



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 4, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 21, 2021 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation - Airport Development and Marketing Committee

C. COMMUNICATIONS

1. Keene Downtown Group - Request to Use City Property - Ice and Snow Festival
2. Councilor Bryan Lake - Conflict of Interest - Proposed Uses of Former Wheelock Park Campground

D. REPORTS - COUNCIL COMMITTEES

1. Acceptance of Donation and Update on Skate Park Project - Parks, Recreation and Facilities
2. Acceptance of Law Enforcement Substance Abuse Initiative Grant - Police Department
3. Acceptance of Federal Forfeiture Monies - Police Department
4. Negotiate Lease of Airport Property for Hangar Development - Airport Director

5. Acceptance of FAA ARPA Grant for Airport - Airport Director
6. 12 Gilbo Avenue Lease - Parks, Recreation and Facilities Director
7. Acceptance of Opioid Settlement Proposal - City Attorney

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Canvass of General Election Results - City Clerk

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Rebecca Lancaster – Designation of a Site for Community Dog Park
2. Robert Johnson – Proposal to Build a 9-Hole Disc Golf Course at Former Wheelock Park Campground
3. Monica Marshall – Request that Main Street be Designated as a Smoke-Free Zone

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project
Resolution R-2021-40
2. Relating to the Appropriation of Funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) Permit Project
Resolution R-2021-41
3. Relating to the Office of the City Treasurer
Resolution R-2021-43
4. Relating to the Office of the City Treasurer
Resolution R-2021-44

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, October 21, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Bryan J. Lake, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, and Thomas F. Powers were present. Declaring a quorum physically present in the chambers, Mayor Hansel recognized Councilors Raleigh C. Ormerod and Kate M. Bosley, who joined the meeting via Zoom. Councilor Ormerod stated that he was participating remotely because of a temporary medical condition. Councilor Bosley stated that she was participating remotely due to health concerns. Councilor Johnsen led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor began by extending birthday greetings to the Councilors celebrating birthdays in the month of October.

Mayor Hansel went on to announce that the workshop on Council goals has been rescheduled to Wednesday, November 3 at 6:00 PM.

There will also be two special City Council meetings both starting at 6:00 PM. The first will be on Tuesday, November 9 for the evaluations of the City Attorney and the City Clerk and the second special meeting will be on Tuesday, December 7 for the evaluation of the City Manager. The Mayor strongly encouraged all Councilors to attend these special meetings and to complete their portion of the online evaluation forms that will be sent to them electronically on Friday, October 22. The Councilors' portions of the evaluation forms are due on Friday, October 29. The Mayor said this is one of the most important duties of City Councilors.

MINUTES

A motion by Councilor Powers to adopt the minutes of the October 7, 2021 meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

DECLARATION OF INCLUSION

Mayor Hansel invited Councilor Jones, Andy Bohannon (Parks, Recreation & Facilities Director), and Marti Fiske (Library Director) forward for presentation of the declaration.

Councilor Jones said this was a truly monumental and historic event for the City of Keene and all Councilors, Staff, and the community. He recalled that the Council voted to adopt this Declaration of Inclusion, which was signed by the 14 City Councilors in office at the time of its adoption. Councilor Jones said this was historic because it is the first declaration in the City of Keene, and Keene will be the first city in NH with such a declaration. He said this says a lot about the City. It was a team effort to accomplish, and he thanked everyone for their input, including Councilor Powers and the FOP Committee, Councilor Ormerod, Councilor Manwaring and the Human Rights Committee, Mayor Hansel, and City Staff. Councilor Jones hopes this Declaration will last forever and that times do not change so much that people do not believe in

it. Councilor Jones presented four copies of the framed and signed declaration: one to the Mayor, one to be displayed prominently in City Hall, and one to both Mr. Bohannon and Ms. Fiske, to be hung in the Parks & Recreation Center and Library as these are buildings that operate inclusively every day for everyone who wants to participate in the community. Mayor Hansel thanked Councilor Jones.

PRESENTATION – PUBLIC, EDUCATION AND GOVERNMENT COMMUNITY ACCESS TELEVISION PRESENTATION

Mayor Hansel welcomed the IT Director/Assistant City Manager, Rebecca Landry, for this presentation. Ms. Landry began stating that she, the City Manager, City Attorney, and City Clerk had been meeting for several months to talk about the future of public access or community access television in Keene, and that it was time to update the Council on their progress.

Ms. Landry continued with an overview of what Staff had been working on and how they envision returning public education and government programming to the community. She began with a basic overview of how the Spectrum agreement works. Keene has a franchise agreement with Spectrum, also known as Charter Communications. Per Section 611 of the Telecom Act, local franchising authorities (meaning the City of Keene) can require cable operators (in our case, Spectrum) to set aside channels for public education or government use. The FCC website states that public access channels are usually administered by the cable operator (Spectrum) or by a third party designated by the franchising authority, such as a nonprofit organization. The educational access channels are used by schools and other education institutions for educational programming. Time on these channels is typically allotted according to the FCC among schools by either the franchising authority, the City, or the cable operator (Spectrum). Governmental access channels are used for programming by local governments and most jurisdictions and local governments directly control those channels. Keene has done this differently in the past; Ms. Landry was here when we first started community access television a few decades ago. However, the City has indeed been facilitating the government content since early this year, with the help of part-time staff that were hired specifically for this purpose.

Ms. Landry showed a slide to demonstrate that the information she provided was on the Spectrum website and she quoted part, “Franchise fees. If collected by Charter on behalf of local governments and municipalities, this fee is paid directly to the local government to use the public rights-of-way when providing cable service. According to Federal law, cable operators may pass the entire amount of the franchise fee to their customers and itemize the fees on the customers’ bills.” Ms. Landry continued stating that the current franchise fee with Spectrum in Keene is a 3.5% fee; the fee has a 5% cap cited in Keene’s franchise agreement and imposed federally. The franchise fees are paid by cable operators to local governments as compensation for the use of the public rights-of-way, and cable operators (Spectrum) may collect that full amount from cable subscribers. The current franchise fee in fiscal year 2020 yielded \$206,000 for the City of Keene. Ms. Landry said that what is expected in the future, as more and more broadband options become available to our residents and businesses, is that people will switch away from cable TV in favor of streaming services, which has been expected for some time; we are not seeing any dips in cable use right now, but it is expected in the coming years. The franchise fee can only be applied

to fees associated with cable TV services, not voice or internet, so if customers bundle their cable phone, and internet services, this franchise fee can only be charged against the cable TV services. Some communities use a portion of that franchise fee to support public education and government programming, and many use it to support their general fund expenditures; there is no restriction that requires it to be used for public programming.

Ms. Landry continued stating that moving forward, local paid programming will require transparency, financial stability, and enhanced programming. A process is established and followed for transparency in decisions regarding PEG business activities in the interest of all cable subscribers. Financial management best practices will be used for long-term sustainability and stewardship of the franchise fee dollars, and enhanced programming. Public education and government content will be expanded and sufficiently supported to inform and involve our citizens. Ms. Landry said that Staff believe this is certainly possible, and are prepared to move forward in the following way after meeting as a group and with outside parties

- Public schools in the City of Keene would produce educational and government content and have access to the channels provided by Spectrum that are designated for that purpose. The City and the schools continue to discuss future use of various resources and locations to produce that content (i.e., meeting rooms, cameras, and camera setups studios). The City owns and maintains the TV studio space and equipment into the future. Ms. Landry noted that working together with the schools and taking on that educational and government programming, which the City has not done in the past, would enable the City to better serve the public with that franchise fee funding, while still providing for public programming activities as well, which Staff feel is important.
- On public programming, Ms. Landry said the City is interested in negotiating the agreement with a third-party organization for a lease of the TV studio and use of equipment, which could be a nonprofit organization that the City helps create as was the case several decades ago. This could be an existing organization that is interested as well. The third-party organization would produce public content on the channel provided for that purpose. They would be responsible for all the public content, policy procedure, and programming, which is subject to many policies and regulations. Then, the City would pay the organization for public programming services using a percentage of the franchise fee revenue received from Spectrum. Ms. Landry said this is very prominent in NH. It would affect the funding formula used to determine how much franchise fee revenue supports a third-party entity and how much is retained by the City.
- On government and education programming activities, now that the City would be taking more on, the City could continue what it is doing presently, which is broadcasting City of Keene public meetings held in the Council Chambers on channels provided by Spectrum. City Staff have been working very hard on inventorying all the equipment purchased previously with the franchise fee with the money paid to the other organization; this was a large project with a lot of equipment to clean and log. The City is also publishing City of Keene slides between meetings that are broadcast on the channel, providing information about the fire danger setting level for the day, upcoming meetings, etc.

Ms. Landry said that in the short term, Staff would continue meeting with Keene public schools, looking for opportunities to collaborate for the use of resources to enhance that content for government and education, and doing more events, meetings, and activities. There had been discussion of engaging the Cheshire Career Center. Ms. Landry said that Staff are looking forward to beginning the process of negotiating the public programming services with a new or potentially existing nonprofit organization.

Ms. Landry said that in the long-term, Staff imagined a third-party organization operating public programming and City of Keene schools providing expanded coverage. The third-party could also be other organizations, like the Town of Swanzey or Keene State College, which could potentially provide a revenue source to support their operations. Ms. Landry said that Staff met with members of the public who were involved with local programming before and were very concerned about whether it would continue. Staff met with some of them, and they are very interested in continued public programming and were encouraged that the City looks forward to supporting that. Ms. Landry concluded her presentation by welcoming questions.

Mayor Hansel asked if there was any way to evaluate how many people watch the public access channels to know whether all this annual work and money are a good use of funds. Ms. Landry said it was a good question and that she could inquire with Spectrum to receive the exact data. However, she said that public meetings tend to be quite popular. She also said there were opportunities to do more programming than just on Spectrum channels; this content could be broadcast more widely on services like Facebook and other streaming services. She said it was also worth considering that the City website is used as well and how the fees could be used to support that service if people are not subscribing to Spectrum channels. She said these were all considerations in the formula and she would follow-up with Spectrum. Mayor Hansel said that his general comment was that he thinks the Council should come-up with some goals for this funding. He said the Council has an opportunity do something completely different than has been done in the past. The Mayor's fear was that the Council would recreate what they did in the past in a different, constrained way. He wanted Staff to come to Council with what is possible. He also said it was important to clarify the goal (e.g., spreading information) and said there could be different opportunities for the community to create their own visual programming too. He appreciated this presentation but thought the Council needed to start in a different way and decide what they were trying to accomplish on this matter before trying to find a solution. Ms. Landry understood.

Councilor Hooper thought the goals presented were great and he thought it was important to continue giving the community access to information, whether it be meetings or the ability to create some things that they feel are important for the community. He emphasized that he believes from his experience that the City should set aside funds for public relations and marketing this wonderful resource, which it has done in the past and he thought was possible again. Whatever the platform is used for, he said the information needs to be spread aggressively to make everything that is created worth it.

Councilor Chadbourne suggested reaching out to the public, who pay the franchise fees, to determine what they want to happen with those funds before moving forward. She suggested getting consensus via something like a survey, which should also be publicized well.

With no further questions or comments, Mayor Hansel thanked Ms. Landry for her presentation.

NOMINATION – AIRPORT DEVELOPMENT AND MARKETING COMMITTEE

Mayor Hansel nominated Mr. Peter Temple to the Airport Development and Marketing Committee, with a term to expire December 31, 2021. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION – MONICA MARSHALL – REQUEST THAT MAIN STREET BE DESIGNATED AS A SMOKE-FREE ZONE

A communication was received from Monica Marshall, requesting that the City Council consider prohibiting smoking on Main Street by designating it a Smoke-Free Zone. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

COMMUNICATION – ROBERT JOHNSON – PROPOSAL TO BUILD A 9-HOLE GOLF COURSE AT FORMER WHEELOCK PARK CAMPGROUND

A communication was received from Robert Johnson and the Keene Disc Golf Club, proposing to build a 9-hole disc golf course at the former Wheelock Park Campground location. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

COMMUNICATION – COUNCILOR JONES – PROPOSAL TO COLLABORATE WITH THE CHAMBER OF COMMERCE ON THE INSTALLATION OF MEMORIAL PAVERS FOR FALLEN POLICE AND FIRE PERSONNEL

A communication was received from Councilor Philip Jones, proposing a collaboration with the Chamber of Commerce for the installation of memorial pavers for fallen Police and Fire personnel. Mayor Hansel referred the communication to City Manager for consideration with the Police and Fire Departments.

PLD REPORT – KEENE SNORIDERS – REQUEST TO USE CITY PROPERTY – 2021/2022 SNOWMOBILE SEASON

Planning, Licenses, & Development Committee report read recommending that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 911-26-015, 909-05-012 and 707-02-009; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions:

Said use shall commence on December 15, 2021, and expire on March 30, 2022, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

PLD REPORT – KEENE KIWANIS CLUB – REQUEST TO USE CITY PROPERTY – TREE LIGHTING CEREMONY

Planning, Licenses, & Development Committee report read recommending that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on November 26, 2021 for the Tree Lighting Festival from 5pm to 8pm conditional upon the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene and an additional insured, and that the Petitioner complies with any recommendations of City staff. In addition, the Petitioner is granted permission to erect a holiday tree on the Main/Marlboro/Winchester Street roundabout. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 22 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman.

