

**City of Keene**  
**New Hampshire**

**FINANCE, ORGANIZATION AND PERSONNEL COMMITTEE**  
**MEETING MINUTES**

**Thursday, July 8, 2021**

**6:30 PM**

**Council Chambers**

**Members Present:**

Thomas F. Powers, Chair  
Bettina A. Chadbourne  
Raleigh C. Ormerod

**Members Not Present:**

Stephen L. Hooper, Vice Chair  
Michael J. Remy

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Thomas P. Mullins, City Attorney  
Martine Fiske, Library Director  
Andrew Bohannon, Parks, Recreation and  
Facilities Director  
Steve Stewart, Police Captain  
Demitria Kirby, Youth Services Manager  
Patricia Little, City Clerk

Chair Powers called the meeting to order at 6:30 PM.

**1) Acceptance of Grant for Library - Library Director**

Library Director Marti Fiske addressed the committee regarding a grant in the amount of \$5,260. This grant is through the Institute of Museum and Library Services and the American Recovery Plan Act. It is the first round and it was based on the population of Keene and its Poverty Index.

This grant will be used to purchase a 16-foot portable screen, a high quality LCD projector, a portable sound system and supporting accessories that make this sound system a mobile unit. The equipment is going to be used for outdoor events at the library on the library grounds. Ms. Fiske indicated this equipment will be very useful important as they transition to in-person programs that are being done outdoors especially during the summer months when they are running library programs for youth who are under the age of 12 and who have not been vaccinated for Covid-19 yet. She indicated they are trying to keep as many of their programs outdoors as possible. After the pandemic conditions have ended they will still be able to use this equipment at other events that are outdoors for outreach purposes.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to accept a grant of \$5,260 from the New Hampshire State Library, Institute of Museum and Library Services, and the American

Recover Plan Act Formulaic Sub-Grant Round 1 for the support of library services that meet the needs of the community.

**2) Acceptance of Donation - Bench in Memory of Richard Berry - Parks, Recreation and Facilities Department**

Parks, Recreation and Facilities Director, Andrew Bohannon was the next speaker. Mr. Bohannon indicated that Christine Houston, in memory of her father Richard Barry has donated a bench as part of the “adopt a bench” program. The bench will be located on top of the Ammi Brown Trail on the Cheshire Rail Trail, which is scheduled to be built later this summer.

Mr. Bohannon reminded those present that Richard Barry served on the Planning Board and was a strong advocate for conservation within the City. He also served as a City Councilor, a Moderator for Ward Five and a longtime board member for Southwest Region Planning Commission,

Councilor Ormerod made the following motion, which was seconded by Councilor Chadbourne.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of a bench from Christine Houston and that the bench be placed along the Cheshire Rail Trail near the Ammi Brown Trail.

**3) FY21 DOJ Justice Assistance Grant - Police Department**

Police Captain Steve Stewart stated he was before the Committee to receive approval to co-apply with Cheshire County for the 2021 US Department of Justice Assistance grant in the amount of \$5,590. Captain Stewart stated these funds would be used for continued cellular connectivity of smartphones that the Department has in its cruisers. The smartphones will also be in the Investigations Bureau which allows for more efficiencies in communicating with victims and witnesses as well as collecting items with evidentiary value, such as photos etc.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept, the U.S. Department of Justice FY21 JAG in the amount allocated to the City of \$5,590.

**4) Acceptance of Funds From the NH Court Division Network - Youth Services**

Youth Services Manager Demitria Kirby addressed the Committee and stated the Department has received an opportunity for additional funding from the New Hampshire Juvenile Court Diversion Network totaling up to \$5,000. She explained this funding is for the City to complete substance abuse screeners for the youth as they are referred to the program.

Councilor Ormerod made the following motion, which was seconded by Councilor Chadbourne.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

**5) Public Hearing on Charter Amendment - Redistricting of Ward Lines - City Clerk**

City Clerk Patty Little addressed the Committee and reminded the members that the City was under a fairly strict timeline in terms of the statutory process to propose a charter amendment on the redistricting of ward lines. She indicated she is before the Committee to recommend the Mayor schedule a public hearing on the proposed charter amendment.

Ms. Little noted two weeks ago staff had indicated they were going to be looking at various City Charters in the State as some communities already designate their City Councils or their Board of Aldermen as the authority to redistrict ward lines. For most communities, the redistricting of ward lines is a question that goes before the voters and any redistricting effort appears as a ballot question. She indicated she provided the City Attorney with the City Charters from the cities of Lebanon, Concord and Nashua. These three communities already have removed the ward line descriptions for their charters. Ms. Little stated she also shared with the City Attorney a proposed amendment from the City of Dover, which is on track to propose an amendment at their municipal election to remove that ward line description from their charter.

Ms. Little continued the charter language from Nashua was being recommended as a model as it included everything that needed to be said; however, there are some provisions in the Nashua charter that staff is not recommending. The most important exception is based upon advice from the Secretary of State's office and specifically the legal counsel representing the Secretary of State. Their concern is a community having the ability to redistrict its ward lines outside of the census process. The Secretary of State office is not in favor of an ability for a City Council to be able to redistrict its ward lines outside of the federal census. Therefore, that provision in the Nashua City Charter is not being recommended for Keene. It is recommended that the redistricting ward lines will only be triggered by the 10 year Constitutional provisions to equalize ward populations.

Ms. Little stated the other aspect that the staff is not recommending related to the public notice for the public hearing. The Nashua Charter requires 30 days' notice that she felt was too long. Ms. Little suggested staying in line with the statutory notice for any kind of charter amendments and that would be seven days.

Another aspect of the Nashua charter that is not being included in Keene's proposed amendment dealt with informational meetings held in every ward to give an opportunity for voters of that ward to come to a location in that ward and talk about ward lines. Ms. Little stated she was concerned about the logistics of those informational meeting and how they would be noticed. She also questioned the overall necessity for these informational meetings because they will not relieve the City Council from conducting the public hearing before the City Council. Because of these concerns, staff is not recommending informational meetings.

Finally there is a sort of an odd passage in the Nashua charter about the effective date of the ward lines before the redistricting process reverted to the governing body. Staff is not recommending the identification of the last time the voter's redistricted the ward lines within the proposed amendment.

Ms. Little continued that after the public hearing is held the formal amendment language would be sent to the Secretary of State and the Attorney General's office. After their review and approval, there would be a final vote by the City Council to place an amendment to the Keene City Charter on the Municipal General ballot.

The City's objective is to have the ballot question on the November, 2, 2021 municipal ballot. The City did receive some encouragement by the House Redistricting Committee to have the effective date as soon as possible, because the State also needs to redistrict its district lines and they utilize the City's ward lines in that effort.

Ms. Little explained the amendment to the charter has four provisions:

- Deletes the street by street ward descriptions from the charter.
- Designates the City Council as the authority to redistrict ward lines to comply with the Federal constitutional requirements to equalize the populations between wards.
- Establishes a process for redistricting, which would be codified in the City Code.
- Provides that if a Councilor's residence is impacted by any redistricting change, the Councilor would continue to serve until the end of the term for which they were elected.

Councilor Ormerod asked for clarification on any ad hoc redistricting committee. Ms. Little stated the Mayor will be approached as to the creation of an ad hoc Redistricting Committee. This process will be running parallel to the City Council's charter amendment process. Census results are expected by the end of September and the plan is to have the ad hoc Committee created by that time. When the census data arrives, staff will be working with the GIS technician in the Community Development Department. Before they actual start working with the census track populations, the committee will also need to determine what the deviation the City wants to achieve. Once the redistricting committee makes a recommendation as to any ward lines changes, that recommendation will be adopted by the City Council in the form of an ordinance with an effective date of January 1, 2022. There will also need to be a mechanism to notify voters impacted from the redistricting effort of what their new polling locations will be.

Councilor Chadbourne asked who has to authority at the present time to redistrict ward line. Ms. Little stated it was the Keene voters who had that authority. Ms. Little noted the reason for removing the ward line description and transferring the responsibility to the City Council is because of a very significant delay in the receipt of the Federal census data. This information is usually received by the beginning of June, but this year that information is not going to be received until the end of September. That delay would not allow the City from putting any sort of redistricting effort on the ballot for the voters this fall. Hence, the only remedy – and this will be a remedy for every New Hampshire City which has not already removed the ward descriptions from the charter – is to shift away from having ward line descriptions in the Charter and to authorize the City Council to redistrict ward lines in response to the Federal census data.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that a Public Hearing be set for August 19, 2021 on a charter amendment that would delete the ward lines descriptions from the City Charter, designate the City Council as the authority to redistrict ward lines to comply with Constitutional requirement to equalize populations, establish a process for any redistricting changes that would codify the ward descriptions in the City Code and provide that if a City Councilor's residence is impacted by any redistricting change that the Councilor would continue to serve until the end of the term for which they were elected.

**6) Councilor Andrew Madison - Mandatory Training for City Councilors**

Councilor Andrew Madison addressed the Committee and stated he had submitted a communication last week requesting to establish a policy for mandatory training for City Councilors specifically with regard to sexual harassment, implicit bias, diversity and inclusion and professional ethics. He indicated there are several reasons why he decided to write that letter. In terms of individuals, there are many who are suffering disenfranchisement and who are not feeling heard from elected bodies. Also, many movements have occurred in many communities and closer to home he has seen other communities in New Hampshire enact similar policies requiring the separate training for their public elected officials.

He indicated about two years ago, the New Hampshire State Legislature adopted, but then vetoed a policy that would have required mandatory sexual harassment for legislators. There have been several towns and cities throughout the State that have enacted similar rules. Added to that, the Councilor noted Keene has its own Racial Justice and Community Safety Committee that was recently formed. In their report they suggested this type of training for City employees and he felt as a City Councilor it is incumbent on the Council to set a good example by undertaking this type of training.

Furthermore, last Thursday the City put out a statement on a Declaration of Inclusion that came before the City Council which the Council enthusiastically supported and he felt it was a good idea to put that statement into action by undertaking this type of training to ensure we are treating our residents, constituents, each other, and our City staff with dignity, respect and compassion. He added he will never accuse anyone on the Council of not displaying that type of behavior, but it is a way for everyone to be on the same page. It is a way for the Council to look at its own words and behaviors and reflect and it is a way for the Council to grow and improve as leaders in this community and to better represent and better serve our constituents.

Councilor Ormerod referred to the HR Director asked which of the trainings mentioned by the Councilor are already given to City employees that perhaps the Council could participate in, and what new trainings would have to be developed and approved. HR Director Beth Fox stated the City has easy access to a number of online trainings. There is a workplace harassment training which was done with the Council a few years ago.

Ms. Fox stated there is a lot of discussion and development of exactly what sort of training municipalities can provide around the question of implicit bias, diversity and inclusion and they

are likely to see some new initiatives in that effort over the next four to six months. She noted the ethics training provided to Councilors is different to what employees are provided.

Councilor Ormerod asked whether this can be put in place for orientation in January. Ms. Fox felt it would be very ambitious to have a comprehensive program in place for orientation in January. She stated staff can take a look at what they are doing now for orientation and add some components to it which address emerging needs. She indicated January could be a tight timeline, particularly on implicit bias training which is still in the development stages for municipalities, at least in New Hampshire.

Councilor Chadbourne felt each of these topics could end of being an individual workshop - as they are large topics. She stated as leaders her hope is they come equipped with this knowledge, but they don't. She felt a formal training was a good idea, but wasn't sure how it can be completed. Ms. Fox stated it can be done in a workshop format but noted she is not in charge of scheduling workshops and added they are pressed for time particularly because of the high turnover in the Council. She added workshop training is perhaps something the Council would need to make a decision on regarding what components they want to focus on.

Chair Powers clarified that recently the Legislature included as part of its budget adoption a prohibition on the training of inherent bias. Attorney Mullins it is not in prohibition, but it looks like one. He indicated it was adopted as part of the budget, it has a lengthy set of requirements on its face. It talks about not discriminating against people and respecting how they act, feel or believe. He indicated it is a very difficult piece of legislation to navigate through to determine what is and what is not permissible. At the end, the legislation says there is nothing contained in here which should restrict the objective presentation of these issues. The Attorney stated the question at that point becomes what determines how something is determined as "objective." He stated this is something staff is going to have to work through with people within the training environment to determine what the City can and cannot do at this point. He indicated this is a separate question at the moment from the other two proposals that are being made and the City needs to be careful about this issue.

Councilor Madison stated he is becoming more acutely aware of the time constraints of being a City Councilor and also navigating a 40-hour week job. He felt perhaps a compromise might be these kinds of trainings could be in an online format that Councilors would have a timeframe to complete so as to not interfere with their schedule. He agreed in-person training is preferable, but on-line training would work to be able to get the same information.

City Manager Elizabeth Dragon noted her comment related to Councilor Madison's suggestion that the training be mandatory for the City Council and she felt this is something the Council may need to discuss through a Rules of Order change. She indicated mandatory training can be put in place for employees, but making mandatory training for elected officials can be a "tricky" subject.

Councilor Chadbourne stated she was also going to express concern about mandatory training as well. She also noted there are many different committees and commissions, not just in the City

and at the college where these things are being addressed and she felt perhaps the City could learn and get direction without too much duplication.

Chair Powers stated what he is hearing is there is a lot of interest in trying to address this topic. Councilor Madison in his letter is looking for this to be completed by fiscal year 2023. He stated it sounds like the City needs some time to work through this, so the City can come back with a reasonable proposal which meets all the criteria. He felt the item could be put on more time or it could be referred to staff. He felt it would be more productive to refer it to staff to have them work on it and come back with some drafts.

Councilor Ormerod stated he would like to see what can be done for orientation, to address at least address a couple of items. He stated he would also like to see what other resources there are for on-line training.

Councilor Ormerod made the following motion which was seconded by Chair Powers.

That the Finance, Organization and Personnel Committee recommends the communication from Councilor Madison with regards to training on two of the five elements be referred to the City staff to be incorporated into the Council orientation process for January, 2022.

Councilor Ormerod stated he was open to a suggestion on the two most salient ones that Councilor Madison thinks he would like to see addressed. The Manager suggested sexual harassment and gender sensitivity along with professional ethics as topics she would suggest, only because the implicit bias diversity inclusion conversation is going to still need to unfold at the State level before the City is going to be able to implement training of any sort.

Ms. Fox suggested instead of sexual harassment perhaps workplace harassment as “harassment” is a much broader topic. Councilor Johnson addressed the committee and stated she supports what Councilor Madison is proposing. She stated one of the things she values about the City Council is how well people treat one another and she felt they can be role models for the City by going through this training.

Councilor Ormerod withdrew his motion and Chair Powers withdrew his second.

Councilor Ormerod made the following motion which was seconded by Councilor Chadbourne.

On a vote of 3 – 0, the Finance, Organization and Personnel Committee recommends the communication from Councilor Madison with regards to training on workplace harassment and professional ethics be referred to the City staff to be incorporated into the City Council orientation process for January, 2022 and the issue regarding implicit bias training be referred to staff for further investigation.

## **7) Relating to Water and Sewer Utility Charges Ordinance O-2021-10**

Public Works Director/Emergency Management Director Kurt Blomquist and Finance Director Merri Howe addressed the Committee with reference to Ordinance O-2021-10 relating to the water and sewer utility rates water. These rates are both the primary sources of revenue for both

the water and sewer enterprise funds. Ms. Howe stated as the cost of providing water and sewer services increases and capital planning needs change, water and sewer rates need to be adjusted to accommodate these changes and meet the budgetary needs moving forward. Using the right methodology approved by the City Council on July 1, meeting volumetric and fixed rates for both water and sewer have been calculated to support the revenue needs to fund operations and capital planning for FY 22. She noted this methodology uses two components for each service account; volumetric and fixed rate. However, the fixed component and the volumetric component have been realigned based on the results of the recent study.

The value metric rate shown in this ordinance are at a per unit cost. Each unit is 100 cubic feet or 748 gallons of water consumption. The rates shown are based fixed rates and their meter sizes. Fire line rates per City Council request, will remain at the 2019 rates.

Mr. Blomquist added by the Council not increasing the 2019 fire line rates, there might be a question about what happened. He explained there was about \$300,000 that had to be moved into both fixed charges and volumetric charges to compensate for not increasing the fire line rates.

Councilor Chadbourne stated the people she has spoken to seem to be more receptive to what is before the committee today.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-10.

#### **8) Relating to Parking Ordinance O-2021-09**

Economic Development Director Med Kopczynski addressed the Committee and began by introducing Chelsea North the new Parking Manager. Mr. Kopczynski stated staff is before the Committee today to request a change to City Code to allow more flexibility in delivering parking services. He stated in the past the City has concentrated its discussion on Main Street parking and it have not tried to address the significant and growing need for workforce and especially residential parking. Residency in downtown is growing and with the adoption of the Unified Development Code, it will grow further.

Hence, the changes being proposed are intended to accommodate some of the demand for workforce and address a parking need for full time residents, where there is an estimated 1,000 units within the limits of the newly adopted growth districts. To that end, the City has conducted an experiment with the Wells Street garage, to see if there was an interest in expanding rental spaces, in addition to overnight parking. The answer is an overwhelming “yes” with a waiting list as well as contacts from our neighbors and businesses eager to secure parking.

The City’s goal is to provide parking opportunities for as many users of this system as it can. In addition, the Ordinance aims to keep the parking fund viable and diversification of income streams helps to do that. Mr. Kopczynski stated the City cannot rely simply on meter spaces on



Main Street to fund this operation. The adopted City Council goals directs service delivery costs to minimize the burden to the property taxpayer and at the same time to support the diverse needs of all Keene residents. In addition, the ordinance will help stabilize and revitalize existing businesses and ensure that Keene's municipal infrastructure supports the various needs of Keene residents and businesses.

The proposed ordinance includes minor wording changes and creates the mechanism to have a night rental system in the Wells Street Garage and on the Gilbo East parking lot. This does require fee changes and a criteria for overnight parking. This Code change will set the rate for on street the same as the rental program in the parking lots. Finally, the Ordinance converts the Wells Street garage into all rental with a marked section available for event overflow after hours.

Councilor Ormerod stated he wanted to clarify the City has already identified the market and ordinance put in place is guaranteed revenue. Mr. Kopczynski stated this was the purpose of the experiment staff conducted beginning in November.

Councilor Ormerod made the following motion, which was seconded by Councilor Chadbourne.

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-09.

There being no further business, Chair Powers adjourned the meeting at 7:25 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker