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A regular meeting of the Keene City Council was held on Thursday, January 5, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Councilor Chadbourne led the Pledge of Allegiance.

## ANNOUNCEMENTS

Mayor Hansel announced that the Right-to-Know workshop would be held on Tuesday, January 10, 2023 at 6:00 PM in Council Chambers. Attorney Stephen Buckley from the New Hampshire Municipal Association would be presenting. An invitation has also been extended to those City Staff involved in responding to RTK requests. Mayor Hansel said this would be a refresher and he hoped all Councilors would attend.

## MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the December 15, 2022, meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

## CONFIRMATIONS

Mayor Hansel nominated the following individuals to serve on City boards and commissions:

- To the Airport Development and Marketing Committee:
  - Peter Temple to serve as a regular member, with a term to expire December 31, 2025; Luca Paris to serve as a regular member, with a term to expire December 31, 2025; and, as necessary to re-balance the term expirations, Nathan Jacobs to serve as a regular member, with a term extended to expire December 31, 2024
- To the Ashuelot River Park Advisory Board:
  - Ruzzel Zullo to serve as a regular member, with a term to expire December 31, 2025; Suzanne Krautmann to serve as a regular member, with a term to expire December 31, 2025; Thomas Haynes to serve as an alternate member, with a term to expire December 31, 2025
- To the Assessors Board:
  - John Newcombe to serve as a regular member, with a term to expire December 31, 2025
- To the Bicycle/Pedestrian Path Advisory Committee
  - Charles Redfern to serve as an alternate member, with a term to expire December 31, 2025
- To the Conservation Commission:
  - Arthur Walker to serve as a regular member, with a term to expire December 31, 2025; Andrew Madison to serve as a regular member, with a term to expire December 31, 2025
- To the Energy and Climate Committee:

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- Claire Oursler to serve as a regular member, with a term to expire December 31, 2025
- To the Historic District Commission:
  - Sophia Cunha-Vasconcelos to serve as a regular member, with a term to expire December 31, 2025; Peter Poanessa to serve as an alternate member, with a term to expire December 31, 2025
- To the Human Rights Committee:
  - Catherine Workman to serve as a regular member, with a term to expire December 31, 2025; Sophia Cunha-Vasconcelos to serve as a regular member, with a term to expire December 31, 2025
- To the Keene Housing Authority:
  - Christopher Coates to serve as a regular member, with a term to expire December 31, 2027 and to address an error in Mr. Bianco's previous confirmation, Steve Bianco to serve as a regular member, with a corrected term to expire December 31, 2026
- To the Partner City Committee:
  - Michael Giacomo to serve as a regular member, with a term to expire December 31, 2023; John Mitchell to serve as a regular member, with a term to expire December 31, 2025; Gregg Kleiner to serve as a regular member, with a term to expire December 31, 2025; Will Schoefmann to serve as a regular member, with a term to expire December 31, 2025
- To the Planning Board:
  - David Orgaz to serve as a regular member, with a term to expire December 31, 2025; Armando Rangel to serve as a regular member, with a term to expire December 31, 2025
- To the Trustees of Trust Funds and Cemetery Trustees:
  - Marilyn Gemell to serve as a regular member, with a term to expire December 31, 2025

A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried on a unanimous roll call vote with 15 Councilors present and voting in favor.

## NOMINATIONS

Mayor Hansel re-nominated the following individuals to serve another term on their respective boards and commissions:

- To the Bicycle & Pedestrian Path Advisory Committee:
  - Rowland Russell to serve as a regular member, with a term to expire December 31, 2025; Jan Manwaring to serve as a regular member, with a term to expire December 31, 2024; Michael Davern to serve as a regular member, with a term to expire December 31, 2025; Chris Brehme to serve as an alternate, with a term to expire Dec. 31, 2025
- To the Heritage Commission:

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- Marilyn Huston to serve as a regular member, with a term to expire December 31, 2025; Louise Zerba to serve as an alternate, with a term to expire December 31, 2025
- To the Building Board of Appeals/Housing Standards Board of Appeals
  - Malcolm Katz to serve as a regular member with a term to expire December 31, 2025; Steven Walsh to serve as a regular member, with a term to expire December 31, 2025
- To the Conservation Commission:
  - Steven Bill to serve as a regular member, with a term to expire December 31, 2025

Mayor Hansel tabled the nominations until the next regular meeting.

#### NOMINATIONS

Mayor Hansel nominated the following new members to City boards and commissions:

- To the Trustees of Trust Funds and Cemetery Trustees:
  - Michelle Howard to serve as a regular member, with a term to expire December 31, 2025
- To the Building Board of Appeals/Housing Standards Board of Appeals:
  - Corinne Parks to serve as a regular member, with a term to expire December 31, 2025

Mayor Hansel tabled the nominations until the next regular meeting.

#### DEPARTMENT REPORT – “STEM TALES” RESEARCH GRANT IN SUPPORT OF YOUTH INTEREST IN STEM LITERACY AND CAREERS

A memorandum read from the Library Director, Marti Fiske, recommending that the Council suspend its Rules of Order to allow a vote on acceptance of a Federal pass-through grant due to an approaching deadline, and recommending that the City Council authorize the City Manager to do all things necessary to accept and expend a grant of up to \$2,245 from Twin Cities Public Television in support of Staff education and Library programs.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to allow action upon the time-sensitive grant was duly seconded by Councilor Bosley. The motion carried on a unanimous roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Powers to authorize the City Manager to do all things necessary to accept and expend a grant of up to \$2,245 from Twin Cities Public Television in support of staff education and library programs was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

DEPARTMENT REPORT – CHANGE ORDER FOR SUR CONSTRUCTION, AIRPORT FUEL TANK REPLACEMENT PROJECT

The Mayor tabled this report until the end of the agenda.

ACCEPTANCE OF DONATION

The Mayor, City Manager, and Council expressed their gratitude to the Trustees of the Keene Public Library for a donation of \$2,883, which reimburses the City for a piece of children’s furniture not paid for by the IMLS Little Makers Grant. A motion by Councilor Power to accept the donation with gratitude was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager first reported that the Legislative meeting with NHMA was being rescheduled. The City Manager was contacted by several members of the Legislative Delegation concerned that they would not be able to attend our original date because of conflicting responsibilities in Concord on that day. She said they are working to find a new date for this meeting, which she will share with the Council.

Next, the City Manager reported that she was asked to provide a homelessness update. She said that as of January 4, 2023 the City of Keene had nine rooms with homeless families and one individual at a local hotel. Southwestern Community Services (SCS) has three beds at a men’s shelter and one bunk available at the family shelter. There are currently 19 verified residents at SCS shelters. Hundred Nights has 17 Keene residents out of 35 beds. Three beds are being held exclusively for The Doorway (all of which are empty). There is also space on the Hundred Nights bus for individuals looking to get out of the weather. The City Manager said that if Councilors are contacted by someone in need of shelter, to please send them to the City’s Human Services Department for placement. The City Manager said she and Human Services Director, Natalie Darcy, met with the hospital, SCS, and Service Link today. They are discussing ways to create a stronger “no wrong door” model for our region, which was one of the recommendations in the Mayor’s housing stability report. Today was the first meeting and the City Manager hopes to bring more partners to the table at the next meeting. The goal is to create a more unified support service model with all of our partner agencies.

Next, the City Manager mentioned the downtown infrastructure project. The day of this meeting, Councilors should have received via email a document that Staff created to answer some of the frequently asked questions related to the downtown infrastructure project. This document was sent to the Council first but would be circulated widely in different formats and on different platforms. Staff are also encouraging people interested in weighing-in to visit the project website for more information and opportunities to weigh-in.

Finally, the City Manager said that representatives from Cheshire County were planning to attend the January 19 Council meeting to give an update on their ambulance service. The

Chamber of Commerce is looking to come to a future meeting to update the Council on their initiatives as well.

