORDINANCE O-2021-03

Mayor Hansel brought forward tabled item D.2. A Municipal Services, Facilities & Infrastructure Committee report read recommending on a roll call vote that staff draft an amendment to the City Code to create the mobile vending spot. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. Discussion ensued. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

Mayor Hansel referred Ordinance O-2021-03 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO CHAPTER 46 LICENSES AND  
PERMITS – ORDINANCE O-2021-04

Mayor Hansel referred the memorandum from Senior Planner, Tara Kessler, and Ordinance O-2021-04 to the Planning, Licenses & Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO SEWER SERVICE AND  
INDUSTRIAL PRETREATMENT – ORDINANCE O-2021-02

A Municipal Services, Facilities & Infrastructure Committee report read recommending on a roll call vote of 5-0 the adoption of Ordinance O-2021-02. A motion by Councilor Manwaring to adopt Ordinance O-2021-02 was duly seconded by Councilor Giacomo. Councilor Manwaring yielded her report to Councilor Madison. The motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:37 PM.

A true record, attest:



Assistant City Clerk