Discussion ensued. Councilor Jones said they left the Main/Marlboro/Winchester Street roundabout in the motion despite there being an issue with the vendor right now, meaning there is a chance there might not be a tree there.

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

PLD REPORT – ATTORNEY JAMES CALLAHAN – ASSIGNMENT OF LICENSE – 43-45 ROXBURY ST. – ACCESS TO CITY PROPERTY

Planning, Licenses, & Development Committee report read recommending that the prior existing license with Roxbury Realty Partnership be terminated and to issue a new, revocable license in a form acceptable to the City Attorney and containing the standard City license terms and conditions to FLC Elm St. Realty Trust, Inc., for the use of City property located adjacent to 43—45 Roxbury St. to provide pedestrian access to the property.

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Workman. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – SOLICITATION AND ACCEPTANCE OF DONATIONS – HOLIDAY FAMILY SPONSORSHIP PROGRAM – HUMAN SERVICES

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to solicit and accept donations associated with the City's 2021 Holiday Sponsorship Program.

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

FOP REPORT – LAND AND WATER CONSERVATION GRANT – ACCEPTANCE OF AWARD – RUSSELL PARK RENOVATION PROJECT – PARKS, RECREATION AND FACILITIES DIRECTOR

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to accept and execute a Land and Water Conservation Fund Grant Round 31 award for \$400,000.00 for the Russell Park Renovation Project.

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

FOP REPORT – ACCEPTANCE OF ENERGY INCENTIVE PAYMENTS – PUBLIC WORKS DEPARTMENT

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept Energy Savings incentives of \$3,860 for LED lighting upgrades in the Downtown and \$10,485 for interior and exterior lighting upgrades at the Wastewater Treatment Plant and expend these funds for energy work in the downtown area and at wastewater facilities.

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

FOP REPORT – STRATEGIC PARKING PLAN – ECONOMIC DEVELOPMENT AND SPECIAL PROJECTS

Finance, Organization, & Personnel Committee report read recommending accepting this item as informational. Mayor Hansel filed the report as informational.

CITY MANAGER COMMENTS

The City Manager began by introducing and welcoming the newest member of the Fire Department command staff, Donald Farquhar, to the City of Keene as our second Deputy. Deputy Farquhar has had an eventful first few days participating in the emergency response team for the City related to the Liberty Utilities service outage. However, he is no stranger to working in a busy community in this role. He served the City of Manchester, CT, for 26 years, rising through the ranks to Battalion Chief-shift commander. Upon retirement in 2019, he then went on to serve as Fire Chief of the Electric Boat Fire Department in Groton, CT. He has an exhaustive list of training certifications to compliment his Bachelor's Degree in Management from Eastern Connecticut State University and his Master's Degree in Homeland Security from George Washington University.

Next, the City Manager provided an update on the Liberty Utilities service disruption. She began by stating how proud she was of our team. During the previous 48, the team was called together again to plan for any impacts to City services and/or impacts to the City residents, which might result in the need for emergency assistance because of the Liberty service disruption. She said have first class group of people working for the City. She specifically recognized Chief Howard, who had been in the forefront of the City's response, serving as the Emergency Management Team's liaison to Liberty's response team. She also recognized Rebecca Landry, IT Director/Assistant City Manager, who had been communicating for the City on social media and adding information on our website, including sending out a message last night once the Liberty website was up and running.

The City Manager continued, providing a timeline of the Liberty Utilities service disruption. At approximately 10:45AM on October 20, a problem occurred at the Liberty Gas production facility in Keene, which, caused a drop in pressure. To ensure the safety of customers, gas service was shut off to approximately 1100 customers. Within approximately 30 minutes, the Fire Department was notified, and the Chief was at the facility. By 11:45 AM, Chief Howard briefed the Emergency Management Team regarding the magnitude of this outage. At the conclusion of this meeting, Staff decided to send out a short social media post to alert people that Liberty had a service issue but that it was not a safety issue. Within the next hour, the NH Liberty president called both the Mayor and the City Manager to alert them to their issue, to tell us he would be on the way to Keene, and he would remain until services were restored. He arrived in Keene around 4:00 PM, just in time to attend a City team briefing. At that meeting, we connected our Information Officer for Emergencies (Rebecca Landry) to their information officer. By the end of this meeting, we had another message to share along with Liberty's press release. We communicated this information across all our social media accounts and the City Manager was forwarding this update to the Council via email. Staff communicated their concerns

related to nursing home/rehab facilities that would need to move patients if service was not restored, and so they were priority locations. October 20 by 10:30 PM, service to one of those facilities had been restored and by midnight, service to the other center had been restored. On October 21, Liberty made significant progress restoring service and intend to have restored service to about 600 meters, and have the remaining meters restored by the end of the day on October 22.

The City Manager concluded on Liberty Utilities, stating that restoring service was a three-step process: isolate a zone, re-pressure the distribution system, and restore service to the customer, which requires a physical technician visit each property to turn the service back on and relight any pilots; this is a labor-intensive process. Several properties along Main Street had their service restored on October 21, the zone a property is in depends on where the service comes in from; for instance, the Stage might be a Main Street property but the service for the Stage comes in the back off Vernon Street, which is a different zone. She recommended that anyone looking for more information follow the updates on Liberty's website directly, or you could follow the banner on the City's website.

Next, the City Manager announced promotions in the Public Works Department. Zach Adams was promoted to the Industrial Pretreatment Coordinator position formerly held by Eric Swope, who is doing some contract work to assist with the transition. Neil Goodell has been promoted to the Maintenance Tech II position in the Utilities Maintenance Division. Harry McKelvey is returning to the Public Works Department as well.

The City Manager continued providing an update on the Chamber of Commerce branding project. The Chamber has engaged North Star Branding and Marketing to assist with the branding effort for the region. There is a public input session on Thursday, October 28th from 8:30 AM to 10:00 AM. In-person is limited to 50 people but there is also an opportunity to participate via Zoom. People can go to the Chamber's website for the link and more details. This information was provided to Councilors via email.

Next, the City Manager said that in addition to City's Holiday Assistance Program, the Salvation Army is currently scheduling appointments through October 29 for assistance providing gifts. If you know of anyone looking for assistance have them call 603-352-0607.

To conclude her report, the City Manager informed the Council that she heard from Senator Shaheen's office the week of this meeting about two projects the City put forth for consideration as "direct spending", or what used to be called earmarks. The City was notified that two of our projects were selected to receive funding by the Senate Appropriations Committee; \$415,000 for Keene Police body cameras and \$324,597 for the evaluation of the City's 36-year-old sewer force main. She said this is very good news. Funds will become available only after the new legislation funding the government for fiscal year 2022 is approved by both the Senate and House and signed by the President. This is not yet finalized but the City Manager said it was still an opportunity to celebrate the inclusion of these projects thus far.

Discussion ensued. Councilor Filiault said that he had many businesses contacting him regarding Liberty Utilities and he applauded the City for doing what he considered the best job possible

despite the challenging situation. He criticized Liberty Utilities for letting businesses and constituents down, and for having more frequent issues like this than other major gas companies. He urged the City to investigate whether Liberty is capable of servicing Keene. Mayor Hansel said he was certain there would be conversations with Liberty Utilities after the current situation is resolved.

Mayor Hansel added to the City Manager's comments regarding the City's emergency management personnel, indicating to the City Council the exceptional work they do not get to see City professionals doing behind the scenes in such emergency situations. He has been impressed with the City Manager and entire emergency management team throughout crises like Covid-19 and more. He said the way that Staff work together and consider every person in the City and their safety is incredible to witness and makes him tremendously proud, as the Council would be as well. Mayor Hansel thanked City Staff. The City Manager thanked the Mayor for his comments that would mean a lot to Staff.

REPORT – PROPOSED AMENDMENTS TO THE RULES OF ORDER – CITY CLERK AND CITY ATTORNEY

A memorandum from the City Clerk and City Attorney recommended referring the proposed Rules of Order amendments (from wordsmithing to more substantial changes) to the Planning, Licenses, and Development Committee for their review and recommendation. Mayor Hansel referred the Rules of Order to the Planning, Licenses, and Development Committee.

REPORT – ACCEPTANCE OF DONATION

A memorandum was received from the Finance Director/Treasurer, Merri Howe, acknowledging a donation made to the City. The City Manager recognized and thanked the donors, and the Mayor extended his and the Council's heartfelt thanks for the generous donation:

From Bradley and Angie Moore (\$50) to the Keene Parks, Recreation, and Facilities Department for the upkeep of Monadnock View Cemetery in a token of appreciation for the level of service dedicated to their family member.

A motion by Councilor Powers to suspend the Rules of Order to act on this donation was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. The Rules were suspended.

A motion by Councilor Powers to accept the donation with gratitude and appreciation was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

REPORTS – MORE TIME – COUNCILOR FILIAULT – CHARTER AMENDMENT RELATED TO MUNICIPAL PRIMARY; AND COUNCILOR FILIAULT – ROOMS AND MEALS TAX DECREASE

Finance, Organization, & Personnel Committee report read recommending placing the Charter Amendment Related to Municipal Primary on more time to allow staff to return with additional

information regarding the proposal to eliminate the municipal primary. Mayor Hansel granted more time.

Finance, Organization, & Personnel Committee report read recommending placing the rooms and meals tax decrease on more time with the understanding the issue will be discussed with the County Delegation in 2022 and add it to the agenda for discussion with State Representatives and Senators. Mayor Hansel granted more time.

ORDINANCE FOR FIRST READING – RELATING TO AMENDMENTS TO THE BUSINESS, GROWTH AND REUSE DISTRICT ORDINANCE O-2021-14

A memorandum was received from Randall Walter of 310 Marlboro Street LLC, submitting a Zoning Ordinance amendment application and recommending that Ordinance O-2021-14 be referred to the Joint Planning Board and Planning, Licenses, and Development Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2021-14 to the Joint Planning Board and Planning, Licenses, and Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO THE LAND DEVELOPMENT CODE – ORDINANCE O-2021-12-A

Planning, Licenses, & Development Report read recommending the adoption of Ordinance O-2021-12-A relating to the Land Development Code. Mayor Hansel filed the report.

A motion by Councilor Greenwald to adopt Ordinance O-2021-12-A was duly seconded by Councilor Workman. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR SECOND READING – RELATING TO AUTHORITY TO USE ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS – ORDINANCE O-2021-13

Finance, Organization, & Personnel Committee report read recommending the adoption of Ordinance O-2021-13. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Ordinance O-2021-13 was duly seconded by Councilor Remy. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE WASTEWATER TREATMENT PLANT (WWTP) CAPITAL RESERVE FUND BALANCE FOR THE WWTP LABORATORY RENOVATION PROJECT – RESOLUTION R-2021-40

A memorandum was received from Aaron Costa, Wastewater Treatment Plant Operations Manager, recommending the first reading of Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment Plant Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project and to refer it to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Resolution R-2021-40 to the Finance, Organization, and Personnel Committee.

10/21/2021

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE SEWER FUND UNASSIGNED BALANCE FOR THE WASTEWATER TREATMENT PLANT’S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROJECT – RESOLUTION R-2021-41

A memorandum was received from Aaron Costa, Wastewater Treatment Plant Operations Manager, recommending the first reading of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant’s NPDES Permitting Assistance project and to refer it to the Finance, Organization and Personnel Committee. Mayor Hansel referred Resolution R-2021-41 to the Finance, Organization and Personnel Committee.

ADJOURNMENT FOR LEGAL ADVICE

There being no further business, Mayor Hansel adjourned the meeting at 8:04 PM for legal advice, which Councilors Ormerod and Bosley joined by phone.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia", written in black ink.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmation - Airport Development and Marketing Committee**

Council Action:

In City Council November 4, 2021.

Voted unanimously to confirm the nomination.

In City Council October 21, 2021.

Tabled until the next regular meeting.

Recommendation:

Attachments:

1. background_Temple_Redacted

Background:

I hereby nominate the following individual to serve on the designated Board or Commission:

Airport Development and Marketing Committee

Peter Temple, slot 4

Harrisville, New Hampshire

Term to expire December 31, 2021

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, October 14, 2021 11:15 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 10/14/2021 - 11:14</p>

<p>Submitted values are:</p>

First Name:

Peter

Last Name:

Temple

Address

PO Box 65
Harrisville NH 03450

Email:

Cell Phone:

603 757 9320

Home Phone:

603 827 3610

Please select the Boards or Commissions you would be interested in serving on:

Airport Development & Marketing Committee

Employer:

Retired

Occupation:

Engineer, Professor

Education:

Dartmouth College, University of Massachusetts. A.B., M.S.

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Town of Harrisville: ZBA, Conservation Commission, Historic District Commission, Master Planning Committee

Other Information/Relevant Experience:

Commercial Pilot, Flight Instructor

Please provide some references:

David Hickling

dhickling@ci.keene.nh.us

603 357 9835

References #2:

Rhett Lamb

Planning, City of Keene



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: November 4, 2021

To: Mayor and Keene City Council

From: Mark Rebillard
Keene Downtown Group

Through: Patricia Little, City Clerk

Subject: **Keene Downtown Group - Request to Use City Property - Ice and Snow Festival**

Council Action:

In City Council November 4, 2021.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Rebillard Communication_Redacted

Background:

This is the annual request from the Keene Downtown Group for the 2022 Ice and Snow Festival scheduled for February 5, 2022.

November 1st, 2021

Mark Rebillard
64 Blackberry Lane
Keene, NH 03431
603-439-0321

Dear Esteemed Keene City Council Members,

Please accept my formal request for an event license and required PLD meeting for 19th Annual Keene Ice & Snow Festival is planned for Saturday, February 5th, 2022.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rebillard', written in a cursive style.

Mark Rebillard



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Councilor Bryan Lake
Through: Patricia Little, City Clerk
Subject: **Councilor Bryan Lake - Conflict of Interest - Proposed Uses of Former Wheelock Park Campground**

Council Action:

In City Council November 4, 2021.

Voted with 13 in favor and one opposed recuse Councilor Lake due to conflict of interest.

Recommendation:

Attachments:

1. Councilor Lake_Communication

Background:

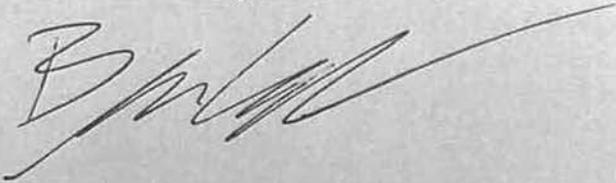
Councilor Bryan Lake would like to make the City Council aware of a potential conflict of interest that he may have in regards to two proposals currently before the City Council. Both are for the use of City land at the former Wheelock Park Campground; one for use as a disc golf course and the other for use as a dog park. As a member of the Keene Disc Golf Club and an active member in the broader disc golf community working with Director Bohannon on this project, Councilor Lake believes that he may have a conflict of interest. Councilor Lake is requesting that he be recused from the discussion and vote on both of the proposed uses.

Tuesday, November 2nd 2021

Honorable Mayor & City Council,

I want to make the Council aware of a potential conflict of interest that I may have with regards to two proposals. Both are for the use of city land at the old Wheelock Park Campground; one for use as a disc golf course from Robert Johnson and the other for use as a dog park from Rebecca Lancaster. As both a member of the Keene Disc Golf Club and an active member in the broader disc golf community, I began working with Director Bohannon & the disc golf club earlier this year on this project and have continued to provide time & support to developing that proposal since taking my position on the Council. Because there are two proposals requesting the use of the same land, it would appear likely that by the rules of the Council that I have a conflict of interest in both matters. As such, the MSFI Committee agreed with this position and I was respectfully recused from discussion on both at the committee level.

Humbly at your service,
Councilor Bryan Lake
68 Timberlane Dr, Keene NH

A handwritten signature in black ink, appearing to read 'Bryan Lake', written in a cursive style. The signature is positioned below the typed name and address.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Donation and Update on Skate Park Project - Parks, Recreation and Facilities**

Council Action:

**In City Council November 4, 2021.
Voted unanimously to carry out the intent of the report.**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of \$200,000.00 for the purpose of building a new skate park.

Attachments:

None

Background:

Parks, Recreation and Facilities Andy Bohannon addressed the committee and introduced Kathy Burke, one of the fundraisers for the skate park project. Mr. Bohannon stated this item is in reference to a donation of \$200,000 for the skate park.

Mr. Bohannon stated in 1996, a couple of skaters came forward and raised money for this effort; they raised \$75,000 to build the existing park on Gilbo Avenue. This park was constructed with wood and sheet metal. This model however, doesn't really work unless it is replaced on a very regular basis. Mr. Bohannon noted the skate park is a great asset to the community, people come from all around to use it.

In 2009, Mayor Pregent created a Relocation Committee for the skate park in an attempt to get a new park. The committee dove into a lot of data, but they did not have the ability to fundraise. In 2015, that small group donated some money which the City matched and had a design put together. A concept plan was completed for the skate park to be located at Wheelock Park where the bike park exists at the present time. The downside of that was, the plan was for \$750,000. It was a great design, but the group was not able to fundraise to that level. Unfortunately, the plans were set aside, until Kathy Burke came onboard in 2018 who had a son who was a skater and a biker and wanted to get this park constructed.

Mr. Bohannon noted after much effort the first biggest support came from Timken Corporation, which ended up donating \$50,000 which started the fundraising effort. The City contributed \$25,000 in the CIP.

The fundraising efforts however, stopped with Covid. Even though, Ms. Burke's son has graduated and moved on she is still dedicated to the project. Mr. Bohannon noted this project won't be where it is without Ms. Burke who has raised more than \$200,000. He added that she has followed the model that existed back in 1986 and has continued her efforts. Pathways for Keene is the fiscal agent for this particular project.

The skate park is going to be located on Gilbo Avenue, 9,800 square feet on the existing footprint which would match what is available with the fundraising. Mr. Bohannon turned the presentation over to Kathy Burke

Ms. Burke stated it has been an interesting four years and stated she was excited by next year Keene would have a skate park. Ms. Burke stated this initial \$200,000 is just to get the project going. There is probably another \$10,000 in the Pathways for Keene account and about \$35,000 in dedicated money; the goal is \$300,000. She indicated the \$25,000 the City dedicated to the skate park in 2018 was helpful in getting other funders to donate to the project because it showed the City was committed to this project which made the fundraising efforts easier.

Councilor Hooper congratulated Ms. Burke's efforts. He noted fundraising is always a collaboration between corporations, municipalities, and private donors. He agreed it is not easy raising money and thanked Ms. Burke for her efforts. Ms. Burke stated she is pleasantly surprised at the generosity of this community.

Councilor Remy made the following motion, which was seconded by Councilor Hooper.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of \$200,000.00 for the purpose of building a new skate park.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Law Enforcement Substance Abuse Initiative Grant - Police Department**

Council Action:

In City Council November 4, 2021.

Voted with 13 in favor and one opposed to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2022 Law Enforcement Substance Abuse Initiative Grant in the amount of \$29,000.

Attachments:

None

Background:

Captain Steve Stewart of the Police Department was the next speaker. He stated this item is in reference to the New Hampshire Department of Safety Substance Abuse Reduction Grant in the amount of \$29,000. He indicated this is part of a statewide effort to make some headway in the abuse and sales of dangerous drugs that are causing overdoses and deaths and a rise in serious crime. The money will be used for overtime for narcotics investigation.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2022 Law Enforcement Substance Abuse Initiative Grant in the amount of \$29,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Federal Forfeiture Monies - Police Department**

Council Action:

In City Council November 4, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept Federal forfeiture monies in the amount of \$33,100.23.

Attachments:

None

Background:

The second item Captain Stewart addressed was for the acceptance of Federal forfeiture monies. Two amounts for total a total of \$33,100.23. The first, \$4,244.44 was a result of an investigation that took place in the months of March and April of 2021. The second, \$28,855.79, is from an investigation that began in October of 2019 and culminated in June of 2020.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept Federal forfeiture monies in the amount of \$33,100.23.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Negotiate Lease of Airport Property for Hangar Development - Airport Director**

Council Action:

**In City Council November 4, 2021.
Voted unanimously to carry out the intent of the report.**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a Construction/Lease Agreement with Monadnock Choppers, LLC, to develop an aircraft hangar on City-owned property at the Keene Dillant-Hopkins Airport.

Attachments:

None

Background:

Airport Director David Hickling stated the airport continues to be very viable and there is a high demand for hangar space. The request before the Committee today is from Mr. Provost from Monadnock Choppers who has a fleet that is growing and would like to get inside the airport and is looking to grow his business in the future. This hangar will be located on Route 32 on Aviation Way. Mr. Hickling noted this will benefit the airport by lease revenue coming in and benefit other tenants of the airport with fuel sales and increased activity.

Councilor Remy asked whether Mr. Provost will be leasing out space to other people which will potentially compete with the airport's rentals. Mr. Hickling stated he could lease out space, but as far as competition the airport has close to 17 people on the waiting list for hangar space and added the airport needs to get some of these airplanes that want to be based in Keene – hence there is a benefit.

Councilor Hooper stated he visits the airport often and felt Monadnock Choppers has a very professional operation at the airport and has not heard any complaints from neighbors about noise. He encouraged support of this business.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a Construction/Lease Agreement with Monadnock Choppers, LLC, to develop an aircraft hangar on City-owned property at the Keene Dillant-Hopkins Airport.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of FAA ARPA Grant for Airport - Airport Director**

Council Action:

In City Council November 4, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and execute a grant for the amount of \$59,000 from the Federal Aviation Administration as part of the FAA ARPA Grant program.

Attachments:

None

Background:

Mr. Hickling stated this next item is the final Covid relief grant from the FAA. This comes from the Airport Rescue Plan in the amount of \$59,000. The Director stated the airport was eligible for this grant because the airport is considered a Regional Airport in the National Airport System which makes it valuable.

This grant will be used to offset costs associated Coronavirus and the funds can be used for any of the airport's operating costs.

Councilor Hooper made the following motion, which was seconded by Councilor Remy.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and execute a grant for the amount of \$59,000 from the Federal Aviation Administration as part of the FAA ARPA Grant program.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 12 Gilbo Avenue Lease - Parks, Recreation and Facilities Director

Council Action:

In City Council November 4, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos and Demitris Georgiadis for space located at 12 Gilbo Avenue.

Attachments:

None

Background:

Mr. Bohannon addressed the Committee again and stated this item is for a lease renewal with Konstantinos and Demitris Georgiadis for the Yolo Ice Cream shop they operate at 12 Gilbo Avenue. Mr. Bohannon stated this lease was renegotiated in 2020 and was extended out, but they are currently looking to do some minor renovations to the shop. The tenants don't want to put in the investment based on the current lease and are looking for a longer term.

Mr. Bohannon stated he has reviewed this with the City Manager and staff feels it would be an appropriate thing to do. He noted this business is doing well and is a good entity to have on the rail trail.

Councilor Remy noted the insured was looking at three year plus a three year option and asked whether the City would consider three years plus three one year options so the City would have an option after three years and don't get locked in for six years. The Councilor then indicated he is sure staff has looked at all options.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos and Demitris Georgiadis for space located at 12 Gilbo Avenue.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Opioid Settlement Proposal - City Attorney**

Council Action:

In City Council November 4, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to participate in the proposed National Opioid Settlement and authorize the City Attorney to execute all necessary documents.

Attachments:

None

Background:

City Attorney Tom Mullins addressed the Committee next and stated unfortunately the country has been involved in an opioid epidemic for many years. This issue has had a severe impact not only for the City of Keene but around the country. Many local jurisdictions including the City of Keene joined in a national effort to bring a lawsuit against various entities with respect to the opioid problem; not only the manufacturers, best known is Purdue Pharmaceuticals as well as distribution entities associated with the sale and distribution of opioids.

A mass litigation action in February of 2019 filed in the Federal District Court in Ohio included the City of Keene. Attorney Mullins stated there has been a partial settlement based on the Purdue Pharmacy bankruptcy, but not all of the states agreed to that, and the matter is on appeal.

He went on to say, some of the entities the City filed suit against are distributors - McKesson, Cardinal Health and Amerisource Bergin and one of the manufacturers that is involved in this settlement proposal is Johnson and Johnson.

The City Attorney stated the settlement has not been implemented yet. It needs to collect enough participants for the settlement process to go forward and for the defendants to agree to enter into it. The State of New Hampshire at least with respect to the three distributors McKesson, Cardinal Health and Amerisource Bergin is going to enter into that settlement.

Attorney Mullins further stated a year ago through the Attorney General's Office legislation was drafted with respect to what happens with the settlement funds. As a result, amidst objection from a number of municipalities, including the City of Keene the State did enact legislation 126A:3 called the Opioid Abatement Trust Fund so that all payments made to the State would go into this trust fund.

Attorney Mullins explained, the way the settlement proposal works, assuming it goes forward; the overall settlement for these three distributors and Johnson and Johnson is approximately \$22 billion dollars which will be paid out over a number of years. The amount owed to the City is about 6.62%. The State of New Hampshire has decided not to enter into the settlement with Johnson and Johnson and because the State is not participating in that settlement the City is not eligible to participate in that as well. There is an anticipated trial date in that matter in the Merrimack County Superior Court for February 1 2022. Assuming there is either some kind of settlement as a result of that litigation or monies that are received from that litigation; those funds will also drop into this trust fund. This trust line applies to all local municipalities, counties and the state. At that point, the statute will define how those funds are to be distributed.

Attorney Mullins stated the issue with the trust fund is that it has a 15% automatic share. The City objected to the 15%; their position with the Attorney General is that municipalities bore the lion's share of the burden with respect to dealing with this crisis and hence should have a larger percentage, but the State decided in its own wisdom not to do that. Attorney Mullins stated his understanding is there will be a legislative initiative to increase that percentage to somewhere around 50% (which is more than what is being offered to other municipalities around the country).

The settlement does include some injunctive relief to keep these companies from participating, to the extent they did before to make this crisis happen. The deadline to advise the Court of the City's participation is January 2 2022. Attorney Mullins stated the City has outside legal counsel assisting in this process and staff is recommending the City participate in this settlement at this point; not to do so would reduce the amount of funds coming into the State of New Hampshire. This concluded the attorney's comments.

Councilor Chadbourne stated the City should definitely participate and felt New Hampshire has been hit hard and could use all the help to repair and rehabilitate. Attorney Mullins stated based on rough calculations, if the amount was \$22 billion the State would get approximate \$131 million.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to participate in the proposed National Opioid Settlement and authorize the City Attorney to execute all necessary documents.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: **Canvass of General Election Results - City Clerk**

Council Action:

In City Council November 4, 2021.

Voted unanimously to recommend that the candidates receiving the highest number of votes for their respective offices are declared elected and that the charter amendment relative to ward lines be declared adopted.

Recommendation:

Move to recommend that the candidates receiving the highest number of votes for their respective offices are declared elected and that the charter amendment relative to ward lines be declared adopted.

Attachments:

1. Return of Votes

Background:

Pursuant to Section 5 of the Keene City Charter, the City Council is required to canvass the votes cast at each Municipal General Election. Those candidates receiving the highest number of votes for their respective offices are declared elected. The term of office will begin January 1, 2022.

In addition, the ballot question relative to Section 2 of the City Charter was adopted. The Charter amendment will become effective January 1, 2022.

The official Return of Votes completed by the Ward Clerks and a spreadsheet containing the election results are attached for the City Council's information.

RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD ONE
November 2, 2021
Keene, New Hampshire

FORM F

MAYOR

George Hansel

207

Mark J. Zuchowski

19

WARD CLERK

Elizabeth C. Sayre

199

WARD COUNCILOR (4 YEAR)

Robert S. Crowell

50

Kris E. Roberts

160

WARD SELECTMEN

Kim Maleski

173

Ruzzel Zullo

131

COUNCILOR-AT-LARGE

Kate Bosley

165

Bettina Chadbourne

143

Randy Filiault

130

Ian Freeman

18

Mike Giacomo

119

Jodi K. Newell

118

Boston Parisi

21

Michael Remy

136

CHECKLIST SUPERVISOR

Janis O. Manwaring

201

BALLOT QUESTION

YES

191

NO

36

WARD MODERATOR

Bob Lyle

198

RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD ONE (page 2)
November 2, 2021
Keene, New Hampshire

FORM F

TOTAL NUMBER OF NAMES ON THE CHECKLIST AT BEGINNING OF DAY	<u>2209</u>
TOTAL NUMBER OF NAMES ADDED TO THE CHECKLIST	<u>18</u>
TOTAL NUMBER OF ABSENTEE BALLOTS CAST	<u>11</u>
TOTAL NUMBER OF REGULAR BALLOTS CAST	<u>234</u>
TOTAL NUMBER OF (REGULAR & ABSENTEE) BALLOTS CAST	<u>245</u>

At the Municipal General Election in Ward 1, Keene, New Hampshire, held Tuesday, November 2, 2021, the above votes of those present and qualified to vote for the candidates for election to the above offices, were by them given to the Moderator, and said Moderator, in the presence of the Ward Selectmen and Clerk, and assisted by them, sorted and counted said votes, and at the close of the poll made a public declaration of the whole number of ballots given in, with the name of every person voted for, and the number of votes for each person, as indicated above.

A true record, attest: Elizabeth C. Sayre Clerk

A true copy of record, attest: Elizabeth C. Sayre Clerk

RETURN OF VOTES AT THE MUNICIPAL GENERAL ELECTION – WRITE IN

November 2, 2021

Keene, New Hampshire

WARD ONE

WRITE-IN MAYOR candidate's name	Total votes	WRITE-IN MODERATOR candidate's name	Total votes
Jason H. Dear	1	Lesco Brandon	1
Luca Paris	2	Brian Jordan	1
Aria DiMezzo	1	Fictional Characters	2
Lesco Brandon	1		
Mike Oxmol	1		
Fictional Characters	3		
WRITE-IN WARD COUNCILOR candidate's name	Total votes	WRITE-IN WARD CLERK candidate's name	Total votes
Lesco Brandon	1	Lesco Brandon	2
Robert Call	1	Fictional Characters	1
Fictional characters	1		
WRITE-IN COUNCILOR-AT-LARGE candidate's name	Total votes	WRITE-IN WARD SELECTMAN candidate's name	Total votes
Heagan Messer	1	Michael St. Pierre	1
Karen Stanish	1	Lesco Brandon	1
Lesco Brandon	1	Fictional Characters	2
Robert Call	1		
Kris Roberts	1		
Fictional Characters	1		
		WRITE-IN CHECKLIST SUPERVISOR candidate's name	Total votes
		Mike Hawk	1
		Lesco Brandon	1
		Fictional Characters	2

**RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD TWO
November 2, 2021
Keene, New Hampshire**

FORM F

MAYOR

George Hansel

497

Mark J. Zuchowski

56

WARD CLERK

Jamie L.J. White

453

WARD COUNCILOR (4 YEAR)

Ryan Clancy

224

Mitchell "Mitch" Greenwald

332

WARD SELECTMEN

Wes Cobb

341

Chuck Weed

405

Nancy Wilkinson

359 360 JW

COUNCILOR-AT-LARGE

Kate Bosley

398

Bettina Chadbourne

367

Randy Filiault

360

Ian Freeman

41

Mike Giacomo

274

Jodi K. Newell

331

Boston Parisi

55

Michael Remy

326

CHECKLIST SUPERVISOR

Linda Haas

458

BALLOT QUESTION

YES

380

NO

141

WARD MODERATOR

Matthew McKeon

438

RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD TWO (page 2)
November 2, 2021
Keene, New Hampshire

FORM F

TOTAL NUMBER OF NAMES ON THE CHECKLIST AT BEGINNING OF DAY 2881
TOTAL NUMBER OF NAMES ADDED TO THE CHECKLIST 22
TOTAL NUMBER OF ABSENTEE BALLOTS CAST 14
TOTAL NUMBER OF REGULAR BALLOTS CAST 582
TOTAL NUMBER OF (REGULAR & ABSENTEE) BALLOTS CAST 596

At the Municipal General Election in Ward 2, Keene, New Hampshire, held Tuesday, November 2, 2021, the above votes of those present and qualified to vote for the candidates for election to the above offices, were by them given to the Moderator, and said Moderator, in the presence of the Ward Selectmen and Clerk, and assisted by them, sorted and counted said votes, and at the close of the poll made a public declaration of the whole number of ballots given in, with the name of every person voted for, and the number of votes for each person, as indicated above.

A true record, attest: J. White Clerk

A true copy of record, attest: J. White Clerk

RETURN OF VOTES AT THE MUNICIPAL GENERAL ELECTION – WRITE IN
November 2, 2021
Keene, New Hampshire

WARD TWO

WRITE-IN MAYOR candidate's name	Total votes	WRITE-IN MODERATOR candidate's name	Total votes
Rob DeLuca	1	Scattered	1
Odilon Bettencourt	1		
Aria DiMezzo	1		
Shaun Filiault	1		
Scattered	2		

WRITE-IN WARD COUNCILOR candidate's name	Total votes	WRITE-IN WARD CLERK candidate's name	Total votes
Scattered	1		0

WRITE-IN COUNCILOR-AT-LARGE candidate's name	Total votes	WRITE-IN WARD SELECTMAN candidate's name	Total votes
Avery Brooks	1	Scattered	5
Zeb Johnson	1		
Kris Roberts	1		
Marilyn Houston	1		
Stephanie Labanowski	1		

WRITE-IN CHECKLIST SUPERVISOR candidate's name	Total votes
	0

**RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD THREE
November 2, 2021
Keene, New Hampshire**

FORM F

MAYOR

George Hansel

418

Mark J. Zuchowski

50

WARD MODERATOR

Lucinda McKeon

366

WARD COUNCILOR (4 year)

Andrew Madison

375

WARD CLERK

Kathleen M. Richards

384

WARD COUNCILOR (2 year)

Bryan Lake

372

WARD SELECTMEN

Cheryl Kahn

339

John E. McKeon

294

Charlie Stone

310

COUNCILOR-AT-LARGE

Kate Bosley

334

Bettina Chadbourne

272

Randy Filiault

280

Ian Freeman

35

Mike Giacomo

294

Jodi K. Newell

268

Boston Parisi

57

Michael Remy

281

CHECKLIST SUPERVISOR

Charles Ferrando

371

BALLOT QUESTION

YES

327

NO

92

RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD THREE (page 2)
November 2, 2021
Keene, New Hampshire

FORM F

TOTAL NUMBER OF NAMES ON THE CHECKLIST AT BEGINNING OF DAY	<u>2786</u>
TOTAL NUMBER OF NAMES ADDED TO THE CHECKLIST	<u>12</u>
TOTAL NUMBER OF ABSENTEE BALLOTS CAST	<u>13</u>
TOTAL NUMBER OF REGULAR BALLOTS CAST	<u>480</u>
TOTAL NUMBER OF (REGULAR & ABSENTEE) BALLOTS CAST	<u>493</u>

At the Municipal General Election in Ward 3, Keene, New Hampshire, held Tuesday, November 2, 2021, the above votes of those present and qualified to vote for the candidates for election to the above offices, were by them given to the Moderator, and said Moderator, in the presence of the Ward Selectmen and Clerk, and assisted by them, sorted and counted said votes, and at the close of the poll made a public declaration of the whole number of ballots given in, with the name of every person voted for, and the number of votes for each person, as indicated above.

A true record, attest: Kyle Richards Clerk

A true copy of record, attest: Kyle Richards Clerk

RETURN OF VOTES AT THE MUNICIPAL GENERAL ELECTION – WRITE IN
November 2, 2021
Keene, New Hampshire

WARD THREE

WRITE-IN MAYOR candidate's name	Total votes	WRITE-IN MODERATOR candidate's name	Total votes
WYATT FERRANDO	1	SCATTERED	2
MICHAEL MARTELL	2		
CHARLES WEED	1		
KRIS ROBERTS	1		
TERRY CLARK	3		
NONE OF THE ABOVE	1		
WRITE-IN WARD COUNCILOR (4-Yr) candidate's name	Total votes	WRITE-IN WARD CLERK candidate's name	Total votes
SCATTERED	3	SCATTERED	2
WRITE-IN WARD COUNCILOR (2-Yr) candidate's name	Total votes	WRITE-IN WARD SELECTMAN candidate's name	Total votes
SCATTERED	2	SCATTERED	6
WRITE-IN COUNCILOR-AT-LARGE candidate's name	Total votes	WRITE-IN CHECKLIST SUPERVISOR candidate's name	Total votes
KRIS ROBERTS	1	SCATTERED	2
ALFRED NEWMAN	1		
PHILIP HUCKINS	1		
ALLEN RAYMOND	1		
CATE WORKMAN	1		
TERRY CLARK	1		
BILL JOHN	1		
JACK JONES	1		
BOB WHITE	1		
NONE OF THE ABOVE	1		
EXTRA CHARACTERS	2		

WARD FOUR
November 2, 2021
Keene, New Hampshire

MAYOR

George Hansel	<u>495</u> <u>502</u>
Mark J. Zuchowski	<u>39</u>

WARD CLERK

No Declared Candidate	<u>480</u>
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WARD COUNCILOR (4 YEAR)

Catherine "Catt" Workman	<u>450</u>
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WARD SELECTMEN

Nancy Ancharski	<u>386</u>
Paul J. Krautmann	<u>387</u>
Margaret Simonds	<u>390</u>

COUNCILOR-AT-LARGE

Kate Bosley	<u>399</u>
Bettina Chadbourne	<u>321</u>
Randy Filiault	<u>343</u>
Ian Freeman	<u>29</u>
Mike Giacomo	<u>338</u>
Jodi K. Newell	<u>317</u>
Boston Parisi	<u>48</u>
Michael Remy	<u>368</u>

CHECKLIST SUPERVISOR

Claire Coey	<u>431</u>
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BALLOT QUESTION

YES	<u>355</u>
NO	<u>110</u>

WARD MODERATOR

Ellen Wishart	<u>438</u>
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WARD FOUR (page 2)
November 2, 2021
Keene, New Hampshire

TOTAL NUMBER OF NAMES ON THE CHECKLIST AT BEGINNING OF DAY	<u>3138</u>
TOTAL NUMBER OF NAMES ADDED TO THE CHECKLIST	<u>9</u>
TOTAL NUMBER OF ABSENTEE BALLOTS CAST	<u>12</u>
TOTAL NUMBER OF REGULAR BALLOTS CAST	<u>566</u>
TOTAL NUMBER OF (REGULAR & ABSENTEE) BALLOTS CAST	<u>578</u>

At the Municipal General Election in Ward 4 Keene, New Hampshire, held Tuesday, November 2, 2021, the above votes of those present and qualified to vote for the candidates for election to the above offices, were by them given to the Moderator, and said Moderator, in the presence of the Ward Selectmen and Clerk, and assisted by them, sorted and counted said votes, and at the close of the poll made a public declaration of the whole number of ballots given in, with the name of every person voted for, and the number of votes for each person, as indicated above.

A true record, attest: Claudette Nicholas Clerk

A true copy of record, attest: Claudette Nicholas Clerk

RETURN OF VOTES AT THE MUNICIPAL GENERAL ELECTION – WRITE IN
November 2, 2021
Keene, New Hampshire

WARD FOUR

WRITE-IN MAYOR candidate's name	Total votes	WRITE-IN MODERATOR candidate's name	Total votes
<i>scattered</i>	<i>7</i>	<i>scattered</i>	<i>2</i>
WRITE-IN WARD COUNCILOR candidate's name	Total votes	WRITE-IN WARD CLERK candidate's name	Total votes
<i>scattered</i>	<i>6</i>	<i>Sharon Wright</i> <i>scattered</i>	<i>34</i> <i>15</i>
WRITE-IN COUNCILOR-AT-LARGE candidate's name	Total votes	WRITE-IN WARD SELECTMAN candidate's name	Total votes
<i>scattered</i>	<i>12</i>	<i>scattered</i>	<i>7</i>
		WRITE-IN CHECKLIST SUPERVISOR candidate's name	Total votes
		<i>scattered</i>	<i>3</i>

**RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD FIVE
November 2, 2021
Keene, New Hampshire**

FORM F

MAYOR

George Hansel 516
Mark J. Zuchowski 48

WARD CLERK

John Therriault 463

WARD COUNCILOR (4 year)

Philip M. Jones 461

SELECTMEN

Kathaleen M. Austin 261
Raven Norlander-McCarty 135
Mark Rebillard 243
Sandra Van de Kauter 278

COUNCILOR-AT-LARGE

Kate Bosley 382
Bettina Chadbourne 330
Randy Filiault 372
Ian Freeman 45
Mike Giacomo 355
Jodi K. Newell 310
Boston Parisi 46
Michael Remy 363

CHECKLIST SUPERVISOR

Sylvie L. Rice 468

WARD MODERATOR

Christine Houston 463

BALLOT QUESTION

YES 395

NO 126

RETURN OF VOTE AT THE MUNICIPAL GENERAL ELECTION
WARD FIVE (page 2)
November 2, 2021
Keene, New Hampshire

FORM F

TOTAL NUMBER OF NAMES ON THE CHECKLIST AT BEGINNING OF DAY	<u>3573</u>
TOTAL NUMBER OF NAMES ADDED TO THE CHECKLIST	<u>14</u>
TOTAL NUMBER OF ABSENTEE BALLOTS CAST	<u>13</u>
TOTAL NUMBER OF REGULAR BALLOTS CAST	<u>584</u>
TOTAL NUMBER OF (REGULAR & ABSENTEE) BALLOTS CAST	<u>597</u>

At the Municipal General Election in Ward 5 Keene, New Hampshire, held Tuesday, November 2, 2021, the above votes of those present and qualified to vote for the candidates for election to the above offices, were by them given to the Moderator, and said Moderator, in the presence of the Ward Selectmen and Clerk, and assisted by them, sorted and counted said votes, and at the close of the poll made a public declaration of the whole number of ballots given in, with the name of every person voted for, and the number of votes for each person, as indicated above.

A true record, attest: Kathleen Austin Clerk

A true copy of record, attest: Kathleen Austin Clerk

RETURN OF VOTES AT THE MUNICIPAL GENERAL ELECTION – WRITE IN
November 2, 2021
Keene, New Hampshire

WARD FIVE

WRITE-IN MAYOR candidate's name	Total votes	WRITE-IN MODERATOR candidate's name	Total votes
Sam Howard	1	Brandon Brown	1
Mitch Greenwald	3	Kurt Fogleman	1
Shawn Filiault	1		
Nealon Brown	1		
Stephen Rogers	1		
ARIA Demazzo	1 (8)		(2)
WRITE-IN WARD COUNCILOR candidate's name	Total votes	WRITE-IN WARD CLERK candidate's name	Total votes
Torre Marks	1	Kurt Fogleman	1
Greenwald	1		
Tom Powers	1		
Kurt Fogleman	1		
John DiBarabo	1		
Lynda Rogers	1 (6)		(1)
WRITE-IN COUNCILOR-AT-LARGE candidate's name	Total votes	WRITE-IN WARD SELECTMAN candidate's name	Total votes
John McGauley	1	Brian R. Heighton	1
Luca Paris	1	Blank/unnamed	3
Ted McGrear	1		
Robert Johnson	1		
Anthony Boame	1		
George Dowling	1		
Allen Raymond	1		
Fred Parcels	1		
Kris Roberts	1		(4)
John DiBernardo	1	WRITE-IN CHECKLIST SUPERVISOR candidate's name	Total votes
unnamed/Blank	1 (11)	Blank/unnamed	1
		Kurt Fogleman	1
			(3)



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Rebecca Lancaster – Designation of a Site for Community Dog Park

Council Action:
In City Council November 4, 2021.
More time granted.

Recommendation:
On a vote of 4-0, the Municipal Services, Facilities, & Infrastructure Committee recommended placing the designation of a site for a community dog park on more time.

Attachments:
None

Background:
Councilor Lake explained a potential conflict of interest with the first two agenda items. Councilor Lake is a member of the Keene Disc Golf Club and worked with Director of Parks, Recreation & Facilities, Andy Bohannon, looking for a site. He has continued providing help to the club as Councilor. The City Attorney said the Committee needed to decide whether the Councilor had a conflict of interest under the Rules even though he does not have a fiduciary or pecuniary connection, he was a “party in interest” and under the Rules of Order of the City Council the Committee should vote on the issue of two competing entities regarding this use of property. Councilor Filiault believed there was a conflict and that Councilor Lake should be recused. Councilor Williams wondered if that meant Councilor Lake would not be able to comment as a Councilor, stating that he might still have something to offer. Chair Manwaring said that Councilor Lake recognized a bias that should cause him to recuse because of the competing groups. Councilor Filiault said that the Councilor would also need to sit in the audience during recusal and the City Attorney confirmed that is the preferred practice. Councilor Madison agreed with the recusal.

Councilor Filiault moved that Councilor Lake be recused from the first two agenda items, which Councilor Madison seconded, and the motion passed on a vote of 4-0.

Councilor Madison also acknowledged that he is a former/inactive member of the Keene Disc Golf Club but had not participated in one year and did not feel a need to recuse.

Chair Manwaring welcomed Rebecca Lancaster of 10 Wildwood Road, who referred to a handout

that she provided to the City Councilors and is available at the City Clerk's office. She said she is a part of the newest iteration of the search for a dog park over the last decade. Covid-19 put a damper on some of the group's progress and now they want to continue their search and the news of the Wheelock Park Campground site was welcome as an ideal location. Ms. Lancaster said she had been a Keene resident for several years, is the mother of two kids, she has a history of fostering dogs and working with rescues. She considers herself slightly knowledgeable on this topic, which was why she felt comfortable speaking to the Council about this. She appreciated Councilor Lake acknowledging his conflict of interest, stating her hope that the campground could somehow serve both purposes creatively with the amount of land available.

Ms. Lancaster continued demonstrating that the dog park group has over 1,700 followers on Facebook, demonstrating the community dedication to the effort. Knowing they would be speaking before this Committee, the group generated a petition that gathered 600 signatures in support of a dog park at this location. Throughout this effort, many individuals have offered their time and expertise to see the project to fruition. Ms. Lancaster recalled the benefits of a dog park.

- There are no other adjacent towns with a dog park.
- Provides a safe place for community members to exercise and socialize their dogs.
- It would attract families and professionals to Keene.

Ms. Lancaster continued demonstrating a mock site plan using an aerial view of the campground. She showed a 1.5-acre site (a healthy size for a dog park) that is setback 550 feet so there would be no residential issues, which was an issue that impeded this effort in the past. She said this site is ideal because it is secluded and would not be visible from other areas in the park, it is easily accessible with existing parking amenities and bathrooms in the area. Fencing the area would require 950 linear feet of fence, which based on current pricing would cost approximately \$25,000 at \$25/linear foot. She said the area is wooded heavily and would require some tree removal of pines in poor condition, though remaining shade trees would be valuable to the park; she hoped the tree removal could be arranged through donation or discounts from local tree companies to save costs. Any trees removed from the site could be chipped for ground cover to prevent mud that is not ideal for a dog park.

Ms. Lancaster continued discussing financing the park. Prior to having a site selected, the dog park group had fundraised impressively and has approximately \$10,000 set aside for this effort; she imagined more fundraising possible now that a site would be selected, like how funds were generated for the Bike Park. Ms. Lancaster explained that she is also an experienced grant writer and could help seek regional or federal funds needed. She said the dog park group planned to form a Committee to oversee the planning, fundraising, and construction processes, as well as any future maintenance needs; the group does not want to overwhelm already busy City Staff. Ms. Lancaster also had some feelers out with local non-profits to see if fiscal sponsors were possible to handle the long-term maintenance needs. Maintenance would be minimal and restricted to the fence and perhaps agility equipment in the future. To help with maintenance, she suggested adding an optional donation to the dog park when licensing dogs with the City each year, which is common in other states and towns. If site approval were achieved, Ms. Lancaster was confident the dog park group could help the project move forward quickly.

Chair Manwaring requested to hear from Director Bohannon. Director Bohannon said he had conversations about a dog park for some time and he recalled the \$10,000 fundraised in the past for another site that was approved initially and then withdrawn, after which many other sites were considered with no success. When the Wheelock Park campground closed in 2018, the administrative building was removed and the electric and water hook-ups and bathrooms/showers

were left available, not knowing what the future use would be. The campground is still leased on Labor Day weekend to the Horseshoe Club for their tournaments, though they are aware that access could change in the near future. A few trees there are slated for removal this spring and the City is holding a Staff chainsaw training there soon. Therefore, the area is still being used for some purposes.

Mr. Bohannon said that over the years, he had discussed the campground with the dog park group and a different group. More recently, the Disc Golf Club reached out to him about the same site, and he walked the site with them to hear their ideas. He also contacted the dog park group again to see if they were still interested in the site. He said the dog park group had really put effort into the logistics of how to accomplish the park at this site and one consideration has always been a connection with a non-profit as a fiscal agent. The City learned a lot in the original dog park process that they did not necessarily want to take on again. Director Bohannon thinks the City is in good place now to support another park after some successful projects like the Skate Park that raised \$200,000 and the very successful fundraising for the Bike Park.

Director Bohannon said there had been some public sessions on future uses those citizens want to see in Wheelock Park and that conversation was driven by seeking a location for the dog park. He listed all the new amenities in Wheelock Park, like new concession stands and American Disability Association bathrooms. He said that before the Committee were two interested groups looking at a space that is conducive to both needs, with the dog park group long established and the Disc Golf Club showing more recent interest. He said he would leave it at that.

Chair Manwaring asked how the Bike Park worked out long-term maintenance with Director Bohannon. Director Bohannon said it was a very good question. He reminded the Committee that next year there would be construction of Russell Park and the Bike Park, two very large projects. His understanding of the Bike Park was that each Wednesday evening, the group would have a work night before they ride; the group also just planted four new trees and have demonstrated dedication to fundraising for maintenance. Additionally, the President of the NE Mountain Bike Association is in constant contact with Director Bohannon based on an agreement prior to the park because the group does a lot of maintenance of trails in the Drummer Hill/Goose Pond area. He recalled Ms. Lancaster stating that there would be a dog park group responsible for maintenance, which he said would be needed because his Staff is at capacity. He has spoken with many other Parks and Recreation directors on maintenance of their dog parks and most of them have a "friends" group that do most of that work. He said there are already sufficient trash barrels at Wheelock Park for this purpose. He added that a dog park would be appreciated and beneficial if it kept dogs out of City fields and cemeteries.

Councilor Filiault said he had been around long enough to hear the various dog park proposals over time for dozens of sites. If this site does not work out for the dog park, he asked whether the City has any viable alternative sites under consideration or whether this would go back to square one. Director Bohannon said it was a good question and said Staff had been trying to think of all these things along the way. He said there had been conversations with the Airport Director, David Hickling, over the potential for an agreement with the Town of Swanzey for a dog park at that location. He also understood that there had been conversations with the Humane Society related to their space. The Airport Director has already spoken with the FAA about this being a viable space for a dog park and there are already many walking trails and Airport Road that many dog owners utilize at present. So, the Airport is one option if the dog park group considered it.

Councilor Filiault said he hoped the City could be active in this because he had never seen another group so patient; this is not the same group that began the effort, with the Councilor saying the effort began two decades ago. He understood there were invariable reasons this had not come to fruition

yet and he was not pointing fingers, but he wanted the City more involved with helping this to finally happen at a viable, affordable location. Director Bohannon replied that when a previous site was identified, he worked with the Engineering Division to identify potential costs for all possible sites at that time. He thought this dog park group was similar to the Skate Park group and that it takes individuals like Ms. Lancaster who are ready to come forward to make this happen now. He said that more things go into the design, however, than just the fence and ground material; a lot of things go into the design – trash barrels, agility pieces, benches, etc. – such as for Laconia, whose dog park cost \$110,000. He does not want to just install a fence and be done, but rather to create something attractive so people want to bring their dogs there or travel to Keene to use the facility. Director Bohannon said he followed Councilor Filiault's lead.

Chair Manwaring opened the hearing for public comments.

Rebecca Cloud of 31 Kelleher Street spoke in favor of the dog park as a lifelong Keene resident. She has traveled extensively around the country with her family and dogs, and she has seen dog parks work extremely well. She thinks that having a dog park in Keene would be a tremendous benefit. She sees residents complain on Facebook about dogs on bike paths or in open fields, but that is because there is no designated place for owners to let their dogs run, play, and release energy. A dog park would mitigate these problems and she is in favor of it.

Councilor Philip Jones said these were exciting times with people wanting to raise money for these various parks. He recalled the City creating a Recreation Master Plan approximately six years ago, which called for more active and passive recreation, and now the City sees itself in a position where people want to pay for these amenities. He said the dog park conversation had been ongoing for 20 years, he is a dog lover, and he thinks Keene does need a dog park. He travels a lot and sees them all over the country. Councilor Jones said that this letter and presentation from Ms. Lancaster provides guidelines and more details than previous attempts, including specific logistics like setbacks and fence length. Councilor Jones hoped a solution could be reached, despite his being opposed to some proposed locations in the past. He imagines sponsors wanting to contribute to this project, like veterinarians or dog food suppliers; the fence and benches could be sponsored, for example. He suggested there could also be a place in the park for a small cemetery for cremated dogs; he would gladly pay \$50 to bury his dog's remains there. He thanked the petitioner and said he also wants to see disc golf in the City too. There could be economic development and improved quality of life in Keene from both activities. Councilor Jones thought this was a good location for the dog park and wanted to see the proposal move forward.

Asia Davis of 30 Kingsbury Street said she was new to the area but had been coming to Keene for about 10 years and was in favor of a dog park to help build community, which she said she loved about Keene. She said Keene is an inclusive place and a dog park would enhance that, creating a great place for people to meet and socialize after Covid-19. Ms. Davis said she would be happy to help in any way to aid this coming to fruition.

Ms. Lancaster addressed the Committee again and spoke about the alternative site proposed at the Airport. While she imagined the terrain was nice at the Airport, she expressed concern for the multiple noises at an Airport that would not likely be conducive to dogs running free together; it was a set-up for disaster. She anticipated it being a trigger to most dogs, like thunderstorms, for example. She imagined the Airport space better suited to another purpose. Additionally, Ms. Lancaster said she is not a fan of doing a project partway and letting it go. She said that dog parks are nice in that they are completed in stages; stage one could be clearing the site, and stage two putting up the fence, with later stages to add agility equipment, etc. She said that downed logs and other natural objects could be used in place of \$50,000 agility equipment. Ms. Lancaster was unworried about the ability to fundraise.

Chelsea Bankford of 98 Bradford Road, a newer resident to Keene, also spoke in support of the dog park. She was shocked and saddened when she moved here that there was not a dog park because there is nowhere for her young, energetic dog to run off leash. She was discouraged that there are not off leash trails in the City for her well-behaved dog to use. She said a dog park is essential for dogs like hers. A dog park is also a great way to meet people and she was in favor.

Liz Sheridan of 374 Pako Avenue spoke in support of the dog park as well so pets can release energy, play, and socialize. She said it would also build community; she imagined seniors visiting the dog park to experience the joy of the animals, or seniors making and selling dog sweaters at the park. She imagined a family trip to Wheelock Park, with the kids at the Bike Park someone at the dog park, and someone else playing softball, for example; everyone would benefit. She thinks Keene needs this badly and she was tired of waiting.

Molly Penny (address inaudible) explained she is from the Keene area originally and moved back recently due to Covid-19. She also spoke in support of the dog park as everywhere else she has lived had one. She agreed with Ms. Lancaster that it could be accomplished in stages. Ms. Penny said she had a professional fundraising background, and she offered her support to Ms. Lancaster, stating that she would be excited to be of use for that. She thought this was a unique opportunity for the City. She has worked with the Chamber of Commerce on making Keene appealing to people and she thinks a dog park would be logical. While the timing had never been perfect in the past, she thought it was now.

With no further public comments, the Committee deliberated.

Councilor Filiault asked a procedural question on accepting this matter as informational versus putting it on more time. It made more sense to him to place this on more time while a solution was considered, whereas accepting it as informational means this process would have to begin again from scratch. Putting this on more time would instead just allow the matter to reopen as progress is made. Placing this on more time would also allow the Committee to consider the second agenda item. He was not ready to accept this as informational and move on from the matter. The City Manager, Elizabeth Dragon, responded, stating that Staff discussed whether it was appropriate to place both agenda items one and two on more time or to accept them as informational, and reasons could be given for both. The reason that Staff recommended accepting both items as informational was because more details were needed before decisions could be made on either matter, and so it seemed appropriate to have the groups come back with all of the details. Chair Manwaring thought that accepting both matters as informational placed the onus on both groups to bring back more details as opposed to the City, which was her reasoning.

Councilor Filiault said this was a technical issue and no matter the Committee action, neither agenda item would be forgotten. However, he said his problem with accepting this as informational is that it would be removed from the Committee agenda, and therefore the groups would have to restart this conversation with the Committee because the information would no longer be on the table. Rather, if this were on more time, when either group returns with more details, all of the information from this meeting could be pulled off the table, rather than restarting the whole procedure. The City Manager replied that it could remain on the table for a long time, which is why if something is not quite ready, Staff recommend accepting as informational. Councilor Filiault said that if it becomes clear no progress is being made down the line that the Committee could bring it back to the agenda and vote it out.

Councilor Williams was comfortable with either motion but supported more time if the rest of the Committee did.

Councilor Madison stated that he was in support of more time because this topic has fallen off the radar many times and there is community support.

The City Attorney stated that either procedure was appropriate but that it would also be appropriate to give the petitioner a road map of what the Committee sought, such as fundraising goals or design goals, for example. This would also provide parameters to Staff to know how to take action when the time comes. Councilor Filiault said that he imagined Staff continuing conversations with the dog park group about fundraising, potentially learning from the Skate Park's process. He said there had been so many false starts with the dog park and so even if this process is incremental, he wanted to get it done.

A motion by Councilor Filiault to place the agenda item on more time was duly seconded by Councilor Madison.

Chair Manwaring stated that one of the things she wanted in addition to the fundraising and design plans would be for the group to identify a fiscal agent or to form a group that truly stays together and acts as a non-profit without becoming one. She thought Ms. Lancaster had made a great start.

The City Manager also suggested that the design be approved by Director Bohannon.

On a vote of 4-0, the Municipal Services, Facilities, & Infrastructure Committee recommended placing the designation of a site for a community dog park on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.2.

Meeting Date: November 4, 2021

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Robert Johnson – Proposal to Build a 9-Hole Disc Golf Course at Former Wheelock Park Campground**

Council Action:

**In City Council November 4, 2021.
More time granted.**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, & Infrastructure Committee recommended placing the proposal to build a nine-hole disc golf course at the former Wheelock Park campground on more time.

Attachments:

None

Background:

Chair Manwaring recognized Robert Johnson of 47 Sesame Street, who represented the Keene Disc Golf Club and their proposal to build a beginner-friendly nine-hole disc golf course at the former Wheelock Park campground. Mr. Johnson has been involved with the Club since 2014. The Club has been a NH non-profit corporation since 2015 and is affiliated nationally with the Professional Disc Golfers Association. The Club is known as one of the most active in the region and has a strong track record of working with other clubs or government entities to design the full course at Otter Brook, for which the Club raised \$15,000 and managed thousands of hours of volunteer work. The Club still manages the Otter Brook disc golf course and organizes a full schedule of various leagues and tournaments that are attended by players from all over New England. On one day this summer, 112 players golfed at Otter Brook. Mr. Johnson said that in 2017, the Army Corps of Engineers tracked the players who entered for three summer months and there were more than 1,200 players. He said a lot of the Club's work had been very successful. However, Otter Brook is not beginner-friendly and lacks access off-season; the topography there can be overwhelming to new players. Therefore, the proposed disc golf course at the Wheelock Park campground would not just be another course in the area, it would be an easily accessible, beginner-friendly course that compliments what Otter Brook already has to offer; it would be similar to how the Bike Park complements the trail network at Drummer Hill. He said that disc golf would fit nicely with other activities at Wheelock Park and that the course would be popular with a wide demographic range. The Club loves the idea of introducing kids to an activity that they could participate in for the rest of their lives as well as a place for current

players to practice a short game with friends, or a conducive course for older players. Mr. Johnson said that disc golf is a four-season activity, with leagues throughout the winter. He said the Club already had a tentative design in mind and were ready to make this happen. He said the Keene Disc Golf Club would commit to designing the course layout, raising the necessary funds to build the course, and donating the labor needed to install equipment. He said the Club was confident it could raise 100% of the funds needed, but in the event they could not, he said the Club had a strong balance sheet to fill in any financial gaps. He believed that a spring 2023 completion date was feasible if permission were granted.

Chair Manwaring asked the Club's ability to maintain the course. Mr. Johnson replied that the Club currently manages 100% of the Otter Brook course and could do the same at this site.

Councilor Williams asked the qualities the Club looks for in a disc golf site and how the campground met their needs versus other locations in town. Mr. Johnson replied that Wheelock Parks is very accessible from the Bike Path and has parking. With the road going through the area, he said the fairway was pretty much ready to go as is. He said the Club sought a challenging location, with trees as throwing obstructions, for example.

Councilor Madison asked whether there was a conceptual site design for the course yet. Mr. Johnson replied that the club placed flags in the ground and played the course, though the conceptual design is not on paper. Councilor Madison asked the footprint and Mr. Johnson said it followed the campground road all the way around. Councilor Madison asked if it were confined to that area or if there were possibility to expand to other areas of the park. Mr. Johnson replied that he did not recommend expanding because of the little league fields and other park uses.

Chair Manwaring requested comments from Director of Parks, Recreation & Facilities, Andy Bohannon, who said Mr. Johnson reached out to him in spring 2021 with this idea, which they met to discuss. Director Bohannon has attended many sessions at national conferences on both dog parks and disc golf courses. He has been in conversations with individuals from the Keene Disc Golf Club for the last eight to 10 years, since the Club started at Otter Brook. The Club has spoken with the City in the past about options at Robin Hood Park, which did not work out due to capacity. After Mr. Johnson contacted Mr. Bohannon this spring, they walked the campground site together to hear about their design ideas and logistics. The Disc Golf Club had proposed a budget and so the next question would be about maintenance, as it was for the dog park proposal. Director Bohannon said the Club demonstrated that they are a non-profit organization, which was the model used for the Bike and Skate Parks. The Club was interested originally in the former YMCA Camp that was previously slated for the dog park, but Director Bohannon had to explain the high costs and challenges with that site. Unfortunately, other than Robin Hood and the YMCA Camp, few other potential sites had been investigated. He said the flat area of the campground would be family/beginner-friendly and there is already parking. Director Bohannon thinks that both a dog park and disc golf course would be strong assets to the City of Keene recreation portfolio and so it was a matter of finding the best way forward.

Councilor Madison asked whether Director Bohannon was familiar with Memorial Park in Brattleboro, VT, and the Director said he learned to ski there as a kid. Councilor Madison understood that Memorial Park had both a disc golf course and a dog park and he wondered about the possibility of both uses coexisting at Wheelock Park. Director Bohannon said it was a good question and as he remembered, Memorial Park was similar to Wheelock Park in many ways, though he would need to visit it again; he also thought they were installing a skate park. The Director said he would visit and speak to the Brattleboro Director of Parks and Recreation who could advise. Director Bohannon appreciated the suggestion.

Chair Manwaring opened the hearing to public comment.

Rebecca Lancaster 10 Wildwood Road spoke again, stating that she had nothing against the scope of this proposal, having played disc golf in the past. She imagined using such a kid-friendly course with her family throughout the year. Still, she asked the Committee to consider which use would serve more of the community. When looking at Keene as a whole, she said there is already a disc golf course at Otter Brook even though it is not beginner friendly; she wondered if there were opportunities to expand the course at Otter Brook to include a beginner's area. She also wondered if alternative sites were available, stating that there was apparently a great space at the Airport. Ms. Lancaster was against this proposal in the sense that she thought the dog park would be better suited to the site and would accomplish something 20 years in the making. She thought it might be easier to find an alternate site for disc golf. Ms. Lancaster stated that she was also not opposed to working with the Disc Golf Club to brainstorm a way to make the campground work for both uses if the Club were willing.

Councilor Filiault said had the same procedural question as with agenda item one and he also recommended placing this matter on more time versus accepting it as informational. He said perhaps the two groups could find a way to coexist. He said a lot depended on fundraising. He said there were still a lot of questions but that it was exciting to see two viable proposals. He thought this was all good news but that more time was needed.

Councilor Filiault made the following motion, which Councilor Madison duly seconded.

On a vote of 4-0, the Municipal Services, Facilities, & Infrastructure Committee recommended placing the proposal to build a nine-hole disc golf course at the former Wheelock Park campground on more time.

Councilor Lake returned to the Committee.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.3.

Meeting Date: November 4, 2021

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Monica Marshall – Request that Main Street be Designated as a Smoke-Free Zone**

Council Action:

**In City Council November 4, 2021.
More time granted.**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, & Infrastructure Committee recommended placing the request that Main Street be designated a smoke free zone on more time.

Attachments:

None

Background:

Chair Manwaring welcomed Monica Marshall of 81 Terrace Street, who has lived in Keene for 26.5 years, during which time she has thought about making this request. She said there was no group behind her but that she had talked to so many people over the years about this. She is a retired teacher and has also had countless conversations with children who ask why people throw cigarette butts in the streets; she used to lead a project with students collecting the butts from the streets for two years as community service and everyone was shocked with the magnitude collected (several thousands), though the students' letter to the Sentinel about this was never published.

Ms. Marshall said it seemed logical to her to bring this request to the City government that could help guide next steps, which is why she wrote her letter to the City Council. Her letter discussed different reasons why prohibiting smoking on Main Street would benefit the City, especially with murals now and people eating more outside. She said that visitors to Keene are given a false impression of the City when they visit Main Street, which she said is filled with smokers that she called unrepresentative of the City's majority. She recalled other cities with no smoking areas, such as Central Park in New York City. She said the cigarette butts on Main Street are unsightly and she wanted to see a smoke free zone there and coming toward Main Street from the eastern part of town. She said that benches on Main Street are essentially unusable for the majority of the population because smokers congregate there and leave their cigarette butts, which she said do not biodegrade and are an environmental hazard. Next, she discussed the health hazards for the secondhand

cigarette smoke downtown that can be as bad as for firsthand smokers, even if outside. She said that non-smokers can smell smoke from half a block downwind of a smoker; the smoke does not dissipate right away. She said kids are taught the negative impacts of smoking in school and the City is sending a double message that it is fine. She reiterated how aware children are of the discarded cigarettes.

Ms. Marshall then referred to Cheshire Medical Center implementing their smoke free zone, which she said smokers adapted to over time as they saw signs around the campus. Now, she said the Hospital is a much nicer place to walk while going somewhere for your health. She said the same was true of the Library campus, where smokers got used to going to their designated areas with time and requests from Staff. Now, she said both places are more community friendly. She said another reason to consider her request was economic. Coming out of Covid-19, she said Keene had been a leader in NH. She recalled everyone thinking it would be economic death when smoking was banned in restaurants, when in reality she said it was the opposite. She said Keene could lead the whole state if the downtown were smoke free. Other places like Portland, ME, have done the same and she said those places became more visited family-friendly destinations. Ms. Marshall wants to see more benches brought back to the downtown because right now it is impossible to sit at a bench for longer than five minutes without a smoker sitting down. Ms. Marshall considered the "live free" perspective for many years before writing this letter to the City Council but said right now, downtown favored the freedom of the minority, the smokers, and that it would be a different place if it supported the freedom of the majority. She does not believe smokers' freedom would be taken away, rather they would just have to go somewhere designated. Ms. Marshall loves Keene and thinks this would be a great next step that fits the future of Keene.

Councilor Filiault asked what "Main Street" would entail; would it include side streets, etc.? He asked Ms. Marshall's goal. Ms. Marshall replied that she is a nonsmoker and so she wanted to see 200 yards down east and west side streets and alleys. She thought it would be nice for the new Colonial to have a nonsmoking area around it. Her vision was Main Street. She referred again to the success at the Hospital campus eliminating smoking over time. She thinks that smokers would naturally get used to knowing they cannot smoke when they go downtown.

Chair Manwaring asked to hear from the City Attorney, Tom Mullins, who said he was just hearing the presentation as well and he could not likely provide answers at this meeting without further research. He could think of some issues this could raise in distinguishing smoking from vaping. As a former smoker, he said he understood the smokers' process of disposing of the cigarette on the ground. Technically, he said that once the cigarette butt is disposed on the ground that triggers an act of littering, which there is a law against in NH that is defined broadly for all intents and purposes. Another issue he thought of was the fact that cigarette smoke is quite literally air pollution; he did a lot of work and research on the topic in the past, particularly regarding secondhand smoke. There is a statute on air pollution. The City Attorney said these were just two examples of the numerous possible issues around smoking. He thought the question this Committee and Council needed decide if this was an issue they wanted to address. If the Council did take on this matter, they would need to have the City Attorney look into it to determine if it were something the City Council could regulate. He said there is also a huge question of enforcement, given that disposing of cigarettes on the ground is already a violation. There will be critical points for the City Council to consider. Therefore, the City Attorney awaited direction from this Committee and the Council on whether he should proceed investigating this in more detail.

City Manager, Elizabeth Dragon, spoke more to enforcement, knowing some of the challenges with some ordinances in place. If the Council were interested in enacting something like this, enforcement would be a serious consideration because such an ordinance would likely fall to the Police Department, and she imagined the challenges with weekend activity downtown. She questioned if

this was something the City Council wanted a Police Officer focused on enforcing versus other issues during high activity times downtown; she imagined it easier to enforce during the daytime.

Councilor Filiault said he agreed with this proposal morally 100%, having lost a parent to cancer and having no sympathy for smoking. He sees nothing positive about smoking. The Councilor was also concerned with enforceability, especially now needing to distinguish what smoking is with the prevalence of vapes. Councilor Filiault expressed another concern for night life in Keene if smoking were now illegal both indoors and outdoors. He said those smokers would go somewhere. He thought it would be complicated to have more Police downtown at night to enforce smoking. Despite agreeing morally, he said that Councilors have to be careful with what they lay in front of the Police Department and Code Enforcement, as they learned recently with the mask ordinance, which was difficult to enforce. He did not think this proposal was enforceable and would put undue burden on Staff, but he had no problem with the City Attorney looking into it further.

Councilor Madison said he was aligned with Councilor Filiault. Councilor Madison thinks smoking is disgusting, having grown up with parents and grandparents who smoked. He said he hates walking around people smoking downtown but he could not envision an effective way to enforce this. He said the City Council cannot regulate every single vice. There are already rules for disposing and littering. He did not think the Police could effectively enforce something unsightly, despite Councilor Madison reiterating that smoking is disgusting.

Councilor Williams said he supported this idea because he does not like smelling cigarette smoke while he is eating. He did not have a particular problem with vapes because he cannot smell them generally and said it is a different health concern than sitting in someone's secondhand smoke. The Councilor did not want a blanket moratorium on smoking downtown because people have an addiction and need somewhere to go feed it and so designated areas would be necessary, preferably out of the way from where the general public walk. He did not have a problem with allowing vaping downtown. He said enforcement was important but added that most smokers are not rude and if there were signs, people would likely respect them and go to designated areas. Councilor Williams did think this would improve downtown Keene and he appreciated Ms. Marshall bringing the idea forward.

Councilor Lake asked if there was an ordinance in place for smoking at the Library and the City Attorney replied in the affirmative, keeping in mind that there is a policy against tobacco use and smoking with the exception of designated areas implemented by the Library Trustees. Councilor Lake asked if that was not in the City Code and the City Attorney said no, the Library Trustees have purview over that facility. Councilor Lake commented on enforcement and agreed with Councilor Williams that having a rule in place and signs describing the law, that people would respect that, and the amount of smoking downtown would at least reduce to some degree and try to limit that use to particular areas. Such as the littering law that is not regularly enforced but deters the action.

Chair Manwaring recognized Ms. Marshall again, who said she did not imagine the Police walking the streets enforcing this. She imagined a gradual change as at the Hospital and Library. That if there were signs posted and there were designated places to smoke with noticeable receptacles, that the City would witness a gradual compliance, and citizens could direct smokers to the designated areas. She did not believe it was necessary to use the Police in that way. Ms. Marshall said she believed in people changing their habits. Chair Manwaring replied that she thought Ms. Marshall just articulated her next step, which could be talking to businesses about putting up their own no smoking signs, which the Chair thought would be more effective than heavy-handed City enforcement if an ordinance were passed for no smoking on Main Street. Ms. Marshall said she disagreed because she did talk to a couple of business owners over the years and said it is the opposite, that businesses need and want a City ordinance to fall back on when enforcing. She said she was happy to work with

individuals once the City had made a statement on the matter; she said she would do research into New Brunswick, ME, and how other cities enforce this as a next step.

Chair Manwaring opened the hearing to public comment.

Kitty Jerome of 37 Church Street has lived in Keene for one year, has enjoyed living here, and thanked the Council for their service. Ms. Jerome applauded Ms. Marshall's foresight. Ms. Jerome has many years of work in tobacco free policy efforts, and she offered herself as a resource to the City Attorney, City Manager, and City Council if they choose to consider this further. She heard some excellent points during the discussion, and she underscored that she agreed wholeheartedly that a small minority currently determine the enjoyable use of the public spaces. Ms. Jerome stated that 85% of Keene residents do not smoke and the other 15% are affecting everyone, because it is a scientific fact that there is no safe level of exposure to tobacco smoke from up to 25 feet away. She said this is also an issue for immunocompromised people. She said it was important for the Council to recognize that the minority of residents affect the majority of residents in the City and their ability to enjoy the outdoor public spaces. She understood the point on nightlife and thought it worth considering how other towns have done this, of which she said there are many internationally.

Ms. Jerome said this was also about role modeling behavior for children. She said there was no denying that this is an addiction, and she did not want the addicts to be penalized or thrown out of town, but to an appropriate space that does not expose everyone to a known carcinogen. She referred to the National Nonsmokers' Rights Foundation, which has sample ordinances and enforcement measures. She agreed with Ms. Marshall that if smokers see signs prohibiting smoking, they would be respectful, or she could point to the sign and kindly ask them to move. She said she did not want this to be punishable Police offense. She learned that the benches downtown were removed for this reason, meaning residents like the elderly have nowhere to break when walking downtown. Ms. Jerome listed for the public record the national and international organizations that could help with this effort: American Cancer Society, Cancer Action Network, American Nonsmokers' Rights Campaign for Tobacco Free Kids, Change Lab Solutions, American Heart Association, American Lung Association, Robert Wood Johnson Foundation, Centers for Disease Control. Ms. Jerome urged the Committee to consider this carefully before letting it go and thanked the Committee for their dedication to the public good.

Rebecca Lancaster of 10 Wildwood Road spoke again, stating that she applauded Ms. Marshall. Having grown up around smokers as a child, she is cognizant of not exposing her kids to smoke. Ms. Lancaster said that the cigarette smoke and litter is why she does not bring her kids downtown, because she has had the same experience sitting on benches and being interrupted by a smoker, which hinders her family's ability to enjoy being outside. She thought of the matter economically and thought she was not the only person with children avoiding downtown for this reason. She agreed with starting with cigarettes and not vapes. Ms. Marshall supported this proposal.

Ken Cisco of 81 Terrace Street, Ms. Marshall's husband, said his wife was courageous in speaking-up on this and that he admired her optimism on the matter. Also having grown up around parents who smoked, he was deterred from smoking because the secondhand smoke gave him health problems. When discussing social norms, Mr. Cisco said he disagreed respectfully with the City Attorney, stating that he did not think people know they are littering when they throw cigarette butts on the ground; Mr. Cisco did not think smokers thought twice about it because it has not been a social norm. He compared walking through smoke in Keene to the lack of smoke in New York City despite the large population. He recalled challenges as smoking has been outlawed in other locations but said that people eventually got used to it. He agreed with others that the minority of Keene is impacting the majority. He thinks it is a moral issue. He stated that people will always resist new arrangements that they consider as impeding their freedom, such as his choice to jaywalk despite the

fact that he could get a ticket. He thinks that there will always be exceptions but that good citizens will meet community expectations. Mr. Cisco thought the Council could make a real difference.

Bradford Hutchinson of 305 Marlboro Street said he was not planning to attend the meeting but was glad he did so that he could speak on this matter because the other side needed to be heard. He said the supposed idea of a 15% minority controlling the other 85% was “hog wash.” Mr. Hutchinson said he was speaking for the 15%. On the topic of cigarettes, he said that the earlier comment about cigarette butts being biodegradable was incorrect, asking what was not biodegradable about paper, cotton, and tobacco; he said the idea that cigarette filters are fiberglass is a myth. Mr. Hutchinson stated that he was speaking because he opposes “national and local fascism and bleeding-heart liberal do-gooders who think they have a God given right to tell other people how to live their lives.” He said that if the City Council passed such an ordinance, then he would fight it. He contested an earlier comment, stating that the downtown benches were not removed due to smokers, but to deter the homeless from sleeping there. He stated that, “the good people of Keene do not want to see those homeless addicts hanging out.” Mr. Hutchinson has lived in Keene for 35 years and he spends most of his days downtown, enjoying the shopping, community, and events, and always welcoming visitors to town; he said that is the sort of social interaction that makes downtown Keene what it is, which is different than other areas. Mr. Hutchinson diverged from the topic at hand, speaking about the homeless in Keene. While Mr. Hutchinson understood the arguments against smoking, he also opposed fascism disguised as public health. He did not understand how the short-staffed Police could enforce this when things like open container laws and bicycles on the sidewalks are not enforced. Mr. Hutchinson did not think those who proposed this thought through the unintended consequences. He concluded his remarks by adding if receptacles are in sight and available, smokers would use them.

Roger Weinreich of 51 Railroad Street and small business owner appreciated Ms. Marshall bringing this forward. He said that this idea was new for the City but sweeping the country. He said it was a concept of sharing space, not making the whole downtown smoke free. He encouraged the Council to consider this seriously and do its due diligence with some kind of plan. From his perspective as a 30-year business owner, Mr. Weinreich respects people’s rights but does not let them smoke in his store, but they are allowed to on City property in front of the store, which people seem to enjoy and therefore it is hard to discourage. However, he has gotten feedback in recent years from people walking into the store through smoke. He hears from people about Railroad Square being underutilized because of smoking, which is similar for Central Square. He thought this would encourage more outdoor dining downtown. He has asked some of his smoker clients to travel one block before smoking versus right outside the store. Additionally, having traveled extensively, Mr. Weinreich said that there is a trend toward nonsmoking areas today and said he has heard feedback that some cities create too large of a nonsmoking footprint that is unenforceable. He said part of making this happened would be branding it, and starting small with certain areas, and self-policing. He suggested starting with just a strip of Main Street to see how people feel about it. He said a lot of downtown merchants do not know how they feel about it because they do not want to lose their smoking customers. Regarding bars at night, he said that some towns are smoke free until a certain hour at night. Mr. Weinreich thought there was plenty of information available to the City Council to take this on, potentially with the Chamber of Commerce. He would be proud if Keene pulled it off.

Hearing no further public comment, Chair Manwaring stated that she thought Staff needed more direction if this was to be put on more time and so she asked the Committee what they sought.

Councilor Williams thought the Committee was looking for what is legal and how to defend it as well as what other cities in NH are doing. He wanted to know if the public really supported this.

Councilor Filiault repeated that he agreed morally. Still, he heard comments on not expecting the

Police to enforce this but said that if the Council passes an ordinance, the Police must enforce it. He agreed that a smoke free downtown would be nice if possible without an ordinance and perhaps with volunteers and businesses. Councilor Filiault acknowledged that a resolution might be possible. Still, he thought this matter needed more time because more questions came from this conversation than answers. He reiterated his moral agreement but disbelief that this would be enforceable. He was content placing this on more time so more research could be brought to the Committee.

Councilor Madison said he aligned with Councilor Filiault. Morally, Councilor Madison said he would be happy with a smoke free downtown, but he was curious about possible enforcement mechanisms and whether there is legislation that allows this. Councilor Madison was also concerned about having something akin to a vice squad on the Police Department enforcing a rule like this, which would be another avenue for those suffering from poverty to be forced into Police interactions that he said there did not need to be more of. He was interested in guidance from the City Attorney regarding enabling legislations, other communities in NH, and what the City would potentially need to do to defend such an ordinance. He agreed that this should be placed on more time, and he was interested in the possibility of a resolution encouraging a smoke free downtown versus jumping into enforcement.

Chair Manwaring requested the City Attorney's input. The City Attorney said his advice depends on the direction of the Committee and following vote of the City Council, though he thought he heard consensus developing. He recalled that NH is different because it is a Dillon Rule State meaning the City only has the authority provided to it by the State of NH, which is not true for many other states, particularly in the west, where if the state is not regulated in the field, the local municipalities are free to do so; this is not the case in NH. To proceed, the City Attorney would have to find something that provides the authority in some manner. He reiterated that it was also possible to look at air quality standards, which he had to look at in the past regarding burning in the City; NH has preempted the field regarding air quality. These are the issues the City Attorney has to address going forward.

Councilor Lake echoed wanting a better understanding of what the City could actually do. He was unaware of any other locations in NH doing this but he knew that Burlington, VT, had a similar rule for its Church Street, which is similar to Keene's downtown and would be helpful to consider for more information.

Chair Manwaring recognized Ms. Marshall again, who recalled the City acting as a leader in the State when indoor smoking was banned and the whole State followed suit. She stated her hope that this time, the City would not follow exactly where the state was going and act as a leader in things not accepted yet. The City Attorney said that while he did not disagree with that comment, it was the town of Colebrook that went to the Supreme Court and found that the State of NH had already preempted that field by the passage of the Indoor Smoking Act. He said that while that ordinance is still unfortunately on the City's books it is not active in the State of NH for this reason.

Councilor Filiault made the following motion, which Councilor Madison duly seconded. On a vote of 5-0, the Municipal Services, Facilities, & Infrastructure Committee recommended placing the request that Main Street be designated a smoke free zone on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: November 4, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project
Resolution R-2021-40**

Council Action:

In City Council November 4, 2021.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2021-40.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project.

Attachments:

1. Resolution R-2021-40_Adopted

Background:

Operations Manager of the Treatment Facilities, Aaron Costa and Public Works Director/ Emergency Management Director, Kurt Blomquist were the next two speakers. Mr. Costa stated tonight he had two Resolutions to discuss.

The first one is Resolution R-2021-40 relating to the appropriation of funds from the wastewater treatment plant capital reserve fund balance to the wastewater treatment plant laboratory renovation project. Mr. Costa noted the wastewater treatment plant was built in the early 80s and came online in 1985, the laboratory itself is still original. There is a capital improvement project to renovate the laboratory. Design for this work has been completed, bids for construction services were received at the end of September. The City received one bid for approximately \$200,000.

Mr. Costa explained when the City put this project together a number of years ago, the City budgeted \$143,000 for the entire project. To date \$38,000 has been spent on engineering, leaving approximately \$105,000 in the project budget. He went on to say the increase to engineering costs associated with bringing the HVAC up to building code, the increased cost of steel, as well as this being a contractor's market right now, accounted for the majority of the overages for this project. As a result, staff is requesting \$117,150, which includes a \$20,000 contingency to be moved from the

wastewater treatment plant capital reserve fund and that it be allocated to the laboratory renovation project, 08106.

Mr. Costa went on to say the City's engineers' estimate for construction was around \$178,000. He added the City only had one qualified bidder which came in late and hence was disqualified, but that bid came in at approximately \$297,000.

Councilor Hooper clarified this is so this renovation monies and will not go toward things like additional lab equipment, etc. Mr. Costa stated the monies are only for counter tops, cabinetry, shelving, fume hood and a new HVAC unit to accompany that.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project.



CITY OF KEENE

R-2021-40

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP)

A RESOLUTION~~Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project~~.....

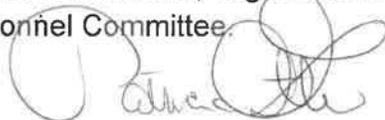
Resolved by the City Council of the City of Keene, as follows:

That up to the sum of one hundred seventeen thousand, one hundred and fifty dollars (\$117,150) be appropriated from the WWTP Capital Reserve Fund Balance to the WWTP Laboratory Renovation Project 08106.



George S. Hansel, Mayor

In City Council October 21, 2021.
Referred to the Finance, Organization
and Personnel Committee.



City Clerk

PASSED November 4, 2021



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: November 4, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) Permit Project Resolution R-2021-41**

Council Action:

In City Council November 4, 2021.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2021-41.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) Permit Project.

Attachments:

1. Resolution R-2021-41_adopted1

Background:

Mr. Costa stated this item is in reference to Resolution R-2021-41 relating to the appropriation of funds from the sewer fund unassigned fund balance for the wastewater treatment plant permitting assistance project.

Mr. Costa explained the City's wastewater plant has a permit which was granted through the EPA to discharge treated wastewater into the Ashuelot River. The City through the CIP process funded a project for legal and permitting assistance and executed a contract with Western and Sampson Engineers in 2016 for \$95,000 to assist with the permitting process and Drummond & Woodsum Attorneys at Law have been providing legal services.

Mr. Costa noted the last time the City was issued a permit was in 2007 and that permit was good for five years. That permit expired in 2012, but the City is operating under that expired permit until EPA issues a new permit. In preparation for that permit, the City signed a contract with a Western and Sampson in 2016 to start that process. In May 2020, the City received its draft NPDES permit and responded to the EPA with comments. The City received its final permit last month indicating there was a need to appeal and negotiate various requirements of that permit.

Due to ongoing negotiations, additional funds are needed to continue that process. Western Sampson has provided a scope of work for technical assistance and support and they have given the City a scope of work for around \$115,000. The remaining \$25,000 will be used for any legal services needed to negotiate and complete the process.

Councilor Remy asked whether there is the possibility the legal work won't be needed and if that is the case, asked what would happen to that \$25,000. Mr. Blomquist stated, unfortunately the legal costs are going to be required as they will be going in front of the Appeals Board for a very specific process. He added as with any other project, if at the end of this work, if there are any funds remaining, it will either go back to the unassigned fund balance or used it for another project.

Councilor Remy asked whether a comparison has been done for complying versus fighting the requirements. Mr. Costa stated pH is one of the City's permanent parameters and the City has a limit of 6.5 to 8.0. Oftentimes, during heavy rainfall - rain has a pH of around 4 or 5 and this water needs to be adjusted and the City will spend anywhere from \$100,000 to \$200,000 just in chemicals to be in compliance with that pH limit per year.

Chair Powers asked the conditions being tested whether this is likely to make some impact on the pH levels. Mr. Costs stated what he has learned is that other communities have had success. He added EPA does have a different standard for pH - they allow a 6.0 to about 9 but the state limit is 6.5 to 8. He added Hanover has had success in negotiating a larger pH range.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) Permit Project.



CITY OF KEENE

R-2021-41

Twenty-one

In the Year of Our Lord Two Thousand and

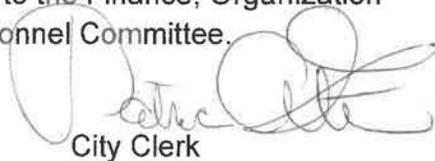
A RESOLUTION Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance
.....for the Wastewater Treatment Plant's National Pollution Discharge Elimination System.....
(NPDES) permit project.

Resolved by the City Council of the City of Keene, as follows:

That up to the sum of one hundred forty thousand dollars (\$140,000) be appropriated from the Sewer Fund Unassigned Fund Balance to Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) permit project 08012.


George S. Hansel, Mayor

In City Council October 21, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED November 4, 2021



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Relating to the Office of the City Treasurer
Resolution R-2021-43**

Council Action:

**In City Council November 4, 2021.
Referred to the Finance, Organization and Personnel Committee.**

Recommendation:

That Resolution R-2021-43 relating to the appointment of City Treasurer have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-43_referral

Background:

After the retirement of the former finance director in August 2018, the City Council adopted R-2018-29 appointing Merri B. Howe as Interim City Treasurer. Ms. Howe is the Finance Director for the City of Keene, and Resolution R-2021-43 is a housekeeping Resolution to appoint her as City Treasurer.



CITY OF KEENE

R-2021-43

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to the Office of the City Treasurer

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

That Merri E.B. Howe be appointed as the City Treasurer to perform those duties as prescribed by NH RSA 48:16.

George S. Hansel, Mayor

In City Council November 4, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.4.

Meeting Date: November 4, 2021
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Relating to the Office of the City Treasurer
Resolution R-2021-44**

Council Action:

**In City Council November 4, 2021.
Referred to the Finance, Organization and Personnel Committee.**

Recommendation:

That Resolution R-2021-44 relating to the appointment of the Assistant City Treasurer have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-44_referral

Background:

The position of Assistant Finance Director/ Assistant City Treasurer has recently been filled by Robert Constable. In order for Mr. Constable to fulfill his duties as Assistant Treasurer, he must be appointed by the City Council.



CITY OF KEENE

R-2021-44

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Office of the City Treasurer

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

That, in accordance with the provisions of NH RSA 48:16, whenever the Treasurer shall become unable, by reasons of sickness, or otherwise, to discharge her duties, Robert Constable, be and he hereby is appointed Assistant Treasurer to perform all the duties and have all the powers incumbent upon the Treasurer during such time as any incapacity may continue.

George S. Hansel, Mayor

In City Council November 4, 2021.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED