



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 16, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- December 2, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation of Retirement Resolution - Barry Hilton Sr.

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations for Incumbents to serve a 2nd Term
 - Airport Development and Marketing Committee
 - Ashuelot River Park Advisory Board
 - Assessors Board
 - Bicycle/Pedestrian Path Advisory Committee
 - Building Board of Appeals
 - Conservation Commission
 - Energy and Climate Committee
 - Heritage Commission
 - Historic District Commission
 - Housing Standards Board of Appeal
 - Human Rights Committee
 - Partner City Committee
 - Planning Board
 - Trustees of Trust Funds
 - Zoning Board of Adjustment

2. Nominations

- Airport Development and Marketing Committee
- Ashuelot River Park Advisory Board
- Conservation Commission
- Energy and Climate Committee
- Human Rights Committee
- Keene Housing Authority
- Planning Board
- Trustees of Trust Funds

3. Confirmations

- Congregate Living and Social Services Licensing Board

C. COMMUNICATIONS

D. REPORTS - COUNCIL COMMITTEES

1. Keene Downtown Group – Request to Use City Property – Ice and Snow Festival
2. New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 2 - Support of Library Services - Library Director
3. Authorization to Enter into a Contract - Writing and Dissemination of the Keene Public Library STEM and Maker Activities Toolkit - Library Director
4. Acceptance of FAA AIP Grant for Airport – Airport Taxiway ‘A’ Reconstruction - Airport Department
5. Moving Forward With PEG Programming - ACM/IT Director
6. Downtown Infrastructure Improvement and Reconstruction Project – Update - Public Works Director/EMD

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. 79E Community Revitalization Tax Relief Application for 112 Washington Street
2. 79E Community Revitalization Tax Relief Application for 310 Marlboro St., LLC

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation - Zoning Board of Adjustment

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Amendments to the Business, Growth, and Reuse District Ordinance O-2021-14
2. Relating to the Wearing of Face Coverings Ordinance O-2021-16
3. Redistricting of Ward Lines – ad hoc Redistricting Committee Ordinance O-2021-15

K. RESOLUTIONS

1. Relating to the Fire/EMS Training and Public Education Revolving Fund Resolution R-2021-48

NON PUBLIC SESSION

ADJOURNMENT

12/02/2021

A regular meeting of the Keene City Council was held on Thursday, December 2, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: 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, Kate M. Bosley, and Thomas F. Powers were present. Stephen L. Hooper and Raleigh C. Ormerod were absent. Councilor Filiault led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor announced the final special meeting for Charter Officers evaluations would be Tuesday, December 7 at 6:00 PM.

Mayor Hansel announced that continuing with our tradition of taking a group photograph of both the incoming and outgoing City Council, Councilors should arrive early on December 16 dressed in their holiday attire. The incoming Councilors' group photo will be taken at 6:10 PM. The outgoing Councilors' group photo will be taken at 6:20 PM.

Mayor Hansel added that the City Council's holiday party will be held immediately after their December 16 City Council meeting. City Councilor-elect Mike Giacomo offered his new residence as the site for the get-together. Mr. Giacomo requested that all attendees be vaccinated and that Councilors carpool because of limited parking.

Looking forward to 2022, the Mayor said the joint City/County Legislative Delegation meeting is being hosted by the County on Monday, January 24 at 6:00 PM in Delegation Hall. Councilors can park in the County parking lots on either Winter Street or Center Street and enter through the doors that are on either side of the building. Refreshments will be served at 5:15 PM. Delegation Hall is on the 2nd floor. Mayor Hansel hopes the Council attends for this important conversation about downshifting. Representatives from the NH Municipal Association will be there.

MINUTES

A motion by Councilor Powers to adopt the minutes of November 18, 2021 was duly seconded by Councilor Bosley and passed unanimously with 13 Councilors present and voting in favor.

PROCLAMATION – MONADNOCK RUGBY CLUB

Mayor Hansel welcomed the Monadnock Rugby Club, including Brad Dufresne and Dan Belluscio. The Mayor read into the record a Proclamation acknowledging the Rugby Club's success this year, including winning the New England Championship and representing New England at the USA Rugby National Championship, and congratulated them on behalf of the City Council and the City of Keene.

Mr. Dufresne thanked everyone who was a part of this, including the Parks, Recreation, & Facilities Department, which he said had bent over backwards to accommodate the Club's need for field lights and more. He said there is a lot of support in east Keene with the Russell Park rebuild upcoming and for which the Club is excited. They look forward to having a more active presence in Keene.

PROCLAMATION – RETIREMENT RESOLUTION – W. RHETT LAMB

Mayor Hansel welcomed Community Development Director, Rhett Lamb, to be recognized with a Resolution upon his retirement, which Mayor Hansel read into the record.

Mr. Lamb said he had been privileged to talk to the City Council and the community for almost 26 years. He said that when thinking about what to say during this honor, he was at a loss for words. He said that underneath it all, the work was always with a team and it did not matter who got the credit, which he said is the hallmark of the City of Keene and that comes from the residents and City Councilors. Mr. Lamb felt privileged to have had the opportunity to spend most of his professional career in Keene and he thanked everyone for their participation in and contribution to the planning effort. He said Keene really is an amazing place and it will continue to be. Mr. Lamb wished everyone the best and thanked everyone for the opportunity.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT SPONSORED BY THE CITY OF KEENE FOR IMPROVEMENTS AT THE COMMUNITY KITCHEN

Mayor Hansel opened the public hearing at 7:15 PM and the City Clerk read the public hearing notice. The Mayor recognized James Weatherly, Planning Technician at Southwest Regional Planning Commission, and Phoebe Bray, Executive of the Keene Community Kitchen, to address the Community Kitchen project.

Mr. Weatherly, the City's Grant Writer and Administrator, was present to allow the public an opportunity to comment on the ongoing Community Kitchen Community Development Block Grant. He said the project is sponsored by the City of Keene, who was originally awarded \$500,000 in CDBG funds in August 2020. The aim of this project is to make substantial improvements to the Community Kitchen's Mechanic Street facility, including updates to the office area, guest facilities, and particularly energy efficiency measures, including a brand-new HVAC system for the first floor. The aim is to address the Kitchen's exceedingly high energy costs, as well as to set them up for long term sustainability and success at Mechanic Street. Regarding the timeline, Mr. Weatherly said that in spring 2021, bids were solicited from local construction firms. Due to soaring construction costs in New England and nationwide, all the bids that were received originally were about \$100,000 or more over budget. So, thanks to the assistance of this Council, City Staff, and the New Hampshire Community Development Finance authority, the project was able to secure additional funds and formalized a contract with DEW Construction in June 2021. Despite the Covid-19 pandemic, construction started in August and has progressed well, with most work complete. It was anticipated that the installation of a new rooftop solar array would begin sometime the week after this meeting. Mr. Weatherly concluded his comments stating that approximately \$203,000 remains of the CDBG.

Ms. Bray said they were calling this the Community Kitchen sustainability project, which she said is progressing as well as can be expected during a pandemic that delayed the construction start from March to July. She said the improvements to the registration and foyer area in the office are already benefitting staff. She said the solar component was most impacted by the delays, but the delivery should arrive the Monday/Tuesday after this meeting. The solar will help

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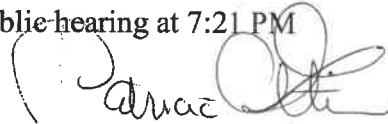
offset the Community Kitchen's \$3,000/month energy bills. She said everyone at the Kitchen is excited and she thanked the City of Keene for their continued support of the Community Kitchen.

Mayor Hansel opened the floor to public comments.

With no public comments, the Mayor said this seemed exciting, he was glad to see some progress, and offered best of luck completing the project. Ms. Bray said she hopes for a ribbon cutting ceremony at the new front door when finished.

Hearing no further comments, Mayor Hansel closed the public hearing at 7:21 PM

A true record, attest:


City Clerk

**PUBLIC HEARING – RELATING TO AMENDMENTS TO THE BUSINESS, GROWTH,
AND REUSE DISTRICT – ORDINANCE O-2021-14**

Mayor Hansel opened the public hearing at 7:22 PM and the City Clerk read the public hearing notice. The Mayor recognized Rhett Lamb, Community Development Director, and Mari Brunner, Senior Planner, to give a description of the amendments. The Community Development Director introduced Ms. Brunner, who provided background.

Ms. Brunner said that Ordinance O-2021-14 proposes to introduce personal service establishments as principal permitted uses in the Business, Growth, and Reuse (BGR) district. A personal service establishment is defined in the zoning regulations as an establishment that provides services of a personal nature, including but not limited to barber shops or hair salons, spas, nail salons, laundromats, dry cleaners, tailors, and tattoo or body piercing parlors. The BGR District was established in 2017 as a part of the Marlboro Street rezoning effort; the goal of this initiative was to try and encourage redevelopment of this industrial area with industrial and business uses that were cleaner and more environmentally friendly than the traditional smokestack industrial uses that had taken place there prior. She said it is a relatively small zoning district that only has about 29 parcels. The District is bounded by Marlboro Street to the south, Water Street to the north, Eastern Avenue to the east, and Grove Street to the west. The stated intent of this District is to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner. The intent is also to promote development that is compatible with the adjacent residential neighborhoods. This district currently allows for a limited number of permitted uses, and of the commercial uses that are permitted, they are typically smaller-scale or their uses are restricted in size.

Ms. Brunner continued, stating that the personal service establishment is a use that was not originally contemplated as a part of the BGR District, mostly because it is already allowed in other districts, including neighboring districts. The intent was to hold space within this district for some of those lighter industrial uses, such as research and development. However, the

12/02/2021

proposed personal service use is not in conflict with the intent of the District and appears to be compatible with the other uses that are allowed. She said this Ordinance had been before the City Council for first reading and was then sent to the Joint Planning Board–Planning, Licenses, & Development Committee, before the Planning Board voted to find the proposed Ordinance consistent with community goals in the Comprehensive Master Plan and the Planning, Licenses, and Development Committee voted to recommend that the Mayor schedule this public hearing.

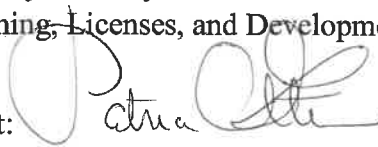
Mayor Hansel recognized the petitioner, Randall Walter of 310 Marlboro Street. Mr. Walter said that Ms. Brunner provided a really well-done summary of this issue. He thought this was a simple topic and opportunity to allow the BGR District to develop quicker by adding these uses. He said that research and development is a laudable goal but that there are few applicants for those uses. He said this use is already allowed in the perimeter zone and is therefore not disruptive to the area, and there is one property in the District already with personal service use allowed by Variance.

Councilor Jones thought this just fell through the cracks the first time. He said this is a good use and a good fix. He thanked Mr. Walter for bringing the issue forward.

Mayor Hansel opened the hearing to public comments.

Hearing no further comments, Mayor Hansel closed the public hearing at 7:28 PM, except for written public comments, which will be accepted until 1:00 PM on Tuesday, December 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This issue will be before the Planning, Licenses, and Development Committee at their meeting on Wednesday, December 8.

A true record, attest:



City Clerk

PUBLIC HEARING – REDISTRICTING OF WARD LINES – AD HOC REDISTRICTING COMMITTEE – ORDINANCE O-2021-15

Mayor Hansel opened the public hearing at 7:29 PM and the City Clerk read the public hearing notice. The Mayor recognized former Mayor Kendall Lane of 5 Hastings Avenue, Chair of the Ad Hoc Redistricting Committee to give a presentation on the Committee’s efforts. Mayor Hansel thanked all members of this Committee who stepped-up to do this important work.

Mr. Lane said this was his third time as Chairman of the Redistricting Committee, and his fifth time as a member of the Committee. The other members of the Committee were Councilor Jan Manwaring, Representative Sparky Von Plinsky, IV, Councilor-elect Mike Giacomo, and Marilyn Houston. Mr. Lane was present at this meeting because the voters modified the City Charter to transfer the responsibility for redistricting from the City Charter to the City Council.

Mr. Lane began with comments about the census. In a broad sense, he said the latest census showed Cheshire County with a population loss of 659 people and the City of Keene had a

population loss of 362 people. He said a closer look at the census tells a very different story of Ward One in Keene, which includes Keene State College (KSC), at a reduction of over 1,300 people. At that time, Keene State College had a reduced population, and continues to have a reduced enrollment of over 2,000 students. When the census data was being collected, many of the students are not in Keene, so they were not included in the data collection. If you look at the census results ward-by-ward, he said every other ward in the City had an increase. The reality was that the student population of Keene increased by a little over 1,000 people in the last 10 years, which is the largest increase in Keene since 1970. Mr. Lane said that Keene's growth over the last decade has been prosperous, resulting as the second largest fastest growing City in the state. He said the economy here is strong according to the census increase.

Mr. Lane continued explaining that the Redistricting Committee started out by establishing some criteria that they wanted to use for redistricting: all the wards would originate in Central Square, all the wards would be contiguous to each other, and all the wards would follow physical features. He said the aim was to achieve a deviation of less than two and a half percent. They wanted to have the Keene State College campus entirely in Ward One. He said the Committee wanted to ensure the polling stations would remain in their current wards and they also avoided moving any moderators, which is an elected office in each ward, though sometimes challenging to fill. The Committee did not consider the impact this would have on any incumbents. He said the greatest challenge was the population diminished by 1,300 people in Ward One. Therefore, they had to bring people into Ward One to make it compatible and equal with the other wards, which was reflected on the map provided to the City Council. Some of Ward Four was moved into Ward Five and some of Wards Two and Five were moved into Ward One. Some of Ward Four was also moved into Ward Three for better alignment.

Mr. Lane said that with these changes, the Committee was able to achieve the following deviations: Ward One off by 0.7%, Ward two by 1.1%, Ward Three by 1.3%, Ward Four by 0.2%, and Ward Five by 1.4%. So, all the deviation achieved was minimal in each ward. Mr. Lane hoped the City Council would adopt the proposed ward line adjustments, which he said the Committee tried to keep to a minimum and to not be any more disruptive than absolutely necessary.

Councilor Jones thanked Mr. Lane and the Committee for their excellent work in transferring between wards. He said there was a visible improvement to Ward Four on the map. Mr. Lane replied that the Committee recognized that there had been some odd configurations in the past, particularly in Ward Four, and they tried hard to eliminate those where possible.

Mayor Hansel opened the hearing to public comments.

Hearing no comments, Mayor Hansel closed the public hearing at 7:38 PM, except for written public comments, which will be accepted up until 1:00 PM on Tuesday, December 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This issue will be before the Finance, Organization, and Personnel Committee at their meeting on Thursday, December 9.

A true record, attest:

City Clerk

NOMINATIONS

Mayor Hansel nominated the following individuals to the Congregate Living and Social Services Licensing Board: Andrew Oram with a term to expire December 31, 2024, Allison Welsh with a term to expire December 31, 2024, Martha Curtis with a term to expire December 31, 2023, Abigail Abrash-Walton with a term to expire December 31, 2023, and Medard Kopczynski with a term to expire December 31, 2023. Mayor Hansel tabled the nominations until the next regular meeting. Mayor Hansel said this is a new Board created through the Land Use Code update and this would be the first Board doing licensing for social services agencies.

COMMUNICATION – DR. DON CARUSO/PRESIDENT AND CEO OF CHESHIRE MEDICAL CENTER – RECOMMENDING A MASK ORDINANCE FOR INDOOR SETTINGS

A communication was received from Dr. Don Caruso, President and CEO of Cheshire Medical Center, requesting that the City Council enact a mask mandate for indoor settings. Mayor Hansel accepted the file and communication as informational and said the respective Ordinance for first reading would be referred to the Planning, Licenses, and Development Committee later in the meeting.

MSFI REPORT – REPURPOSING OF WHEELOCK PARK CAMPGROUND – PARKS, RECREATION, AND FACILITIES DIRECTOR – DESIGNATION OF A SITE FOR A COMMUNITY DOG PARK & PROPOSAL TO BUILD A 9-HOLE DISC GOLF COURSE

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to expend funds from the Capital Improvement Program to create a concept plan for the repurposing of the Wheelock Park campground to include both a dog park and disc golf course, and recommending that the communications from both the dog park and disc golf petitioners be accepted as informational.

A motion by Councilor Manwaring to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion passed unanimously with 13 Councilors present and voting in favor.

MSFI REPORT – AUTHORIZATION TO ACQUIRE EASEMENT – BEAVER BROOK – RUSSELL PARK – PARKS, RECREATION, & FACILITIES DIRECTOR

The City Council noted that there was a Scribner's error in the motion listed in the agenda packet and she read the following report as corrected.

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and acquire property rights for the Russell Park project.

A motion by Councilor Manwaring to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion passed unanimously with 13 Councilors present and voting in favor.

FOP REPORT – BULLETPROOF VEST PARTNERSHIP GRANT-2021 – POLICE DEPARTMENT

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept \$5,588.00 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion passed unanimously with 13 Councilors present and voting in favor.

FOP REPORT – BRANDING, MARKETING, AND COMMUNICATIONS VENDOR SELECTION – IT DIRECTOR/ACM

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to negotiate and execute an agreement with Guide Studio for Branding, Marketing and Communications services and that the City Manager be authorized to negotiate and execute an agreement with Selbert Perkins Design if negotiations with Guide Studio are unsuccessful.

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

Mayor Hansel recognized Councilor Remy, who said he was the one who voted against this in Committee. Following that meeting, Councilor Remy had further conversation with IT Director/ACM, Rebecca Landry. Now that he understood better that the feel between vendors was very similar, Councilor Remy was in favor of this and thought they did a great, diligent job. He appreciated the information Ms. Landry gave him.

The motion passed unanimously with 13 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her comments discussing Keene's Light Up the City Tour. Councilors should have received a flyer from the Parks & Recreation Department about their new and exciting Tour. Keene residents who decorate for the holidays and want to show off their display can enter their addresses by December 6. Viewing maps will be created by December 10. Community viewing and voting will take place December 11–22. Winners will be announced on December 24. All participants will be entered into a raffle.

Next, the City Manager reported that Demitria Kirby took a new position last month and Alyssa Bender from Keene would take over as Youth Services Manager in January. Ms. Bender has a bachelor's in Criminal Justice and Psychology from Keene State College (KSC) and is pursuing her master's in Health and Human Performance. She is presently serving as the Program

Assistant in the Office of Youth Services for the town Hillsborough and serves as a volunteer guardian ad litem/court appointed special advocate for the State. The City Manager looks forward to welcoming her to the team.

The City Manager shared some sad news from the Fire Chief. Last month a long-time retired call member, Charlie Harris, passed away at home under the watch of Department personnel and his wife after a long fight with cancer. He served the City from October 1984 until December 2019 (35 years).

The City Manager shared good news from the Public Works Department that the Granite State Rural Water Association selected Keene's water as the best drinking water at their annual Operator Field Day and Exhibit Show. The winner gets to send one representative to the National Rural Water Association Rally, which is held annually in Washington DC to compete in the Great American Taste Test contest. The Association pays all expenses including airfare, hotel, and meals. Ben Crowder, Water Treatment Plant Manager, has volunteered to represent the City. In addition to the contest, Mr. Crowder will get the opportunity to visit the offices of State Congress and talk about water related issues. The City Manager offered congratulations to the Water Department, stating her confidence that our water will also fare well in this national competition.

Next, the City Manager said the next joint City/County legislative meeting was scheduled for Monday, January 24 at 6:00 PM. The County is co-hosting the City at their facility and will provide for a hybrid format to allow individuals to participate remotely.

The City Manager reported that Staff were working on a date for the next Council goals workshop. She was extremely grateful to Community Development Director, Rhett Lamb, that he has agreed to come back and help facilitate this workshop and to hopefully wrap-up the goals process for this year.

The City Manager concluded her report, stating that the City Council received the most up to date Covid-19 information from Dr. Caruso and she put a memo update on their desks regarding Staff protocols.

CITY OFFICER REPORT – PROPOSED AMENDMENTS TO THE RULES OF ORDER – CITY CLERK & CITY ATTORNEY – TABLED AT THE NOVEMBER 18, 2021 COUNCIL MEETING; & PROPOSED AMENDMENTS TO THE RULES OF ORDER RELATIVE TO CONFLICTS OF INTEREST

Planning, Licenses, & Development Committee report read recommending the adoption of the Rules of Order as amended.

A report was read from the City Attorney, as requested, with the proposed amendment to the City Council Rules of Order about conflicts of interest for discussion and action by the City Council.

A motion by Councilor Bosley to adopt the Rules of Order as presented and with an effective date of Friday, December 3, 2021 was duly seconded by Councilor Greenwald. Discussion followed.

A motion by Councilor Bosley to amend the Rules of Order to replace Section 15 relating to conflicts of interest, with the proposed language drafted by the City Attorney was duly seconded by Councilor Greenwald.

Mayor Hansel asked the City Attorney to review the proposed amendment to Section 15 relating to conflicts of interest, which essentially replaces the current Section 15 with new language. The City Attorney said he had considered the conversation from the last meeting as he redrafted this language. He shared a few key features. He said he wanted to break it up into parts that are easier to read than the last iteration, which always looked to him like one run-on sentence. The City Attorney said the very first part of the Rule in Section 15 states the general rule, which is that the Council is required to vote on matters that come before the Council. As Councilors knew, there are no extensions for the City Council; the only time that they are permitted to not vote under the rules is if there is a conflict of interest. So, the City Attorney reviewed rules from other jurisdictions. As Councilors knew, Keene's conflict of interest rule is narrowly specific to pecuniary interest, which is basically a financial interest that is defined in the second paragraph of the proposed amendment. He said it really comes down to whether there is an economic gain that the Councilor is receiving that is different than the public may receive generally; pecuniary interest is only if you have a financial stake in the matter that is before the Council, in which context, recusal would be necessary under the Rules.

The City Attorney recalled that the City Council's Rules of Order can be broader than the Charter provides. Thus, the second and more significant change the City Attorney addressed was personal interest. He said this is a broader issue when a Councilor has a personal interest in the results of a matter before the Council that is greater or different than other Councilors or members of the public, which could be determined as a conflict of interest. This is a conflict that generally inhibits one's impartial judgment of the decision on the matter before them. He wanted to deal with membership in organizations because all Councilors are active in the community and sit on different boards and committees, which he said is a wonderful thing. So, he tried to narrow that issue to Councilors who serve in leadership positions for such organizations; when such an organization is before the Council, financially or otherwise, then he said that is a potential conflict of interest and the Councilor should recuse themselves. For example, if a Councilor is just a member of the Keene Snoriders, that is not an issue, but if they are on the Board of the Snoriders, that is a conflict.

Next, the City Attorney discussed the third paragraph of Section 15, which essentially restates what was in the Rule previously about how a conflict of interest is noticed, or how a Councilor brings it to the attention of the Council. He said there were no changes to how conflicts should be noticed. Additionally, the fourth paragraph remains essentially the same, though he revised it to include reference to a statement of interest (employer, and any boards or organization served and their position) discussed at the last meeting that Staff were crafting, which Councilors would fill out through the City Clerk's office.

Further discussion ensued. The motion to amend the Rules of Order to replace Section 15 with the City Attorney's drafted language passed unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Hooper and Ormerod were absent.

Mayor Hansel heard other proposed amendments and comments on the Rules of Order under consideration. Councilor Greenwald stated that he objected to this process at this meeting because it was his understanding that this was going back to Committee for further in-depth discussion and public input. He said he was unhappy and there were other issues discussed last meeting regarding remote participation.

A motion by Councilor Greenwald to amend the proposed Rules of Order to allow for Councilors' remote participation if on vacation for up to two weeks was duly seconded by Councilor Bosley.

Councilor Greenwald continued explaining that the proposed Rules allowed remote participation for illness, disability, or work reasons. To him, family vacation was also a part of the quality of life that the Councilors hope for, but they also made a commitment to the public that they serve to represent them. He said it is a balance. He found it difficult to understand the problem if an individual wanted to participate from their vacation; he saw no harm to the process. He did not like the argument from the previous meeting that if you cannot keep the Thursday night commitment then you should not be on Council or take vacations. He hoped there could be support for adding this language.

Councilor Bosley stated her agreement with Councilor Greenwald and said that when the PLD Committee originally evaluated these Rules of Order, they heard a lot about work-life balance. She thinks each person decides their balance and as an entrepreneur with limited free time, she finds it important for her to be able to attend remotely. She supported the amendment.

Councilor Filiault stated he would also make a motion to amend the Rules later in the discussion. With due respect to Councilor Greenwald, Councilor Filiault disagreed. He said that if someone goes on vacation, there is a quorum of other Councilors to do the work. He said this was "opening a can of worms" and someone down the line could abuse this and it would be up to the City Attorney to identify abuses. He said the Rules of Order in place have worked for years and other Councilors were trying to fix something that did not need to be fixed and creating problems for the City Attorney later.

A motion by Councilor Johnsen to amend Councilor Greenwald's proposed amendment to add "death in the family" was duly seconded by Councilor Remy.

Councilor Jones referred to section four and asked where this amendment would be added. The City Attorney replied that he would need to do some wordsmithing. The City Attorney added that he would avoid proprietary statements about Zoom or WebEx, for example.

Councilor Workman referred to comments at the last meeting that remote participation would allow for a more diverse Council. In her opinion, this was one of the most diverse Councils ever, though not as racially diverse as she would like. Still, these Councilors came from various family and employment backgrounds. Still, she said remote participation would allow input from more

people. At the last meeting, Councilor Workman also heard about constituents deserving to be represented. She thought that the current process provided that representation because there are two Councilors from each ward and five at-large Councilors. Therefore, she said that being absent for one meeting would not slow the process. However, she said that increasing remote participation would slow the City process by requiring roll call for every vote and potential technology interference, which she thought should be weighed heavily.

Councilor Chadbourne expressed disappointment because she also thought this was going back to Committee and she did not favor the process underway, with amendments to amendments, for which she saw conflicts; she supported adding a death in the family but did not support vacation and so she would vote against the amendment. She agreed with Councilor Workman that there is representation on the Council still if one or two members are missing. She still thought Councilors would vote with their conscience and on behalf of their constituents. She thought the issue of remote participation was getting too “luxurious” in a way she did not feel comfortable with. She wished this went back to Committee.

Mayor Hansel said that Councilor Chadbourne was welcome to offer a later amendment to remove vacations from the Rules. He said that Staff and Council had worked through these proposed Rules intensely and narrowed down these contentious issues that he felt could be resolved at this meeting.

Councilor Jones said bereavement could also be abused by someone. He agreed that this should go back to Committee for discussion.

Councilor Johnsen said this was a wonderful change and she did not care for the extremes of people possibly abusing the Rules. She thought all Councilors were intelligent, she did not see a problem, and thought the Council should follow through on some of this.

Councilor Greenwald asked what was wrong with the extremes; what is wrong with someone participating remotely because their cat died? Additionally on representation, he said not to assume that both Councilors from the same ward will align on all votes because they each have unique constituents. He does not understand why a Councilor should be prohibited from doing their Council job on their time.

Councilor Bosley said that all Councilors are adults and can make these decisions for themselves. She suggested trusting each other and future Councilors and if it did become an issue in the future, she imagined that the Rules could be amended again. She wanted to give this a try to see if it could be successful.

The motion to amend Councilor Greenwald’s proposed amendment to include “death in the family” passed on a vote of 10–3. Councilors Jones, Filiault, and Powers opposed. Conversation returned to Councilor Greenwald’s proposed amendment to include vacations up to two weeks and death in the family. Councilor Remy believed that if someone abused this in the future any of the people in the audience at the meeting would hold them accountable by not re-electing them.

Councilor Filiault was not in favor of any amendment because he thinks the Rules of Order have worked well since the City was incorporated in 1874. He thought they were trying to fix something that was not broken. Councilor Lake thought the difference between vacation and the other reasons listed was control. He said a vacation is within a Councilor's control/choice and a death or work matter are not. The City Attorney clarified that the amendment was for a death in the family not bereavement, which is broader, in addition to vacation up to two weeks.

On a vote of 7–6, the motion passed to amend the proposed Rules of Order to include remote participation for vacation up to two weeks and death in the family. Councilors Lake, Filiault, Jones, Chadbourne, Workman, and Powers opposed.

Discussion returned to the whole proposed Rules of Order.

Councilor Filiault knew that amending the Rules of Order required a two-thirds majority vote (10 votes) and asked the City Attorney whether the same applied when voting on amendments to the Rules. The City Attorney said that was a good question. He said the Council had not voted on the entire Rule yet and therefore it would not apply to the amendments. He clarified further that the existing Rule says two-thirds of the active members and not the quorum present, and therefore the final vote on these Rules would require 10 votes in the affirmative.

Councilor Filiault moved to delete from the proposed Rules of Order, in Section Four, everything from the sentence that starts, "One or more members, but less than a quorum...." to the end of that paragraph. Councilor Filiault referred back to his mentions of potential abuses and how to define these issues and potential problems for a later Council that thinks differently. He said there would always be abuse and clearly trying to fix a Rule of Order is not easy. He said this would break something and force another Council to fix it. He said people do not run for local office for other reasons besides having to show up twice monthly. In the new Rule, he saw the words "reasonably practical" and "serious health issues" and asked who would have to determine that. On a vote of 2–11, Councilor Filiault's motion failed. Councilors Filiault and Jones voted in favor.

The Mayor reminded everyone that any amendment to the Rules of Order required a two-thirds majority of 10 votes to pass.

Councilor Filiault said he still had issues with the vacation matter, particularly, and encouraged others to vote against this and work on it more at Committee because he did not think this was a clean Rule of Order right now and thought the Council would regret it.

On a roll call vote of 9–4, the motion to adopt the Rules of Order effective December 3, 2021 failed. Councilors Filiault, Jones, Chadbourne, and Workman voted in opposition.

Councilor Greenwald asked if it were warranted at this point to send the matter back to Committee. Mayor Hansel reminded the Council that denying the Rules of Order undid all the work done on the proposed draft. Staff would now start the process over and submit a new communication to Council. Otherwise, the Mayor had authority in the Charter to request a reconsideration at the next meeting. Mayor Hansel assured that the Council was still operating under the existing Rules.

12/02/2021

ORDINANCE FOR FIRST READING – RELATING TO THE WEARING OF FACE COVERINGS – ORDINANCE O-2021-16

A memorandum was received from the City Attorney recommending that proposed facemask Ordinance O-2021-16, be referred to the Planning, Licenses, & Development Committee for further discussion and recommendation to the City Council. Mayor Hansel referred Ordinance O-2021-16 to the Planning, Licenses, & Development Committee.

RESOLUTION – RELATING TO THE OFFICE OF THE CITY TREASURER – RESOLUTION R-2021-43 & RESOLUTION R-2021-44

Finance, Organization, & Personnel Committee report read recommending the adoption of Resolution R-2021-43 relating to the appointment of City Treasurer. The report further recommended the adoption of Resolution R-2021-44 relating to the appointment of City Treasurer. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2021-43 was duly seconded by Councilor Remy and the motion passed unanimously with 13 Councilors present and voting in favor.

A motion by Councilor Powers to adopt Resolution R-2021-44 was duly seconded by Councilor Remy and the motion passed unanimously with 13 Councilors present and voting in favor.

RESOLUTION – IN APPRECIATION OF BARRY PHILIP HILTON SR. UPON HIS RETIREMENT – RESOLUTION R-2021-47

A memorandum was received from the Human Resources Director/ACM recommending that Resolution R-2021-47: In Appreciation of Barry P. Hilton Sr. Upon His Retirement be adopted by the City Council.

A motion by Councilor Powers to adopt Resolution R-2021-47 was duly seconded by Councilor Bosley and the motion passed unanimously with 13 Councilors present and voting in favor.

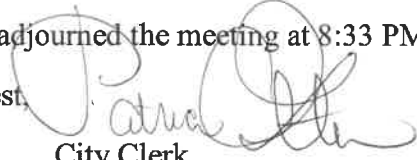
RESOLUTION – RELATING TO THE FIRE/EMS TRAINING AND PUBLIC EDUCATION REVOLVING FUND – RESOLUTION R-2021-48

A memorandum was received from Jeffery Chickering, Deputy Fire Chief, recommending that Resolution R-2021-48 be referred to the Finance, Organization, & Personnel Committee for their consideration and recommendation. Mayor Hansel referred Resolution R-2021-48 to the Finance, Organization, & Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:33 PM.

A true record, attest,


City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations for Incumbents to serve a 2nd Term**

- **Airport Development and Marketing Committee**
- **Ashuelot River Park Advisory Board**
- **Assessors Board**
- **Bicycle/Pedestrian Path Advisory Committee**
- **Building Board of Appeals**
- **Conservation Commission**
- **Energy and Climate Committee**
- **Heritage Commission**
- **Historic District Commission**
- **Housing Standards Board of Appeal**
- **Human Rights Committee**
- **Partner City Committee**
- **Planning Board**
- **Trustees of Trust Funds**
- **Zoning Board of Adjustment**

Recommendation:

I hereby nominate the following individuals to serve a 2nd term on the following boards or commissions:

Airport Development and Marketing
Committee

Peter Temple, slot 4
re-nomination

Term to expire Dec. 31, 2022

Elizabeth Bendel, slot 9
re-nomination

Term to expire Dec. 31, 2024

Mitchell Greenwald, Councilor, slot 7

Term to expire Dec. 31, 2024

re-nomination

Ashuelot River Park Advisory Board

Steve Hooper, slot 4

Term to expire Dec. 31, 2024

re-nomination

Assessors Board

Rita Johnson, slot 2

Term to expire Dec. 31, 2024

re-nomination

Bicycle/Pedestrian Path Advisory Committee

Dillon A. Benik, slot 7

Term to expire Dec. 31, 2024

re-nomination

Building Board of Appeals

Doug Brown, slot 3

Term to expire Dec. 31, 2024

re-nomination

Conservation Commission

Alexander Von Plinsky, slot 1

Term to expire Dec. 31, 2024

re-nomination

Kenneth Bergman, slot 6

Term to expire Dec. 31, 2024

re-nomination

Thomas Haynes, slot 9

Term to expire Dec. 31, 2024

re-nomination

Robert Williams, Councilor, slot 3

Term to expire Dec. 31, 2023

re-nomination

Energy and Climate Committee

Zach Luce, slot 7

Term to expire Dec. 31, 2024

re-nomination

Bryan Lake, slot 10

Term to expire Dec. 31, 2024

re-nomination

Raleigh Ormerod, Councilor, slot 3

Term to expire Dec. 31, 2023

re-nomination

Andrew Day, slot 11

Term to expire Dec. 31, 2024

re-nomination

Heritage Commission

Cauley Powell, slot 2
re-nomination Term to expire Dec. 31, 2024

Marilyn Huston, slot 4
extended term to achieve staggered
membership Term to expire Dec. 31, 2022

Gladys Johnsen, Councilor, slot 5
re-nomination Term to expire Dec. 31, 2023

Brian Lee, slot 6
extended term to achieve staggered
membership Term to expire Dec. 31, 2023

Historic District Commission

Catherine Workman, Councilor, slot 7
re-nomination Term to expire Dec. 31, 2024

David Bergeron, alternate, slot 9
re-nomination Term to expire Dec. 31, 2024

Housing Standards Board of Appeal

Doug Brown, slot 3
re-nomination Term to expire Dec. 31, 2024

Human Rights Committee

Marti Fiske, ex-officio administrative staff,
slot 6
re-nomination Term to expire Dec. 31, 2023

Jan Manwaring, slot 3
re-nomination Term to expire Dec. 31, 2024

Shaun Filiault, slot 7
re-nomination Term to expire Dec. 31, 2024

Mohammad Saleh, slot 8
re-nomination Term to expire Dec. 31, 2024

Partner City Committee

Kurt Blomquist, ex-officio administrative staff,
slot 3
re-nomination Term to expire Dec. 31, 2023

George Hansel, slot 6
re-nomination

Term to expire Dec. 31, 2024

Lena Kridlo, slot 7
re-nomination

Term to expire Dec. 31, 2024

Dawn Thomas-Smith, slot 4
re-nomination

Term to expire Dec. 31, 2024

Planning Board
Harold Farrington, slot 2
re-nomination - previously served in an
alternate position

Term to expire Dec. 31, 2024

Michael Remy, Councilor, slot 9
re-nomination

Term to expire Dec. 31, 2023

Trustees of Trust Funds
Jennie Newcombe, slot 5
re-nomination

Term to expire Dec. 31, 2024

Zoning Board of Adjustment
Joseph Hoppock, slot 1
re-nomination

Term to expire Dec. 31, 2024

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations**

- **Airport Development and Marketing Committee**
- **Ashuelot River Park Advisory Board**
- **Conservation Commission**
- **Energy and Climate Committee**
- **Human Rights Committee**
- **Keene Housing Authority**
- **Planning Board**
- **Trustees of Trust Funds**

Recommendation:

I hereby nominate the following individuals to serve on the designated board or commission:

Airport Development and Marketing
Committee

Luca Paris, slot 6

Term to expire Dec. 31,
2022

Marlboro, New Hampshire
shortened term to achieve staggered
membership

Ashuelot River Park Advisory Board

Bettina Chadbourne, Councilor, slot 1

Term to expire Dec. 31,
2023

Conservation Commission

Catherine Workman, Councilor, slot 4

Term to expire Dec. 31,
2022

shortened term to achieve staggered
membership

Energy and Climate Committee

Diana Duffy, slot 1

Term to expire Dec. 31,
2024

39 Page street

Human Rights Committee

Hunter Kirschner

333 Water Street, slot 1

Term to expire Dec. 31,
2023

shortened term to archive staggered
membership

Rabbi Daniel Aronson, slot 2

Term to expire Dec. 31,
2023

166 East Surry Road

shortened term to archive staggered
membership

Keene Housing Authority

Steve Bianco, slot 1

Term to expire Dec. 31,
2026

91 Ridgewood Avenue

Planning Board

Armando Rangel, alternate slot 10

Term to expire Dec. 31,
2022

710 Main Street

Trustees of Trust Funds

Martha Curtis, slot 2

Term to expire Dec. 31,
2024

returning member

Attachments:

1. Background_Kirschner_Redacted
2. Paris, Luca
3. Duffy, Diana_Redacted
4. Rangel, Armando_Redacted
5. Background_Bianco

Background:

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, December 8, 2021 10:06 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 12/08/2021 - 10:05</p>

<p>Submitted values are:</p>

First Name:

Hunter

Last Name:

Kirschner

Address

333 Water Street
Keene, NH 03431

Email:

Cell Phone:

802-281-3324

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

Human Rights Committee

Employer:

Keene State College

Occupation:

Coordinator of LGBTQ Student Support

Education:

BA, Women's and Gender Studies

Have you ever served on a public body before?

No

Please provide some references:

Dottie Morris

dmorris@keene.edu

603-313-0745

References #2:

Marie-Pierre Py

marie@brattleborocjc.org
802-245-4925

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, December 1, 2021 5:14 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 12/01/2021 - 17:13</p>

<p>Submitted values are:</p>

First Name:

Luca

Last Name:

Paris

Address

20 Gates Road
Marlboro NH 03455

Email:

lparis@keenechamber.com

Cell Phone:

[6037621291](tel:6037621291)

Home Phone:

[6033583335](tel:6033583335)

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

Airport Development & Marketing Committee

Employer:

Greater Keene Peterborough Chamber

Occupation:

President

Education:

BS

Have you ever served on a public body before?

No

Please provide some references:

George Hansel

ghansel@keene.nh.us

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, November 3, 2021 1:18 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 11/03/2021 - 13:17</p>

<p>Submitted values are:</p>

First Name:

Diana

Last Name:

Duffy

Address

39 Page St, Keene NH 03431

Email:

Cell Phone:

6034992695

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

Bicycle/Pedestrian Path Advisory Committee, Energy and Climate Committee

Employer:

Keene State College - until May 2021

Occupation:

most recently: Campus energy manager

Education:

BA - Oberlin College MS - Antioch Univ. New England

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.

City of Medford Climate Committee: 2002-3, volunteer member. Committee implemented the installation of a wind turbine to power a middle school at no-cost to Medford residents

Other Information/Relevant Experience:

An 18-year career in energy efficiency.

National Grid U.S.>Energy efficiency lead program manger managing residential efficiency programs in MA, NH, RI and NY, from EnergyStar homes and windows to upgrades for income-eligible customers. 2003-2011

Keene State College> Energy manager: co-lead the conversion of the campus steam plant to use recycled veg oil to replace its use of No. 6 fuel by 2017. The success of this project included making KSC NH's largest producer of thermal renewable energy credits. Also a co-lead in securing the recent energy savings project with Siemens. This work earned KSC's largest utility rebate of \$100K for the efficiency upgrades in just one building. 2011-2021

Please provide some references:

Cary Gaunt


802 734-5009

References #2:

Melinda Treadwell

president@keene.edu

603 358-2000

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Tuesday, November 30, 2021 4:24 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 11/30/2021 - 16:24</p>

<p>Submitted values are:</p>

First Name:

Armando

Last Name:

Rangel

Address

710 Main Street, Unit 1, Keene, NH 03431

Email:

Cell Phone:

714-396-8288

Home Phone:

714-396-8288

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

Planning Board

Employer:

Keene State College

Occupation:

HR Specialist

Education:

MBA Human Resources

Have you ever served on a public body before?

No

Please provide some references:

Pamela Russell Slack

603-762-4045

References #2:

Adam Berube

[REDACTED]
949-813-7854

Stephen M. Bianco
91 Ridgewood Ave
Keene, NH 03431

Email: sbianco@walpolebank.com

Cell: 603-7150-974

Home: 603-352-5359

Commission I am interested in:
Keene Housing Authority

Employer: Savings Bank of Walpole (13 years)
Occupation: Banker SVP & Senior Commercial Lender
Education: BS- Finance 1981 awarded cum laude St. John's University
Queens, NY

I have served on a public body before: Two terms on the Keene Board of Assessors; Two Term Chairman of the Board for Keene Chamber; Previous Board Member MDS

I have been in banking for 46 years of which 30 of them I have spent in Keene, NH. I have a strong financial background.

References:

Mark Bodin
mbodin@walpolebank.com
603-355-1644

Amy Lehr
alehr@walpolebank.com
603-355-1650



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.3.

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations**

- **Congregate Living and Social Services Licensing Board**

Council Action:

**In City Council December 2, 2021.
Tabled until the next regular meeting.**

Recommendation:

I hereby recommend the following individuals to serve on the new Congregate Living and Social Services Licensing Board:

Andrew Oram
390 Main Street
Term to expire December 31, 2024

Allison Welsh
17 Roosevelt Street
Term to expire December 31, 2024

Martha Curtis
19 Carroll Street
Term to expire December 31, 2023

Abigail Abrash-Walton
PO Box 342
Harrisville, NH
Term to expire December 31, 2023

Medard Kopczynski, ex-officio administrative
official
Term to expire December 31, 2023

Attachments:

1. Background_Oram
2. Background_Welsh
3. Background_Curtis_Congregate Care_Redacted
4. Background_Abrash Walton

Background:

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Monday, November 29, 2021 4:41 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 11/29/2021 - 16:41</p>

<p>Submitted values are:</p>

First Name:

Andrew

Last Name:

Oram

Address

390 Main St
Keene NH 03431

Email:

attunedfinancial.com@ne.rr.com

Cell Phone:

16039035013

Home Phone:

6039030079

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

Congregate living and social services licensing board

Employer:

Self employed

Occupation:

financial consultant

Education:

BA American Studies Magna cum laude Amherst College

Have you ever served on a public body before?

No

Other Information/Relevant Experience:

Was member of Arts Alive! board for about 4 years 1.5 years as Board char

Please provide some references:

Joe Stacy

Joe.stacey@connection.com
603.730.2283 cell

References #2:
George Hansel
GHansel@filtrine.com

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, November 18, 2021 1:26 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 11/18/2021 - 13:26</p>

<p>Submitted values are:</p>

First Name:

Alison

Last Name:

Welsh

Address

17 Roosevelt St

Email:

awelsh@co.cheshire.nh.us

Cell Phone:

[16032096467](tel:16032096467)

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

Congregate living and social services licensing board

Employer:

Cheshire County

Occupation:

Drug Court and Behavioral Health Court Coordinator

Education:

B.A and JD

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.

Agricultural Commission

Other Information/Relevant Experience:

I have served on several boards including Stonewall, Mayor's Ad Hoc Ad Advisory on Substance Use among others. I am happy to submit a resume if needed.

Please provide some references:

Chris McLaughlin

cmclaughlin@co.cheshire.nh.us
6033553010

References #2:

Nelson Hayden
nhayden@cheshire-med.com
6037627212

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, November 18, 2021 2:12 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 11/18/2021 - 14:12</p>

<p>Submitted values are:</p>

First Name:

Martha

Last Name:

Curtis

Address

19 Carroll St.

Email:

Cell Phone:

6032292602

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

Trustees Of Trust Funds And Cemetery Trustees

Employer:

Retired

Occupation:

Prior to retirement I worked in local banks (Keene Savings Bank, Cheshire County Savings Bank and Savings Bank of Walpole for a combined total of 37 years.

Education:

I have a B.A. from Keene State College and a M.S. from Antioch New England.

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.

Trustee of Trust Funds, Keene, NH

Please provide some references:

Michelle Howard

mhoward@walpolebank.com

603-355-1663

References #2:

Dominic Perkins

dperkins@walpolebank.com

603-355-1608

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Tuesday, November 30, 2021 3:54 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 11/30/2021 - 15:53</p>

<p>Submitted values are:</p>

First Name:

Abigail

Last Name:

Abrash Walton

Address

P.O. Box 342
Harrisville NH 03450

Email:

aabrash@antioch.edu

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

Congregate living and social services licensing board

Employer:

Antioch University

Occupation:

Director/Faculty

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.

City of Keene Planning Board; City of Keene Master Plan Steering Committee

Please provide some references:

George Hansel

References #2:

Rhett Lamb



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

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

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that The Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 5, 2022 from 10:00 AM to 4:00 PM. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street Parking Garage. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 22 Community Events Budget.

Attachments:

None

Background:

Chair Bosley asked to hear from the Petitioner. Mark Rebillard of 64 Blackberry Ln. stated that he is a business owner downtown and chair of the Keene Downtown Group. On February 5, 2022, the Keene Downtown Group hopes to hold the 19th annual Ice and Snow Festival. It is a free, fun day for families, with eight ice carvers. Last year with the help of the City and a local hardware store, they created pedestals that light the ice sculptures from below so they are lit like Christmas tree bulbs throughout the evening. There is a children's train, face painting, and more. In 2020, 17 businesses participated to do a scavenger hunt up and down Main St., for children to find Yeti in the different stores. There was free hot cocoa in nine participating stores, free s'mores, and two fire pits. It is a great event and they are grateful for the City's support. It is nice to have a community event to bring people outside when everyone is feeling the doldrums of winter. This time, they hope to enhance the event with more ice carvers or more ice. They have typically done one-block sculptures, but maybe this time it would be two or three blocks.

Chair Bosley stated that all sounds wonderful and she is happy to see this event coming back. She continued that any time they see something come back after it was canceled for a year, it is great. She asked if the committee had any questions. Hearing none, she asked to hear from staff.

Kürt Blomquist, Public Works Director/Emergency Management Director, stated that this is one of his favorite winter events in the community. He continued that City staff had a protocol meeting with Mr. Rebillard and others, which went very well. Staff is very comfortable with what the event will be. They talked through a number of issues and Mr. Rebillard is in concurrence. Staff looks forward to supporting this event. They recommend that the Committee move forward with the recommended motion.

Councilor Jones thanked Mr. Rebillard and stated that this is always a great project and he knows a lot of effort goes into it. He continued that the recommended motion does not include the usual requirement for insurance. He asked if staff is recommending they waive that.

Mr. Blomquist replied no, within the application it talks about the “customary licensing requirements,” which includes the insurance. Councilor Jones replied that that used to be in the motion. Mr. Blomquist replied that is correct; staff are trying to condense the recommended motions a little bit.

Chair Bosley asked if there were any further questions from the Committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that The Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 5, 2022 from 10:00 AM to 4:00 PM. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street Parking Garage. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 22 Community Events Budget.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 2 - Support of Library Services - Library Director**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a grant of \$34,496 from the New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 2 for the support of library services.

Attachments:

None

Background:

Library Director Marty Fiske addressed the committee and stated she is before the committee regarding a grant that is fed through the State Library. This is a larger competitive grant. 42 of them were awarded across New Hampshire.

This particular grant is about expanding the access of the library services to its patrons. This grant in particular is for people who have mobility issues, people who are immune compromised, people who may have a hard time reaching the library during normal service hours, and those people who have a difficult time getting to the library. This grant will pay for a 20 unit smart locker which will be placed outside Heberton Hall. If someone called the library for an item they have placed on hold and want it picked up after hours. Staff would place that item in the locker (staff goes outside twice a day already to empty the book drop) so it would be done at one of those times. When the person comes to pick up their item they would scan their library card, the locker associated with their library card would open and they would be able to take out their materials, close the locker, after which time they would not have access to that locker any longer. If somebody wanted to pick up something on Saturday night or on Sunday, this would provide that access.

The locker is weatherproof and hence does not need any sort of roof over it. It is ADA compliant, it is three feet off the ground, and hence, snow will not interfere with the operation of the locker.

Ms. Fiske stated, staff has already worked with the facilities team to place the locker in the best possible location, and will be located next to an ADA compliant flat sidewalk. It is also within sight of

security cameras and underneath well-lit areas in the evenings.

The other part of the grant is to pay for owl microphones and cameras speaker units. This is a 360 degree camera and microphone that you could put into the middle of a space and it would pick up everyone in the room as they are speaking, and everyone would be able to see the entire room. The library is planning on purchasing three; two would be available to members of the public and could borrow it when they use library meeting rooms. It also could be used for organizations who want to bring in training from another location and have all their members participate. The third unit would be used by library staff. There will also cases purchased for these units so accessories could be stored and moved easily. This concluded Ms. Fiske's presentation.

Councilor Hooper felt this was a good public initiative he asked for clarification of the operation of these units and about the general space for each unit. Ms. Fiske stated the unit is seven feet wide by about two and a half feet deep and about five feet tall (entire unit) the individual lockers are smaller but sufficient for a stack of books.

Councilor Chadbourne commended this addition and felt it was a good alternative for our changing times. She indicated even though this was weatherproof whether some kind of roofing could be added over it especially for someone who is trying to gain access and is in a wheelchair. Ms. Fiske stated she will work with the facilities to see if that's a possibility.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a grant of \$34,496 from the New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 2 for the support of library services.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Authorization to Enter into a Contract - Writing and Dissemination of the Keene Public Library STEM and Maker Activities Toolkit - Library Director**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Regallium Consulting, LLC for the writing and dissemination of the Keene Public Library STEM and Maker Activities Toolkit as outlined in RFP 02-22-03.

Attachments:

None

Background:

Ms. Fiske addressed the committee again and stated in 2018 the library won an IMLS grant for the making of STEM programs and activities for preschool children. Over the past two years the library has developed a series of events and programs about teaching parents to teach their children about early education models. There has been an extension of that grant due to the pandemic, delaying the execution of the last part. This contract is for that last part of the grant, which is to write a toolkit so that other libraries across the nation can put together their own programs and repeat the successes the library has had in creating these programs. It would have a contract for a person who would come in and interview library staff to help them organize the materials that would be most efficient to be put into the book that would be published.

The funding will also help with presentation at, at least two conferences for continuing education for librarians.

Councilor Chadbourne made the following motion, which was seconded by Councilor Hooper. On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Regallium Consulting, LLC for the writing and dissemination of the Keene Public Library STEM and Maker Activities Toolkit as outlined in RFP 02-22-03.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of FAA AIP Grant for Airport – Airport Taxiway ‘A’
Reconstruction - Airport Department**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend a grant for the amount of \$594,324 from the Federal Aviation Administration Airport Improvement Program.

Attachments:

None

Background:

Airport Director David Hickling addressed the committee and referred to the taxiway project going on at the airport. The FAA is funding the majority of it and have decided to break it into phases. Phase 2 involves the reconstruction of the existing pavement area and the airport received a grant last year to cover the reconstruction of the asphalt but funding was not received for work on the under drainage and lighting; this grant is for that work.

Councilor Hooper asked how this grant is split between the entities. Mr. Hickling stated 90% is covered by the FAA, 5% by NHDOT and 5% by the City. The City's portion comes from funds received through the sale of properties. Councilor Powers asked for the timetable for this work. Mr. Hickling stated work would be completed next spring.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend a grant for the amount of \$594,324 from the Federal Aviation Administration Airport Improvement Program.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Moving Forward With PEG Programming - ACM/IT Director**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends to direct the City Manager to proceed with a competitive bid process to provide public access programming.

Attachments:

None

Background:

Assistant City Manager/IT Director Rebecca Landry reminded the committee about the recent presentation about the future of public education and government programming via community access television stations provided by spectrum to Keene Spectrum subscribers. In response to that presentation there were questions raised by the Council as to what the public interest and engagement was.

Ms. Landry stated that the City has been providing Government programming and is looking forward to continuing to do that into the future. The franchise fee revenue is providing that funding at the present time. Hence, the franchise fees are continuing to be collected from Spectrum by the City. The question at this time is what the future of public programming is.

After the presentation a few weeks ago, the Council expressed interest in surveying the public to gather information about the public piece of PEG. A very basic survey was published. The survey asked questions like: Are you a Spectrum subscriber? Are you a Keene resident? How often do you watch channels 1301 and 1302? Do you support the City spending franchise fee revenue on streaming services for public content? Quite a bit of input was received from the public. The results of that survey are included in the memo tonight.

The survey began on November 9. It was posted to City social media accounts, it was sent to City email listserv subscribers and linked from the City website homepage. Danny Mitchell interviewed Ms. Landry and they talked about the purpose of the survey and encouraged people to participate. 308 survey respondents indicated they are Keene residents. Ms. Landry stated she is only providing responses the City received from Keene residents. Of the 308, 55% subscribe to Spectrum cable TV services and 61% support the City using the franchise fee funding for production and streaming of publicly generated videos, via YouTube, Facebook and other online

video streaming services. Seven Keene respondents watch Spectrum Local Community Access channels daily, 14 watch weekly, 34 watch monthly, and 253 indicated they do not watch the local channels.

Ms. Landry stated some information has come forward, that may impact how we consider the response to that final question about supporting streaming video on platforms, other than the spectrum channels. She stated the City Attorney has determined if any franchise fee revenue is used to support public programming on any platform such as YouTube, Facebook, etc. that content must also be provided on the public access channels provided by Spectrum (channel 1302). This is not something staff was aware of the last time staff had this conversation.

Return of public programming will require a business structure. In many communities best accommodated by a third party nonprofit organization. Ms. Landry explained public programming involves content management, equipment lending, production guidelines, all of which require a governance and business structure. The requirements are best accommodated by a third party organization and staff was originally planning to move forward with a recommendation to have a competitive process for the selection of public programming services for this purpose. Upon the selection of a nonprofit organization, staff would return to the City Council with a recommendation to negotiate an agreement for the public program piece.

Ms. Landry stated the formula for the proportional use of franchise fee funding to support government, education and public programming would change from what it was before because the City has now taken on the government education piece. This has been separated from the original formula which was supporting all three pieces. As a result, the City will assume responsibility for its own content and programming.

Ms. Landry then posed a question to the Council – do they wish to continue to support public programming via cable TV channels; do they need to hear more from the public before they make that decision. She added at this point in time staff is prepared to seek a contract with a third party organization to manage public programming. However, if the council would like to hear more from the public before determining whether to provide for public programming via the spectrum provided channels on cable TV staff can hold off on that. Staff could place the public programming item on a future agenda and use that as an opportunity to hear more from the public. This concluded Ms. Landry's comments.

Councilor Hooper felt this was a good start and noted during the height of Cheshire TV, it was well used and well watched. He indicated in the interest of time it might be important to continue to move this process along and seek the competitive third party to get things moving forward. Councilor Chadbourne felt it was well advertised but stated she was disappointed that more people did not participate. She indicated she appreciated getting some feedback and agreed with Councilor Hooper it should be moved forward.

Ms. Landry stated if that was the wish of the committee, the only thing the committee would need to do is to accept this communication as informational. Staff will come back and seek the authority of the Council to negotiate and execute when an organization has been decided on.

Councilor Hooper asked whether this was going to be a state, regional, national effort to try to get interest in the third party process. Ms. Landry stated they would potentially post an RFP or an RFQ - how widely would it be broadcast is a good question. She stated she was interested in hearing from Councilor Hooper, given his experience with public programming if the City was to cast that wider net, whether the City might get an organization who would want to operate a local channel. Councilor

Hooper stated he did not have an answer to that but felt it was going to be a challenge to find a third party. He indicated it makes sense to seek as far and wide as possible.

Ms. Landry stated there is a local access association that represents New Hampshire and perhaps one in New England which could help advertise such an opportunity.

The City Manager stated she would like to have a motion which directs her to move forward with a competitive bid process for a third party to manage the public part of PEG. She explained this is because the way this is worded, it talks about PEG programming, and the Memo separates it very nicely. However, if there is an affirmative motion, it would be very helpful and less confusing and make it very clear staff is not talking about the educational piece. The City has staff on board that are being paid to do the Government portion and that portion is being broadcast and live streamed.

Councilor Chadbourne asked what type of support the local access association Ms. Landry had referred to, would provide for the City. Ms. Landry stated she would lean on them to get advice on where to post and if they have an opportunity within the organization to publicize the offer, she will be looking into that as well.

Councilor Powers asked what role schools might play in this process and whether the City was reaching out to the Towns of Swanzey and Marlborough. Ms. Landry stated the City had a good conversation with Keene school representatives who were excited about involving the Cheshire Career Center and producing more content than they have in the past. Swanzey and Marlborough, the City does not have a contractual relationship but should there be a public programming organization that results from this, Swanzey might want to start doing some programming and tap into some revenue. She noted the City Manager might want to speak to this as she has spoken with Swanzey on this issue.

The Manager stated the model has evolved. Originally, all pieces of PEG access was together. As the City moved forward with the Government piece and the school is doing their work on the educational piece, the only opportunity left for some sort of enhanced partnership with the other communities is through the public piece and felt there was potential for that.

Councilor Hooper noted during the peak of Cheshire TV there was a lot of involvement with Keene High School and felt the City can get back to that high level of involvement with the school. For this item to be a success, the Councilor felt it was vital to get school participation and encouraged working with the High School.

Councilor Chadbourne made the following motion, which was seconded by Councilor Hooper. On a 3-0 vote, the Finance, Organization and Personnel Committee recommends to direct the City Manager to proceed with a competitive bid process to provide public access programming.

Ms. Landry complimented the team that is involved with the live broadcast for their hard work.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Downtown Infrastructure Improvement and Reconstruction Project – Update - Public Works Director/EMD**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee accept the Downtown Infrastructure Improvement and Reconstruction Project Update as informational.

Attachments:

None

Background:

Public Works Director Kurt Blomquist addressed the committee next and stated the downtown infrastructure reconstruction project has been around for a while. It is reflected in the current CIP with a current value of approximately \$7.4 million dollars. The project is primarily focused on the City's infrastructure. Infrastructure in the downtown ranges anywhere from the late 1890's to 1930s with some work in the 1980s. Mr. Blomquist noted this infrastructure has served the community well and has lasted beyond its useful life but the City is starting to have some significant problems that need to be addressed.

The project is going to be focused in the areas of Central Square, Main Street from West Street to Roxbury Street down to Water Street. Some side streets such as Lamson Street, Church Street, Railroad Street and Gilbo Avenue are also going to be incorporated.

The other aspect of the project is looking at how the downtown is used. The current configuration has done very well. It has served its purpose since the late 1980s when it was reconstructed and laid out for primarily a commercial focus. As time has gone by and as downtown has changed to become more office, entertainment, with increasing residential - how the downtown is configured in different areas is not necessarily serving the purposes.

Mr. Blomquist stated as the City does the infrastructure work, part of the planning and design is going to be looking at different areas to do some adjustments, to be able to provide for example more gathering space. The way the downtown is currently configured, doesn't make it easy to close off areas, to be able to move traffic or people around.

He noted they would also be looking at enhanced bicycle and pedestrian facilities and expanding on what exists today. Also encouraging more residential, based on the new zoning adopted by Council.

The scope of the infrastructure upgrade would be to storm water system, sewer system, telecommunications, electrical, broadband for people to use on phones but also broadband to help manage infrastructure. Smart cars is also something that is being discussed as well as parking and the irrigation system.

Building Services - The City's infrastructure is close to 100 years old and many are starting to fail. Improvements are also going to be made to sidewalk areas, pedestrian bicycle facilities, street crossings, and gathering spaces.

Mr. Blomquist stated they will also be looking at Railroad Square which is a popular place, designed and built back in the late 80s. The drainage at the present drains towards the back of the site which is currently used for different types of activities.

The ultimate goal is for a full pavement overlay.

The project is anticipated to be in phases. The project will start with Central Square. The next phase would be Roxbury and West Street down Main Street down to Gilbo Avenue and then the side streets, Railroad Street and finally down Water Street.

Another aspect of the project is to put together a project committee. The committee will be charged in reviewing scope and designs. They will host public meetings and activities to gain support and input from the public. Ultimately, this is the vehicle staff will use to come before Council with different recommendation. Mr. Blomquist stated he will be looking for the Mayor to appoint this committee; the committee would consist of Council representatives, community business partners from the downtown area and residential folk.

As far as schedule, Mr. Blomquist stated an RFQ will be sent out between December through January, with a goal of bringing a recommendation to Council by February. At the same time, working with the Mayor by February and March to establish a project committee. Design development phase will begin in March 2022 and probably go through October 2022. In November 2022 the plan is to commence Phase 1, with the hope of the first phase ready to go out to bid in the early or late winter of 2023, with first phase construction contracts to begin sometime in April or May of 2023. At the same time as the City completes Phase 1 and gets through the bidding process, the City will begin the final design of Phase 2 and design for Phase 2 completed by winter 2023 and bids sent out so that construction for that phase could begin in 2024. The schedule is to have the final phase awarded by April/May 2025. Mr. Blomquist agreed this is an aggressive schedule for a project of this size, particularly a project that is going to have lots of community interest. He added he anticipates having a project team throughout the entire project. He stated he envisions as one design phase gets done that project team will move off and we will bring on probably another team to help through the construction phase. There has to a lot of communication between the City, businesses and residents regarding utility shutdowns, temporary services put up etc. This concluded Mr. Blomquist's presentation.

Councilor Chadbourne clarified the \$7.4 million is for the design process as well as for the actual pipes underneath the road. Mr. Blomquist agreed. The Councilor asked, in addition to taxation, whether the City was also looking for grants. Mr. Blomquist stated portions of this project have been submitted to the NH Environmental Services Stormwater/Wastewater funding and have been notified the City is within tentative funding line for grants and principal forgiveness loans. For example, for the storm water side which is valued at about \$900,000, the City could potentially be

offered a \$300,000 grant and a low interest loan that has principal forgiveness. He added the City's goal is to continue to look for sources. He explained with the Build American grant, there has to be more detail provided, things like economic analysis. Hence, the City needs to get through the design phase to get to a 50% design to be more effective and more efficient in getting grant funds.

Councilor Hooper stated the plan sounds ambitious but felt it was extremely necessary to go through all the phases to improve the existing old infrastructure. He stated he is anxious about the storm water portion, so that the City can get ahead of the increased problem with flooding.

The Manager reiterated the efforts around seeking grant funds for this project; this is a large project that will take multiple years to complete. However, the timing seems to be good and in keeping in line with the infrastructure grant that is coming from the Federal Government. The City has already heard from the New Hampshire Department of Environmental Services with respect to funding sources for water, sewer and storm water but have not heard about the road portion as of yet. With the Build America grant as the City moves forward with the design process they are likely going to be more competitive as the City has not scored well without it. She indicated the City will be looking for grant opportunities. Councilor Chadbourne thanked the Manager for her reassurance and felt this is a project that is vital for the City.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a 3-0 vote, the Finance, Organization and Personnel Committee accept the Downtown Infrastructure Improvement and Reconstruction Project Update as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021

To: Mayor and Keene City Council

From: Daniel Langille, City Assessor

Through: Elizabeth Dragon, City Manager

Subject: **79E Community Revitalization Tax Relief Application for 112 Washington Street**

Recommendation:

That the Mayor set a public hearing regarding the 79-E Community Revitalization Tax Relief application submitted by Josh Gorman for property located at 112 Washington Street owned by 112 Washington LLC and refer the item to the Finance, Organization and Personnel Committee.

Attachments:

1. Checklist Report
2. Application

Background:

City staff has completed its review of the application submitted by Joshua Gorman, on behalf of 112 Washington LLC for temporary tax relief through the City's 79-E Community Revitalization Tax Relief program. It has been determined that the application is complete and a public hearing should be scheduled in accordance with RSA 79-E:4, II prior to January 10, 2022. The proposed project is to renovate the carriage house on the property into guest rooms and a second floor apartment. The main brick building on the property, which is operated as a family-owned inn, is currently receiving 79-E tax relief. In this scenario, if additional tax relief is granted, it would only cover the carriage house and upon expiration of the existing tax relief the main building will become taxable at its market value.

CITY OF KEENE RSA 79-E COMMITTEE REPORT

Property Owner: 112 Washington LLC

Property Location: 112 Washington St, Keene, NH 03431

Applicant: Joshua Gorman

Date application submitted: 11/10/2021

- **Is property located within the 79-E district?** YES NO (see note below)
The property is determined by the NH Division of Historical Resources to be eligible for the State and National Register of Historic Places. Although the property is located outside of the City of Keene’s defined 79-E district boundary, it is considered eligible for this program per the definitions of Historic Structure and Qualifying Structure in NH RSA 79-E:2.
- **Is property located within a TIF District?** YES NO
- **Does the project require additional infrastructure by the City?** YES NO
- **Is the property listed or eligible to be listed on the national or state register of historic places and a copy of historic designation submitted?** YES NO
- **If yes, does the project devote at least \$5,000 to energy efficiency?** YES NO N/A
- **Does project replace or redevelop an existing structure?** REPLACE REDEVELOP
- **If a replacement, has HDC approval been obtained?** YES NO N/A
- **Are project cost estimates provided?** YES NO
- **Does the estimated project cost exceed the 75,000 minimum?** YES NO
Summary of work:
Applicant proposes a series of exterior and interior renovations to a historic building. The carriage house now is not suitable as living space and will be once complete.
- **What is the proposed use of the building?**
Additional Guestrooms for Inn and 2nd Floor Apartment
- **Does the project include one or more required public benefit(s)?** YES NO
- **Does the project comply with the Master Plan?** YES NO
- **Does the proposed use meet current zoning regulations?** YES NO
Notes:
- **Is the application complete with necessary documentation?** YES NO
- **Has the owner agreed to the execution and recording of a covenant?** YES NO

SUMMARY OF PUBLIC BENEFITS (as proposed by the applicant):

See application for full details

Community Revitalization Tax Relief Incentive (RSA 79-E)



APPLICATION FORM

Contact throughout the application process will be made with the Applicant listed below. The property owner or a designated agent may act as the Applicant.

Property Owner: Print Name: <u>112 Washington LLC</u> Address: <u>85 Park Avenue</u> City: <u>Keene</u> State: <u>NH</u> Zip: <u>03431</u> Phone: <u>209.1588</u> Email: <u>90cmunjosh@gmail.com</u>	Applicant (if different from owner): Print Name: <u>Joshua German</u> Address: <u>85 Park Avenue</u> City: <u>Keene</u> State: <u>NH</u> Zip: <u>03431</u> Phone: <u>209.1588</u> Email: <u>@gmail.com</u>
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Building Information:

Building Name (If Any): The Burrell Residence / The Burrell House

Building Address: 112 Washington St. Keene, NH

Tax Map Lot #: 554-085-00000000 Zoning District: DT-T

Cheshire County Registry of Deeds Book #: 3000 Page#: 0392

Gross Square Footage of Building: *3454/1718 Year Built: circa 1853
 *not part of application

Is the building eligible for listing or listed individually on the National or State Register of Historic Places or located within a locally designated, State or National Historic District? No: _____ Yes*: X

**If yes, provide a copy of the approved designation by the National or State Register of the building or the district*

Does the property currently have any credit or exemption from real estate tax assessment? No: _____ Yes*: X *If yes, please describe:

*brick building (3454sqft) is currently receiving 79E incentives

Continue →

Return this completed application to:
COMMUNITY DEVELOPMENT DEPARTMENT
 3 Washington St, 4th Floor
 Keene, NH 03431
 Phone: (603) 352-5440

OFFICE USE ONLY

Date Submitted: 11/10/2021
 Received by: CJM
 Date Complete: _____

Project Information:

Describe Existing Uses (include detail on the current uses of the building/site, number of units by type and size, number of employees, etc.):

see attached ^{me}#1 - Project information page

Describe Proposed Uses (include detail on proposed use of the building/site, number of units by type and size, number of employees, etc.):

see attached ^{me}#2 - Project information page

Is a change of use associated with this project?

No: X Yes*: _____

*If yes, please describe:

Will any state or federal grants or funds be used to finance the rehabilitation or construction?

No: X Yes*: _____

*If yes, what is the amount of the aid?

Note: Rehabilitation or construction subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50% of construction costs from state or federal programs are not eligible for 79-E tax relief.

Does the project involve the replacement of an existing structure? No: X Yes*: _____

*If yes, following materials shall be submitted with this application:

- A New Hampshire Division of Historical Resources individual resource inventory form, prepared by a qualified architectural historian.
- A letter from the Keene Heritage Commission that identifies any and all historical, cultural and architectural value of the structure(s) that are proposed to be replaced and the property on which those structures are located.

Note: This application shall not be deemed complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4,II until the inventory form and letter from the Heritage Commission, as well as all other required information, have been submitted, if required.

Describe the work to be done and estimated cost (Attach additional sheets if necessary)

1. Attach a copy of a contract, contractor estimates, or itemized list of materials
2. Attach a project narrative, building plans or sketches, renderings or photographs to help explain the proposed rehabilitation or construction.

Structural: N/A	\$ 0
Exterior Alterations (storefront, walls, windows, doors, etc.): see attached p.3 line 1	\$ 3,200 ⁰⁰
Interior Alterations (walls, ceilings, moldings, doors, etc.): see attached p.3 line 2	\$ 6,500 ⁰⁰
Electrical: see attached p.3 line 3	\$ 14,500 ⁰⁰
Plumbing/Heating: see attached p.3 line 4	\$ 34,500 ⁰⁰
Mechanical: see attached p.3 line 5	\$ 22,000 ⁰⁰
Energy Efficiency: see attached p.3 line 6	\$ 32,500 ⁰⁰
Other: see attached p.3 line 7	\$ 9,500 ⁰⁰
TOTAL ESTIMATED PROJECT COST: <i>Note: To be considered for this tax relief incentive, the project costs must be \$75,000 or greater.</i>	\$ 177,700 ⁰⁰

Expected Project Start Date:

07/1/23 (on or before)

Expected project completion date:

12/1/23

Public Benefit (Attach additional sheets if necessary)

In order to qualify for tax relief under this program, the proposed work must provide at least one of the public benefits listed below. Greater consideration will be given to projects that provide three or more public benefits. Any proposed replacement must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same structure.

Enhances the economic vitality of downtown areas. No: Yes*:

***If yes, please describe:**

see attached-public benefit pages ^{line} #1

Enhances & improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located. No: Yes*:

***If yes, please describe:**

see attached-public benefit page ^{line} #2

Promotes the preservation and reuse of existing building stock by the rehabilitation of historic structures, in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation. No: Yes*: ***If yes, please describe:**

see attached-public benefit page ^{line} #3

Promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan. No: Yes*: ***If yes, please describe:**

see attached-public benefit page ^{line} #4

Will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area. No: Yes*: ***If yes, please describe:**

n/a *

Directly supports the integration of public art in the downtown. No: Yes*:

***If yes, please describe:**

see attached public benefit page ^{line} #5

Promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code). No: Yes*:

***If yes, please describe:**

n/a *

Maintains owner occupancy of a residential building or it returns a residential building to owner occupancy. No: Yes*: ***If yes, please describe:**

n/a *

Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%. No: Yes*: ***If yes, please describe:**

see attached public benefit page ^{line} #6

Affidavit

I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statue (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate.

I (we) have reviewed the statute and Resolution R-2017-41 (see attached) and understand that:

- a) This application will be reviewed for completeness;
- b) There will be a public hearing to evaluate the merits of this application;
- c) If this application is approved by City Council, I (we) will need to enter into a covenant with the City; and
- d) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.


I (we) understand this application will not be determined as complete and recommended to the City Council until all of the necessary information is provided.


IMPORTANT:

Per RSA 79-E:13, the base or "original" assessed value for any tax relief period is set only after the following two conditions are met:

- 1. Approval by City Council; and
- 2. The Applicant has entered into a covenant with the City of Keene to protect the public benefit.

Tax relief granted will pertain only to assessment increases attributable to the substantial rehabilitation or replacement performed under the conditions approved by the City Council and not to those increases attributable to other factors including but not limited to market forces.


 112 Washington LLC
 Josh Gorman (Manager) 11/10/21
 APPLICANT (signed) (name printed) (date)


 112 Washington LLC
 Dittke Ederveen-Gorman (Member) 11/10/21
 OWNER (signed) (name printed) (date)

NOTE: Owner must sign this Affidavit, if Owner is not the Applicant

Project Information and Background Page:

Background:

112 Washington Street was purchased by its current owner in September of 2017. At the time of purchase it had been vacant for 2 years. Prior to that, respectively; it had been an office building, a mixed use office and residence, a tourist travel home, and originally a residence. At the time of purchase the carriage house was compromised and on the brink of being torn down; and the brick building was suffering from decades of deferred maintenance. This left the property in such disrepair that it was purchased for just half of its city assessed value at the time.

Without a repurposed use and extensive repairs, the downward spiral of the property had little or no end in sight. After two and a half years of renovation and repair the property is now a restored historic inn consisting of 8 private guest rooms, each with a private full bath; an operator's quarters, a common parlor, and an operator's kitchen.

The proposal before council asks for consideration in supporting the expansion of this use through 79-E tax incentives.. This expansion would be achieved by adding 2 guest rooms on the first floor of the carriage house and an apartment on the second floor. The approval of the petition for 79-E incentives will allow for future preservation and maintenance as well as further increasing the tax base upon expiration of the incentives.

1.Existing use- The property is operating as a family operated Inn. Outside of family members, the Inn employs 2 part-time staff members. Currently the main building, which received 79-e relief incentives in 2019, houses 8 fully private guest rooms, a common parlor area, an operator's kitchen and an operator's quarters. Currently the property also includes a vacant historic carriage house.

2.Proposed use- The applicant is seeking further 79-e tax relief for the construction for the repurposed use of the now vacant carriage house. This project would create two additional guest rooms, and an operator's apartment in the carriage house. Cumulatively, upon completion, the property would house 11 private guest rooms, an operator's apartment, an operator's kitchen, and a common parlor.

Page 2-Public Benefit:

1. The renovation of the carriage house and subsequent expansion of guest rooms at the Burrell House will definitely support downtown economic vitality. Since fully opening in July, the current accommodations at The Burrell House have received consistent and voluminous five star reviews. A large majority of these reviews have expressed great pleasure in the location of the property and the ability to walk downtown and enjoy the many wonderful local restaurants, cafes, and shops. Many of the reviews also express a desire to return and explore Keene again soon. The addition of the guest rooms resulting from this project will certainly further contribute to this sentiment, thus supporting the economics of our downtown merchants, as well as the entire Monadnock region.

2. The renovations to the carriage house will enhance a culturally or historically important structure. The carriage house on this property is truly one of a kind. It prompts the admiration of almost every passerby, and they often stop to take pictures of it. The carriage house is on the NH historic properties register. When the property was purchased, previous bidders had contemplated tearing it down. Since acquiring the property many repairs have been made in order to save the structure. The challenge now is to create viability for the structure in the longer term, so that it can always be maintained and cherished. These interior renovations will certainly do so.

3. The renovations to the carriage house promote the preservation and reuse of existing building stock by the rehabilitation of historic structures. The exterior of the carriage house will maintain all of its existing historically accurate features. The interior renovations will allow for the reuse of much of the beadboard which currently is on the ceilings and walls of the entire first floor. The purposeful reuse of this vacant structure will allow for future maintenance and preservation.

4. The renovation of the carriage house and subsequent expansion of guest rooms at the Burrell House promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan. Pages 52-55 of the comprehensive master plan specifically addresses the various elements, challenges, and imperative importance of maintaining our city's history through the preservation, reuse, and energy upgrades of our many historic architectural gems. The master plan also cites a need for programs which will stimulate such activity. The 79-e is a prime example of such a program and this project captivates all of the purposes, challenges, and benefits relative to reuse, preservation, and efficiency. Pages 56-58 of the plan address the need and benefit of having a vibrant walkable community. The location and use of this building surely promotes such walkability for all of its guests and employees, thus benefiting the many downtown merchants.

5. The renovations to the carriage house directly support the integration of public art in downtown. The carriage house and its details of a time long since passed, is actually a form of public art in and of itself. That is true of so much of the architecture which lines the Washington and Court Street corridors as they lead us to our historic downtown. In order to meet the challenges of maintaining these forms of public art, useful repurpose and reuse is essential. This project accomplishes just that.

6. The renovations will include energy star windows, complete insulation of the structure, and a modern highly efficient mini-split heating and cooling system

Page 3- Project cost estimates:

1. Exterior alterations- repoint/repair existing brickwork, foundation/ repair crown molding cupola total est. cost- \$3200
2. Interior alterations-demo existing beadboard and flooring-subflooring/ frame interior partition walls, repl. Stair framing/ drywall, reinstall beadboard/ doors and trim pack, window trim, baseboard, crown molding/ flooring- \$61,500
3. All new wiring and fixtures- \$14,500
4. All new plumbing/heating and fixtures- \$34,500
5. Sprinkler system and fire alarm system- \$22,000
6. Energy efficiency-update existing windows w ins glass replacements/ install mini splits/ insulate int foundation, floors and exterior walls-\$32,500
7. Prime, paint, etc.-\$9,500

Total estimated cost of renovations: \$177,700.00



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: December 16, 2021

To: Mayor and Keene City Council

From: Daniel Langille, City Assessor

Through: Elizabeth Dragon, City Manager

Subject: **79E Community Revitalization Tax Relief Application for 310 Marlboro St., LLC**

Recommendation:

That the Mayor set a public hearing regarding the 79-E Community Revitalization Tax Relief application submitted by Randall Walter for property located at 310 Marlboro Street owned by 310 Marlboro St., LLC and refer the item to the Finance, Organization and Personnel Committee.

Attachments:

1. Application

Background:

City staff has completed its review of the application submitted by 310 Marlboro St., LLC for temporary tax relief through the City's 79-E Community Revitalization Tax Relief program. It has been determined that the application is complete and a public hearing should be scheduled in accordance with RSA 79-E:4, II prior to January 10, 2022. The proposed project is to renovate the existing building to allow for multi-tenant mixed-use commercial and light industrial businesses. The proposed work includes significant energy efficiency upgrades with the goal of reducing the carbon footprint of the building and becoming net zero in the coming years.

CITY OF KEENE RSA 79-E COMMITTEE REPORT

Property Owner: 310 Marlboro St., LLC

Property Location: 310 Marlboro St., Keene, NH 03431

Applicant: Randall Walter, AIA

Date application submitted: 12/2/21 & 12/10/21 Date of Committee Review: 12/7/21 & 12/13/21

- Is property located within the 79-E district? YES NO
- Is property located within a TIF District? YES NO
- Does the project require additional infrastructure by the City? YES NO
- Is the property listed or eligible to be listed on the national or state register of historic places and a copy of historic designation submitted? YES NO
- If yes, does the project devote at least \$5,000 to energy efficiency? YES NO N/A
- Does project replace or redevelop an existing structure? REPLACE REDEVELOP
- If a replacement, has HDC approval been obtained? YES NO N/A
- Are project cost estimates provided? YES NO
- Does the estimated project cost exceed the 75,000 minimum? YES NO

Summary of work:

Applicant proposes a number of interior renovations including energy efficient upgrades, adding a lift, and interior commercial wall installation

- What is the proposed use of the building?
Mixed use: multi-tenant commercial and light industrial
- Does the project include one or more required public benefit(s)? YES NO
- Does the project comply with the Master Plan? YES NO
- Does the proposed use meet current zoning regulations? YES NO
- Is the application complete with necessary documentation? YES NO
- Has the owner agreed to the execution and recording of a covenant? YES NO

SUMMARY OF PUBLIC BENEFITS (as proposed by the applicant):

See application for full details

Community Revitalization Tax Relief Incentive (RSA 79-E)

KEENE
NEW HAMPSHIRE



APPLICATION FORM

Contact throughout the application process will be made with the Applicant listed below. The property owner or a designated agent may act as the Applicant.

Property Owner:	Applicant (if different from owner):
Print Name: <u>310 MARLBORO ST, LLC</u>	Print Name: <u>SAME</u>
Address: <u>310 MARLBORO STREET</u>	Address: _____
City: <u>KEENE</u> State: <u>NH</u> Zip: <u>03431</u>	City: _____ State: _____ Zip: _____
Phone: <u>603.721.1227</u> Email: <u>XXXXXXXXXX</u> <u>RANDALL.WALTER@cmh.com</u>	Phone: _____ Email: _____

Building Information:

Building Name (If Any): @310

Building Address: 310 MARLBORO STREET, KEENE NH 03431

Tax Map Lot #: 595 Zoning District: BGR

Cheshire County Registry of Deeds Book #: _____ Page#: _____

Gross Square Footage of Building: 82,000 Year Built: 1947

Is the building eligible for listing or listed individually on the National or State Register of Historic Places or located within a locally designated, State or National Historic District? No: Yes*: _____

**If yes, provide a copy of the approved designation by the National or State Register of the building or the district*

Does the property currently have any credit or exemption from real estate tax assessment? No: Yes*: _____ *If yes, please describe:

Continue →

Return this completed application to:
COMMUNITY DEVELOPMENT DEPARTMENT
3 Washington St, 4th Floor
Keene, NH 03431
Phone: (603) 352-5440

OFFICE USE ONLY
Date Submitted: 12/2/2021
Received by: Jan Layille
Date Complete: _____

Project Information:

Describe Existing Uses (include detail on the current uses of the building/site, number of units by type and size, number of employees, etc.):

50% VACANT, STORAGE, POSH HOUSE, MIVALLEY, LUMENS, ETC.
15 CURRENT TENANTS, APPROX 30 EMPLOYEES

Describe Proposed Uses (include detail on proposed use of the building/site, number of units by type and size, number of employees, etc.):

ADD NEW TENANTS; MC2, JACK'S CRACKERS, MODEST MAN,
JED & BE ELECTRICAL, PETROVICK ARCHITECTS, ETC
GOAL 85% OCCUPANCY IN 18-24 MONTHS
INCREASING TO 65-80 EMPLOYEES

Is a change of use associated with this project?

No: Yes*:

*If yes, please describe:

EXPANSION OF ALL CURRENT USES

Will any state or federal grants or funds be used to finance the rehabilitation or construction?

No: Yes*:

*If yes, what is the amount of the aid?

UNKNOWN AT THIS TIME

Note: Rehabilitation or construction subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50% of construction costs from state or federal programs are not eligible for 79-E tax relief.

Does the project involve the replacement of an existing structure? No: Yes*:

*If yes, following materials shall be submitted with this application:

- A New Hampshire Division of Historical Resources individual resource inventory form, prepared by a qualified architectural historian.
- A letter from the Keene Heritage Commission that identifies any and all historical, cultural and architectural value of the structure(s) that are proposed to be replaced and the property on which those structures are located.

Note: This application shall not be deemed complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4,II until the inventory form and letter from the Heritage Commission, as well as all other required information, have been submitted, if required.

Describe the work to be done and estimated cost (Attach additional sheets if necessary)

1. Attach a copy of a contract, contractor estimates, or itemized list of materials
2. Attach a project narrative, building plans or sketches, renderings or photographs to help explain the proposed rehabilitation or construction.

Structural:	\$
Exterior Alterations (storefront, walls, windows, doors, etc.): NEW WINDOWS (TRI PANE) REPLACE GARAGE DOOR - INSULATED	\$ 80,000. - \$ 6,000. -
Interior Alterations (walls, ceilings, moldings, doors, etc.): NEW DENSITY WALLS, DOORS	\$ 45,000 -
Electrical: LED LIGHTING, OCCUPANCY SENSORS	\$ 18,000 -
Plumbing/Heating: HEAT PUMPS - AIR SOURCE FOR HEATING AND COOLING	\$ 75,000 -
Mechanical: HEAT RECOVERY VENTILATION	\$ 140,000 -
Energy Efficiency:	\$
Other: ADA LIFT TO ACCESS 2ND FLOOR	\$ 60,000 -
TOTAL ESTIMATED PROJECT COST: <i>Note: To be considered for this tax relief incentive, the project costs must be \$75,000 or greater.</i>	\$

Expected Project Start Date:

01 JAN 2022

Expected project completion date:

31 DEC 2023

Public Benefit (Attach additional sheets if necessary)

In order to qualify for tax relief under this program, the proposed work must provide at least one of the public benefits listed below. Greater consideration will be given to projects that provide three or more public benefits. Any proposed replacement must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same structure.

Enhances the economic vitality of downtown areas. No: Yes*:

*If yes, please describe:

DEVELOP 310 INTO PROSPEROUS MIXED USE BUILDING

Enhances & improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located. No: Yes*:

*If yes, please describe:

CONTINUE LEGACY OF PITTSBURGH PAINT CO. PAINT BRUSH FACTORY

Promotes the preservation and reuse of existing building stock by the rehabilitation of historic structures, in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation. No: Yes*: *If yes, please describe:

Promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan. No: Yes*: *If yes, please describe:

Will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area. No: Yes*: *If yes, please describe:

NEW JOB CREATION BY EXPANSION OF LOCAL BUSINESSES
MOVING INTO 310

Directly supports the integration of public art in the downtown. No: Yes*:

*If yes, please describe:

PLAN FOR MURALS, STUDIOS AND CREATIVE EVENTS

Promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code). No: Yes*:

*If yes, please describe:

HIGH EFFICIENCY WINDOWS AND HEATING COOLING SYSTEMS
TO ELIMINATE OIL, CONSISTENT WITH LEED BUILDING STANDARD

Maintains owner occupancy of a residential building or it returns a residential building to owner occupancy. No: Yes*: *If yes, please describe:

Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%. No: Yes*: *If yes, please describe:

REMOVAL OF STEAM/OIL FIRED BOILER w/ 221KW SOLAR

Affidavit

I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statue (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate.

I (we) have reviewed the statute and Resolution R-2017-41 (see attached) and understand that:

- a) This application will be reviewed for completeness;
- b) There will be a public hearing to evaluate the merits of this application;
- c) If this application is approved by City Council, I (we) will need to enter into a covenant with the City; and
- d) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.

I (we) understand this application will not be determined as complete and recommended to the City Council until all of the necessary information is provided.

IMPORTANT:

Per RSA 79-E:13, the base or "original" assessed value for any tax relief period is set only after the following two conditions are met:

- 1. Approval by City Council; and
- 2. The Applicant has entered into a covenant with the City of Keene to protect the public benefit.

Tax relief granted will pertain only to assessment increases attributable to the substantial rehabilitation or replacement performed under the conditions approved by the City Council and not to those increases attributable to other factors including but not limited to market forces.

RANDALL WAUSER [Signature] 21 NOV 2021
APPLICANT (signed) (name printed) (date)

310 MARLBORO ST., LLC [Signature] 21 NOV 2021
OWNER (signed) (name printed) (date)

NOTE: Owner must sign this Affidavit, if Owner is not the Applicant

10DEC2021

RE: Application for RSA 79E by 310 Marlboro St., LLC (@310)

To the Mayor of Keene and City Councilors,

310 Marlboro St., LLC seeks 79E tax relief from the City of Keene to allow these funds to be reinvested into the building and site, for the benefits of the tenants, the Marlboro Street corridor and the greater City of Keene.

Project highlights, eligibility and summary of benefits to the community:

- The project(s) will exceed \$75,000 requirement. Estimated investment/improvement to be \$424,000 plus \$497,147 for renewable energy generation through solar panels.
- 310 Marlboro Street is a existing building, built in 1974 and added to in 1984. There is no historical, cultural or unique architectural value. While appearing like a brick mill building, it is a steel structure with brick and metal cladding.
- The vision and goal @310 is to revitalize the site and building for mixed use light industries, research and development, and other uses as allowed by the Business, Growth and Reuse zoning district. Pivoting from the previous storage use for the bulk of the building, new tenants are start up and growth stage small businesses that seek better access, visibility and business support @310.
- The building structure will be reused and adapted with new HVAC systems, 2nd floor accessibility, new windows and doors, with a reduction in dependence on fossil fuels.
- Many of the business tenants are “home grown” start ups, many launched at Hannah Grimes Center for Entrepreneurship share common values of sustainability, rural economic values and collaboration, consistent the goals for Marlboro Street in the city’s master plan.
- @310 connects both to Marlboro Street, Laurel Street and to the northeast the Rail trail allowing for access by car, connection for trucks, at the same time developing pedestrian and bicycle connection to downtown and Main Street.
- Jobs will be created on three levels. 310 Marlboro St., LLC will hire 1-2 people, many of the new and proposed tenants will be growing their businesses @310, and all of the building updates will provide project growth for local contractors.
- @310 there will be a campaign in 2022 to develop indoor and outdoor art spaces. Potential ideas include curated paintings by local artists on the building in the existing “canvases” 9x9 foot areas where windows have been removed. Additionally the existing bridge (unconditioned currently) on the second floor can be developed into a seasonal gallery space.
- The building is home to the office(s) of 310 Marlboro St., LLC.(owner occupied)
- The carbon footprint of the building will be reduced by the 221kW solar array, replacing the oil fired steam boiler. An energy audit has been started and the outcome of that work will inform the targets for the building with a clear goal of becoming net zero within 3-5 years.

Building updates:

- The exterior appearance of the building will remain substantially the same. New triple glazed windows exceed the building code and will have the same appearance. 12 windows have been ordered, with another 12 to be purchased and installed in 2022.
- A 221kW solar array will be installed on the roof of the western flat roofs. See drawing. These will not be visible from the ground.
- Interior work removes wood framed walls, not appropriate for commercial buildings, replacing walls with non combustible demising walls for tenant separations as required by code.
- An ADA lift is will be installed, providing code compliant accessibility for the second floor.
- All new lighting will be LED, with increased use of occupancy sensors for common spaces to reduce energy consumption.
- New heating, and cooling will be achieved with electric air source heat pumps. These units (roof mounted) are sized to improve local comfort throughout the building while using a large portion of the site generated energy from the solar panels. Heat recovery ventilation will be installed for fresh air.

Thank you for this opportunity and program availability to advance renewable energy, a reduction in fossil fuel reliance and support for the adaptive reuse of existing buildings in the City of Keene.

Respectfully,

Randall S. Walter, AIA
Member, 310 Marlboro St., LLC
310 Marlboro Street
Keene NH 03431
603.721.1227

RENEWABLE ENERGY SYSTEM INSTALLATION CONTRACT

This Renewable Energy System Installation Contract ("Contract") is made this 22 day of November 2021 (the "Effective Date") between Contractor and Owner:

Contractor: ReVision Energy Inc.
758 Westbrook Street
South Portland, ME 04106
(207) 221-6342

Owner: 310 Marlboro St., LLC
310 Marlboro Street
Keene, NH 03431
(603) 721-1227

Project Site: 310 Marlboro Street
Keene, NH 03431

Based on valuable consideration and upon mutual covenants and promises set forth herein, Owner and Contractor agree as follows:

1. **The Scope of Work.**
 - 1.1. Contractor shall provide all labor, materials and equipment to complete in a workmanlike manner the scope of work at the Project Site as detailed in Schedule A (hereinafter, the "Work").
2. **Contract Documents.** The Contract Documents, which are expressly incorporated into and made a part hereof, shall consist of the following:
 - 2.1. This Contract;
 - 2.2. Schedule A: Scope of Work, including Site Map;
 - 2.3. Schedule B: Owner's information; and
 - 2.4. Schedule C: Schedule of Values.
3. **Compensation.**
 - 3.1. For Contractor's performance of the Work, the Owner shall pay Contractor the fixed price specified in the Scope of Work (the "Contract Sum"), in accordance with Article 4 and subject to additions and deductions made by Change Order pursuant to Article 11. Owner shall be solely responsible to pay for the cost of all utility interconnection expenses excluded from the Work pursuant to Schedule A, Section 1.2. If Contractor pays any such excluded costs, Owner shall reimburse Contractor in accordance with Section 4.4.
 - 3.2. Owner acknowledges and understands that the Contract Sum and time of performance of the Work are based on the Work as set forth in the Contract and on the following assumptions:
 - 3.2.1. All existing construction and materials used in any existing structure, including but not limited to, the framing, sheathing, finishes, siding and/or any other components of the existing structure are in good condition, are free from rot, are constructed in a manner that can support and accommodate the Work, and that Contractor will be able to perform the Work hereunder without any additional

- work or changes to the existing structure including, but not limited to, repair, replacement, leveling, furring, plumbing, or lining;
- 3.2.2. Other than the information supplied by Owner pursuant to Section 6.2, there are no water, gas, sewer, electrical or any other underground utility or component, such as ledge, that will restrict any needed excavation or other activities necessary for the completion of the Work; and
- 3.2.3. Information supplied by Owner, under Section 6.2 or otherwise, related to the Project Site or to the Work is accurate.
- 3.3. Any discovery contrary to Contractor's assumptions set forth in Section 3.2 above and/or due to concealed or unknown physical conditions materially different than those indicated in the Contract Documents or from conditions ordinarily found to exist on projects of a similar nature or other conditions not now known or visible resulting in any needed repairs or replacement for the Work to continue or causing alterations to the scope of Work shall be considered outside the scope of Work for this Contract and the Contract Sum. In this event, Contractor will promptly notify Owner, will consult with Owner, and shall be entitled to an equitable adjustment in the Contract Time and Contract Sum. Any equitable adjustment in the Contract Time and Contract Sum shall be documented by Change Order under Article 11 of the Contract.
4. **Payment.** So long as the Work is being performed in accordance with the provisions of this Agreement, Owner agrees to make payment to Contractor as follows:
- 4.1. Attached hereto as **Schedule C** is the schedule of values ("Schedule of Values") allocating the Contract Sum to the various portions of the Work. In applying for payment of earned amounts, the Contractor shall submit applications for payment showing the percentage of completion of the portions of the Work based on this Schedule of Values. For clarity, the amounts allocated to each portion of Work are not subject to adjustment in the event that Contractor's estimated hours to complete such portion of Work is different than that assumed in Contractor's calculations of the values set forth in the Schedule of Values. Any modification of the Contract Sum shall be set forth in a Change Order pursuant to Article 11.
- 4.2. Initial SOV Payment (System Deposit). Upon execution of this Contract (the Effective Date), Owner shall pay an Initial SOV Payment (the "System Deposit") equal to fifteen (15) percent of the Contract Sum. To the extent that the value of the System Deposit exceeds earned amounts based on completed portions of the work as of the Effective Date, Contractor shall apply such surplus to the next Progress SOV Payment until fully utilized.
- 4.3. Progress SOV Payments. Applications for progress payments for remaining unpaid portions of completed Work shall (a) be in writing, (b) be based on the estimated percentage of Contractor's Work satisfactorily completed and earned in accordance with the Schedule of Values, and (c) credit Owner for the unutilized balance of the System Deposit, if any.
- 4.4. Reimbursement for the Cost of Items Excluded from the Work. For the efficient administration of the Work, Contractor may agree to pay expenses for items excluded from the Work and Contract Sum pursuant to **Schedule A**, Section 1.2. Contractor shall be entitled to include a request for reimbursement of such payments in a Payment Application and Owner shall pay such reimbursement invoices pursuant to the requirements of this Article 4.
- 4.5. Owner shall make payment to Contractor of the earned and undisputed amounts as set forth in each application for progress payment within thirty (30) days of Owner's receipt

of such application for progress payment. Retainage of 5% may be applied by Owner to all progress payments, which retainage (if any) shall be due and payable to Contractor with Final Payment.

- 4.6. Owner shall pay a late fee service charge of 1% on all late payments (excluding retainage, if any), plus interest at a rate of 1½% per month on all outstanding amounts (excluding retainage, if any) until paid.
- 4.7. Except as provided in Section 12.1, Owner's obligation to pay Contractor is not dependent upon Owner's ability to obtain financing, approval of any governmental or regulatory agency, or Owner's ability to obtain favorable tax treatment or tax benefits in connection with the Work.
- 4.8. In the event of outstanding overdue payments, Contractor reserves the right, in its sole discretion, to suspend or terminate the Contract under Article 12, without waiving any right or claim against Owner and without any liability. In the event that any payment remains unpaid ninety (90) days after billing, Owner shall be liable for all costs of collection, including reasonable attorneys' fees and court costs, and also including the hourly cost to Contractor for employee time expended in collection efforts.
- 4.9. Contractor may invoice for Final Payment, constituting the entire unpaid balance of the Contract Sum, including retainage, when the Work described in this Contract, including all punch list items, are fully completed and accepted by Owner. Final Payment shall be paid to Contractor within thirty (30) days.
- 4.10. Per New Hampshire Public Utilities Commission Commercial & Industrial Incentive terms and conditions, Contractor will issue a refund of Contract Sum amounts paid (or credit unpaid Contract Sum amounts) to the Owner in the amount of the approved NH PUC C&I Commercial Solar rebate, if the rebate is not paid because of non-compliance with program terms and conditions.
- 4.11. Electronic Fraud. Owner shall verbally confirm and re-confirm by call-back each and every payment by ACH or wire transfer to Contractor, and no electronic payment shall be deemed to be delivered unless and until it is in fact deposited to Contractor's bank account.

5. Contract Time & Milestones.

- 5.1. The Work shall begin upon execution of this Contract and payment of the System Deposit. Subject to extensions of the Contract Time under the terms of this Contract and failure or delay to obtain Owner Approvals or Contractor Approvals, Contractor shall then achieve Substantial Completion of the Work within seven (7) months (the "Contract Time").
- 5.2. Contractor achieves "Substantial Completion" when the Work is sufficiently completed such that the System is mechanically complete and able to be interconnected to the local electric utility's distribution system. Owner shall not occupy or utilize the Work until Substantial Completion has been achieved and Contractor has received Final Payment, except with written permission of Contractor.
- 5.3. Punch List.
 - 5.3.1. Upon Substantial Completion of the Work, Owner and Contractor agree to inspect the Work and make a list of those items that are incomplete or defective. Within seven (7) days of Substantial Completion, Contractor shall prepare and submit to Owner a list of incomplete Work and/or Work that requires correction, if any, (the "Draft Punch List"). Within seven (7) days of receipt of the Draft Punch List, Owner shall add any items of incomplete or defective Work to the Draft Punch List. The

Owner's and Contractor's combined list shall be the "Final Punch List" for the Work.

- 5.3.2. Any claim of incomplete or defective Work not added to the Final Punch List by Owner in the process described in Section 5.3.1 shall be resolved under the Warranty provisions of this Contract. Owner shall not be entitled to withhold any amounts owed on account of items covered by the Warranty provision of this Contract.
- 5.3.3. "Final Completion" is achieved upon Contractor's completion of all of the Work on the Final Punch List. If Owner and Contractor are in dispute as to any item(s) on the Final Punch List, Contractor shall, nonetheless, be entitled to payment from Owner for all items as to which there is agreement.

6. Owner's Obligations.

- 6.1. Within ten (10) business days of execution of the Contract, Owner shall provide Contractor with all information and supporting documentation necessary for Contractor to submit a completed application for Net Energy Billing and Interconnection approval to the servicing utility on Owner's behalf. The remaining Work shall not start until the application is approved. Additionally, within ten (10) business days of execution of the Contract, Owner shall provide Contractor with all information and supporting documentation necessary for Contractor to complete and submit the application for rebate proceeds under the New Hampshire Public Utility Commission administered Commercial & Industrial (C&I) Solar Incentive Program on Owner's behalf. Owner shall obtain any Owner Approvals identified in Section 2.2 of **Schedule A**.
- 6.2. Owner Information. Owner shall furnish, at its own expense, the information set forth in **Schedule B** that is in the Owner's possession or control that is reasonably necessary for the execution of the Work. Contractor shall be entitled to rely upon the accuracy of information supplied by the Owner.
- 6.3. Site Access. Owner shall provide Contractor with timely access to the Project Site sufficient to allow the Contractor to perform the Work in accordance with the Contract Documents. Owner shall prepare the Project Site for the Work in accordance with **Schedule A**.
- 6.4. Inspections. Any test(s) and/or inspection(s) of the Work required or requested by Owner shall be conducted within seven (7) days of receipt of Contractor's confirmation that it has achieved Substantial Completion of the Work. Any such tests and/or inspections shall be arranged by the Owner and conducted at Owner's expense. Owner shall provide Contractor with reasonable notice of the date and time of any such tests and/or inspections and will permit Contractor to attend and observe any such testing and/or inspections.
- 6.5. Permits. Owner shall cooperate and provide timely information and assistance in the Approvals process.
- 6.6. Owner agrees to notify Contractor in advance of the presence in or around the Project Site of any known: (a) asbestos or materials containing asbestos, or (b) pollutants, hazardous wastes, hazardous materials, hazardous matter, or contaminants regulated under local, state or federal law (collectively, "Excluded Materials"). Regardless of whether Owner has so informed Contractor, Contractor shall not be responsible for the existence, detection, removal, containment, dispersal, discharge, or treatment of Excluded Materials. Owner agrees that if it is determined at any time that the Project Site contains any Excluded Materials, Owner will bear the sole risk thereof and all related

costs. Owner agrees to release, indemnify, defend and hold harmless Contractor, and its officers, agents and employees (together, the "Indemnitees"), of and from all costs, claims, damages, and liability arising out of or relating to Excluded Materials, acts or omissions of the Owner, or third parties relating thereto, or injury caused thereby, excepting any such costs, claims, damages or liability that are solely the result of any Indemnitee gross negligence.

- 6.7. Contractor shall take reasonable precautions for safety of, and shall provide reasonable protection to prevent damage, injury or loss to persons or property, including the Work and all property adjacent thereto. To prevent accidents, Owner agrees not to interfere with the Work. If Owner enters the jobsite where the Work is being performed, the Owner agrees that it is entering at its own risk.

7. Warranties and Remedies.

- 7.1. Contractor warrants that:

- 7.1.1. The materials and equipment furnished in the performance of the Work will be new and of good quality unless otherwise required or permitted by the Contract Documents;
- 7.1.2. The Work will be free from defects not inherent in the quality required or permitted; and
- 7.1.3. Any damages to existing construction caused by the Work, including but not limited to damage to the existing electrical system, roof or building components, shall be completely remedied and restored to prior condition by Contractor.

- 7.2. Contractor's warranty excludes remedy for damage or defect caused by abuse, work or modifications not executed by Contractor, improper or insufficient maintenance, improper operation, or normal wear and tear and normal usage, in each case not in accordance with the terms of the Operation and Maintenance Manual. Contractor makes no warranty, explicit or implicit, as to the adequacy, accuracy, or quality of any designs or drawings provided by any other party, including but not limited to, an architect, engineer, or other designer.

- 7.3. **THE WARRANTIES SET FORTH IN THIS ARTICLE 7 AND IN THE SCOPE OF WORK IN ATTACHMENT A ARE EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES WHATSOEVER, EXPRESSED, IMPLIED AND STATUTORY, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTY OF MERCHANTABILITY AND FITNESS. CONTRACTOR, ITS OFFICERS, EMPLOYEES AND AGENTS, HEREBY DISCLAIM ALL WARRANTIES OF ANY KIND (WHETHER EXPRESS, IMPLIED, STATUTORY OR ARISING BY CUSTOM OR TRADE USAGE), INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY, DESIGN, NON-INFRINGEMENT, AND FITNESS FOR A PARTICULAR PURPOSE. NO ORAL OR WRITTEN INFORMATION OR ADVICE GIVEN BY CONTRACTOR IN PERFORMING ITS OBLIGATIONS HEREUNDER WILL CREATE ANY WARRANTY OR IN ANY WAY INCREASE THE SCOPE OF THE WARRANTIES SET FORTH HEREIN.**

- 7.4. All claims under or related to this Contract or the Work, including but not limited to warranty claims, shall be made in writing (a) within ten (10) days after discovery of any breach thereof, and, in any event, (b) within five (5) years after the last date of Work that is the subject of the claim or Substantial Completion, whichever is later. Any product or Work that is the subject of a warranty claim must be held for Contractor's inspection.

- 7.4.1. Upon submission of a claim by Owner or a third party, as set forth in this Section 7.4, and reasonable substantiation of the claim by Contractor, Contractor shall at its option either (i) repair or re-perform the warranted Work or (ii) refund an

equitable portion of the amount paid by Owner for the Work subject to the claim.
In no event shall Contractor be liable to Owner for more than the Contract Sum.

8. LIMIT OF LIABILITY. SECTION 7.4 SETS FORTH CONTRACTOR'S ONLY OBLIGATION AND OWNER'S SOLE AND EXCLUSIVE REMEDY FOR BREACH OF WARRANTY AND OWNER'S EXCLUSIVE REMEDY AGAINST CONTRACTOR AND ITS OFFICERS, DIRECTORS, AND EMPLOYEES FOR ALL CLAIMS ARISING UNDER OR RELATING TO THE CONTRACT OR THE WORK, WHETHER SUCH CLAIMS ARE BASED ON BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE, STRICT LIABILITY, AND PROFESSIONAL MALPRACTICE,) OR OTHER THEORIES. IN NO EVENT SHALL CONTRACTOR, ITS OFFICERS, EMPLOYEES AND AGENTS, BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY DAMAGES OF ANY KIND WHATSOEVER, INCLUDING WITHOUT LIMITATION DAMAGES RESULTING FROM INTERRUPTION OF BUSINESS OR LOSS OF ANTICIPATED PROFITS, REVENUES, RENTAL EXPENSES, DATA, REPUTATION, PRODUCTIVITY, EXPECTED COST SAVINGS, DESIRED TAX TREATMENTS OR TAX BENEFITS OR ANY OTHER BENEFIT, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND REGARDLESS OF THE FORM (E.G., CONTRACT, TORT, WARRANTY OR OTHERWISE) OF ANY LEGAL OR EQUITABLE ACTION. OWNER'S FAILURE TO SUBMIT A CLAIM AND ABIDE BY THE TERMS PROVIDED IN SECTION 7.4 SHALL SPECIFICALLY WAIVE ALL CLAIMS FOR DAMAGES OR OTHER RELIEF. IN NO EVENT WILL CONTRACTOR' LIABILITY FOR ANY DAMAGES ARISING OUT OF OR RELATED TO THIS CONTRACT OR THE WORK, REGARDLESS OF THE FORM OF THE ACTION OR THE ENTITY THAT BRINGS THE ACTION, EXCEED THE CONTRACT SUM.

9. Insurance.

9.1. Contractor shall maintain the following insurance coverage:

9.1.1. Worker's Compensation Insurance, with statutory limits; and

9.1.2. A Commercial General Liability Policy ("CGL"), with Completed Operations coverage, which shall provide for limits in the amount of \$1,000,000 dollars for each occurrence and \$2,000,000 in the aggregate.

9.2. Owner shall maintain adequate property insurance, including builders' risk coverage, to protect the Work at its own expense for the duration of the performance of the Work. Title and risk of loss to the Work shall pass to Owner upon Contractor's receipt of Final Payment.

10. Force Majeure.

10.1. In the event that the Contractor is delayed at any time in whole or in part in the commencement, progress, or completion of the Work or performance of the Contract due to any cause beyond Contractor's control including, but not limited to, strikes, lockouts, industrial disturbances, floods, earthquake, accidents, fire, pandemic, or epidemic, unforeseeable weather, war, rebellion, civil strife, transportation, condition of ground, lack of readiness of the job site, unavailability of building materials, imposition of trade tariffs fees or duties on building materials, or acts of God, the time for commencement, progress, or Contract Time set forth above shall be extended for a time period equivalent to the time period of the delay and Contractor shall be entitled to equitable compensation for the duration of the delay. Such changes shall be documented by Change Order under Article 11 of the Contract. The Owner waives all direct and consequential damages caused by any delay.

- 10.2. If the Work is stopped or delayed for a period of ninety (90) days or more due to a continuing Force Majeure Event, then Contractor and Client shall endeavor to agree to modifications to the Contract Sum and Contract Time for the Work, which shall be reflected in a Change Order as provided in Article 11 of the Contract. If the Work is stopped or delayed for a period of one hundred eighty (180) days, or more, either Party shall be entitled to terminate the applicable Work Order without liability for such early termination; provided that upon such termination, the Parties shall cooperate in good faith to determine an equitable allocation of any costs and liabilities incurred as a result thereof.
- 10.3. The parties acknowledge that either Party's, or both Parties', ability to provide uninterrupted performance may be impacted as a direct consequence of the COVID-19 pandemic. To the extent that either Party is, or both Parties are, unable to perform as set forth in this Agreement as a direct result of the COVID-19 pandemic, the Parties will work in good faith to come up with mutually-agreeable workarounds prior to invoking Force Majeure.
- 11. Changes to the Work and Change Orders.**
- 11.1. Any changes to the Work, the Contract Sum, or the Contract Time will be accomplished only upon the parties entering into a written "Change Order" signed by both the Contractor and the Owner. If the Change Order modifies the cost or time to complete the Work, the Change Order shall detail the cost of the Change Order work, the updated Contract Sum, and/or the updated Contract Time. Contractor may ask for a deposit on a Change Order prior to start of the Change Order work. This deposit will be credited when Change Order work is invoiced, including any modifications to the Schedule of Values.
- 11.2. Contractor shall not perform any Change Order work without a properly executed change order.
- 12. Termination and Damages.**
- 12.1. Early Termination by Owner. Owner may terminate this Contract if Owner is unable to obtain any necessary Owner Approvals pursuant to Section 2.2 of **Schedule A**, the existing construction fails the engineering structural review (if a rooftop installation), or required permits are denied by the permitting authority. In such case, Owner must give Contractor written notice and shall pay Contractor in full for all Work performed and expenses incurred related to the Work and Change Orders through the termination date.
- 12.2. Termination by the Contractor. In addition to Contractor's rights to terminate the Contract set forth elsewhere herein, if Owner is otherwise in material breach of a provision of this Contract, Contractor shall give Owner written notice that Owner is in default. If Owner fails to cure its default within five (5) calendar days of receipt of such notice, Contractor may, in addition to any other contractual, legal and equitable remedies it may have, immediately terminate this Contract.
- 12.2.1. In the event of termination by Contractor, Owner shall pay Contractor in full for all Work performed and expenses incurred related to the Work in accordance with the Schedule of Values and Change Orders through the termination date. Owner shall also pay Contractor its reasonable costs and expenses incurred in relation to and as a result of the termination, including reasonable attorneys' fees, and Contractor's damages for breach of contract, including lost profits.

- 12.3. Termination by the Owner. If Contractor is in material breach of a provision of this Contract, Owner shall give Contractor written notice that Contractor is in default. If Contractor fails to commence and continue efforts to cure its default within five (5) calendar days of receipt of such written notice, Owner may terminate this Contract. In the event of termination by Owner, Contractor's liability to the Owner and Owner's rights and remedies related to such termination shall be as set forth in Section 7.4 and Article 8. Owner shall pay Contractor in full for all documented Work performed and expenses incurred related to the Work and Change Orders through the termination date.
- 12.4. Termination by Mutual Agreement. The Parties may terminate this Agreement upon mutual written agreement provided that Owner shall pay Contractor in full for all documented Work performed and expenses incurred related to the Work and Change Orders through the termination date.
- 12.5. The termination of this Contract for any reason will not affect any other rights or liabilities of the parties that may have accrued prior to the date of termination.
- 12.6. The following survive termination of the Contract: Articles 4, 8, 12, 13, and 14 and Sections 6.6 and 7.4.
- 13. Dispute Resolution.**
- 13.1. If the parties become involved in a dispute related to, arising out of, or connected with the Work, change orders, or this Contract or the interpretation thereof, they shall first attempt to resolve the dispute in mediation, jointly paid for by the parties, prior to the filing of a litigation. The location of any such mediation shall be Portland, Maine.
- 13.2. If the parties are unable to resolve the dispute through mediation within 30 days after one of them requests mediation, then either party may make a demand for arbitration in accordance with the American Arbitration Association's Construction Industry Arbitration Rules and Procedures and the dispute will be resolved by binding arbitration between and jointly paid for by the parties as regulated by Chapter 542 of the New Hampshire Revised Statutes. The location of any such arbitration shall be Portland, Maine. In no event shall a demand for arbitration be made after the date when institution of legal or equitable proceedings based on such a dispute would be barred by this Contract or the applicable statute of limitations. Judgment shall be entered on the arbitration award.
- 13.3. In addition to rights set forth under the Contract, if an arbitration or litigation arises out of the Work, the Contract, this transaction, or related thereto, either because Owner has breached its obligations hereunder or under applicable law, or because Owner has brought invalid claims against Contractor, Contractor shall be entitled to recover reasonable attorneys' fees and costs from the Owner. This right shall be in addition to, and not in limitation of, any right Contractor may have under applicable law.
- 13.4. Nothing in this Contract, however, prevents or prohibits Contractor from filing a mechanics lien in the appropriate Registry of Deeds, complaints in court related to such liens, or other acts necessary to perfect such liens. Contractor reserves the right to file and perfect a lien on the Work and agrees to stay such proceeding pending the outcome of mediation and/or binding arbitration, which may include the mechanics lien claim.
- 14. Indemnity.**
- 14.1. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold harmless Owner and its agents and employees from and against claims, damages, losses and expense, including but not limited to reasonable attorney's fees, arising out of or

resulting from performance of the Work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), but only to the extent caused by the negligent acts or omissions of Contractor, or anyone directly or indirectly employed by Contractor or anyone for whose acts Contractor may be liable.

- 14.2. To the fullest extent permitted by law, Owner shall defend, indemnify and hold harmless Contractor and its agents and employees from and against claims, damages, losses and expense, including but not limited to reasonable attorney's fees, arising out of or resulting from performance of the Work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), but only to the extent caused by the negligent acts or omissions of Owner, or anyone directly or indirectly employed by Owner or anyone for whose acts Owner may be liable.

15. Miscellaneous.

- 15.1. The Contract Documents represent the entire integrated agreement between Contractor and Owner and supersedes all prior negotiations, representations or agreements, whether oral or written. This agreement may be amended only by written instrument signed by both Contractor and Owner.
- 15.2. This Contract shall be construed in accordance with and governed by the laws of the state where the Project Site is located, without regard to choice of law rules.
- 15.3. Neither party may assign the Contract without the written consent of the other party, which shall not be unreasonably withheld.
- 15.4. Severability. Whenever possible, each provision of this Agreement will be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be invalid, illegal, or unenforceable in any respect under any applicable law or rule in any jurisdiction, such invalidity, illegality, or unenforceability will not affect any other provision or any other jurisdiction, but this Agreement will be reformed, construed, and enforced in such jurisdiction to effectuate the intent of the parties as if such invalid, illegal, or unenforceable provisions had never been contained herein.
- 15.5. Counterparts. This Agreement may be executed electronically and in counterparts, in which case the signed counterparts together will constitute a single executed contract.
- 15.6. Notices. Any notice of default, breach or legal demand provided for herein or given hereunder to a party hereto shall be in writing and shall be given in person, by overnight courier, or by mail (registered or certified mail, postage prepaid, return receipt requested) at the respective Party's address set forth on Page 1 of this Contract.

[Signature page follows.]

This Contract is entered into as of the Effective Date.

Owner
310 MARLBORO ST., LLC,
A New Hampshire limited liability company

Contractor
REVISION ENERGY INC.,
a Maine corporation



Signature

RANDALL WALTER, MEMBER

Printed Name and Title

310 MARLBORO ST., LLC

22 NOV 2021
Date



Signature

Fortunat Mueller, President

Printed Name and Title

11/29/21

Date
(rev.2020.09.23)

Schedule A: Scope of Work

The **Work** that is the subject of this Contract is a photovoltaic solar system (the “System”), to include:

Project Location:	310 Marlboro Street, Keene, NH 03431
Array Size:	221.9 Kilowatts (kW DC)
Estimated Year-1 Annual Generation:	253,812 Kilowatt hours (kWh)
Contract Sum, which includes:	\$497,147.00
Utility Interconnection Estimate:	\$0.00

1 The Work. Contractor shall provide all labor, materials and equipment for the construction of the above described solar photovoltaic system, to include:

Photovoltaic Modules	(493) Boviet BVM6612M-450S-H-HC-BF-DG (450W), or equivalent;
Inverters	(4) SolarEdge 40KUS, or equivalent;
Racking System	Ecolibrium EcoFoot 2+, 72-cell, or equivalent; and
Online Monitoring & Metering	SolarEdge WattNode Meter, or equivalent.

1.1 Inclusions in Work. As a minimum, Work and equipment shall fully comply with the following codes, standards and specifications:

- Contractor Approvals in accordance with Section 2.1 of **Schedule A**, including compliance with all state and local construction codes and requirements;
- NFPA 70 (2014 edition or later) (National Electrical Code);
- PV Components are listed by a recognized lab: UL 1703 (PV Modules), UL 1741 (Inverters);
- All electric equipment and materials shall be ETL or UL listed;
- All major PV electric components shall be CEC-approved;
- IEEE 929-2000 (Utility Interconnection);
- Utility impact study and interconnection application, if any;
- Compliance with applicable utility connection standards and procedures;
- Cost of utility application, studies and interconnection (up to the above referenced Utility Interconnection Estimate);
- Racking based on racking manufactures specifications;
- Professional site review and final system design, including shade analysis;
- PE Stamp for structural engineering review as required by local or state officials.
- **Note: the cost of the engineering review is non-refundable;**
- Assistance in filing for state funded solar rebate program, as available;
- All materials necessary to mount and wire the solar electric system. This includes all disconnects, fusing, and metering to meet the National Electrical Code;
- Completion of Contractor’s Solar PV System Commissioning Report to assure proper system functionality and performance;
- Provide copies of all applicable manufacturers warranties and product manuals;
- Training to enable Owner to operate and monitor the system, and to review the measurement and allocation of energy credits by the local utility; and

- Assistance with linking online monitoring system to Owner’s website for production review and marketing purposes.

1.2 **Exclusions from Work.** The following tasks, where applicable, shall be performed by others and are expressly excluded from the scope of Work for this Contract:

- Owner Approvals pursuant to Section 2.2 of **Schedule A**;
- Roof manufacturer warranty inspection fees;
- Repair or replacement of existing site conditions, including but not limited to (i) framing, supporting, or any other structural upgrades to roof or building; (ii) repair of existing roofing; (iii) site work (including trenching, backfilling, regrading, landscaping) unless specifically stated as an Inclusion in Work above, and (iv) tree removal. For clarity, the parties agree that Owner shall perform or cause to be performed all site work necessary to prepare the Project Site for the Work not set forth as an Inclusion in Work above, including all clearing of trees and leveling of the ground in accordance with specifications to be provided by Contractor re slope, grade, laydown area, etc.;
- PE stamped site plans and/or boundary survey if required by planning board or other entity;
- Costs associated with component requirements and/or or installation specifications not set forth as an Inclusion in Work above;
- Utility impact study or utility infrastructure improvement costs in excess of above referenced Utility Interconnection Estimate;
- Fees associated with an energy audit that may be required in order to qualify for state rebate or other incentive programs; and
- Performance Bonding.

2 Building and Electrical Permitting, Utility Interconnection and Other Approvals.

2.1 **Contractor Approvals.** Contractor shall be responsible for obtaining the following permits and approvals required to perform the Work (the “Contractor Approvals”), the cost and scope of which is included in the Contract Sum and Contractor’s scope of Work:

- 2.1.1 any building or, electrical permits required for Contractor’s installation of the System; and
- 2.1.2 Preparation and submission of interconnection and net metering application to the servicing utility on Owner’s behalf in accordance with Section 6.1.

Owner shall cooperate with Contractor’s reasonable requests to assist Contractor in applying for and obtaining Contractor Approvals; it being understood that Contractor’s labor for performing this aspect of the Work is included in the Contract price.

Additionally, Contractor shall work with Owner to complete and submit Owner’s application for rebate proceeds under the New Hampshire Public Utility Commission administered Commercial & Industrial (C&I) Solar Incentive Program on Owner’s behalf.

2.2 **Owner Approvals.** Owner shall be responsible for identifying and obtaining any other approval required to own or operate the System (the “Owner Approvals”, and together with the Contractor Approvals, the “Approvals”), the cost and scope of which are excluded from the Contract Sum and Contractor’s scope of Work) such as:

- 2.2.1 execution of the servicing utility's documentation regarding the interconnection and net metered operation of the System (for clarity, any required utility system upgrades not set forth in **Schedule A**, Section 1.1 are excluded from the Contract Sum and Contractor's scope of Work, and are the responsibility of Owner); and
- 2.2.2 any other approval(s) required for Owner to own or operate the System at the Project Site, including any approval(s) required pursuant to Owner's real property interest in the Project Site such as approvals under easements or other land use restrictions (if any) not set forth as Contractor Approvals.

Owner shall be solely responsible for determining the acceptability of Owner's Approvals, including agreeing to any terms, conditions or other requirements arising out of or set forth in such Owner Approvals. Contractor shall cooperate with Owner's reasonable requests to assist Owner in obtaining any such Owner Approvals.

3 Contractor Warranty Coverage.

- 3.1 For a period of five (5) years following installation, Contractor will repair or replace, at no cost to Owner, equipment sold to Owner by Contractor. Repairs shall be made in accordance with the terms of the equipment manufacturer's warranty, if applicable, and Owner shall use commercially reasonable efforts to assist and support Contractor in making any warranty claims necessary. Thereafter, Contractor shall service warranties of manufacturers of equipment sold to Owner by Contractor, but Owner shall pay the reasonable, documented costs for such service at Contractor's then-applicable standard labor rates, plus shipping and any other reasonable, documented costs involved in servicing the manufacturer's warranties.
- 3.2 For a period of five (5) years following installation, Contractor warrants its workmanship in connection with equipment installed by Contractor (or subcontractors or agents thereof), and Contractor shall service the equipment and make any required repairs arising from or in connection with the Work (excluding repairs arising as a result of faulty or defective equipment purchased by Owner from a supplier other than Contractor, which are governed by Section 3.4 of this **Schedule A** at no cost to Owner. Thereafter, Contractor shall make any such repairs, but Owner shall be responsible to pay the reasonable, documents costs for such repairs at Contractor's then-applicable standard labor rates.
- 3.3 Owner shall pay all reasonable, documented costs, including those for labor (at Contractor's then-applicable standard rates), equipment and materials, incurred by Contractor to repair or service equipment installed by persons other than Contractor (or subcontractors or agents thereof), provided that if Owner purchased such equipment from Contractor, then it shall be warrantied in accordance with Section 3.1 of this **Schedule A** (unless the manufacturer has voided or will not honor the manufacturer's warranty as a result of such third-party installation, in which case Section 3.1 shall not be applicable).
- 3.4 Owner shall pay the reasonable, documented costs, including those for labor (at Contractor's then-applicable standard rates), equipment and materials, incurred by Contractor to service any equipment or make any required repairs if and to the extent

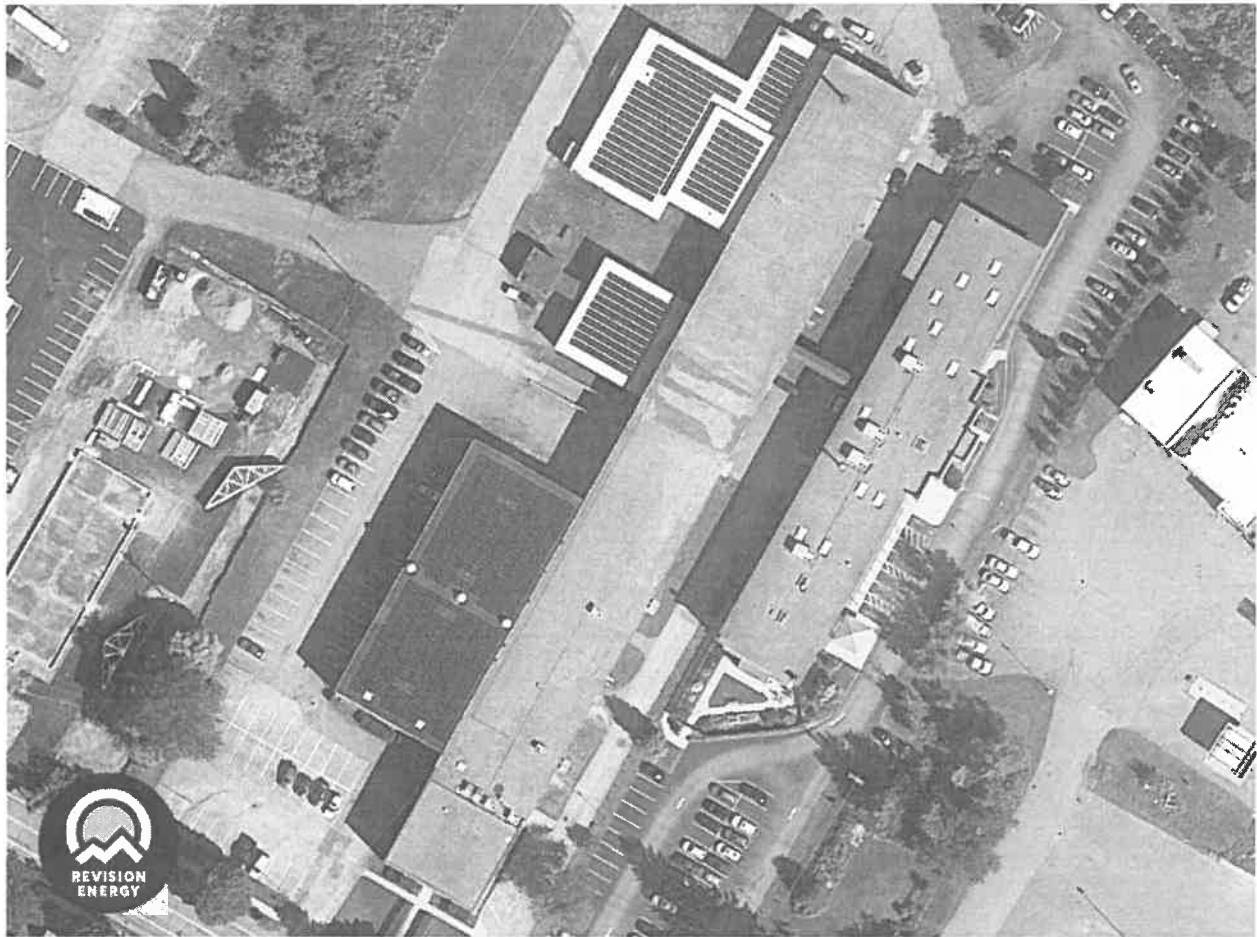
arising from faulty or defective equipment purchased by Owner from a supplier other than Contractor, provided that if Contractor (or subcontractors or agents thereof) installed such equipment, then Contractor's workmanship in connection therewith shall be warranted in accordance with Section 3.2 of this **Schedule A**.

3.5 Owner shall pay all reasonable, documented costs, including those for labor (at Contractor's then-applicable standard rates), equipment and materials, incurred by Contractor if and as necessary to service the System as a result of issues arising from failure of, or problems with, Internet or cellular service. In no case shall Contractor be responsible for any costs caused by failure of Internet or cellular service.

4 **Engineering Documents.** The following documents are incorporated by reference into the scope of work as if stated in full herein:

4.1 Site Map, Attachment A-1.

Attachment A-1: Site Map



Schedule B: Owner's Information

In accordance with Section 6.2, Owner shall furnish, at its own expense, the information in the Owner's possession or control that is reasonably necessary for the execution of the Work including:

- Any available property surveys
- Any available design or as built electrical drawings
- Any available design or as built building plans
- Relevant Electric Utility account information

Schedule C: Schedule of Values



REVISION ENERGY

Schedule of Values

310 Marlboro St		Payment Application Number:									
		Period Thru:									
A	B	C	D		E		F	G	H	I	J
Spec Section	Description of Work	Scheduled Value	Percent of Total		Work Completed		This Period	Materials Stored (Not in Work Completed) (Net in E or F)	Total Completed and Stored to Date (E+F+G)	% Complete (H/C)	Balance to Finish (C-H)
				Total	Previous Periods	This Period					
	Development	\$ 27,914.00	6%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 27,914.00
	Design and Engineering	\$ 9,617.00	2%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 9,617.00
	Permitting	\$ 6,331.00	1%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 6,331.00
	Utility Upgrade Costs	\$ -	0%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -
	Site Prep	\$ 95.00	0%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 95.00
	Buy Solar Modules	\$ 94,286.00	19%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 94,286.00
	Install Solar Modules	\$ 82,542.00	17%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 82,542.00
	Buy Inverters	\$ 33,934.00	7%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 33,934.00
	Install Inverters	\$ 32,680.00	7%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 32,680.00
	Buy Solar Racking	\$ 50,842.00	10%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 50,842.00
	Install Solar Racking	\$ 55,136.00	11%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 55,136.00
	Electrical	\$ 72,328.00	15%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 72,328.00
	Fencing	\$ -	0%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -
	Project Management	\$ 26,625.00	5%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 26,625.00
	Commissioning	\$ 4,817.00	1%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 4,817.00
Total Values		\$ 497,147.00	100%		\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 497,147.00

1080 Turnpike St.
Building #2
Northover, MA 01845
(978) 308-9041

78 Main Street
Enfield, NH 03748
(603) 632-1262

7 Commercial Dr
Brentwood, NH 03833
(603) 675-1777

753 Westbrook St
South Portland, ME 04106
(207) 221-6312

PO BOX 6
Liberty, ME 04049
(207) 589-4171

www.ReVisionEnergy.com

Walter-Randall
310 Marlboro Keene, NH

Quote #: FBT4SFA

A Proposal for Window and Door Products prepared for:

Job Site:
03784

Shipping Address:

WINDOWS & DOORS BY BROWNELL-WLEBA
800 MARSHALL AVE STE 50
WILLISTON, VT 05495

Featuring products from:

MARVIN 

MARVIN
DESIGN GALLERY

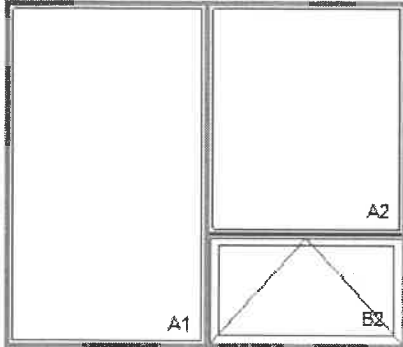
By Windows & Doors By Brownell
RODNEY OAKES
WINDOWS & DOORS BY BROWNELL-
WLEBA
800 MARSHALL AVE STE 50
WILLISTON, VT 05495-8937
Phone: (603) 298-5555

Email: rodney@wdbrownell.com

This report was generated on 12/2/2021 11:51:37 AM using the Marvin Order Management System, version 0003.11.00 (Current). Price in USD. Unit availability and price are subject to change. Dealer terms and conditions may apply.

Line #11	Mark Unit: Modern Large TG	Net Price:	4,398.39
Qty: 1		Ext. Net Price:	USD 4,398.39

MARVIN



As Viewed From The Exterior

RO 100 1/2" X 86 1/2"

Egress Information A1, A2, B2

No Egress Information available.

Performance Information A1

U-Factor: 0.2

Solar Heat Gain Coefficient: 0.33

Visible Light Transmittance: 0.55

Condensation Resistance: 72

CPD Number: MAR-N-444-00978-00001

ENERGY STAR: N, NC

Performance Information A2

U-Factor: 0.18

Solar Heat Gain Coefficient: 0.33

Visible Light Transmittance: 0.56

Condensation Resistance: 75

CPD Number: MAR-N-444-00958-00001

ENERGY STAR: N, NC

Performance Information B2

U-Factor: 0.31

Solar Heat Gain Coefficient: 0.29

Visible Light Transmittance: 0.5

Condensation Resistance: 58

CPD Number: MAR-N-447-00280-00001

Performance Grade A1, A2

Licensee #1150

AAMA/WDMA/CSA/101/I.S.2/A440-11

CW-PG40 3083X1589 mm (62.57X121.38 in)

Deflection at Certified Size and Performance: 1.19

CW-PG40 DP +40/-40

FL28365

Performance Grade B2

Licensee #1153

AAMA/WDMA/CSA/101/I.S.2/A440-11

CW-PG50 1626X2438 mm (64X96 in)

CW-PG50 DP +50/-50

FL29659

Ebony Exterior
 Ebony Interior
 2W2H - Rectangle Assembly
 Assembly Frame Size
 99" X 85 3/4"
 Assembly Rough Opening
 100 1/2" X 86 1/2"
 Prep for Field Mull Assembly
 Mull Kit(s) Included
 Sub Assembly 1 - 1W1H
 Basic Frame 49 1/2" x 85 3/4"
 Unit Locations: A1
 Sub Assembly 2 - 1W2H
 Basic Frame 49 1/2" x 85 3/4"
 Unit Locations: A2,B2

Unit: A1

Modern Direct Glaze Rectangle
 Basic Frame 49 1/2" X 85 3/4"
 Rough Opening 51" X 86 1/2"
 TG - 1 1/4 in - 1 Lite
 Tripane Low E2/E1 w/Argon
 Black Perimeter Bar

Unit: A2

Modern Direct Glaze Rectangle
 Basic Frame 49 1/2" X 57 3/4"
 Rough Opening 51" X 58 1/2"
 TG - 1 1/4 in - 1 Lite
 Tripane Low E2/E1 w/Argon
 Black Perimeter Bar

Unit: B2

Modern Awning Crank Out - Roto Operating
 Basic Frame 49 1/2" X 28"
 Rough Opening 51" X 28 3/4"
 Sash
 IG - 15/16 in - 1 Lite
 Low E2 w/Argon
 Black Perimeter Bar
 Matte Black Folding Handle
 Aluminum Screen
 Ebony Screen Surround
 Bright View Mesh
 ***Screen/Combo Ship Loose

Vertical Flat Steel Reinforced Mull 1/2" x 2 1/2" steel supplied by others
 Mull 1 - Prep for Vertical Flat Steel Reinforced Mull 1/2" x 2 1/2" steel
 supplied by others - 85 3/4" Long

Standard Mull Charge

3 13/32" Jamb
 4 1/2" Overall Jamb Depth
 Thru Jamb Installation

NOTICE: The recipient is solely responsible for offloading all deliveries from the Marvin truck. Please ensure the appropriate persons and lifting / handling equipment are present and prepared to take delivery and offload the product.

Weight Summary

Weight(s) provided are approximate calculated packaged weight(s).
 Screen, 4 lbs.
 Sub Assembly 1, 246 lbs.
 Sub Assembly 2, 214 lbs.

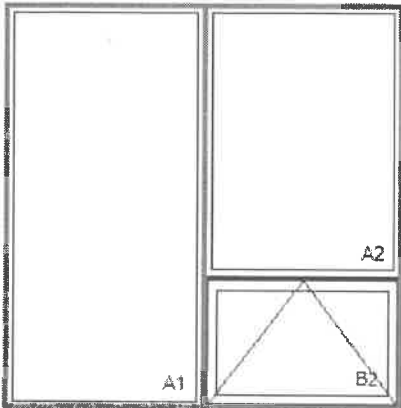
***Note: Safe handling requires proper lifting techniques using adequate personnel and appropriate mechanical assistance, based on weight and dimensions.

***Note: Non-certified mull: check with local code officials for project specific requirements.

***Note: Unit Availability and Price is Subject to Change

Line #12 Qty: 1	Mark Unit: Modern Medium TG	Net Price:	3,895.45
		Ext. Net Price: USD	3,895.45

MARVIN 



As Viewed From The Exterior

RO 85 1/4" X 86 1/2"

Egress Information A1, A2, B2

No Egress Information available.

Performance Information A1

U-Factor: 0.2

Solar Heat Gain Coefficient: 0.33

Visible Light Transmittance: 0.55

Condensation Resistance: 72

CPD Number: MAR-N-444-00978-00001

ENERGY STAR: N, NC

Performance Information A2

U-Factor: 0.18

Solar Heat Gain Coefficient: 0.34

Visible Light Transmittance: 0.57

Condensation Resistance: 75

CPD Number: MAR-N-444-00938-00001

ENERGY STAR: N, NC

Performance Information B2

U-Factor: 0.31

Solar Heat Gain Coefficient: 0.29

Visible Light Transmittance: 0.5

Condensation Resistance: 58

CPD Number: MAR-N-447-00280-00001

Performance Grade A1, A2

Licensee #1150

AAMA/WDMA/CSA/101/I.S.2/A440-11

CW-PG40 3083X1589 mm (62.57X121.38 in)

Deflection at Certified Size and Performance: 1.19

CW-PG40 DP +40/-40

FL28365

Performance Grade B2

Licensee #1153

AAMA/WDMA/CSA/101/I.S.2/A440-11

CW-PG50 1626X2438 mm (64X96 in)

CW-PG50 DP +50/-50

FL29659

Ebony Exterior
 Ebony Interior
 2W2H - Rectangle Assembly
 Assembly Frame Size
 83 3/4" X 85 3/4"
 Assembly Rough Opening
 85 1/4" X 86 1/2"
 Prep for Field Mull Assembly
 Mull Kit(s) Included
 Sub Assembly 1 - 1W1H
 Basic Frame 41 7/8" x 85 3/4"
 Unit Locations: A1
 Sub Assembly 2 - 1W2H
 Basic Frame 41 7/8" x 85 3/4"
 Unit Locations: A2,B2

Unit: A1

Modern Direct Glaze Rectangle
 Basic Frame 41 7/8" X 85 3/4"
 Rough Opening 43 3/8" X 86 1/2"
 TG - 1 1/4 in - 1 Lite
 Tripane Low E2/E1 w/Argon
 Black Perimeter Bar

Unit: A2

Modern Direct Glaze Rectangle
 Basic Frame 41 7/8" X 57 3/4"
 Rough Opening 43 3/8" X 58 1/2"
 TG - 1 1/4 in - 1 Lite
 Tripane Low E2/E1 w/Argon
 Black Perimeter Bar

Unit: B2

Modern Awning Crank Out - Roto Operating
 Basic Frame 41 7/8" X 28"
 Rough Opening 43 3/8" X 28 3/4"
 Sash
 IG - 15/16 in - 1 Lite
 Low E2 w/Argon
 Black Perimeter Bar
 Matte Black Folding Handle
 Aluminum Screen
 Ebony Screen Surround
 Bright View Mesh
 ***Screen/Combo Ship Loose

Vertical Flat Steel Reinforced Mull 1/2" x 2 1/2" steel supplied by others
 Mull 1 - Prep for Vertical Flat Steel Reinforced Mull 1/2" x 2 1/2" steel
 supplied by others - 85 3/4" Long

Standard Mull Charge

3 13/32" Jambs

4 1/2" Overall Jamb Depth

Thru Jamb Installation

NOTICE: The recipient is solely responsible for offloading all deliveries from the Marvin truck. Please ensure the appropriate persons and lifting / handling equipment are present and prepared to take delivery and offload the product.

Weight Summary

Weight(s) provided are approximate calculated packaged weight(s).

Screen, 3 lbs.

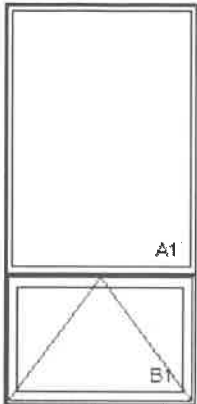
Sub Assembly 1, 213 lbs.

Sub Assembly 2, 170 lbs.

***Note: Safe handling requires proper lifting techniques using adequate

personnel and appropriate mechanical assistance, based on weight and dimensions.
 ***Note: Non-certified mull: check with local code officials for project specific requirements.
 ***Note: Unit Availability and Price is Subject to Change

Line #13	Mark Unit: Modern Small TG	Net Price:		2,463.72
Qty: 1		Ext. Net Price:	USD	2,463.72



As Viewed From The Exterior

RO 42" X 86 1/2"
Egress Information A1, B1
 No Egress Information available.
Performance Information A1
 U-Factor: 0.18
 Solar Heat Gain Coefficient: 0.34
 Visible Light Transmittance: 0.57
 Condensation Resistance: 75
 CPD Number: MAR-N-444-00938-00001
 ENERGY STAR: N, NC
Performance Information B1
 U-Factor: 0.31
 Solar Heat Gain Coefficient: 0.29
 Visible Light Transmittance: 0.5
 Condensation Resistance: 58
 CPD Number: MAR-N-447-00280-00001
Performance Grade A1
 Licensee #1150
 AAMA/WDMA/CSA/101/I.S.2/A440-11
 CW-PG40 3083X1589 mm (62.57X121.38 in)
 Deflection at Certified Size and Performance: 1.19
 CW-PG40 DP +40/-40
 FL28365
Performance Grade B1
 Licensee #1153
 AAMA/WDMA/CSA/101/I.S.2/A440-11
 CW-PG50 1626X2438 mm (64X96 in)
 CW-PG50 DP +50/-50
 FL29659

Ebony Exterior
 Ebony Interior
 1W2H - Rectangle Assembly
 Assembly Frame Size
 40 1/2" X 85 3/4"
 Assembly Rough Opening
 42" X 86 1/2"

Unit: A1
 Modern Direct Glaze Rectangle
 Basic Frame 40 1/2" X 57 3/4"
 Rough Opening 42" X 58 1/2"
 TG - 1 1/4 in - 1 Lite
 Tripane Low E2/E1 w/Argon
 Black Perimeter Bar

Unit: B1
 Modern Awning Crank Out - Roto Operating
 Basic Frame 40 1/2" X 28"
 Rough Opening 42" X 28 3/4"
 Sash
 IG - 15/16 in - 1 Lite
 Low E2 w/Argon
 Black Perimeter Bar
 Matte Black Folding Handle
 Aluminum Screen
 Ebony Screen Surround
 Bright View Mesh
 ***Screen/Combo Ship Loose

Standard Mull Charge
 3 13/32" Jamb
 4 1/2" Overall Jamb Depth
 Thru Jamb Installation

NOTICE: The recipient is solely responsible for offloading all deliveries from the Marvin truck. Please ensure the appropriate persons and lifting / handling equipment are present and prepared to take delivery and offload the product.

Weight Summary
 Weight(s) provided are approximate calculated packaged weight(s).
 Assembly, 166 lbs.
 Screen, 3 lbs.

***Note: Safe handling requires proper lifting techniques using adequate personnel and appropriate mechanical assistance, based on weight and dimensions.
 ***Note: This configuration is certified to AAMA 450 and meets a minimum structural performance of DP 40. Mull certification ratings may vary from individual unit certification ratings. Reference the mulling chapter of the Marvin ADM for additional information regarding the performance rating of the selected mulls.
 ***Note: Unit Availability and Price is Subject to Change

Project Subtotal Net Price: USD	25,363.21
0.000% Sales Tax: USD	0.00
Project Total Net Price: USD	25,363.21

PRODUCT AND PERFORMANCE INFORMATION

NFRC energy ratings and values may vary depending on the exact configuration of glass thickness used on the unit. This data may change over time due to ongoing product changes or updated test results or requirements.

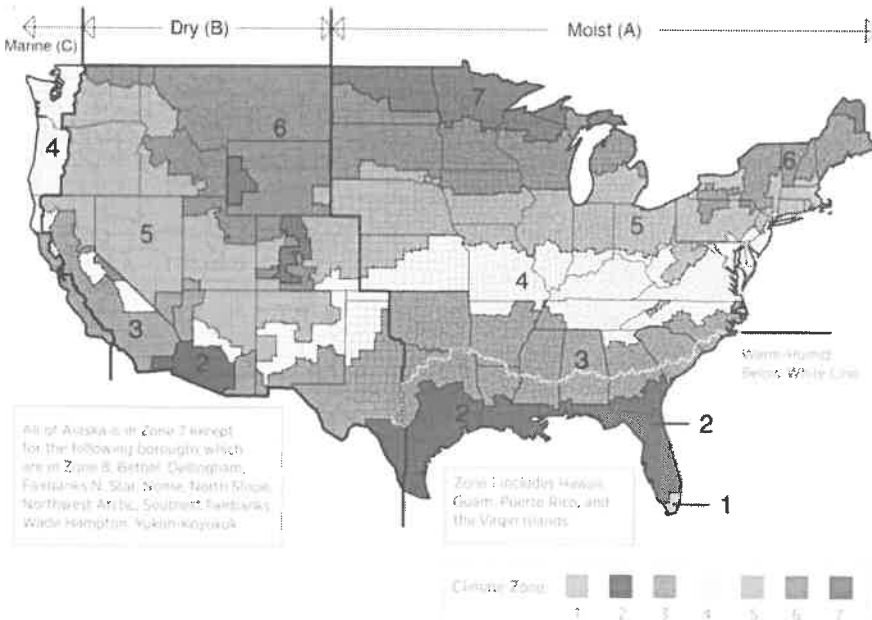
The National Fenestration Rating Council (NFRC) has developed and operates a uniform national rating system for the energy performance of fenestration products, including windows and doors. For additional information regarding this rating system, see www.nfrc.org.

NFRC energy values and ratings may change over time due to ongoing product changes, updated test results or requirements.

Review the map below to determine if your units meet ENERGY STAR for your location.



International Energy Conservation Code (IECC) Climate Regions





K.E. Bergeron Mechanical Systems , LLC

310 Marlboro St., LLC
 310 Marlboro Street
 Keene, NH 03431

(603) 721-1227
 randallwalter@gmail.com

ESTIMATE #	#1631
ESTIMATE DATE	Nov 08, 2021
TOTAL	\$10,645.75

CONTACT US
 216 Marlboro Street, Suite #3
 Keene, NH 03431

(603) 563-8305
 housecall@kebms.com

ESTIMATE

Mitsubishi Ductless Split System - single zone wall mounted for 1,000 S.F. 2nd floor space with roof mounted condensing unit.

- Includes the following work:
- Apply for, Pay for and Obtain and Building Permit.
 - Provide and install one (1) 36,000 BTU Mitsubishi Standard Heat Pump System with wall mounted indoor unit and roof mounted outdoor unit.
 - Provide 6"x6" pressure treated lumber and slip pads for roof mounted equipment.
 - Provide and install one (1) snow stand to support the condensing unit off the roof.
 - Provide crane services to lift condensing unit to roof.
 - Provide and install Type ACR Insulated refrigerant lines.
 - Pressure test new line set with 500 PSI Dry Nitrogen, includes up to 35' of line set.
 - Evacuate line set - add in additional refrigerant charge required for proper system operation.
 - Provide and install condensate pump and drain lines as necessary.
 - Provide and install low voltage control wiring as required.
 - As a MITSUBISHI DIAMOND ELITE CONTRACTOR provide factory authorized startup of your system.
 - Provide all material and labor necessary for one (1) complete and operational MITSUBISHI heat pump system.
 - Provide one year labor and material warranty on all work.
 - Provide two year MITSUBISHI parts warranty to original purchaser of system.
 - Our work will be conducted continuously and professionally to the highest construction standards possible.

- Our firm fixed price excludes the following work:
- Stamped, Engineered Pivots.
 - The cost of high voltage power wiring to the system.
 - The cost of roofing in a pitch pocket for line set penetration through roof.
 - Upgrade to internet connectivity/remote via MITSUBISHI KUNIO Cloud Wifi Adapters. Offered at \$260.00/interior zone at time of construction and \$350.00/interior zone after construction is completed.
 - The cost of a Wifi router and internet service at the home (required for remote monitoring and adjustment).

- WORK REQUIRED BY OTHERS FOR SYSTEM TO OPERATE:
- High Voltage Power Wiring of outdoor Heat Pump condensing unit.
 - Provide and install a roof pitch pocket for line set through roof

SCHEDULING:

The work will take approximately one (1) business day to complete.

PAYMENT TERMS:

50% Deposit due with your order.
 50% due the day of completion of our work.

IT IS UNDERSTOOD THAT ALTHOUGH LABOR IS ITEMIZED THIS IS A FIXED BID JOB. UTILIZING MORE OR LESS LABOR HOURS TO COMPLETE THE WORK, WILL NOT CHANGE THE PRICE.

Item	Qty	Unit Price	Amount
Employees - HVAC Technician labor	32.0	\$105.00	\$3,360.00
HVAC Technician Labor			
Building Permit	1.0	\$325.00	\$325.00
Building Permit Fee			
M-Series Outdoor Units - MUZ-GS36NA-U1	1.0	\$2,665.44	\$2,665.44
Mitsubishi - MUZ-GS36NA-U1 (36,000 BTU/H Heat Pump Outdoor Unit			
M-Series Indoors Units - MSZ-GS36NA-U1	1.0	\$1,219.00	\$1,219.00
Wall Mounted Heat Pump			
Mitsubishi zone rough in package	1.0	\$400.00	\$400.00
Disconnect switch, interconnecting cable, drain lines, hardware, sealants, etc.			
Accessories - QSMS1801	1.0	\$287.84	\$287.84
Quick-Sling® - QSMS1801 18" Mini Split Sling "Wide" - Holds up to 450 lbs.			
1/4" x 5/8" x 50' Type ACR Copper line set	1.0	\$412.00	\$412.00
6"x6" PT Lumber, Hardware and slip pads.	1.0	\$450.00	\$450.00
PVC/Drainage - Condensate Pump	1.0	\$90.00	\$90.00
Little Giant Condensate Removal Pump, 115V with safety switch GS1425 VCM4291ULS			
Nitrogen	1.0	\$105.00	\$105.00
Medium Cylinder of Nitrogen Gas			
Equipment Use - Evacuation Machine Charge	1.0	\$35.00	\$35.00
Triple Evacuate Refrigerant Circuit, Oil and Screen Charge.			
Overhead	1.0	\$935.00	\$935.00

10% Overhead			
Profit	1.0	\$1,029.00	\$1,029.00
10% Profit			
Equipment Use - BUCKET TRUCK Crane Charges			
Crane Rental Charges - Includes OSHA Lift Plan	1.0	\$360.00	\$360.00
Subtotal			\$11,674.75
10% PROFIT G.C. discount per Kim			-\$1,029.00
Total			\$10,645.75

Thank you for your business and support. If we have exceeded your expectations let us know by leaving a google review! Visit: <https://www.google.com/search?hl=en-US&gl=us&q=K.+E.+Bergeron+Mechanical+Systems,+LLC,+216+Marlboro+St+Suite+3,+Keene,+NH+03431&ludocid=11835651497121149723&sig=AB86z5W368M4BUJHV9k5EW5TDknW#lrd=0x89e173c723a8b59f:0x>
 Respectfully,
 Kim E. Bergeron, EIT
 Manager

K.E. Bergeron Mechanical Systems, LLC
 216 Marlboro Street — Suite 3
 Keene, NH 03431
 www.kebms.com
 kim@kebms.com
 (603) 563-8305 (bus)
 (603) 563-7062 (fax)
 Our Company Motto:
 "There are no Problems. Just Solutions"
 Like us on Facebook: <https://www.facebook.com/bergeronmechanical/>
 Follow us on Instagram: <https://www.instagram.com/kebms/>



K.E. Bergeron Mechanical Systems , LLC

310 Marlboro St., LLC
 310 Marlboro Street
 Keene, NH 03431

(603) 721-1227
 randallwaller@gmail.com

ESTIMATE #	#1602
ESTIMATE DATE	Nov 09, 2021
TOTAL	\$14,647.90

CONTACT US
 216 Marlboro Street, Suite #3
 Keene, NH 03431

(603) 563-8305
 housecall@kebms.com

ESTIMATE

Mitsubishi Ductless Split System - single zone ducted for 1,000 S.F. 1st floor space with ground mounted condensing unit.

- Includes the following work:
- Apply for, Pay for and Obtain and Building Permit.
 - Provide and install one (1) 36,000 Btu Mitsubishi HYPER HEAT Heat Pump System with INDOOR AIR HANDLING unit and ground mounted outdoor condensing unit.
 - Provide and install one (1) snow stand to support the condensing unit off the roof.
 - Provide field fabricated ductwork transitions to connect new air handling unit to existing supply air ductwork.
 - Provide AIR BEAR air filter assembly on return side of air handling unit.
 - Provide and install Type ACR Insulated refrigerant lines.
 - Pressure test new line set with 500 PSI Dry Nitrogen. Includes up to 35' of line set.
 - Evacuate line set - add in additional refrigerant charge required for proper system operation.
 - Provide and install condensate pump and drain lines as necessary.
 - Provide and install low voltage control wiring as required.
 - As a MITSUBISHI DIAMOND ELITE CONTRACTOR provide factory authorized startup of your system.
 - Provide all material and labor necessary for one (1) complete and operational MITSUBISHI HYPER HEAT heat pump system.
 - Provide one year labor and material warranty on all work.
 - Provide twelve year MITSUBISHI parts warranty to original purchaser of system.
 - Our work will be conducted conscientiously and professionally to the highest construction standards possible.

- Our firm fixed price excludes the following work:
- Stamped, Engineered Prints.
 - The cost of a condenser pad.
 - The cost of high voltage power wiring to the system.
 - The cost of roofing in a patch pocket for line set penetration through roof.
 - Upgrade to internet connectivity/control via MITSUBISHI NUMO Cloud WiFi Adapters. Offered at \$250.00/interior zone at time of construction and \$350.00/interior zone after construction is completed.
 - The cost of a WiFi router and internet service at the home (required for remote monitoring and adjustment).

- WORK REQUIRED BY OTHERS FOR SYSTEM TO OPERATE.**
- Condenser Pad to support outdoor condensing unit and stand.
 - High Voltage Power Wiring of outdoor Heat Pump condensing unit.
 - Provide and install a roof pitch pocket for line set through roof.

SCHEDULING:

The work will take approximately one (1) business day to complete.

PAYMENT TERMS:

50% Deposit due with your order
 50% due the day of completion of our work.

IT IS UNDERSTOOD THAT ALTHOUGH LABOR IS ITEMIZED THIS IS A FIXED BID JOB. UTILIZING MORE OR LESS LABOR HOURS TO COMPLETE THE WORK WILL NOT CHANGE THE PRICE.

Item	Qty	Unit Price	Total
Employees - HVAC Technician labor	49.0	\$105.00	\$5,040.00
HVAC Technician Labor			
Building Permit	1.0	\$325.00	\$325.00
Building Permit Fee			
Mitsubishi SUZ-KA36NAHZ single zone Hyper Heat H2i Heat Pump Condensing Unit	1.0	\$3,454.56	\$3,454.56
Mitsubishi SUZ-KA36NAHZ single zone Hyper Heat H2i Heat Pump Condensing Unit			
M-Series Indoors Units - SVZ-KP36NA	1.0	\$1,810.00	\$1,810.00
Mitsubishi - Ducted M-Series Multi-Position Air Handler 36,000 BTU			
Mitsubishi zone rough in package	1.0	\$400.00	\$400.00
Disconnect switch, interconnecting cable, drain lines, hardware, sealants, etc.			
Accessories - QSMS1801	1.0	\$287.84	\$287.84
Quick-String - QSMS1801 18" Mini Split Stand "Wide" - Holds up to 400 lb.			
Hardware - LS-3/8X5/8X1/2X50-PDM	1.0	\$302.50	\$302.50
3/8X5/8X1/2X50 PDM LINE SET DRL INSUL			
Ductwork - Galvanized metal transition	1.0	\$450.00	\$450.00
PVC/Drainage - Condensate Pump	1.0	\$90.00	\$90.00
Little Giant Condensate Removal Pump, 115V with safety switch 534425 VCMA201ULC			
Accessories - MHK2	1.0	\$306.00	\$306.00
Wireless Remote Controller Kit- Programmable MISMHK2			

Trion - 455602-025 Air Bear Supreme 2000 Air Cleaner 20-1/4" x 24-7/8" x 7-1/8" Cabinet Size MERV 8	1.0	\$113.40	\$113.40
Trion - 455602-025 Air Bear Supreme 2000 Air Cleaner 20-1/4" x 24-7/8" x 7-1/8" Cabinet Size MERV 8			
MITSUBISHI - CN24RELAY-KIT-CM3 Relay Kit for CN24 External Heat Adapter	1.0	\$66.55	\$66.55
MITSUBISHI - CN24RELAY-KIT-CM3 Relay Kit for CN24 External Heat Adapter			
Accessories - SPTB1			
MVZ Power Terminal Block	1.0	\$54.74	\$54.74
Nitrogen			
Medium Cylinder of Nitrogen Gas	1.0	\$105.00	\$105.00
Equipment Use - Evacuation Machine Charge			
Triple Evacuate Refrigerant Circuit, Oil and Screen Charge.	1.0	\$35.00	\$35.00
Refrigerant 410A			
VIRGIN Refrigerant 410A, per ounce R410A-0325	33.0	\$34.00	\$112.00
Overhead			
10% Overhead	1.0	\$1,295.00	\$1,295.00
Profit			
10% Profit	1.0	\$1,425.00	\$1,425.00
Subtotal			\$15,672.90
10% PROFIT G.C. discount per Kim			- \$1,025.00
Total			\$14,647.90

Thank you for your business and support. If we have exceeded your expectations let us know by leaving a google review! Visit:

<https://www.google.com/search?hl=en-US&gl=us&q=K.+E.+Bergeron+Mechanical+Systems,+LLC,+216+Marlboro+St+Suite+3,+Keene,+NH+03431&ludocid=11835651497121149723&lsig=AB86z5W368M4BUJHV9k5EW5TDknW#rd=0x89e173c723a8b59f:0x>

Respectfully,

Kim E. Bergeron, EIT
Manager

K.E. Bergeron Mechanical Systems, LLC

216 Marlboro Street - Suite 3

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(603) 563-7062 (fax)

Our Company Motto:

"There are no Problems, Just Solutions"

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CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: John Rogers, Building/Health Official
Through: Rhett Lamb, AMC/Community Development Director
Subject: **Resignation - Zoning Board of Adjustment**

Recommendation:

To accept the resignation of Arthur Gaudio from the Zoning Board of Adjustment.

Attachments:

1. AGaudio ZBA Resignation Letter (2)_Redacted

Background:

Arthur "Art" Gaudio has served on the ZBA for a number of years, first as an alternate and then as a regular member. He is moving out of Keene and has submitted his resignation.

From: Arthur Gaudio [REDACTED]
Sent: Tuesday, December 7, 2021 10:34 AM
To: Corinne Marcou <cmarcou@ci.keene.nh.us>
Subject: Re: ZBA Resignation Letter

Hi Corinne,

As you know, I will be moving from Keene later this month. Therefore, I am resigning my position on the Zoning Board of Adjustment effective as of today.

Membership on the Board was challenging and exciting, It was also very satisfying knowing that I was performing a service for my fellow citizens in Keene. I also want to thank you for your help and assistance over the past two years.

Best,
Art Gaudio

Art Gaudio
[REDACTED]

On Dec 6, 2021, at 6:17 PM, Corinne Marcou <cmarcou@ci.keene.nh.us> wrote:

Hi Art,

Can you please send us a letter of resignation for the Zoning Board? This will make it official and will be presented to the Mayor.

Thank you,

Please note the City emails will be changing beginning December 14, 2021. Current email addresses of name@ci.keene.nh.us will change to name@keenenh.gov, such as cmarcou@keenenh.gov. If you have any questions, please contact me via email or at (603) 352-5440.

Corinne Marcou

Corinne Marcou
City of Keene
Community Development Department
3 Washington St.
Keene, NH 03431
603.352.5440
603.283.5654 (fax)
www.keenenh.gov



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Amendments to the Business, Growth, and Reuse District Ordinance O-2021-14**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2021-14.

Attachments:

1. Ordinance O-2021-14_referral

Background:

Chair Bosley stated that Randall Walter is unable to attend tonight. She asked to hear from Mari Brunner.

Mari Brunner, Senior Planner, stated that the request is to amend Chapter 100 of the Code of Ordinances of the City of Keene as follows: *“That ‘Personal Service Establishment’ be added as a permitted primary use to the Business Growth and Reuse District.”*

Ms. Brunner continued that “Personal Service Establishment” is defined as *“an establishment that provides services of a personal nature, including but not limited to barbershops or hair salons, nail salons, laundromats, dry cleaners, tailors, tattoo or body piercing parlors.”* She gave a presentation at the public hearing for this, but she is happy to answer any questions.

Chair Bosley asked if the Committee had any questions for Ms. Brunner. Hearing none, she stated that there was a public hearing held on this topic at the last City Council meeting, and since the public hearing has been closed, no public comment will be taken tonight.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2021-14.



CITY OF KEENE

Ordinance O-2021-14

In the Year of Our Lord Two Thousand and ~~Twenty~~ **One**.....

Relating to Amendments to the Business, Growth & Reuse District

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That the Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That "Personal Service Establishment" be added as a permitted primary use to the Business Growth and Reuse District.
2. Update Table 8-1 "Permitted Principal Uses by Zoning District" and Section 5.4.5 "Permitted Uses" in Article 8 to display Personal Service Establishment as a permitted use in the Business Growth and Reuse District under the category of Commercial Uses.

George Hansel, Mayor

In City Council October 21, 2021.
Refer to the joint Planning Board
and Planning, Licenses and
Development Committee.

City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through: Planning, Licenses and Development Committee, Standing Committee

Subject: **Relating to the Wearing of Face Coverings
Ordinance O-2021-16**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted the communication in support of the mask Ordinance.

On a vote of 5-0, the Planning, Licenses, and Development Committee to adopted Ordinance O-2021-16-A.

Attachments:

1. Ordinance O-2021-16-A
2. Memorandum_City Manager
3. Other Potential Amendments_O-2021-16-A_Redlined

Background:

Chair Bosley stated that items 3) and 4) will be taken together. She explained the procedures for public comment and the ground rules for respectful discourse. She stated that each member of the public who wishes to speak will have three minutes to speak, and will be given a 30-second warning when they are approaching the three minute mark, so they can wrap up their thoughts.

Chair Bosley asked Dr. Don Caruso to address his letter to the City Council.

Dr. Don Caruso, CEO and President of Cheshire Medical Center (CMC), thanked the Committee and the public for the opportunity to speak tonight. He continued that CMC has a specific responsibility to protect the community's health. That is clear in their mission statement. His responsibility is to inform the community of where things are. He would be remiss if he were not in front of the Committee or Council to let everyone know where things stand today.

Dr. Caruso stated that he will not talk about the national picture or even the state picture. He will talk about Keene and Cheshire County, regarding what is happening with the COVID-19 pandemic, its impact on CMC's resources, and CMC's ability to take care of the community. CMC has been operating since 1892, at the request of the community. They are not a for-profit organization, so

there is no benefit in changing what they do. It is about taking care of the community.

He continued that this morning, CMC had 19 COVID-positive patients, four of them on ventilators, and seven of them on high-flow oxygen, which is the state before the ventilator. There are ten Intensive Care Unit (ICU) beds, and only enough staff right now for eight. The ICU currently has seven patients, and four are COVID-positive. You can see the dilemma. When he walked into the ICU at 7:30 AM, there were five patients waiting to go somewhere for COVID-19 treatments. Four needed inpatient care, and one was already on a ventilator, with nowhere to go. One of the big-picture issues people need to be aware of is that right now in our state, in our region, there are almost no beds available. On a given day, there might be one ICU bed and a couple medical/surgical beds available, but there is incredible limitation for access for COVID-19 care. What happens is that people who do not have COVID, and become ill or experience a trauma such as a motor vehicle accident, come to the Emergency Room and staff's ability to take care of them is limited, because there are no beds available. People might wait in CMC's emergency room for many hours before a bed becomes available there or somewhere else, maybe not even in the state. CMC has transferred patients to New York and Connecticut.

Dr. Caruso continued that CMC is a robust organization, not a small, critical access hospital. There are 165 beds. However, one of the effects of the COVID-19 pandemic has been a nursing . Today, CMC had 65 patients hospitalized, which is the maximum number they can take care of on a given day, understanding that 19 of those 65 are COVID-19 patients. That is a huge burden, in terms of the individuals who need to take care of them. Fifty-six out of those 65 are medical/surgical patients. CMC still delivers babies; there are still things that CMC has to do, and yet, the reality is that there were still people waiting in the Emergency Room for care.

Dr. Caruso continued that to go a little deeper: why are we in this situation? Staff are very tired. During this time, there has been a dramatic reduction in workforce. CMC's turnover rate is 51% higher than it was last year. A significant number of nurses are leaving the organization. This is not just about Keene; this is happening across the country, but it limits CMC's ability to take care of patients. Even though they are a 165-bed hospital, they only 65. Last year at this time, there were about four COVID-19 patients in the hospital. The height of the pandemic last year was mid-January. At that time, there were about 10 COVID-19 patients. At that time, CMC had the ability to take care of 90 patients. They do not have that ability this year. You can see the dramatic change in terms of their resources to take care of the community.

Dr. Caruso continued that the question that follows is, what can we do? The first thing CMC does is look at the work they do. About a month ago, they realized this was coming. There was also messaging from him and the community to try to get the community to voluntarily wear masks. The COVID-19 numbers increased. About three or four weeks ago, the percent positivity rate, which is the way they measure how quickly COVID-19 is coming into the community, was around 8%. Today it is 20.1%, which is a dramatic increase in the number of COVID-positive people in the community. That is what causes the burden.

Dr. Caruso continued that two or three weeks ago, CMC stopped its surgical cases that require hospitalization. If you need a total hip replacement and could go home the same day as the surgery, CMC would do that, but all total knee replacement surgeries were canceled, because those patients need to stay in the hospital overnight. They are using those beds to take care of COVID-19 patients. That served a purpose for a while. CMC has learned over the course of the COVID-19 pandemic to slowly increase the resources within the organization. This past Monday, they stopped all non-emergent and urgent cases. If you right now have cancer, or trauma, CMC will take care of you, but if you were going to have a total knee or total hip replacement, that is not going to happen, for the specific reason that CMC has moved those nurses into the medical/surgical floor, into the

ICU, and expanded another bed in the ICU. CMC also did a few other things to decompress the Emergency Room. At about that time, there were about nine patients waiting in the Emergency Room, and now there are only four, so that is good. However, they also shut down all acute rehabilitation admissions – for example, patients who have had a stroke - because they are using the acute rehabilitation unit's nurses to take care of COVID-19 patients.

Dr. Caruso continued that this will likely get worse. All indicators are that this will continue probably until at least January 1, 2022, and probably beyond that, if people do not change their behaviors. If the current behaviors continue, CMC will have to figure out another step, regarding what CMC will do. The next most likely step is to stop outpatient care, because they need the nurses from the outpatient environment to support the inpatient care. If that is not enough, you can ask him what would happen, but he would rather not have that conversation until much further along, because that creates an incredible amount of anxiety. However, it is his job to prepare at least the organization for that level of care.

Dr. Caruso continued that for all of those reasons, it is important for him to speak to this Committee, to explain where they are and what he thinks they can do, knowing that masks are the most effective form that lower the rate of rise and decrease the transmission of COVID-19. Whether people believe that or not is irrelevant; the science says that is clear. It is clear in a couple ways, such as by looking at what Keene State College (KSC) does. Their masking expectations, their impact on the community's COVID-19 rate is miniscule. There are about 4,000 people at KSC with a positivity rate of about 0.6%, he heard today. That is a huge indicator of what masking does. CMC has had no internal people get COVID-19 within the organization from transmission from staff or from people who actually have COVID. What does CMC do differently? They wear masks. Reality is that wearing masks makes a difference, whether people want to believe that or not. "Personal choice" is one way that they tried to go. But when they tried "personal choice," people made the wrong decisions. That is why CMC is seeing people get admitted, and young people dying at the age of 40, unnecessarily. What they need to do, rapidly, is masking.

Chair Bosley asked if the Committee had any questions for Dr. Caruso.

Councilor Johnsen stated that she appreciates Dr. Caruso coming tonight, because she thinks many folks are not aware of how dreadful the situation is. She continued that she lost a stepdaughter two weeks ago to COVID-19. She was not vaccinated, and she was a healthy, young woman. This is not just happening in Keene, but in Keene, the large.

Chair Bosley stated that she is glad the PLD Committee has the opportunity to hear from Dr. Caruso. She asked if he has any information about whether the State of NH is able to give Keene any support as this progresses.

Dr. Caruso replied that right now the State is focused on a couple things. He continued that the State finally accepted the Federal funding for vaccination and education; it was critical for that to happen. They are starting to see vaccinations in the community again. This past week CMC did over 1,000 vaccinations of children and adults. This Saturday they will do another major clinic on Maple Ave. and there are about 900 people scheduled. His understanding is that that clinic is completely full. Those Federal dollars are trickling down through the state, which is good, and important. At the same time, what the State has chosen to do - short of masking, which he is advocating for at that level as well - is to take Federal dollars and try to support the hospitals in ways that will have, in his mind, some effect but not a lot. For example, they are setting up strike forces that will be able to go to various institutions. His understanding right now is that those institutions are Dartmouth-Hitchcock Medical Center (DHMC), Concord Hospital, and Elliott Hospital in Manchester. The State does not have the resources to send nurses there. They are sending

hands. His understanding, from what he heard today from DHMC, is that those hands will be there to help maneuver patients in the ICU. Intubated COVID-19 patients need to be prone on their stomachs. It is a huge amount of work to move them, physically, hourly. That usually takes about five sets of hands. The State is also trying to support nursing homes, to outlet those patients who are stacked up in the hospitals and cannot get into long-term care facilities, because they do not have the staff, either. They are not sending staff; they are sending dollars. They probably will not see a huge impact from that. When they talked about that today, in terms of Keene's local nursing homes, it will probably have minimal impact.

Chair Bosley asked about the use of infusion treatments and monoclonal antibodies and other methods for therapy. She asked if CMC has had any success with that.

Dr. Caruso replied that right now, monoclonal antibodies are not available in the community. Again, it is a matter of resources. He continued that CMC is talking about moving from infusion of monoclonal antibodies to subcutaneous (a shot). That makes it much easier for them to disseminate, so it is something they are exploring. Most people from the community are going either to Alice Peck Day Memorial Hospital in Lebanon or to Monadnock Community Hospital in Peterborough. Throughout the state they try to use the hospitals as regional resources, trying to figure out which have the capacity to do things, or the things they do best. For example, Alice Peck Day and Monadnock Community Hospital do not have ICUs, so CMC has the responsibility to care for the sicker patients, and Alice Peck Day's and Monadnock Community Hospital's responsibility is to support CMC by helping with the patients who are not quite as sick, by doing things like IV infusions. One of the problems is that they have to catch those people very early. To catch something early, you have to test. Right now, Cheshire County is doing about 700 tests on any given day. It is not enough. There are not enough staff to do more than that. CMC is questioning how they could staff it. For example, do they pull the ambulatory nurses/staff to support them in those kinds of ventures?

Chair Bosley stated that she would like to use portions of this meeting to get information out into the community. She continued that many NH households recently received packages of testing kits. She asked Dr. Caruso if he would recommend that someone who tested positive at home contact their primary care doctor. She asked how they would go about getting an infusion if they had a co-morbidity.

Dr. Caruso replied yes, if someone tests positive at home, they should contact their PCP to determine what kind of test they used at home, such as an antigen test or a PCR test, and whether it needs to be re-checked. Then based on that, the PCP could determine whether it is within the window in which antibodies will help. Hopefully, not too long down the road, we will start to see some of the oral medications, but they are still far off. We probably will not see those before this pandemic continues to escalate.

Chair Bosley stated that tonight there are UV-C air purifiers in Council Chambers. She asked if the hospital is using anything like that, or if CMC has done any research into that technology.

Dr. Caruso replied yes, they have done research on that, and he checked with Dr. Khole, the Infection Prevention Specialist. He continued that unfortunately, there is not a lot of data that supports the UV air purifiers. CMC uses HEPA filters and exhausts to the outside, and has negative pressure rooms. They know that works, based on the studies that done on how to lower the volume of COVID-19 in a room. It is unclear whether Plexiglas makes a difference and unclear to what degree UV air purifiers make a difference. They know about masking, handwashing, and social distancing, which are important methods that have an impact. This is an aerosolizing virus, and you get it when people cough, sneeze, or breathe on you. It is very hard to get it by touching your face

after you have gotten it off a surface, but it can happen, which is why they also talk about disinfecting highly utilized surfaces/high contact areas. Those are the better mitigating approaches.

Chair Bosley stated that she has one more question: is there a correlation to vaccinated or unvaccinated patients in the ICU? Do they see it shifting one way or another?

Dr. Caruso replied that right now, 85% of the patients in the ICU are unvaccinated. He continued that the vaccination status is unknown for about 3% of people. Approximately 10-12% (of COVID-19 patients in the ICU) are people who have been vaccinated but have significant co-morbidities. Those patients' immune systems, CMC now knows, are probably not going to respond, whether due to the patient's advanced age, medications they are given, or a combination of multiple co-morbidities. It is very clear that vaccination prevents ICU admission.

Councilor Jones stated that in the Ordinance, Section L is a sunset clause with an open space for a date for when to sunset this Ordinance. He continued that he is thinking, science cannot tell them when the (COVID-19 pandemic) is going to end, and they should just eliminate the sunset clause, and have it be an action of the Council to just get rid of the Ordinance. That is, unless science tells them how long they should go on with this. He asked for Dr. Caruso's expert opinion.

Dr. Caruso replied that from what he knows of public health, and of what makes a difference, he can say that setting a date in the future arbitrarily is why they are in the position that they are in. They sunset mask mandates in the past when they thought they were doing well. One thing that is known is that when a community is above 2% positivity rate, there is incredible community transmission. Thus, if the Council were to use any parameter, that is the parameter he would recommend – when the positivity rate is 2%. He knows how controversial it is to wear masks, but if we actually get things under control, and get to 6% or 4% and stop wearing masks, in a couple months we will probably be back to where we are now. He thinks that is what is driving people crazy right now. It would be best for the Council to take that under consideration at the time in the future, and at that time, look at what they know at that time that they did not know before, to help make that decision. Over time, they will get more information about that.

Councilor Jones asked if Dr. Caruso thinks they should use the language of 2%, or just take the sunset out and have the Council look at it.

Dr. Caruso replied that he would recommend taking the sunset out and letting the Council get back together as the rate gets closer to 2%, and find out what other information is out there at that time. The information is evolving. They may find, for example, that at 5% they should be having a conversation about whether to get rid of masks. It should be a conversation, and should not just automatically happen. The focus should be the evidence that is out there to tell them (when the right time is). If he were to pick a time, today, for , it would be when they get to 2%.

Councilor Greenwald asked the City Attorney what the procedure would be to repeal an Ordinance like this. For example, would it require two readings and a public hearing, or just a motion? The City Attorney replied that it would just require a motion from the Council, to repeal or suspend the Ordinance. He continued that they have a lot of flexibility.

Councilor Greenwald stated that he would be very concerned about picking a number, such as 2% or 5%. He continued that if they repeal it and then the rate goes back up again, they will be back in the same position of trying to adopt another Ordinance two weeks later. He likes the other idea, where if this Ordinance is adopted, the sunset happens when the Council decides to do that.

Chair Bosley stated that she would like to address the topic of children's vaccinations. She

continued that she has two children, ages 9 and 11, and they had not been eligible for vaccines until this point. A year ago, she knew someone who knew someone who had COVID-19. Currently, in past 60 days, anecdotally, she knows approximately 30 people who have tested positive, including herself, and she is vaccinated. She plans to vaccinate her children. Her 11-year-old has approximately six friends who are currently COVID-19 positive. She asked Dr. Caruso if many of the positive cases CMC is seeing are happening in children, and if he has any idea what that percentage is. A year ago, children were all quarantined at home, not moving around, not having playdates, not going to birthday parties, and so on and so forth. People's behavior was incredibly different than it is today. She wonders if they are seeing the spike and spread having to do with the fact that children had not been eligible for vaccines.

Dr. Caruso replied that he can answer part of the question: CMC is seeing a dramatic increase in the number of children testing positive. He continued that they do not have information about the percent positivity in children; they just have not looked at those numbers. He is hearing it through the school district, through primary care practices, and the word on the street like Chair Bosley is. They are also seeing, for the first time in the state, hospitalizations of children. There are two children (with COVID-19) in the pediatric ICU at DHMC this week, for the first time. That only happens when there is a huge number of children infected. That is what they saw in New York and Los Angeles, for example. When the number of adults who get COVID-19 (rises) and it gets passed on to children, immune-suppressed children are most at risk. CMC is definitely seeing that as the numbers go up, there are more and more children developing COVID-19 symptomology. Most of it is mild. No (children) here in the Keene community have been hospitalized, and in fact, CMC could probably not keep them here and they would end up in the pediatric ICU.

Chair Bosley asked if CMC had any pediatric cases of COVID-19 last year. Dr. Caruso replied none at all.

Chair Bosley asked if there were any further questions from the Committee. Hearing none, she opened the public comment period.

Judith Harris of 5 Central Square stated that her husband, two and a half years ago, contracted the flu but had a bronchial disease and was hospitalized with pneumonia and almost died. Neither he nor she ever had the flu shot. Many people have died from the flu. This January, she and her husband both contracted COVID-19. Hers was like a cold, but her husband, because he had a bronchial disease, ended up again in the hospital with pneumonia. He died. She should be a person saying "Everyone should wear a mask," but her husband was against wearing a mask. He was for anyone wanting to wear a mask to protect themselves, but did not believe anyone should be forced to do that. She should be a person saying to everyone, "Wear a mask! My husband died!," but no. She believes people should have the freedom to choose. Last year, her granddaughter was COVID-19 positive but was running around the house like crazy, dancing and doing gymnastics, while she was sick. Her son and grandson did not catch COVID; they obviously had what they needed to fight that off. She believes people should have the Constitutional rights whether to wear the mask or not. She wants to breathe.

John Yannacci of 282 Horse Hill Rd. in Roxbury read a prepared statement:

"In the winter of 2006, a daycare worker at DHMC reported a severe and persistent cough to her supervisors. Soon after, other employees began to exhibit the same cough. Hospital administrators began to suspect pertussis or whooping cough. DHMC then began screening all staff, patients, and visitors. That spring, they declared a whooping cough outbreak and began a mass vaccination campaign of over 3,500 people, using the T-DAP vaccine, which had just been approved by the FDA. Employees were furloughed, forced to work in masks, elective procedures were canceled, and

bed availability was reduced as a result. According to DHMC, they had successfully contained a whooping cough epidemic, but months later when the lab results were returned, they were forced to admit that not one was positive for whooping cough. The New York Times dubbed this incident 'the epidemic that wasn't.' DHMC then released a statement which blamed this monumental mistake on the tests they used for diagnosis, the polymerase chain reaction (PCR) test. That is the same test being administered by the same hospital today that is driving case counts in our area. In July this year the PCR test failed its review by the CDC and its emergency use authorization was revoked under a class 1 recall, but implementation of that recall was delayed six months until December of this year. In less than three weeks, its use will no longer be allowed in this area. Although there is plenty of debate as to why this use was ended, the FDA released a statement that clearly said performance claims of the PCR test did not reflect observed clinical studies, presenting a risk of false positives. They stopped its use because it induced false positives, just like it did 15 years ago with the whooping cough epidemic that was not.

What does 'fully vaccinated' mean? The CDC itself states that you are only considered fully vaccinated two weeks after your second BioNTech shot or two weeks after taking any one of the other three. If you get the vaccine and end up in CMC within 13 days, they will consider you unvaccinated. The question we should be asking is, if they are already offering boosters, then who in this area is fully vaccinated? Clearly, the classification of 'unvaccinated' is not as cut and dried as it would first appear. For example, in Israel you are only considered fully vaccinated if you have taken your third booster shot, and they are already in the beginning stages of considering a fourth. This is the most vaccinated country in the western world."

Mr. Yannacci continued that in closing, he opposes the reinstatement of the City of Keene's mask mandate. The bed and nursing shortages that Dr. Caruso spoke about are "of his own making." The people who have been running this pandemic on a national level have been caught lying repeatedly and moving the goalposts repeatedly. Their methods are transparently un-American and this is not going to stop until we stop it. He asks that people be on the right side of history.

Keith Hetman of 225 Manning Hill Rd., Winchester, stated that his children go to school in Keene. He continued that he Albert Einstein said: "Respect for authority is the greatest enemy of truth." With all due respect to Dr. Caruso, he hopes the Committee will not blindly follow his advice, but rather ask what his opinion is based on. What scientific evidence is there? Ethically, the onus is on the proponents of the mandate to show the scientific justification for this intervention. If you look at the real world data, it is not so clear that masks work. The progressive Scandinavian countries do not have mask mandates and no strict/forceful interventions, and they are doing quite well. He questions what happens if the Committee pushes this and then next month Dr. Caruso comes to them and says, "We need to follow the lead of NYC and San Francisco and have our children vaccinated in order to attend indoor events." What will the City Council say then? He asks them to please use wisdom.

Peggy Schauffler of Swanzey, stated that as they talk about masks, she thinks they need to look at the immune system. She continued that the immune system is made to come into contact with billions of bacteria a day; that is what keeps it strong. It is like exercising. If we do not come into contact with these bacteria, then we have a weakened immune system. The real issue for her is the manipulation that has been forced on the world. Why? For answers, she went to the Bible, which says that right before Jesus comes, there will be a world takeover, no buy and no sale for those who will not follow along. This is already happening. The pharmaceutical companies will be at the heart of the controversy. The Bible actually spells it out and says 'the pharmaceutical companies will not repent of their murders.' Everyone on Earth has to decide who holds their allegiance. There are only two sides: Jesus's side, and Satan's side. Jesus never forces. He did not force Lucifer, Adam, or Eve, even though their decisions changed the history of the universe. Lucifer always lies,

manipulates, and forces. For her, the force is evil. She cannot support it. She asks the City Council not to participate in force against the Constitution and God's laws. She appreciates the stress Dr. Caruso is under, but she knows several nurses who work at CMC and there were over 100 nurses let go, who were willing to work and wearing masks, but would not have the vaccine.

Dr. Amy Matthews stated that she is the Chief Nursing Officer at CMC. She continued that she is here out of deep concern for the city of Keene, the people of the Monadnock region, and the staff at CMC. She acknowledges that beliefs are personal, and there is equal prominence in the media for facts, stories, and opinions. She asks that they sincerely consider her perspective, a perspective born of expertise and experience. She holds a Doctor of Nursing Practice degree. That is years of study, focused on evaluating research and evidence to make informed decisions in the best interest of patient care and community wellness. Her request is based on the evidence that supports mask wearing as a public health initiative. Research on disease transmission is not new. However, hundreds of US and international studies since early 2020 confirm that this public health initiative reduces the transmission of COVID-19. Masking, and isolating if you have symptoms, is effective. Masking and social distancing in a public place, if you are well, is effective. However, the most effective implementation of masking is as a public health initiative, taken collectively, not individually. This is why mandates are important in decreasing the rate of infection, hospitalization, and death. Her experience also compels her to speak out. Her current experience is a daily concern for the healthcare resources of NH, which are increasingly disproportionate to the need, to the nurses who are at CMC tonight, continuing to work. They are tired. Seven days a week, chief nurses and medical officers huddle to solve for capacity around the state. They do not have ICU beds available. They have minimal medical/surgical beds available. Their options are few, and they are facing their greatest challenge yet. In her past direct-caregiving capacity, the most agonizing experiences she has witnessed is the regret when there was another choice. Harm that is preventable, suffering that is avoidable, and worst of all, the guilt of anyone who has, in part or whole, caused harm. CMC will be here for the community. She asks that people please help them, help decrease transmission, help conserve resources, and let CMC's staff know that they do not stand alone. They need the community standing behind them and with them as they face this present crisis.

Sandra Phipps of 627 Old Walpole Rd., Surry, stated that she works at CMC. She continued that knowing the effectiveness and importance of masking since they entered into this pandemic, she has found that she has no other choice but to come to Keene, which she is happy to do, to do her commerce. She comes to Keene to have access to food, pharmaceuticals, anything else she needs from the pharmacy, and many other services. Having a mask mandate would be very important for her. Others have shared with her that they, too, do not feel safe at times going into businesses if there is not adequate masking. She and they feel that their health is at risk, and they are not adding to the region's economy and supporting local stores. There are times when she does not feel comfortable, even with a mask on, if there are enough people who are not masking or maintaining social distance, and she will leave a store without spending the money she planned to spend there. From that standpoint, this is also an economic factor, regarding what the is doing to local businesses.

Julie Rossall of 423 Elm St. stated that she has worked in a dental office for 18 years and has seen firsthand some of the damage mask wearing is doing. She continued that patients come in from the rain wearing a wet mask, and oftentimes as they remove their mask it drops on the soiled floor, and they pick it up and place it in their pocket or purse during their appointment and place it right back on their face at the end of their appointment. She has seen rashes and skin conditions on people's faces from extended mask wearing. People sneeze and cough in their mask and continue to wear the same one. People are constantly touching their faces as they are wearing their masks, causing cross-contamination, which causes further illness. These are just some of the reasons why mask

wearing is creating more illness around us and why the illness is spreading.

Ms. Rossall continued that according to OSHA experts Tammy Clark and Kristen Meghan, *“We don’t just mask up. This is not only illegal and against our civil liberties, it is incredibly dangerous, unsafe, and unhealthy. When you are dealing with infectious disease patients, these are not the masks that you wear. Even N-95 masks are not fully rated to protect against a virus.”* The virus comes right out the side all masks we are wearing. If you had COVID, you would be spreading it. She continued that the quote continues, *“With these micron sizes, the masks are not rated by the National Institute of Occupational Safety and Health. They are not approved for use. Therefore, this is very bad idea. There have been numerous studies for years based on the flu outbreaks across the world that prove that not only do these masks not work, they are increasing the spread through cross-contamination. People wearing their masks, touching their faces; no one has trained you on how you are supposed to change these out and wear these masks properly. These things increase viral spread. You re-inhale your exhausted, gaseous waste, and you can increase viral load. If you’re ill, not only can you continue to spread it, you’ll be sicker for longer. If these masks worked, we would be the first people promoting them.”* Both of these experts train doctors on how to properly wear the masks. In addition, a CDC study regarding masks reported that *“Among the infected, in the 14 days before illness onset, 71% of case patients and 74% of control participants reported always using cloth face coverings or other masks.”* In conclusion, 85% of people in the trial wearing the masks still got COVID. The CDC said at no time have they suggested that mask wearing was intended to protect the wearer.

Ms. Rossall continued that she and her husband have been foster parents for 11 years. They see firsthand what putting masks on psychologically traumatized children does to them. She has foster children in her home and they cannot enter a building with a mask. They have PTSD and trauma.

John Schmitt of 31 Green Acres Rd. stated that everyone tonight is against the masks except the “medical industrial complex” so far. He continued that they are biased. He believes they are making money off this “scam” and keeping it going. Attorney Thomas Renz says that hospitals get about \$100,000 per COVID-19 patient. CMC is firing people for not taking the , which is wrong, and then they cry that they do not have enough help. They should stop firing their help. He is a retired volunteer firefighter and has worked with all kinds of protective equipment, but never one of these “silly masks,” which he believes are worthless. This “supposed” COVID-19 virus has never been isolated anywhere in the world. The public should be shown the virus before being told they have to do this or have to do that. He is not surprised the masks and vaccines do not work, because there is no virus. PCR tests are worthless. The person who invented them said, “You cannot use this PCR test to diagnose any diseases.” PCR tests are being used to get fake cases. Yes, some people always get sick, and yes, some people die. They should find out why. Hospitals are killing people with deadly drugs like remdesivir. They refuse to allow people the freedom to try useful things, like nutrients and drugs that work, like ivermectin. That is because hospitals are only paid to use their protocols that do not work.

Mr. Schmitt continued that he thinks asking children to wear masks is “government terrorism.” They should not force children to wear masks all day. The Constitution does not say anything about suspending people’s rights over a “fake scam-demic.” He asks the Committee to vote for freedom instead of tyranny and to stop listening to the “medical industrial complex.” Regarding a mask mandate’s effect on business, the City wants people to move to Keene, but that will not happen with masks.

Kate McNally of 36 Cross St., Marlow, stated that she hates masks. She continued that she hates having her glasses steam up, and hates sounding as if she has a mouthful of marbles, but it is not about her. She wears her mask because the research has shown there is a science-based,

evidence-based basis for wearing a mask. It is something that will help prevent the spread of COVID-19. She wears her mask not because she is worried about getting COVID-19, but she does not want to take a chance on somehow spreading it. She thinks that people who will wear a mask are on the less selfish side. She thinks (not wearing it) is fear-based. People fear having their rights taken away, and people fear dying. She works at a cancer center in NH and sees people fighting for their lives every day. These folks are afraid to go out because of the threat of exposure to COVID-19 in places where people are not wearing masks. Putting a mask on is a selfless act. She does not like it and does not like being told what to do, either, but she is willing to take a chance right now to help prevent the spread of this disease in our community. Peer-reviewed studies have shown that getting vaccinated, wearing a mask, maintaining social distancing, and washing your hands frequently work. Her husband is a nurse in a long-term care facility. She wants to support him so that he does not possibly spread the disease to his workplace where he is in charge of helping people stay alive.

Ms. McNally continued that to her, it is a no-brainer that the City would reinstate the mask mandate. It is just a temporary thing they can do to protect the community. A friend of hers, a Public Health Advocate, would say, "An ounce of prevention is worth a pound of cure." She echoes that. It is about prevention. No one wants to take away anyone's rights. They just want to save some lives and take some burden off the community's healthcare system.

Dave Rossall of 423 Elm St. stated that as his wife mentioned, they are foster parents, and have seen the challenges children have. He continued that the biggest point he wants to make is that there are experts in this room, but there are experts all across the country. The tricky business with science is that there are always multiple sides. He thinks it is audacious to assume that the science only goes one way. It is responsible and rational to consider all sides of the equation. Experts are coming forward and speaking out at meetings just like this all across the country, advocating for the fact that the claims of efficacy are not substantiated. The statistics being claimed are not statistically significant. He is happy to hear that COVID-19 rates are wonderfully low at KSC, but coincidence does not equal causality. The fact that something exists in a place and there is a result in that same place does not mean there is a one to one correlation. When he took Applied Statistics at KSC, his final project was a humorous one; he proved a statistical significance that people who wear boxers are healthier than people who wear briefs. He did that for fun to demonstrate that it is possible to do things with numbers to make the point you want to make.

Mr. Rossall continued that he is for the freedom of choice. If people want to wear masks, they can. People can do whatever they choose to protect themselves. People should take responsible steps, like handwashing, coughing into their sleeves, and staying home if they are sick. Of all the difficulty that has come from the , one good thing is that businesses now encourage sick employees to stay home. For a long time it was not like that. He once sat at his desk at work and vomited three times before going home, because he did not want to risk his job. Now, his company tells employees to go home. Full perspective and full consideration to both sides of the equation should be taken. He thinks the Council should err on the side of freedom.

Melinda Savard of 109 Island St. stated that she is against a mask mandate for various reasons. She continued that she is speaking on behalf of (people from) a couple local businesses who could not be here and prefer to remain unnamed. A couple things for these businesses to consider are higher theft, as has been mentioned, and isolate people who have PTSD. How are we addressing Deaf or hearing-impaired people? We are not. It is hard to hear with a mask on. She herself is not hearing-impaired and has a hard time hearing, because she tends to look at a speaker's lips, which is a natural tendency. People with developmental disabilities , and putting a mask on a child with a disability has to be a challenge.

Ms. Savard continued that we are entering peak holiday shopping season downtown. Many businesses rely on this income for their livelihood. We have been through this before. It did not stop or slow down transmission. Last night the conversation in the Keene Facebook group was about how two people who work at two local businesses were both told by their managers to come in to work, even though they were COVID-19 positive. The managers said "just wear a mask." This is not helping the situation. The issue is freedom. She would never tell anyone in here who is wearing a mask that they cannot, or tell someone they cannot get vaccinated. However, it is her right to not wear a mask and rely on her own natural immunity, and it is her right to not be vaccinated. Paper masks say on the box that they do not prevent COVID-19. They are not doing anything. She respects the doctors' and nurses' opinions, but it is her understanding that fitting someone for an N-95 mask takes at least 45 minutes to an hour. When people wear paper masks, drop them on the floor and pick them up and put them back on, that is not doing anything. What is happening in NY and other countries is that it starts with mandating masks, then it is mandating vaccines. We are already seeing some of that here.

Dorrie Masten of 326 Matthews Rd., Swanzey, stated that she owns real estate and businesses in Keene. She continued that she is 100% opposed to masks. That is just her opinion and her belief that they do not work. Half of the people tonight are wearing masks from a box that says the masks do not work against COVID-19. She owns a restaurant and a bar in Keene. In the last week, they have had over 775 customers walk through the door. Of all of those people, maybe five per week have a mask on. They look around and ask staff in a whisper, "Do I have to wear this?" The minute staff says no, the people take off their masks and sit down. Those that do wear masks take them off the minute they sit down at the bar. What is the purpose? She has the heat on. Right now in this room, the air is circulating, the heat is on, and people are wearing masks that do not work, breathing everyone else's air. She asks the City Council to not take away or limit her rights or the rights of her customers. She asks them to also have their phones available for when her bartender, who is 5'2" and weighs 130 lbs., has someone at the bar door confronting her when she tells them they cannot come in without a mask.

Joe Blanchard of Liberty Ln. stated that he is a retired Navy Special Warfare, working with nuclear weapons. He continued that he understands how a mask works. He also understands that everyone here tonight with the blue masks on are now breathing Teflon into their lungs. The report on the front page of the Keene Sentinel the other day that bore a photo of Councilor Filiault is an "out and out fabrication." Being that he was Special Warfare, he goes behind the scenes and finds information. From talking to CMC's nurses, the Police, and local EMTs, the report in the Keene Sentinel that there is no one laying in the ER waiting for a bed or anything like that. He asks them to stop the fear mongering. People do not mind doing things if the narrative is true. But if they are going to control the narrative, and put out false information, . He questions the purpose of this Council, and why Councilor Filiault was on the front page of the paper even proposing this. People have a right to wear a mask if they want to, and people have a right to not have their businesses destroyed, and to not have the city killed. By , the City Council is only causing more problems. Dr. Caruso talked about masks, but the National Institute of Health has issued a report talking about the efficacy of facemasks. They do not work. Anyone with facial hair or a gap in their mask is not working. Next week, the Council will vote on this. He believes that as a service to the people in Keene, this process should be extended, and all the Councilors who are beholden to the people who elected them should find those people and consult them about this. He believes they will find that this is not a popular mandate. He asks them to please stop lying.

Derek Drouin of 8 Ridge Rd., Swanzey, stated that real science is not done with censorship. He continued that all opinions should be available to the public. Thousands of doctors all over the country and the world do not agree with this narrative and push back against it, but the majority of people do not hear their voices. You so often hear "I trust science," but that narrative is

junk. Censorship eliminates science. People are tired of this never-ending narrative of “your carrot of freedom is ‘right over here.’” Too bad, you never get the carrot. Last week, he heard some hypocritical words from the PLD Committee, like “We’re all adults. We can all make our own decisions,” when they were talking about Zoom calls and vacations. Also, “If it ain’t broke, don’t fix it.” Since the mandate has been lifted, he notices that many people in stores wear masks, but many people do not, and he does not see anyone fighting or yelling. He sees a peaceful society where people can coexist. When the City Council makes one opinion law/an Ordinance, all they are causing is more chaos. Why do they want that? They act as if they are concerned about the people, but they do not look like it, when they are scrolling on their phones while people are pouring their hearts out.

Chair Bosley replied that regarding Mr. Drouin’s comments about PLD Committee members’ phone usage at the table, they are using two devices to time each person’s testimony. She continued that that is how they are keeping track of it. The Councilors sitting at the table are 100% listening to what people have to say and are not scrolling on their phones. She would not tolerate that.

Ruthellen Davison of 656 Main St. stated that she is sorry to hear about Councilor Johnsen’s loved one passing. She continued that she is proud to be part of the Keene community. She thinks the community shines brightly, and that people care about each other. She is also proud to live in NH, where the license plate says “Live free or die.” She is not asking for people to die, but she is asking for freedom. She has four examples of people who live in Keene; they might be people the Committee members know, or Committee members themselves or their loved ones. First is a person who cannot wear a mask because it causes harm, such as a war veteran who served for the country and has flashbacks each time they put on a mask, because they had to wear gasmasks. Second is a person who has COPD and cannot breathe properly through a mask, because they are breathing in their own carbon dioxide and it is putting stress on their lungs. They are not smokers but came down with a disease due to the environment they worked in. Third is the person who has asthma, and wearing a mask triggers their anxiety, leading to an asthma attack. That would increase hospitalization. Fourth is a woman, such as herself, who has been raped and had her mouth and nasal passages covered. When a mask is put on, there is post-traumatic stress. She is not looking for pity, but for the freedom to be able to walk around without a mask, just as she asks for the freedom for others who want to wear masks to be allowed to do that. A mandate would not cause community, and she knows the Council is for community. She knows they are people who care about Keene and its constituents. The word “community” has “unity” in it. There is not division. Right now there is peaceful community, with some people wearing masks, and others not.

Anthony Ferrantello stated that he is a transplant from NY and now lives at 84 Woodland Ave. He continued that with all due respect to Dr. Caruso, he has a list of 30 studies showing that facemasks are useless against COVID-19. For the record, he would like to leave it with the Committee so that perhaps they can review it and have the Council research this. They should be careful of having the experts create policy. One has to be a leader and show leadership. Regarding Dr. Caruso’s comments about a lack of resources CMC has, it seems to him that is coming from a position of lack. They need leadership that can plan ahead and create sufficient beds so that one can anticipate any ticks in health needs and separate those who need non-COVID-19 treatment from those who do. The military is known for being able to create running water and sewer in jungles. People have that capability, just not the imagination, apparently, to expand our horizon and see what other entities are doing and copy that and harness that and see what facilities there might be, such as warehouses or tent cities, which, along with sufficient air changes, can create the healthy atmosphere to treat patients. He thinks leadership is the issue to focus on.

Mr. Ferrantello continued that in addition, he thinks psychological coercion is happening when people say to children, “Wear a mask, otherwise you’re going to kill Granny.” There is no proof that masks

prevent the rate of infection. He asks the Council to study this. It is akin to building a chain link fence to try to hold up sand. He thinks of a basketball the size of a COVID-19 and a mask the size of this room. It is going to get in. To quote Dr. Theodore Noel: *“If the coronavirus is indeed transmitted via indoor aerosols, face masks are unlikely to be protective, and thus, health authorities should not assume or suggest that face masks will reduce the rate or risk of infection.”*

Tom Burton of 45 Dover St. stated that he thanks the Council for providing this opportunity for everyone to speak, and he thanks the Attorney for making this happen, because he knows Councilor Filiault tried to bypass this democratic process. He feels sad, seeing the division in this room. This is not what he expects Keene to be and it is not what he has seen Keene to be. Keene is a place of community and embraces people with different ideas and positions, and people in need. Keene is a beacon in that sense, in this area, and he loves this city. His concern is that if they pass a mask mandate, even though it is with good intention, it will increase that division. That is not a good thing. He knows they are well-intentioned and they believe masking will make the community safer. He does not agree with that opinion. He thinks there can be other ways. He asks the Committee to not vote tonight. They are hearing many different opinions and hearing a lot of new information. He requests that they table the vote tonight, so they can take the time to go through the information and make a decision. There are experts coming from different places, but tonight they only have an expert coming from one position. He asks that they consider the other experts.

Cherie Holmes, Chief Medical Officer at CMC, stated she is a trauma surgeon and pointed out that with the lack of beds she is not even sure some of her patients could be treated by her at her hospital, or any hospital in NH or even Boston, but would likely need to be shipped to New York or elsewhere. CMC is suffering from the COVID crisis encompassing New Hampshire and the country. Their staff are doing their part to take care of patients needing care in the community; however, the inflow of COVID patients is unrelenting and increasing. She went on to state that vaccinated, or more often not, COVID patients want the hospital's very best care but their beds and staff are at a shortage. She gave the example that if someone had a heart attack tonight, or a serious car accident on the way home, although CMC wants to take care of you, they do not know that they have the manpower to do so. Additionally, anyone in the room waiting for elective surgery knows that their case has been canceled until further notice because they have had to prioritize their limited resources to care for patients on the floor, adding that masks save lives.

Ms. Holmes reported that, as of the date of the meeting, one in five people in Cheshire County are testing positive for COVID-19. That means that of the 70 plus people in the room, at least 14 are likely spreading COVID-19. She went on to state that data tells us most of the positive cases are also unvaccinated and unmasked. It is lawful to carry a gun, but against the law to stand up and shoot someone in an open venue, yet the unmasked COVID person, either in a closed space such as store or restaurant or in the room for the meeting, is unintentionally sharing their infected breath as an invisible weapon against everyone around them. She stated that they might not even know that they are positive and if anyone in the room becomes positive and symptomatic in the next 72 hours, it is unclear whether CMC, or any hospital in the state, will have a bed for them. She reiterated that masks save lives; they cut transmission risk to you and others by up to 98%. She continued to state that, for those who die by COVID, it is a miserable death described as feeling like a tire belt is around your chest; your nose is stuffed with cotton balls, a thick rag is in your mouth and you are trying to breathe. COVID patients die by suffocating to death. Masks go a long way to saving lives. Ms. Holmes continued to state that if not wearing a mask were merely self-harm to the unmasked individual, then we would not be here; however, unmasked individuals are unintentionally causing harm to others, which is not okay. She stated that masks save lives, the lives of friends and family, the lives of everyone in the room.

James Castagna of 82 Baker Street stated he has lived in Keene all his life, is a business owner and has been in the construction business for over 20 years and knows what a mask does. He has been in attics with insulation wearing a mask and that insulation still gets into his lungs. He went on to

state that COVID is a microscopic virus and to put a mask on people that do not want to wear it is wrong. He added that when they had the mask mandate in the past, it hurt businesses throughout the City. He noted that restaurants are struggling because staff are afraid to go into work or they are getting paid more not to work, mentioning that they are all adults and need to act like it and should be able to make their own choices. He stated that he is not against people wearing masks and noted that he is unvaccinated, has never been tested for COVID, and has not worn a mask throughout the entire COVID pandemic. Common colds he has treated with over the counter drugs from CVS. He added that he understands people are dying and is not saying COVID does not exist, but asked that their freedom not be taken away from them, and that they be allowed to make their own choices. Barbara Hecker of 400 Hurricane Road, Human Resources (HR) Director for one of the larger employers in Keene, stated she came to the meeting optimistically hoping that there would be open minds, adding that she has talked to many medical advisors and sits on a pandemic Scrum team that meets 2 to 3 times a week. She explained that they have medical advisors that help them determine policy for their company, which has offices throughout the United States. She asked them to consider the topic from a business/economic mindset because that, to her, is what the objective of the Council is. She added that they are all very emotional about this, noting that after being in HR for 40 years she has never had to deal with these kinds of emotions. She went on to state that she has also lost a brother, has had family members on ventilators and has a cousin who is a pulmonologist, so she has heard all different sides and she is not taking sides. She stated that when there is a mask mandate she cannot get people into the office. When they had to close their offices last year, and the streets were empty, the COVID cases were not spiking because people were home. When they opened back up, they found that people were happy and mental health issues started to subside because people were no longer isolated. In Florida, they have an office where they do not have a mask mandate and the medical advisor told them they will have ups and downs and see spikes, which is to be expected.

Ms. Hecker went on to state that the Councilors need to make the decision whether to mandate masks, and if they do, she is not going to get people in her building. She asked them to think about that because it is going to hurt businesses. She added that she respects Dr. Caruso and thinks they need to figure out how to help the hospital situation and not put the onus on businesses.

Tim Congdon of 28 Lee Street stated he speaks from personal experience, having both hips totally replaced at CMC after a history of running 51 marathons, noting that he will likely need a new knee soon and would like to be able to go to CMC. However, if it is full of COVID patients who do not wear masks, he is not going to be able to get in. He stated that is his reason for asking them to make mask wearing mandatory. He went on to state that he has a brother dying who refused to wear masks or get vaccinated and nursing homes will not take him, naming that as his second reason to request that they make masks mandatory. Lastly, he stated he has friends on both sides of the aisle but it is personal for him and he thinks masks are necessary.

Dr. Gene Clerkin of 135 Silent Way stated that he has heard a lot of testimony and, as others have said, you can manipulate science any way you want and a lot of it depends on who is paying for the science. For people to stand up and state, "The science says this or that" is really a meaningless statement, even for the esteemed Dr. Caruso. This is because you are not being presented with the science, you are being presented with somebody's opinion of the science. He asked Council to keep that in mind and stated it is their responsibility to go beyond the day's testimonies and do their research. He went on to state that they have studies that are done but when they look at what is going on in real time in the world, and look at places that do or do not have mask mandates, they are not seeing what was predicted. He gave the example of Dr. Fauci mentioning football games that will cause a mass super spread of COVID, yet there are football stadiums filled with people and nothing is happening. He stated there is a narrative and they need to step back and look at where the information is coming from, noting that the CDC is a private organization funded mostly by pharmaceutical companies. The information that comes down from them is not law; it is guidance from a private organization that is in the vaccine business. He stated they are not beholden to Dr. Caruso, they are beholden to their constituents. Last time they debated this, 75% of the people were

against the mask mandate, but Council went ahead and did it anyway. He asked them to consider going beyond what they have been told, adding that a lot of the people present would be happy to provide them with information if they are willing to look at it and give feedback. He stated he appreciates their time and recognizes that they have a lot going on but this is a serious matter and it is bestowed upon them to take the next steps and be willing to have conversations and look further into the information shared with them.

Ian Freeman of 63 Emerald Street stated that with regards to “live free or die,” death is not the worst of evils and freedom is the freedom to choose to make a mistake and to say no. He suggested that the City Council had likely made up their minds before they walked into the room, noting that certainly happened with the BearCat where over 90% of the people in Keene on both political sides came out and spoke against it, but Council approved it anyway. He pointed out that the hearing and what the Council decides will not take away people’s freedoms because they can still go ahead and not wear a mask. He added that he has spoken to multiple Keene police officers and they do not want to enforce a mask mandate, so there is a good chance people will not get ticketed, even if you are a business owner. He recommended, if you do get ticketed, not to pay the fine, demand a day in court and make them get you on trial so you can clog up the court system, and do not pay the fine if you are found guilty. Additionally, if you are willing to go to jail you can sit it off for a night in jail, or you can get the option to do hours of community service.

Lastly, Mr. Freeman directed his comments to the Council and stated it is their job to plow the roads, take care of the sewage system and stuff like that; it is not their job to tell people what to wear, especially in the Live Free or Die state. He added that if they think it is their job to do so, they really belong to Massachusetts or New York and, if he had to guess, that is probably where they moved to Keene from.

Bonnie Kruse of 73 Leverett Street stated a BearCat tank, owned by the Keene Police Department, broke down her door on March 16th and gave her PTSD. The BearCat armored vehicle was clearly opposed by the people, noting 90% of people disagreed with it and the Council still voted to let it in, which she suggested is likely what will happen with the mask mandate. She added that she is a volunteer, radio personality, human rights activist and Vice President of the Mighty Moose Mart located at 661 Marlborough Street or Route 101. She went on to state that she speaks for the Mighty Moose Mart when she says mandating masks is unnecessary. She stated, even if you believe that COVID-19 is a danger to you or that masks are effective, which she was not there to argue about, you should still be against mandating masks. At the Mighty Moose Mart, people come in masked and unmasked every day and no one is turned away for either choice. She stated people can make the choice that allows them to feel safe and comfortable but the mandate goes beyond keeping people safe and comfortable, it creates a situation where every customer service worker in town becomes an unpaid, untrained law enforcer.

Ms. Kruse continued to state that, as a human rights activist, she is against slavery. She asked anyone to raise their hand who agreed with asking people to do things for them without payment, stating she calls that slavery. Additionally, she added that it also puts the workers in an unsafe environment. She mentioned the gentleman that spoke for CMC, and stated that an organization not having positive workers is not the same as scientific evidence proving that masks are effective. She stated she and her friends never wear masks and none of them are dead, noting that that is an unscientific data point. Next, she stated that Councilor Johnsen sent out the same email to everyone who emailed her against the mask mandate, which makes her feel insecure about the state of representative democracy in Keene. She added that no one should believe in that fiction anymore if the Council votes for the mandate, because it is about mandating masks, not about people who are against masks in general or people who are for it. Additionally, she stated that one should be considered a child abuser if they give their children a shot that has not been around for more than 10 years because they are afraid of a virus that the children will certainly survive. She stated that they must stand up for the average business owner in Keene because they will suffer the most while hospital operators will profit in federal money from keeping the fear alive.

Katherine Richardson of 30 High St., stated she owns property in Keene and works in Keene and is not present to say yay or nay to the mask mandate but to voice her significant disappointment in the CDC, FDA, NIH, WHO, Dr. Fauci, President Trump and President Biden in not using the past two years to push health. She stated that no one at the meeting had talked about real health, meaning good diet, sleep, reducing stress and exercising. She stated the healthcare system does not mention that either, all they have heard is about masks, vaccines and social distancing. She noted that she believes 90% of the people who died from COVID were obese, had comorbidities, or both. She stated they might have been able to reduce those deaths in the past two years, and CMC would not have the problems that they do now, if they had been pushing real health. She suggested that, if the Councilors approve the mask mandate, they make it contingent on CMC and the Keene Sentinel promoting good diet, sleep, exercise and stress reduction. She continued to add that personally she benefited from the aforementioned health practices, which allowed her to eliminate an autoimmune disease and stop taking medication. She mentioned that it may not be possible for everyone but felt it would clear up some of the hospital beds.

Jared Goodell of 39 Central Sq. stated that in 2018 NH had the highest fatality rate in the country in a specific category. He continued that 71% in 2018, compared to a national average of 43%. The category is seatbelts. NH also had a 22% higher occupant ejection rate in a motor vehicle crash than those states that have a seatbelt law. NH's absent law puts a stress on CMC when a victim of a car accident is injured after having chosen not to wear a seatbelt. Nonetheless, NH citizens accept the risk of not wearing a seatbelt. The state's motto is "Live free or die." Most people do not know the rest of the motto. In 1809, General John Stark coined the phrase: "Live free or die. Death is not the worst of evils." In NH, citizens value their freedoms. We value our right to choose. Live free or die is a motto we embrace. You might label those opposed to the mask mandate as "uneducated" or "science deniers," but these people are your constituents and neighbors, NH citizens who live by the state's motto. Dr. Caruso commented earlier that they tried personal choice and that people made the "wrong choice." He is shocked that a medical leader would call people's personal medical decisions "wrong." Any doctor he has ever had has always provided him their medical opinion, and then said, "Think about what is right for you and your family." When your doctor gives you a major diagnosis, do you consider getting a second opinion? Is there a reason it is called a "medical opinion"? Has the Council considered getting a second opinion on this matter, from a peer of Dr. Caruso?

Mr. Goodell continued that he operates a large business in Keene and sees hundreds of community members walk through its doors each week. Recently, there has been an uptick in customers wearing masks. Many are choosing to wear masks right now because of the increased cases, or whatever reason they choose. They have that right. Businesses have the right to require their patrons to wear masks. Most business leaders in the community are choosing not to require masks. The reason is that it is not conducive to business. It creates tension and stresses employees who are on the front lines of defending mask requirements. With that said, businesses should have the choice to require or not require their customers or employees to wear masks. In 2020, several longtime Keene businesses were forced to close as a direct result of COVID-related restrictions. He fears that if this mandate is put into place that will happen again.

Mr. Goodell continued that sometimes you have to be smarter than the herd. The people who are willing to wear masks are already wearing them. The people who refuse are not going to start wearing masks because the Keene City Council passes an Ordinance. In fact, they will likely further dig in and further refuse to wear a mask *because* they passed an Ordinance.

Michael Rigoli of 64B West St., Swanzey, stated that he owns Fritz in Keene. He continued that he did not know what he was going to say tonight, and it helps to have listened to others tonight. He wrote a letter to the Council and he hopes they all read it. He owns a very popular restaurant and routinely has customers who are nervous about removing masks, because they do come in with masks. Fritz has a lot more customers who wear masks these days than before. He has the ability to calm down a bit and be relaxed in the restaurant. He does not believe that people who are talking

about forcing people to wear masks understand what it has done to the general public. He deals with this every day. Because of his education and background, he has been able to make modifications in the restaurant that has given them the opportunity to not have a single issue with COVID-19 in the restaurant in two years. He has shared this information with the City, the Governor, and several Councilors. They have not made any effort to do anything else other than what the medical community has asked, which he was always 100% opposed to, not because COVID-19 does not exist, but because it never did enough to fix the problem. He does not believe in masks. He thinks they are useless. As a former nuclear power plant operator, he has worn protective clothing, the type that really does protect you. He doubts that Keene's Fire Chief would ask a firefighter to enter a burning building filled with smoke without their Scott Air-Pak on, which he used to wear on a regular basis. The smoke is so large they can actually see it, and would not actually be stopped by "those foolish masks that everyone wears," instead of wearing something that would actually protect a person. He would not want to go in there like that. He is an engineer. If Dr. Caruso is interested in understanding the other things that exist that could have dealt with this passively instead of forcing people to do things, he has all the time in the world to educate him, or the Council, or the Community Development Department or Code Enforcement Director or anyone else.

Ann Savastano of 75 Winter St. stated that she appreciates the opportunity for the public to speak. She read a written statement:

"The proposed Ordinance, O-2021-16, seeking to mandate the wearing of facemasks, not only in public places but in all private businesses, causes me to have some concern. My primary concern with regard to this proposal is that it would infringe on some of the most basic freedoms of individuals, which at least the United States of America's government is constituted to protect. Our government is uniquely for the people, by the people, and of the people, and is meant to establish and to protect individual freedoms and not to usurp them. Overriding the personal choice of individuals for the common good may be warranted in extreme cases, but I believe that mandating individuals to wear masks in private businesses for their own safety is a curious irony, and substitutes government mandates for personal responsibilities. I also fear for the precedent which would be set if this Ordinance were to pass. If a mask mandate to protect us from individual irresponsibility can be instituted, then why not a vaccine mandate? And if this mandate can reach into the space of private businesses, why not next into private residences? Given that the concern is for vulnerable individuals, whether due to age or underlying conditions, then shouldn't these individuals be the ones to decide what measures of protection they should take? Wouldn't a government mandate aggregate their personal responsibility to protect themselves as they see fit? I do believe that each private business has the right to determine what it wants to require, in terms of masks or other protective measures, and I would respect their decisions. For that matter I would respect the City's decision to require masks in City-owned buildings. But this requirement is not within the proper purview of the government to determine and impose upon private businesses and would seriously infringe upon individual freedoms and further jeopardize those rights by setting an unwise precedent. I do believe there are other ways to deal with it. I think looking at the studies that Dr. Gene Clerkin has offered to give and what Michael Rigoli was mentioning would be wonderful to look into."

Jodi Newell of 32 Leverett St. stated that there has been a full conversation tonight about the medical perspective and she would like to bring the perspective a mom. She continued that not only has she lost multiple family members to this, but over the last few weeks both of her children have tested positive for COVID-19. Each of her sons' experience of COVID-19 was different. One's experience was mild with a low-grade fever, and the other had cold symptoms and a high fever. She works as an advocate for homeless people and has been vaccinated since the very beginning. She did not get her children vaccinated. The timing did not work out given her work schedule and she began not taking COVID-19 very seriously. She thought it was a good idea to get her children vaccinated but just had not done it. Her sons, who have each had COVID-19 and lost family members to COVID-

19, do not care about wearing masks. They care about losing , who was alone in a hospital room with no one to comfort her except the nurses. Family was not allowed in. That is what affected her children and herself. Her takeaway from the experience was that she could not believe she had gotten so lax and had not gotten her children vaccinated, and what might have happened if she had not taken that simple step, and that simple step led to severe consequences for her children. Wearing a mask, just a piece of fabric, is not a big deal. She knows masks mandates are hard and that this is a tough decision for the Council to make. She appreciates them listening to everyone. If it comes down to business owners making the decisions about their own stores, she asks them to think about the experience she had as a mom, thinking that there was this very simple step they could have taken to spare her children from what they went through.

Melissa stated that for the privacy of her husband, she will not disclose her address, because he is a public servant. She is Canadian and moved to NH when she got married about eight years ago. She has compassion for anyone who has had to see a loved one suffer due to this. She continued that she has a problem with the lack of transparency. She is an RN and could have been a resource to CMC, but the lack of bodily autonomy disallows many people who are qualified and want to help their community from being able to do so. The lack of resources is created internally by what she believes is mismanagement, so they should not blame the public and enforce things on the public. CMC made bad decisions. If this hospital opened its doors and said they did not care if was vaccinated or not, many people would flock over and apply. As an RN, when she assesses a patient, she wants to know everything about them. If someone walks through the door of the Emergency Room with COVID-19 symptoms, they should be tested, and given extra oxygen if needed, but they cannot say a mask mandate is the solution in the community if they are not also assessing whether someone has been wearing a mask. If hospital staff are not asking whether patients have been wearing a mask, how do they know the individual contracted COVID-19 because they were not wearing a mask? She also sees division with the terms people are using, like “anti-masker” and “anti-vaxxer.” That is repulsive to her. The number one ethics she learned in nursing school was about bodily autonomy and the autonomy of your patient. Imposing protocols on people in the community when they do not want it is wrong and makes people push back even more. In nursing school she heard about cultural differences in care, such as Jehovah’s Witnesses declining blood transfusions for their children, and she was heartbroken and did not understand their position, until she was forced to all of a sudden no longer have a choice for her own bodily autonomy. That serious discussion is not happening here. She has seen how mask mandates have quickly evolved to QR codes, which is nonsensical. Acting like half the population is a walking disease is dangerous. She asks the Council to do their research.

Rachel of 186 Barnett Hill Rd., Walpole, stated that she works for a business in Keene. She continued that she moved here from NY last year, because NY was trending in a terrible direction. When she moved here, she was excited and applauded the City’s efforts to keep Keene safe by putting measures in place, and applauded the City for foregoing the draconian measures other states were using. Then she saw that even with the data and information available, Keene put a mandate in six months after the start of a pandemic, which essentially gave COVID-19 a runway to be here for six months. They may dismiss her because she is not a virologist, epidemiologist, or doctor, but she works at a business that works with fabric, which is specially woven to create a situation where particles cannot pass through. According to the study “Modality of Human Expired Aerosol Size Divisions,” 99% of particles emitted from coughing during colds were less than 5 microns in diameter. Most cloth fabric is not specially woven to create a barrier that prevents viruses from going through. She would be willing to accept the premise that the reason for the mandate in 2020 was for community safety, given that COVID-19 was still relatively new and mask mandates were still largely prevalent and the protocol was touted as necessary given the available data. However, based on the new information we have learned over the last two years, the facts no longer support that. There is no longer a State of Emergency in NH. The State has not had a mask

mandate since April. From the vast array of information available, there is no hard and fast data to prove that masks are necessary technology to combat COVID-19. Using evidence for community cloth masking to limit the spread of COVID-19, of 16 randomized controlled trials this study reviewed, which compared facemasks to no facemask control groups, 14 of those 16 studies failed to find a statistically significant benefit of masking. The paper also points out that high quality clinical evidence is the only thing that can establish cloth mask wearing works under real world conditions, and of the two randomized controlled trials of the efficacy of masking against the spread of COVID-19 – Rachel stopped her sentence and continued that her point is that there is information to say that masking does not work. There are entire papers. There are thousands of documents that say masking does not work. She does not know how the Council denies that information exists. Doctors here tonight have said it to them. For the Council to then tell the community that they have to wear a mask, even though there is evidence that it does not work, is scary to everyone.

Kathy Willbarger from Marlborough stated that she is the Chief Operating Officer at CMC. She continued that CMC has been here for the community and always will be. That is their job. As COO, she is working hard with everyone to be creative for how they will take care of the community today and in the near future as the COVID-19 cases rise and they have the staffing challenges. They did not lose many staff members due to the vaccinate mandate. CMC is struggling and needs the community's help. She asks people to please trust science and help their local community hospital.

Ben Robertson of 20 West St. stated that he has written the Committee a couple letters. He continued that the University of Minnesota did a comprehensive survey and said you cannot prove that work, especially within the context of the general public. He appreciates the Council trying to protect the community and appreciates the Council's service to the community as Councilors. He thanks them for that. He also would really appreciate it if the Council would use some restraint in exercising their power. He knows they have the legal authority to create a mask mandate and he asks them to please look at the article he sent them and think about it. They would be imposing something that is not supported by science. He does not care how many highly paid bureaucrats say it is; it does not mean they are right.

Molly from Nelson stated that someone talked about how they wear a mask because it is important but they do not like it because it fogs her glasses. She continued that she wants to know how a person's glasses become fogged, if the mask works. How does your breath get into your glasses? To her it sounds like masks do not work. If your breath can get out, stuff can get in, too.

Chair Bosley stated that they have gone through all of the speaker cards and she does not see anyone else wishing to speak. She asked for the Committee's thoughts and discussion about the information they have heard tonight. They have heard a lot of amazing comment and for the most part have had a productive conversation tonight.

Councilor Greenwald stated that there is a lot of emotion on both sides of the discussion. He continued that he wants to send a personal thank you to everyone who called or sent emails, which he is sure every Councilor received. He received so many emails he could not send individual replies. He read the emails and sent a quick "Thank you for your comments" in reply. It was overwhelming. In all of his years as a Councilor, he does not think he has ever had so much contact with the public on an issue. This evening they took comments from not just Keene residents, but also all the surrounding towns, which is a strong statement about representative government in Keene. He does not think the surrounding towns would necessarily want to hear from Keene in the same way.

Councilor Greenwald continued that in terms of the issue, it is very difficult for him. He has gone back and forth all week. He spent a lot of time walking up and the streets talking to people, and the

last time he did that, it was involving parking meters, which also brought out a lot of passion. It is very difficult. He could argue both sides. He understands both sides of the discussion. However, ultimately, he will have to make a decision. For clarification, the process is by the Committee. It is not a Town Meeting; it is not a matter of how many people spoke this evening, or a raising of hands, or something of that sort. The process now is for the PLD Committee to discuss this and make a recommendation to the full Council. A week from Thursday, the full Council will discuss this. That is when the actual decision will be made.

Councilor Greenwald continued that an issue he is wrestling with, and that he wants the Committee to consider, is that this should not be an open-ended Ordinance. He would like it to have a review process where every, say, 60 days, it is reviewed and considered for termination if the situation is such that it is not necessary. He does not think it has to go through the entire process that the Ordinance had to, with a reading and going back and forth to the Committee. It could just be fast-tracked through the Council for that. In terms of the process that has gone on to get us to this evening, yes, they could have suspended the rules and just jammed it right through, but he thinks that would eliminate all public comment. Thus, whether the Committee agrees or disagrees with what members of the public said tonight, they heard everything. Yes, they do represent the public, and they have to make the best choice for the community as a whole. He sees this as a health issue. He does not see it as monetary, such as whether a business is going to somehow be impacted. It is all about health. They need to decide, based on what they have heard this evening and other research, where they will come down on this. He thanks everyone for coming tonight.

Councilor Jones thanked everyone for coming tonight, and stated that this is how the system works. He continued that he took notes on what every person said, and plans to read and digest it all. He is already thinking, because of what was said, of making some amendments. He would not do that tonight; he would wait until the Ordinance gets before the full Council. He wants to read people's comments over again and consider some amendments. He is glad the process worked. Every Councilor here has the public in their best interest and he thinks everyone here tonight is the public, and it is important that the Committee did listen to them. The Committee will consider everything that was said.

Chair Bosley stated that every Committee member came in tonight with an open mind and wanted to listen to the community members. She continued that she is not sold on the Ordinance that was presented to the Committee. It was a matter of fast tracking something through because of a public health concern. She honestly believes that whether they mask or not is not necessarily going to make a difference in the numbers they see in the hospital. Anecdotally, her experience is that the transmission is occurring through our human behavior. People are having birthday parties, girls' trips, going out to dinner, and so on and so forth. People's entire behavior has changed in the last 12 months. She is seeing the transmission happening at children's soccer games, in the backseat of the car on the trip to Boston, at a baby shower. It is at these places where the Ordinance is not going to reach. She hears the concern of the community in the over-reach of the Council, and she wonders if what they are trying to impose would create a negative emotional impact and not accomplish what the goal is, which is to assist the hospital. She would have to see a worked-over version of this Ordinance in order to support it.

Councilor Johnsen stated that she has a question for the City Attorney. Does the City Council have something that tells them that they are responsible if a health issue like this occurs? She continued that she sees this as a health issue. Is there something in the law that says the Council has a responsibility to protect the community?

The City Attorney replied that that is a rather broad, philosophical question. He continued that he thinks many people from both sides of the political spectrum would agree that the primary purpose of

any form of government is to protect the community's health, safety, and welfare. That is an easy thing to say. How to go about doing that is different; that is where the policy issues come into play. Certainly, there are laws that deal with public health in general. Is there a law that deals specifically with this situation? The answer to that question, outside of the general authority to adopt this kind of an Ordinance, is no. It really does come down to the policy decision, and listening to all of these good people here, and anyone else that the Council is listening to, and trying to make the best decision that they can on the broad philosophical point, which is public health, safety, and welfare.

Councilor Johnsen stated that it is important to note that they are dealing with something that really no one knows much about, except the medical professionals. They are looking in people's eyes and seeing this happening. They know where they are coming from. However, everyone has a right to be angry. She is angry that we are dealing with this, but that is a given, for 2020, 2021, and who knows how long. We are just trying to find a way to live with whatever this is that is trying to kill us. is a killer, no matter what we think. As the Committee listens to the public, do they make decisions whether it is private or public? That is one of her questions. Do they make decisions that everyone should require a vaccination? That would not go over well.

Councilor Johnsen continued that it is a pain to have to wear glasses and a mask; she knows that. She does it, though, because she believes in the masks, because she is a senior, and her family really requires that she take good care of herself. She wonders if there is some apparatus that could be recommended to , that might help with that issue. The woman who said "it is coming out all over the place" is right.

Councilor Johnsen stated that she appreciates Dr. Caruso showing up. She knows this is challenging, when he is out there in the trenches. She appreciates what he shares with the Council, and wants him to know that she very much respects what he is doing. Many decisions he makes affect her teenage grandson, whom she is helping to raise.

Councilor Workman stated that she, too, wants to thank everyone for their input and comments tonight, as well as over the course of the last few weeks. She continued that she, too, received many emails and phone calls and could not respond to every one. She did a quantitative analysis of those emails, and it is interesting that there is a down the middle split for yay and nay, based just off that email correspondence. She continued that she sees people shaking her heads, but she saved the emails and this is true. She sees the mask Ordinance presented to the Committee as needing some reworking and wordsmithing, but she does think that if human behavior is contradictory of where we are right now, our human behavior is not working. Thus, she thinks we do need more extensive measures at this point. She is in favor of a mask mandate, maybe just not this one presented in front of the Committee today.

Councilor Jones stated that he somewhat agrees with Chair Bosley and Councilor Workman. He continued that he thinks there is room for wordsmithing. As he said earlier, he would like to see the sunset clause removed, but he does not think the Committee should make amendments tonight. He does not think they should send an A version to the City Council. It should go to them as written, and then , they can all make amendments and adjustments as needed. Everyone has a right to make a recommendation or an amendment, but that is just his feeling. He wants to hear the opinions of all 15 Councilors before they start making amendments.

Councilor Johnsen replied that some Councilors are here tonight. She asked if they can check in with them. Chair Bosley replied that there is no motion on the floor. She continued that they are considering sending the Ordinance to Council to be debated at full Council. If the Committee tried to come up with the amendments, they might spend hours doing it tonight, since the PLD Committee

likes to be very thorough in its rewrites. If they rewrite and send it back to staff with suggestions, the PLD Committee's rewrites might be completely taken apart at the Council meeting again. Amending things at Council is very difficult.

Chair Bosley stated that to the people in the room tonight it probably felt like there were more people on one side than another, and although she does not have all of the records, because she wanted to concentrate on the testimony, she has all of the speaker cards. There are 42 speaker cards opposed and 11 in favor. There were also a few speakers who did not fill out cards. Her goal, out of this deliberation process, is to get something in front of the full Council. She asked if the other Committee members agree.

Councilor Greenwald replied yes, he wants to see it front of the full Council, but he sees there is a blank Section L, and he wants to fill in that blank. That would turn the Ordinance into an A version. The City Attorney replied that is correct. He continued that the blank in Section L is regards to the issue of sunseting. The Council could decide next Thursday. Councilor Greenwald asked if the City Attorney is suggesting the Committee send the Ordinance with the blank space. The City Attorney replied yes.

Chair Bosley stated that before the Committee moves to make a recommendation on this either way, she has a piece of housekeeping – a letter was submitted to the City Council Debra Bowie, which is agenda item 3). She continued that she does not know if Ms. Bowie is present tonight. If she is not here to speak on behalf of her letter, she wants to acknowledge that it was in the Committee's agenda packet and when they make a recommendation, they will also be acknowledging that letter.

Councilor Greenwald made a motion for the Planning, Licenses, and Development Committee to recommend adoption of Ordinance O-2021-16. Councilor Jones seconded the motion.

Councilor Greenwald made a motion to amend the motion, creating O-2021-16A, substituting Section L, which says, "This Ordinance shall automatically terminate without the necessity of further action by the City Council on (blank) date," with "This Ordinance to be reviewed by the Keene City Council for termination every 60 days."

Chair Bosley asked if Councilor Greenwald could include in his motion an acceptance of Ms. Bowie's communication. She continued that they took items 3) and 4) together tonight.

Councilor Greenwald made a motion to accept the communication in support of the mask Ordinance. Councilor Jones seconded the motion.

Councilor Johnsen stated that she seconds Councilor Greenwald's amendment.

Chair Bosley stated that the motion is to amend the original motion to recommend adoption of Ordinance O-2021-16 and turn it into an A version with the language that Councilor Greenwald read, and to accept the communication in support of the mask Ordinance.

Councilor Jones stated that he agrees with part of it and disagrees with another part. He asked how to do that. The City Attorney replied that that is a good point. He continued that the best approach would be to revoke the motion, with the approval of the person who seconded it, and start over.

Councilor Greenwald stated that with the consent of the second, he withdraws his motions. Councilor Jones stated that he consents.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted the communication in support of the mask Ordinance.

Councilor Greenwald made a motion for the Planning, Licenses, and Development Committee to recommend adoption of Ordinance O-2021-16. Councilor Jones seconded the motion.

Councilor Greenwald made a motion to amend: "This Ordinance to be reviewed by the Keene City Council for termination every 60 days." Councilor Johnsen seconded the motion to amend.

Councilor Jones stated that he is opposed to the amendment, not necessarily because he disagrees with it, but because he prefers not to send an A version to the City Council. He continued that he prefers to do all of the amending when they get the input from the full Council. He will vote no on the amendment.

Chair Bosley called for a vote. The motion to amend passed with a vote of 3-2. Councilor Jones and Councilor Workman were opposed.

Chair Bosley asked for comments on the amended motion. Councilor Jones stated that it changes to an A version now. Chair Bosley called for a vote.

The amended motion passed unanimously with a vote of 5-0. Chair Bosley stated that the Ordinance now moves forward to the full Council. It still needs a lot of work. The public will see 15 Councilors debate it on Thursday, December 16.



CITY OF KEENE

O-2021-16-A

In the Year of Our Lord Two Thousand and Twenty-one.....

AN ORDINANCE Relating to the Wearing of Face Coverings.....

Be it ordained by the City Council of the City of Keene, as follows:

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded text to Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

Section 66-170. Statement and Intent.

- a) COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and
- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

PASSED

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties within the business premises, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any enclosed indoor business for any purpose, are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators ("Common Areas") unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
- d) As used herein, "business" is defined as any place, premises, or location within a premises ("Premises"), operated either for profit or not for profit, which is generally open to, or accessible to the public, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, fitness centers, personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that "business" shall not include any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein "face covering" means a covering made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials. The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
- f) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.
- g) A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their

health or safety. The individual shall not be required to produce documentation or other evidence to verify the condition.

- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.
- l) **This Ordinance shall be reviewed for termination every sixty (60) days by the City Council, or sooner at the discretion of the City Council.**
- m) Businesses in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.

George S. Hansel, Mayor



City of Keene

New Hampshire

Mayor & Council –

The mask ordinance has been reviewed by City Staff.

We have included amendments to the language in the attached document for your consideration. The amendments address conflicts in the ordinance experienced when it was last implemented and clarifies that the ordinance applies to interior business only.

If a mask ordinance is adopted, I would ask that you consider the language included to address conflicts that arose the last time it was put in place. These changes are:

Page 1 Section 66-170 (g) delete the word “between”

Page 2 Section 66-171 (a) add the word “interior” and delete the reference to City Health official. We do not believe the health officer should be inspecting proposed barriers of separation at businesses.

Page 2 Section 66-171 (d) add the word “interior” and clarify definitions

Page 2 Section 66-171 (e) reference the CDC definition of face coverings. This has evolved overtime.

Page 3 Section 66-171 (j) adds the words “that may be”. This change is housekeeping.

Page 3 Section 66-171 (k) deletes reference to “State of Emergency” and adds the word “Pandemic”. This is housekeeping.

Page 3 Section 66-171 (l) includes language recommended by the PLD committee to address how/when the ordinance will be terminated.

Elizabeth Dragon,
City Manager

Twenty-one

Relating to the Wearing of Face Coverings

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- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet ~~between~~ from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties within the interior business premises, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any enclosed indoor business for any purpose, are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators (“Common Areas”) unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
- d) As used herein, “business” is defined as any interior place, premises, or location within a premises (“Premises”), operated either for profit or not for profit, which is generally open to, or accessible to the general public without charge, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, non-membership fitness centers, and personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that “business” shall not include houses of worship, or any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein “face covering” means a covering in compliance with the recommendations by the Centers for Disease Control and Prevention ~~made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials.~~ The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
- f) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.
- g) A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health

or safety. The individual shall not be required to produce documentation or other evidence to verify the condition.

- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance, and any recommendations or requirements to the public. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that a ny business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance that may be issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency Pandemic that are more restrictive than as stated herein.
- l) ~~This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City of Keene, on _____.~~ This Ordinance shall be reviewed for termination every 60 days by the City Council, or sooner at the discretion of the City Council.
- m) Businesses in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Redistricting of Ward Lines – ad hoc Redistricting Committee Ordinance O-2021-15**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends Ordinance O-2021-15 be adopted and be effective January 1, 2022.

Attachments:

1. Ordinance O-2021-15_referral

Background:

Kendall Lane of 5 Hastings Avenue and City Clerk Patty Little were the next two presenters. Mr. Lane stated he is before the Committee as Chairman of the City's Re-Districting Committee. Mr. Lane recognized Marilyn Houston member of the committee also present today.

Mr. Lane stated this is the first time the City Council has had the opportunity to be involved directly in the redistricting process. He noted this system would be effective as of January 1, 2022. Mr. Lane turned the presentation over to the City Clerk to review the highlights of the ordinance being proposed.

City Clerk Patty Little stated as always with ordinances, the City looks at other cities and often can find a sample that would work for the City. She noted majority of the cities were facing the same situation as Keene in terms of this delay of the census data. The City has actually modeled one.

The first section defines the Ward - the concept of Ward but the important part is the sentence which states " *elected Ward officers in office at the time of redistricting in City Wards shall continue in their offices until the end of the terms for which they were elected*". Ms. Little stated this is a component they have always put into a charter amendment sort.

Section two talks about the process to amend and that's really the language of the Charter so the Charter amendment that passed provided for the public hearing, provided for different notice requirements – staff is just mirroring that language and have made reference pursuant to Section two.

Next is the Ward line descriptions; boundaries of the five wards. She noted the City is very data driven, the State is not and they are anxious for Keene to complete its Ward lines and noted Keene had a completion date of January 1, 2022 and Keene has met that goal and is the first City to actually hit that goal. She noted this is the third time Mr. Lane has Chaired this committee and he knows what the steps are - establishing that criteria is important and that was done first for the entire process. Ms. Little also commended the able assistance Will Schoefmann and the technology which helped with this process.

Councilor Hooper thanked Mr. Lane and City staff for this work on this item.

Councilor Chadbourne thanked the committee members who put in numerous hours working on this. Councilor Chadbourne added she is happy to be back in her Ward.

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

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends Ordinance O-2021-15 be adopted and be effective January 1, 2022.



CITY OF KEENE

Ordinance O-2021-15

Twenty-one

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to City Ward Lines**

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended, are hereby further amended by adding a new Chapter 3. to be entitled "Wards" as follows:

Chapter 3. – WARDS

ARTICLE I. – CITY WARDS LINES

Sec. 3-1. - Wards defined.

The City of Keene is hereby divided into five wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the terms for which they were elected.

Sec. 3-2. - Amendments to boundaries.

Pursuant to Section 2. of the Keene City Charter, if necessary to comply with any Constitutional requirement to equalize populations, the city council shall review the ward boundaries and, shall, by ordinance, re-divide the city into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the city council, at such time and place as the city council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk.

Sec. 3-3. – Ward line descriptions.

The City of Keene shall be divided into five (5) wards, the boundaries of which shall be as follows:

Ward 1: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence southerly on Main Street to Emerald Street; thence westerly on Emerald Street

to Wilson Street; thence southerly on Wilson Street to Davis Street; thence westerly on Davis Street to Ralston Street; thence southerly on Ralston Street to Winchester Street; thence westerly and southerly on Winchester Street to the junction of NH State Highway Routes 10; 12 and 101; thence westerly on NH State Highway Routes 10; 12 and 101 to the junction of State Highway Route 9; thence westerly on State Highway Route 9 to Ash Swamp Brook; thence southerly along Ash Swamp Brook; thence southwesterly along a cleared 60 foot wide property right-of-way to Base Hill Road; thence southerly to the Keene/Swanzey town line; thence easterly and southerly along the Keene/Swanzey town line to the Keene/Swanzey/Marlborough town line; thence northerly and easterly to NH State Highway Route 101; thence westerly on NH State Highway Route 101 to Optical Avenue; thence northerly on Optical Avenue; thence easterly on Optical Avenue to Marlboro Street; thence northwesterly on Marlboro Street to Eastern Avenue; thence northerly on Eastern Avenue to Water Street; thence westerly on Water Street to Beaver Brook; thence northerly and westerly along Beaver Brook to Harrison Street; thence northerly on Harrison Street to Roxbury Street; thence westerly on Roxbury Street to the point of beginning.

Ward 2: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence easterly along the northern and eastern boundary line of Ward 1 as previously described to the Keene/Swanzey town line; thence easterly along the Keene/Swanzey town line to the Keene/Marlborough town line; thence northerly to the Keene/Marlborough/Roxbury town line; thence westerly along the Keene/Roxbury town line to Otter Brook; thence northerly and easterly along the Keene/Roxbury town line to the Keene/Sullivan town line; thence westerly and northerly along the Keene/Sullivan town line to the Keene/Gilsum town line; thence southwesterly along the Keene/Gilsum town line to the Public Service of New Hampshire right-of-way; thence southeasterly along the Public Service of New Hampshire right-of-way to NH State Highway Route 9; thence southwesterly along NH State Highway Route 9 to the discontinued Gilsum Street right-of-way; thence southerly along the discontinued Gilsum Street right-of-way to Gilsum Street; thence southerly on Gilsum Street to Howard Street; thence southerly on Howard Street to Cross Street; thence easterly on Cross Street to Pine Street; thence southerly and easterly on Pine Street to Washington Street; thence southerly on Washington Street to Central Square; thence southerly on Central Square to the point of beginning.

Ward 3: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence northerly along the western boundary line of Ward 2 as previously described to the Keene/Gilsum town line; thence southwesterly along the Keene/Gilsum town line to the Keene/Surry town line; thence southwesterly along the Keene/Surry town line to Old Walpole Road; thence southerly and easterly on Old Walpole Road to Maple Avenue; thence southwesterly on Maple Avenue to NH State Highway Route 12; thence southeasterly on NH State Highway Route 12 to the junction of NH State Highway Routes 9 and 10; thence northeasterly on NH State Highway Routes 9 and 10 to the overpass on Court Street; thence southerly on Court Street to Central Square; thence southerly on Central Square to the point of beginning.

Ward 4: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence northerly along the western boundary line of Ward 3 as previously described to the Keene/Surry town line; thence southwesterly on the Keene/Surry town line to NH State Highway Route 12; thence southerly on NH State Highway Route 12 to the Summit Road discontinued right-of-way; thence southerly on the discontinued Summit Road right-of-way to Summit Road; thence southeasterly on Summit Road to Park Avenue; thence southeasterly on Park Avenue to West Street; thence easterly on West Street to the point of beginning.

Ward 5: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence southerly along the western boundary line of Ward 1 as previously described to the Keene/Swanzey town line; thence westerly along the Keene/Swanzey town line to the Keene/Chesterfield town line; thence northwesterly along the Keene/Chesterfield town line to the Keene/Westmoreland town line; thence northeasterly along the Keene/Westmoreland town line to the Keene/Surry town line; thence easterly along the Keene/Surry town line to NH State Highway Route 12; thence southeasterly along the western boundary line of Ward 4 as previously described to the point of beginning.

George S. Hansel, Mayor

In City Council November 18, 2021.
Referred to the Finance, Organization
and Personnel Committee.
Public Hearing on set December 2, 2021 at 7:20 PM.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 16, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Fire/EMS Training and Public Education Revolving Fund Resolution R-2021-48**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-48.

Attachments:

1. Resolution R-2021-48_Referral

Background:

Deputy Fire Chief Chickering addressed the committee and explained current fiscal policies adopted by the Council on September 5, 2019 emphasis the use of stabilization funds. Revolving fund is a stabilization fund established for a particular purpose. The revenue is deposited in the fund and is allowed to accumulate from year to year and not considered part of the City's general fund surplus. Revenue generated by the revolving fund activities subsidize the expenses of the activity, thus keeping the funding outside the general fund resulting in no impact to the taxpayer.

The Manager noted to the City Attorney - the language of the proposed Resolution talks about all revenues received and asked whether it needs to talk about expenses as well. She indicated this is meant to be a fund that tracks both expenses and revenues associated with training and nets out the two. In most cases, it is a simple net out with no impact at all. However, there are times when there is a little bit of revenue left in the fund. This differential would remain in this fund from year to year and could be built on. She stated one of the things she wanted to clarify is that we are not simply separating the revenue; we are in fact doing both revenue and expenses. She asked whether the language in the Resolution needs to be amended to reflect that. The Manager clarified by paying the expenses from this fund those expenses are not being budgeted in the General Fund for this activity.

Attorney Mullins in response stated the way it is written, you are to pay all expenses from this fund and the key words are payroll, equipment and agreed all of those expenses are being paid out of this fund.

HR Director Beth Fox stated the language that is used for this Revolving Fund is similar to that used

for the Police Special Detail Fund established in 2020.

Chair Powers explained this is much like an Enterprise Fund – it is not operational, it is going to provide an educational program and will be paying for tuition and fees for people hopefully from outside the organization.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a 3-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-48.



CITY OF KEENE

R-2021-48

In the Year of Our Lord Two Thousand and Twenty-One

A RESOLUTION Relating to the establishment of a Fire/EMS Training and Public Education Revolving Fund pursuant to RSA 31:95-h for the purpose of receiving revenues and expending funds relative to Fire/EMS Training and Public Education.

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

That all revenues received for Fire/EMS Training and Public Education be deposited into the fund for the purpose of paying all expenses associated with payroll and equipment of Fire/EMS Training and Public Education and shall be allowed to be accumulated from year to year, and shall not be considered part of the City's general fund balance.

George S. Hansel, Mayor

In City Council December 2, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED