

A regular meeting of the Keene City Council was held on Thursday, May 20, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:02 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. Filaault, 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. A motion by Councilor Powers to accept the minutes from the May 6, 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.

ANNOUNCEMENTS

Mayor Hansel announced that Councilor Greenwald celebrated a birthday on May 18.

RESOLUTIONS – IN APPRECIATION OF GARY W. CROTEAU UPON HIS RETIREMENT; AND IN APPRECIATION OF CHRISTOPHER W. SIMINO UPON HIS RETIREMENT; AND IN APPRECIATION OF GARRETT J. GREELEY UPON HIS RETIREMENT

Mayor Hansel read Resolutions R-2021-08, R-2022-11, and R-2021-13 into the record, recognizing the retirements of Gary Croteau, Christopher Simino, and Garrett Greeley, respectively. A motion by Councilor Powers to adopt Resolutions R-2021-08, R-2021-11, and R-2021-13 was duly seconded by Councilor Bosley and the motion passed unanimously on a roll call vote with 15 Councilor present and voting in favor.

RECOGNITION – KEENE HIGH SCHOOL AND MONADNOCK REGIONAL HIGH SCHOOL

Mayor Hansel recognized the efforts of the Keene High School and the Monadnock Regional High School's Interact Club, which because of Covid-19, were not able to do their international service project and instead focused their efforts on the local Ashuelot River Park. The Mayor recognized Andy Bohannon, Director of Parks, Recreation, and Facilities, to share a brief video of the efforts, depicting photos of their more than 1,500 hours of work to plant nine new pollinator-friendly plant species, install a new pergola, and remove invasive species under the supervision of the Friends of the Arboretum at Ashuelot River Park. Mayor Hansel thanked all volunteers for their efforts.

PUBLIC HEARING – CDBG GRANT AMENDMENT – SOUTHWESTERN COMMUNITY SERVICES' SHELTERS

Mayor Hansel explained that the public hearing would occur in two parts. Due to the timeline for requesting these funds and specific State requirements, the Mayor said that a Suspension of the Rules of Order would be requested to allow the Council to vote on the proposed amendment on the same day as the public hearing.

05/20/2021

Mayor Hansel opened the public hearing for the Southwestern Community Services' Shelters CDBG Grant Amendment at 7:23 PM, and upon his request, the City Clerk read the notice of hearing.

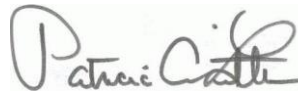
The Mayor recognized James Weatherly, Planning Technician with Southwest Regional Planning Commission, to address this request with a brief presentation on the background and reasoning for the application. Mr. Weatherly said he was happy to be present on behalf of a great organization, Southwestern Community Services. He described the Community Development Block Grant (CDBG) program and this specific request. CDBG funds are awarded on a competitive basis to municipalities and counties in the State of New Hampshire for projects that have primary benefit for low-income people. The maximum grant award is \$500,000 for housing, public facilities, economic development, and microenterprise technical assistance projects; each year \$25,000 is available for planning feasibility studies. The request at hand was for the Southwestern Community Services project. The City of Keene was awarded \$500,000 in Federal CDBG funds in March 2020 for this project, the majority of which was a granted to Southwestern Community Services. The project had two parts. Acquisition had occurred already, meaning that Southwestern Community Services now owns and operates the three shelters in this project, and they hope to move forward with the second part of the project, which is rehabilitating those shelters. When the project held a bid opening in February 2021, there were significant cost overruns due to Covid-19. Therefore, when the New Hampshire Community Development Finance Authority released \$900,000 statewide for all projects to help address Covid-19 cost overruns, this project was a great candidate and was currently requesting \$185,091 from the CDBG Fund. This request would allow for critical items to be retained in the construction budget, which is important because these shelters operate at nearly 100% capacity year-round, and this project represents the only major opportunity to make these capital improvements to the shelter facilities. Therefore, Mr. Weatherly said this request was very much needed. He welcomed questions.

Mayor Hansel opened floor to public comment and questions.

Keith Thibeault of Swanzey, representing Southwestern Community Services, agreed with the high construction costs that resulted in important improvements left on the table. He said these additional funds would allow for accomplishing everything intended in the plan originally and he thanked the Council for the opportunity to garner more funds.

With no further comments, Mayor Hansel closed public hearing for the Southwestern Community Services' Shelters CDBG Grant Amendment, request at 7:29 PM.

A true record attest:



City Clerk

A motion by Councilor Powers to suspend Section 27 of the Rules of Order to act upon the amendment to the CDBG grant for the shelter facility improvements, which was the subject of tonight's public hearing, was duly seconded by Councilor Hooper and the motion passed on unanimous roll call vote with 15 Councilors present and voting in favor.

The Rules of Order were suspended.

Mayor Hansel brought forward agenda item D.5, which would authorize the amendment requesting additional funding.

FOP REPORT – JAMES WEATHERLY/SWRPC – CDBG AMENDMENT – SHELTER FACILITY IMPROVEMENTS

Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to authorize CDBG funds in the amount of \$185,091 through an amendment and to support the application to move forward. Mayor Hansel filed the report as informational.

Councilor Powers moved to recommend that the City Council support the application for \$185,091 in additional funds through the federal CDBG program for improvements to two shelter facilities operated by Southwester Community Services, and to authorize the submittal of the amendment requesting additional funds from the CDBG Grant Gap Fund. Councilor Hooper duly seconded the motion, which passed on a roll call vote with 14 Councilor present and voting in favor. Councilor Bosley abstained the vote.

APPOINTMENT

Mayor Hansel appointed Councilor Robert Williams as the City Council liaison to the Library Board of Trustees, with a term to expire December 31, 2021. This appointment does not come with voting power. A motion by Councilor Powers to confirm the appointment was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 15 Councilors voting in favor.

CONFIRMATION

Mayor Hansel nominated Gregory Kleiner to serve on the Partner City Committee, with a term to expire December 31, 2022. 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

Mayor Hansel nominated Hillary Ballantine to serve as an alternate to the Energy and Climate Committee, with a term to expire December 31, 2023. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION – JAMES MURPHY – IN SUPPORT OF THE IMPROVED MEDICARE ACT OF 2021

A communication was received from James Murphy, submitting an online petition containing 101 signatures encouraging the City Council to support the Federal Improved Medicare Act. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – KEVIN WATTERSON/SWAMPBATS – REQUEST TO DISCHARGE FIREWORKS

A communication was received from Kevin Watterson, President of the Keene Swampbats, with an annual request for the July 3rd Independence Eve Fireworks Display on Alumni Field. The Petitioner applied for continued Community Funded Event status for FY 22. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – EUGENIA SNYDER/EVERSOURCE ENERGY – REQUEST TO ACCESS OLD GILSUM ROAD – TRANSMISSION POLE REPLACEMENT IN POWER LINE RIGHT-OF-WAY

A communication was received from Eugenia Snyder, on behalf of Eversource Energy, requesting access to the Old Gilsum Road for the replacement of four wood transmission poles. The work will occur between early June and November 30, 2021. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – ERIC GEORGE/NATIONAL GRID – REQUEST TO ACCESS OLD GILSUM ROAD FOR TREE AND BRUSH CLEARING OF POWER LINE RIGHT-OF-WAY

A communication was received from Eric George, on behalf of the National Grid, requesting access to the Old Gilsum Road for their cycle of maintenance to control the trees and brush growing on the powerline right-of-way. The specific access is through the gate at the corner of Old Gilsum Road and Timberlane Drive from June 4 to June 18, 2021. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – COUNCILORS REMY, WORKMAN, AND MADISON – COUNCIL AND STANDING COMMITTEES

A communication was received from Councilors Remy, Workman, and Madison, asking that the City Council conduct a thorough review and discussion of its meeting structure. Specifically, the communication is suggesting a review of the days of the week for meetings, the frequency of meetings, whether more Council business could be handled administratively and whether a consent agenda should be included in the Council's Rules of Order. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

PLD REPORT – AMENDMENTS TO THE LAND DEVELOPMENT CODE – HISTORIC DISTRICT COMMISSION

Planning, Licenses, and Development Committee report read accepting the amendments to the Land Development Code as informational. Mayor Hansel filed the report as informational.

FOP REPORTS – 2018 HOMELAND SECURITY GRANT – KEENE POLICE DEPARTMENT; AND 2019 HOMELAND SECURITY GRANT – KEENE POLICE DEPARTMENT

Finance, Organization, and Personnel Committee report read recommending that the City Council authorizes the City Manager to do all things necessary to accept a 2018 Homeland Security Grant Program Award in the amount of \$4,501.01.

A second Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to accept a 2019 Homeland Security Grant Program Award in the amount of \$30,515.

A motion by Councilor Powers to carry out the intent of both reports 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 DONATIONS – KEENE POLICE DEPARTMENT; PARKS, RECREATION & FACILITIES DEPARTMENT; FIRE DEPARTMENT

Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to accept the discussed donations by various departments. A motion by Councilor Powers to carry out the intent of the report encompassing five donations 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 – REPURPOSE OF COMPLETED AIRPORT CAPITAL PROJECT FUNDS – AIRPORT DIRECTOR

Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to repurpose funds remaining in completed airport capital projects to be used to fund a portion of the airport fuel farm replacement project. 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 – ENVIROTRAC CHANGE ORDER FOR LANDFILL MONITORING – ASST. PUBLIC WORKS DIRECTOR/SOLID WASTE MANAGER

Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to negotiate and execute Change Order 1 for Envirotrac for technical services associated with additional monitoring services for an amount not to exceed \$15,277 for a revised contract total of \$38,952. 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 – CAPITAL PROJECT FOR FINANCIAL SOFTWARE PACKAGE – FINANCE DIRECTOR

Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the capital transfer of \$520,000 from the 2020-2021 operating budget to the Financial Software capital project #90008. In addition, that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Tyler Technologies for the purchase of a financial software package and conversion of the City's current financial system. 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 – PROPERTY TAX EXEMPTIONS AND CREDITS – CITY ASSESSOR

Finance, Organization, and Personnel Committee report read recommending that the City Council direct the City Manager to prepare Resolutions updating the exemptions for the Elderly, Deaf, Disabled, and Blind, and resolutions for both the Veteran and All Veteran tax credits. 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 – CONSTRUCTION OVERSIGHT CHANGE ORDER – WOODWARD DAM IMPROVEMENTS – CITY ENGINEER

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Gannett-Fleming, Inc. for professional services associated with the Woodward Dam Improvements Project, in an amount not to exceed \$79,000. 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.

CITY MANAGER COMMENTS

This week, the City Manager reported that Staff had been focused on getting projects to Senator Shaheen's office to be considered for earmarked funding. Requests were submitted for Body worn camera equipment, cybersecurity project, sidewalk project on Optical Avenue, Thompson Road improvements, and a potential water/sewer project. Several weeks ago, multiple projects were submitted to Kuster's office and they selected a portion of our Cheshire Rail Trail project to move forward in the community project funding round. Wilson Street improvements and the Beaver Street Bridge were also submitted for Norther Borders funding. Keene still awaited additional grant opportunities related to the American Rescue Plan transportation initiatives. The City Manager recognized the City Departments for very quickly pulling together all these applications, Med Kopczyński for shepherding the process along with our Federal Delegation, and special recognition to Don Lussier, City Engineer, who had an enormous amount of work thrust on him to meet these deadlines while simultaneously handling projects related to the beginning of our construction season here in the City. If there is funding to be had, the City Manager assured the Council that Staff had been out there trying to get it. She was hopeful that one or more these project applications would be successful.

Good news for two City Departments. The Recreation Department had seven successful lifeguard certifications the first weekend in May, which means Wheelock Pool could open for the summer

on June 22, with a staff of 10. At the Fire Department, Firefighter/AEMT, Chris DeLaVergne, completed the NHTI Paramedic Degree Program with his graduation this week, ending an aggressive two-year program of classroom, clinicals, and ride time. This week also marked National EMS Week.

The City Manager continued providing her Covid-19 update. The meeting schedule with our partners had changed from every week to every other week. Keene State College (KSC) had two positive Covid-19 tests on May 17 and zero on the May 18. The spike that occurred recently was traced back to some Greek events and off-campus parties. KSC graduation is May 29. They lessened their restrictions to allow two guests per graduate if they provide proof of vaccination or a negative Covid-19 test. June 1 the College would go to once weekly testing for those remaining on campus thru the summer (between 300-400 people). KSC gave 110 vaccinations onsite this week to students. The City Manager continued reporting that Cheshire County was evaluating when to lessen their mask regulations. The State was showing a 1.7% positivity rate for Cheshire County as of this meeting. Cheshire Medical Center had a 7.7% positivity rate last week, which aligned with the spike KSC saw. The hospital was working on a plan to transition vaccinations from the State-run site on Krif Road to a hospital-run site at their newly acquired property on Maple Ave, likely by July 1. The manager concluded her Covid-19 report stating that there was still no easy way to track vaccinations by town/city/county.

The City Manager concluded her report sharing upcoming events. She thanked all our businesses and non-profit groups as they begin to open and schedule events. Our downtown Keene events agenda, and Keene in general, had become remarkably busy as can be seen on most afternoons. In addition to the Keene Farmers Market, other upcoming events include:

- May 28-31 All Weekend – Grand Opening Festivities for Chaos and Kindness Store
- Memorial Day Weekend – KSC Commencement
- June 5 and June 12 – Sidewalk Sales and other activities downtown associated with Art Walk
- June 5, 12:00-5:00 PM – Keene Food Festival sponsored by the Keene Young Professionals Network
- June 5, 8:00 AM-2:00 PM – Art Market on RR Square organized by Friends of Public Art
- June 5, 3:30 PM – The Keene Chorale- Messiah at the Keene Ice Arena
- July 3 – Independence Eve Fireworks on Alumni Field sponsored by Keene Swampbats
- July 4 – 4 on the 4th Road Race sponsored by Pathways for Keene

PLD REPORT – MORE TIME – REQUESTS TO USE CITY PROPERTY – MUSIC FEST, ART WALK, TREE LIGHTING, ART MARKET

A Planning, Licenses, and Development Committee report read on a roll call vote of 5-0 placing these four items on more time to allow protocol meetings to occur. The Mayor granted more time.

FOP REPORT – MORE TIME – POWER DUTIES OF THE ASSESSORS BOARD – CITY ASSESSOR; AND RELATING TO THE FY 2021-2022 OPERATING BUDGET; AND PETITION TO ACQUIRE PROPERTY BY EMINENT DOMAIN FOR HIGHWAY

PURPOSES – CITY ENGINEER; AND PETITION TO ACQUIRE PROPERTY BY EMINENT DOMAIN FOR HIGHWAY PURPOSES – CITY ENGINEER

More time was granted by Mayor Hansel for the following items in Committee: Requests to Use City Property – Keene Music Festival, Art Walk, Tree Lighting and Art Market on Railroad Square; Ordinance O-2021-05 Relating to Powers and Duties of the Assessors Board; Resolution R-2021-22 Relating to the FY 2021-2022 Operating Budget; and, Resolution R-2021-19 Petition to Acquire Property by Eminent Domain for Highway Purposes.

ORDINANCE FOR FIRST READING – RELATING TO CLASS ALLOCATION AND SALARY SCHEDULE – ORDINANCE O-2021-08

Memorandum received from the ACM/Human Resources Director along with Ordinance O-2021-08 Relating to Class Allocation and Salary Schedule. Memorandum filed as informational. Mayor Hansel referred Ordinance O-2021-08 to the Finance, Organization, and Personnel Committee for first reading.

PLD REPORT – ORDINANCE FOR SECOND READING – RELATING TO THE WEARING OF FACE COVERINGS – ORDINANCE O-2021-07 AND CONTINUED DISCUSSION – KEENE ORDINANCE – WEARING OF FACE COVERINGS

Planning, Licenses, and Development Committee report read recommending to amend Section 66-171 (1) of Ordinance O-2021-07 by deleting the paragraph and inserting the following: *This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City Of Keene, on July 1, 2021.* The report further recommended accepting agenda item 5), Continued Discussion - Keene Ordinance – Wearing of Face Coverings, as informational. Mayor Hansel filed the report as informational.

A motion by Councilor Bosley to adopt Ordinance O-2021-07-A was duly seconded by Councilor Greenwald.

Councilor Bosley explained that the PLD Committee heard several weeks of testimony from the public on this topic. PLD had originally placed this on more time, with a compromise to our Ordinance doing away with the outdoor wearing of facemasks as of the vote intended for this evening, and to end the indoor wearing a face masks as of July 1, but there had been a lot of changes happening very rapidly with CDC recommendations. As such, Councilor Bosley yielded the rest of her time to Councilor Greenwald for an amendment.

Councilor Greenwald moved to amend Section I of Ordinance O-2021-07A to rescind the Ordinance entirely effective June 1, 2021. Councilor Filiault seconded the motion.

Councilor Greenwald said that the PLD Committee heard testimony from many individuals, both members of the public and experts with specific knowledge. Councilors had received a lot of communications on the issue, more than Councilor Greenwald heard on any matter in recent history. He said the amendment would allow the full Council to discuss the matter, given that the CDC was now in agreement with ending the mask Ordinance. The Councilor stressed that ending this Ordinance did not mean the need to wear masks was ending but that masks would be no

longer mandatory. It becomes an issue of personal responsibility, and it is advisable to wear masks in appropriate situations. He added that businesses would still have the choice to require masks. Vaccines are now widely available as well. Councilor Greenwald said this was the time for government to step back and rely on the public's personal responsibility. With the suggested effective date, businesses and others will have an opportunity to regroup and make changes.

Upon the Mayor's request, Councilor Greenwald confirmed that the intent of the amendment was to modify Part L, changing the date therein to sunset the Mask Ordinance from July 1, 2021 to June 1, 2021, while keeping the rest of the Ordinance language. Councilor Filiault, confirmed this was the intent of his second to the motion.

Lengthy discussion followed. Councilor Filiault said that the businesses he spoke with supported ending the Ordinance, but they thought June 1 would be an acceptable date to allow for transition – physically and mentally – to what could be confusion for many after one year with this Ordinance in place. He said this was all based on science and the vaccination rates.

Councilor Remy stated that he appreciated the interest in giving businesses time to adjust but thought making this amendment effective the day after this meeting would provide everyone more than one day to decide how they would handle the change and put a sign in the window. While he was in support of the amendment, he would likely offer a further amendment to determine support for sun-setting the Ordinance effective immediately.

Councilor Williams suggested suspending the Ordinance rather than ending it so that if Covid-19 rates spike again sometime this year it could be reinstated. He added that before this Ordinance sunsets, he hoped for a vaccine clinic at the high school so everyone over age 12 would really have had the chance to vaccinate. Otherwise, this would mean children going to school and passing unvaccinated children in crowded hallways. When the Ordinance sunsets, Councilor Williams said he expected there to be a rise in positivity rates, which concerned him, and made him feel June 1 was too aggressive. He would be more comfortable waiting until July 1.

Councilor Jones questioned how sunsetting the Ordinance would impact City employees and the public visiting City buildings. The City Manager said that she planned to follow the cues of the City Council on the Mask Ordinance, ending the mask requirements for City Departments, posting updated CDC recommendations in buildings, and would request that Staff carry masks with them when entering public spaces should someone from the public or Staff prefer to interact with masks on while people transition.

Councilor Bosley did not believe that the City's Mask Ordinance impacted the school district, which had a mask requirement before the City did, and she did not believe that would end with the Ordinance sunsetting. Further, Councilor Bosley agreed with Councilor Remy that keeping the Ordinance in effect any longer than necessary would create public confusion between CDC, State, and City guidelines; she already saw people without masks, assuming they were doing the right thing. Councilor Bosley supported sunsetting the Ordinance June 1 if not sooner through another amendment.

Councilor Ormerod agreed with Councilor Greenwald that a June 1 date would allow businesses and City services an opportunity to transition. He asked what sunseting the Ordinance would mean for City Council meetings. Mayor Hansel replied that the only thing holding him back from in-person meetings was the Mask Ordinance and therefore if the Ordinance were lifted, he would work hard to have an in-person Council meeting on June 3, though he was not announcing that officially.

Councilor Madison agreed with Councilor Greenwald, stating that sunseting on June 1 provides a good transition period for businesses City services. He said this would remind the public that they have a level of responsibility in caring for their own health but provides a safety margin of waiting until KSC students have moved out before removing masks in public.

Councilor Workman agreed with Councilor Williams. She said that yes, the CDC and State had suggested no more masks, but that the Dr. Chen expressed concern for the CDC suggestion and Governors easing of the mandate. She it was clear during the PLD discussions that there were firm reasons for choosing July 1 and she did not believe those reasons had changed at all. She said the Covid-19 incubation period was still two weeks and while Memorial Day and KSC graduation would have passed by June 1, and a spike during the following two weeks was expected. She said the PLD Committee also suggested July 1 to allow the elementary, middle, and high schools to end their terms. She supported the July 1 sunset clause with the outdoor portion ending immediately.

Councilor Greenwald said by his logic, the worst confusion would be that someone wears a mask accidentally, which would be better for them. He said he would keep repeating that everyone should continue wearing masks in the appropriate situations. Regarding schools, he cited Councilor Ormerod as potentially having knowledge on the issues. Councilor Greenwald said that he hoped the school board would continue having children wear masks in hallways, citing that as an appropriate situation to continue wearing masks, with a lot of people in a close environment. He thought it was important to give businesses an opportunity to choose their future and he anticipated many businesses had already given this transition much thought. He added that Councilor Williams was not wrong about kids only recently being allowed to vaccinate and he hoped the school board would offer vaccine clinics soon.

Councilor Giacomo said that Council Greenwald made a lot of good points that he agreed with. Councilor Giacomo said it was important to remember why the Mask Ordinance was implemented initially, which was to flatten the curve. He said the curve was well-flattened and that the risk of overloading health care systems had passed with the high-risk receiving vaccines. He understood the risk of contracting Covid-19 was still real, but he did not believe the role of government was to mitigate Covid-19 risk to zero; that was unreasonable. Councilor Giacomo concluded that the Mask Ordinance had done its job and he would support a June 1 sunset, or sooner if so moved.

Councilor Johnsen agreed with Councilor Williams regarding the school aged population. Councilor Johnsen wondered if there was a way for the City Council to communicate with the school board to encourage masks in the hallways. She was concerned with eliminating masks in

schools. Like Councilor Williams, Councilor Johnsen did not like the rush. Councilor Johnsen had been contacted by constituents with every perspective, but she cares about the young people and all Keene citizens.

Councilor Remy clarified that the confusion he referred to earlier was the June 1 date. He cited a recent example of an event that drew visitors from out-of-town, stating that 70-80% of the people arrived to the business without masks that they needed to enter the establishment. He said that was the sort of confusion arising for out-of-town customers who are unfamiliar with the local ordinances, which Councilor Remy said was creating confrontations. He said that was the important confusion, not for someone who wears a mask they do not need to.

Councilor Ormerod said that the school board held its monthly meeting on May 19 and said no mask policy changes would occur in the schools sooner than the next school board meeting in June. Councilor Ormerod reassured the Council that there were no plans to change the conservative school mask policies.

Councilor Madison asked whether lifting the Mask Ordinance would prohibit any business from requiring that their patrons wear masks. He also asked whether a business could deny service to a customer for wearing a mask. To the Councilor's first question, Mayor Hansel said that sunsetting the Ordinance would not prohibit any entity from enacting their own mask regulations. To the Councilor's second question, the City Attorney said that it was the flip-side of the same question, stating that businesses have the right to control their premises, at least at the moment. Whether there are legislation changes is another question as there is no legislation now to require vaccinations, for which a human rights statute was under consideration to make it illegal to require that someone have a vaccination to provide them goods and services, but masks had not been incorporated with that statute.

Councilor Filiault said this was a healthy debate. He said that nine months ago 15 Councilors, with as many opinions, debated this Ordinance and came together allowing the City Attorney to write the compromise. In much the same fashion and despite not being his preference, Councilor Filiault thought June 1 was a good compromise to the present debate, for which there was no perfect solution. He hoped to see a vote on Councilor Greenwald's amendment to keep the discussion moving.

Councilor Johnsen stated that one of her major concerns was Keene students being in school through the month of June. She asked whether Councilor Ormerod would be comfortable addressing concerns presented at this meeting to the school board at their next meeting. Mayor Hansel said that Councilor Ormerod expressed earlier in the meeting that the school district would remain conservative on masks in their facilities, likely through the end of the school year.

Councilor Williams spoke of the school board, stating that he was pleased they had a mask mandate. He went on to cite concerns for children being more susceptible to the new Covid-19 variants that were spreading. He stated that he was impressed with the excellent work the schools did adjusting during the pandemic. Councilor Williams thought it was still important to continue taking steps to help prevent Covid-19 spread. There had been a spike in cases in Keene recently

and the City was the second highest Covid-19 rate in the state as of this meeting, which supported the July 1 date.

Councilor Workman echoed Councilor Williams, stating that local professionals, including Dr. Chen, were urging decisions based on the local Covid-19 levels. One local school was just closed for two days because of cases. She understood everyone was tired but did not understand the significant difference between June and July 1, stating that July 1 was just chosen unanimously at the PLD meeting the preceding week.

Councilor Giacomo reiterated that masks would not stop a Covid-19 spread. He said getting rid of the Mask Ordinance was not going to cause an appreciable spike in hospitalizations because the most vulnerable population, the elderly, healthcare workers, and educational workers had largely been vaccinated or were choosing willfully not to.

Councilor Ormerod supported July 1 to help elderly, healthcare, and education professionals. He was in favor of lifting the outdoor mandate immediately, citing challenges for sports players.

Councilor Jones said he debated the effective date, originally aligning with Councilor Remy, and then considered Councilor Workman's comments, stating that the public only had the opportunity to comment on the June 1 date under consideration and not this amendment. Therefore, Councilor Jones believed the City Council should approve the PLD decision.

On a roll call vote of 10 Councilors voting in favor, and Councilors Williams, Jones, Johnsen, Ormerod, and Workman in opposition, the Keene City Council unanimously amended language in the Mask Ordinance to terminate automatically on June 1, 2021.

A motion by Councilor Remy to change the date to in Section L of the Mask Ordinance to reflect the outdoor mask mandate to end effective immediately and the remainder of the Ordinance to sunset effective midnight on May 21, 2021 was duly seconded by Councilor Bosley.

Because substantial discussion had ensued already, Councilor Filiault moved the Question. Mayor Hansel asked for Councilor Ormerod to be allowed to speak.

Councilor Ormerod pointed out how the science of herd immunity works, stating that it depends on people getting vaccinated and some people were choosing not to, had not been yet due to accessibility, or could not for medical reasons, all of which he said still impacted the whole community. Councilor Ormerod said the argument that everyone had a chance to be vaccinated was fine but that did not make it safe.

Councilor Filiault made a point of order to the City Attorney to clarify whether the amendment on the table was to the original motion to approve the Ordinance or Councilor Greenwald's amendment, which Councilor Filiault thought was disallowed because a vote on the amendment passed already. The City Attorney replied that the Council voted on Councilor Greenwald's amendment but not the original vote to adopt the Ordinance. This was another amendment to the Ordinance that still pended adoption.

On a roll call vote of with 11 Councilors voting in opposition and Councilors Remy, Giacomo, Jones, and Bosley voting in the affirmative, the motion to amend failed.

A motion by Councilor Filiault to adopt Ordinance O-2021-07-A as amended was duly seconded by Councilor Greenwald. On a roll call vote with 13 Councilors voting in favor and Councilors Williams and Workman voting in opposition, the Keene City Council unanimously adopted Ordinance O-2021-07-A.

Councilor Bosley exited the meeting at 9:00 PM.

PLD REPORT – ORDINANCE FOR SECOND READING – LAND DEVELOPMENT CODE AND DOWNTOWN ZONING – ORDINANCE O-2020-10B AND ORDINANCE O-2020-11A

Planning, Licenses, and Development Committee report read amending Ordinance O-2020-10A as proposed in the memorandum dated May 10, 2021 from Tara Kessler. The report further recommended that the City Council vote to adopt Ordinance O-2020-11A and O-2020-10B with an effective date of September 1, 2021. Mayor Hansel filed the report.

A motion by Councilor Greenwald to adopt Ordinance O-2021-11A with an effective date of September 1, 2021 was duly seconded by Councilor Jones.

A motion by Councilor Greenwald to adopt Ordinance O-2021-10B with an effective date of September 1, 2021 was duly seconded by Councilor Jones.

Councilor Greenwald reported that this major project and effort by Community Development Department Staff had been ongoing longer than some Councilors had been serving. The Community Development Department Staff had facilitated numerous presentations for Staff, City Council, and the public to address concerns and amend accordingly. Time would tell whether this would simplify development, but Councilor Greenwald said this was a major improvement that was reviewed extensively by the joint Planning Board/PLD Committee. September 1, 2021 was proposed as the effective date to allow Staff and the community time to transition.

Councilor Jones stated that this had been ongoing a long time and development questions that would have taken six documents previously to answer were now easily accessible in one document. He said this would simplify Keene's ordinances and that many communities would likely follow the example. He thought Keene's would be better than some. He imagined there would be times and places to amend parts of the Ordinance, but said that the Council goal that prompted this undertaking was to create a more business/user friendly regulatory environment, which was accomplished through this more flexible and streamlined process. Councilor Jones stated that this was one of the most important ordinances since he had begun on the City Council and he thanked the Staff for the tireless effort in addition to Councilors and Planning Board members past and present who worked on this.

Mayor Hansel said this was a multi-year effort that nearly everyone in the City had touched and could claim in some way. He said this was a big deal that placed Keene ahead of other NH communities with the first unified development ordinance in the state and it would set Keene on the right track toward its community vision.

On a roll call vote with 14 Councilors present and voting in favor, the Keene City Council adopted Ordinance O-2021-11A with an effective date of September 1, 2021. Councilor Bosley was absent the vote.

On a roll call vote with 14 Councilors present and voting in favor, the Keene City Council adopted Ordinance O-2021-10B with an effective date of September 1, 2021. Councilor Bosley was absent the vote.

**ORDINANCE FOR SECOND READING – RELATING TO CHAPTER 46 LICENSES AND PERMITS – SOCIAL SERVICES AND CONGREGATE CARE USES LICENSE –
ORDINANCE O-2021-04**

Planning, Licenses, and Development Committee report read recommending that the City Council vote to adopt Ordinance O-2021-04 with an effective date of September 1, 2021. Mayor Hansel filed the report. A motion by Councilor Greenwald to carry out to adopt with effective date of September 1, 2021 was duly seconded by Councilor Jones. The motion passed unanimously on a roll call vote with 14 Councilor present and voting in favor. Councilor Bosley was absent the vote.

PLD REPORT – ORDINANCE FOR SECOND READING – RELATING TO SOCIAL SERVICES AND CONGREGATE CARE USES AND LICENSE – ORDINANCE O-2019-13 AND ORDINANCE O-2019-14

Planning, Licenses, and Development Committee report read recommending that the City Council vote to defeat Ordinance O-2019-13 and Ordinance O-2019-14. Mayor Hansel filed the report. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jones.

The City Attorney clarified that these ordinances were never on the books and so with a unanimous yes vote, there would be no changes.

The motion to defeat Ordinances O-2019-13 and O-2019-14 passed unanimously on a roll call vote with 14 Councilor present and voting in favor. Councilor Bosley was absent the vote.

FOP REPORT – ORDINANCE FOR SECOND READING – RELATING TO THE DUTIES OF THE CITY ATTORNEY

Finance, Organization, and Personnel Committee report read recommending the adoption of Ordinance O-2021-06. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Ordinance O-2021-06 was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilor present and voting in favor. Councilor Bosley was absent the vote.

RESOLUTIONS – FY 2021-2022 BUDGET – BOND RESOLUTIONS

A memorandum was received from the Finance Director recommending Resolutions R-2021-15, R-2021-16, and R-2021-17 relating to appropriation of funds for the Flood Management, Patricia T. Russell Park Improvements, and Road Rehabilitation Projects be introduced and read at the

05/20/2021

May 20, 2021 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council. Mayor Hansel referred the Resolutions to the Finance, Organization, and Personnel Committee.

FOP REPORT – CHESHIRE RAIL TRAIL PHASE III – APPROPRIATION OF FUNDS – CITY ENGINEER AND CHESHIRE RAIL TRAIL PHASE III – REALLOCATION OF PROJECT BALANCE – CITY ENGINEER

Finance, Organization, and Personnel Committee report read recommending the reallocation of unspent project funds from the Cheshire Rail Trail Phase II project to the Cheshire Rail Trail Phase III project. A motion by Councilor Powers to reallocate unspent funds from the Cheshire Rail Trail Phase II project to the Cheshire Rail Trail Phase III project was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilor present and voting in favor. Councilor Bosley was absent the vote.

The report further recommended the adoption of Resolution R-2021-24. A motion by Councilor Powers to adopt Resolution R-2021-24 was duly seconded by Councilor Hooper. The motion passed unanimously on a roll call vote with 14 Councilor present and voting in favor. Councilor Bosley was absent the vote.


FOP REPORT – CHESHIRE RAIL TRAIL PHASE III – CONSULTANT SELECTION – CITY ENGINEER

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Greenman-Pedersen, Inc., in an amount not to exceed \$80,000, for Construction Engineering Services required for the Cheshire Rail Trail Phase III project. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent the vote.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 9:27 PM.

A true record attest:



City Clerk