## COMMITTEE REPORT – AD HOC DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT STEERING COMMITTEE’S RECOMMENDATIONS

Because this project spans the focus areas of all three Standing Committees, Mayor Hansel referred the Ad Hoc Committee’s recommendation to a Quasi-Committee of the Whole. This would bring the entire Council together to hear from community and hear data from consultants. This is an opportunity to discuss and come to a recommendation on what will be included in this important downtown project. Before considering the project options, the Mayor continued there will be two public input opportunities. Mayor Hansel asked that Councilors inform his office if they cannot attend the following meetings. On Monday, January 30, starting with an open house at 5:00 PM at Heberton Hall, City Staff and the representatives from Stantec would be present to answer questions one-on-one with members of the public. At 6:00 PM there will be a brief presentation and further opportunities for the public to learn more and ask questions. Comment cards will be available for the public’s use. The Mayor continued that there would be a second public informational meeting on Tuesday, February 21 at 6:00 PM at the Keene High School auditorium. The evening will include a presentation on the scope of the various options in the project and a roll-up of the public comments received at the first meeting. The public will also be provided an opportunity to provide further comments at this meeting. Mayor Hansel asked that the Council take these opportunities seriously, noting that Councilors are already getting many calls from constituents about this project. He asked everyone to stay engaged so the Council can make well thought out decisions they are proud of.

Councilor Greenwald said that in his 30 years as a City Councilor, he had never heard of and did not understand a Quasi-Committee of the Whole. He thought the Council should know these things, which he did not recall in the Rules of Order. The Councilor directed his comments to the Council and public, stating that the City has a Standing Committee structure for these reasons. He said this matter should have been referred to the Municipal Services, Facilities, and Infrastructure (MSFI) Committee for all concerns to be heard. He continued that there were unaddressed concerns that constituents were voicing and he was uncomfortable circumventing the Standing Committee process. He added that the Ad Hoc Committee minutes had not be distributed to the Council. There was no official vote from the Ad Hoc Committee. Councilor Greenwald assured the public that he would cooperate with this process and the public meetings. He hoped that all Councilors received the letter he submitted. He urged his fellow Councilors to listen to what their constituents are saying, gather all the needed information, and to not vote based on personal bias or self-interest. He reminded the Council that they are the elected officials to run this City, not the City Staff or Mayor. He said this would likely turn into an election issue as it would spill over to the next election. He assured the Staff, Mayor, and everyone that he would not be disruptive; he would participate. To Councilor Greenwald, the wishes of the residents are most important. He called this the most significant issue that had ever been before this Council, which would have lasting ramifications. He wanted to see a good decision, no matter the design chosen. He called it a compromise between doing absolutely nothing and doing

absolutely everything. Councilor Greenwald was not happy with this process but said everyone needed to work together.

Mayor Hansel said this was a really important decision for the whole community. He said one of the reasons for this unusual step in the process is to get the community and Council's input. He was trying to design this process to allow for the maximum public input. This course of action would allow all 15 Councilors to have ample opportunities to hear from constituents and different groups in a format that is fair to everyone. Mayor Hansel said he heard Councilor Greenwald's points. The Mayor continued that if the Council gets through these two public meetings and still feel they have not heard enough from the public, then the Council can discuss another process. He thought this was the best course to handle the hybrid public interests and be as fair as possible.

Councilor Filiault agreed with Councilor Greenwald, stating that he had no problem with public meetings. That said, he had also been on the Council a long time and had never seen an infrastructure project not go through the MSFI process; the "I" in MSFI stands for infrastructure. He said this would be one of the most important decisions in the City's history and that it was unacceptable to circumvent the Standing Committee and process of elected officials. Councilor Filiault said it was simply unacceptable. He appreciated that the Mayor wanting to provide for more public input, but said that after those public meetings, the Mayor needed to follow the process and refer this to the MSFI Committee, which would make a recommendation to the full Council.

Mayor Hansel said he disagreed, stating that this project spans the specialties of all three Standing Committees: MSFI, FOP (Finance, Organization, & Personnel), and PLD (Planning, Licenses, and Development), which was why he chose this course of action that is allowed in the Rules. He said that when Staff considered all the possible options for engagement, this was the best way to involve the whole Council from the beginning and to reach the end goal.

Councilor Filiault asked what was next? He said there had always been the Standing Committee structure that was not meant for the Mayor to preempt. He asked, if that was the situation, then why have the Rules of Order? Mayor Hansel disagreed, stating that he was not winging this; it is allowed in the Rules of Order. Councilor Filiault disagreed with bypassing MSFI.

Councilor Workman echoed Councilors Greenwald and Filiault. Councilor Workman said that while the Mayor might disagree, she did feel like he was circumventing the Council and Standing Committee processes. She continued that there had been numerous other projects that had been piecemealed with the other Standing Committees, when there are finance, infrastructure, and planning parts of a project. She said this process had always worked in the past and that this matter should absolutely be referred to the MSFI Committee for their recommendation to the full Council.

Mayor Hansel asked that the Council bear with him through these two public meetings so everyone can feel better about the process. He said he knew he could count on the Council to do that.

Councilor Roberts spoke about this project overlapping all Standing Committees. He said that if an infrastructure project is proposed, the MSFI Committee needs to determine if the project is viable and in the best interest of the City. After that, the matter could go to the FOP Committee to determine the funding available. Once the FOP Committee determines that the project is possible, then the matter could go to the PLD Committee to determine how to make the project a reality. He cited the example of what happened for the Winchester Street roundabout near Walmart. Councilor Roberts thought it was in the Council's best interest to determine if this is a viable project before investing more time and valuable Staff efforts. He said the Councilors' jobs were to try to explain to the community why the City should do this because sometimes Council decisions are against community wishes. For that reason, he thought it was very important for the MSFI Committee to determine whether this is a viable project.

The City Attorney said there were process questions being raised that he felt he needed to clarify. He acknowledged that the process involving a Quasi-Committee of the Whole was new to this Council. However, he said it was not an unusual process in cities like Concord, for example, when they consider their annual operating budget. The City Attorney said he was asked by the Mayor if there was a way the whole Council could consider this project under the existing Rules of Order. He continued that the Council's current Rules do not include such an option. The Council's Rules of Order, do state that in any event that a process is not considered in the Councils Rules of Order, that Robert's Rules of Order should be referenced. Robert's Rules of Order does allow the process of a Quasi-Committee of the Whole. He said that in order to begin the process the Council must motion to enter the Quasi-Committee of the Whole, at which point the Council could decide whether to proceed. It was still possible for the Council to vote to refer this matter to the MSFI Committee; and fall back to its regular Rules.

Mayor Hansel asked to take this one step at a time and asked for Councilors to be engaged in the two scheduled public meetings.

Councilor Madison said he appreciated the City Attorney's explanation which clarified things. He thought this would provide the whole Council an opportunity to hear the public input for this project, which would allow them to make the best decision, whether that is to have a Committee of the Whole or to refer to MSFI. In the meantime, he requested that all Councilors learn the information from the consultants to ensure they are sharing correct information with constituents. He urged avoiding the vitriol, misinformation, and personal emotions, and to use the fact sheets that City Staff provided.

#### COMMITTEE REPORT – CONSERVATION COMMISSION RECOMMENDATIONS REGARDING THE DOWNTOWN RECONSTRUCTION PROJECT

A report from the Conservation Commission was received with their recommendation that as part of the Downtown Reconstruction Project that the final design makes significant use of a diverse variety of street trees and, that the trees be given every opportunity to thrive in the difficult urban environment by ensuring that each tree is planted with a buffer of at least 100 square feet. Mayor Hansel filed the recommendation into the record as informational.

Councilor Williams said the Conservation Commission reminded everyone that the downtown is an ecosystem and steps can be taken to ensure the plants are healthy and attract native pollinators. He said the Commission was advising a specific amount of space around the downtown trees in this redesign because tree mortality due to insufficient space had occurred in the current downtown. Councilor Williams added that beyond ensuring sufficient trees are planted correctly, that native pollinators should also be considered when designing the ground plantings.

**ORDINANCE FOR FIRST READING - RELATING TO REMOVAL OF STOP SIGNS ON SUMMIT ROAD NEAR WYMAN ROAD ORDINANCE O-2023-01**

A memorandum read from the City Engineer, Don Lussier, recommending that Ordinance Number O-2023-01 be referred to the Municipal Services, Facilities, and Infrastructure Committee for their consideration and recommendation back to the Council. Mayor Hansel referred Ordinance O-2023-01 to the Municipal Services, Facilities, and Infrastructure Committee.

**RESOLUTIONS – IN APPRECIATION OF MICHAEL C. GOODCHILD, TIM J. BALLANTINE, JEFFREY C. CHICKERING, AND TODD B. LAWRENCE UPON THEIR RETIREMENTS – RESOLUTIONS R-2023-02, R-2023-03, R-2023-04, & R-2023-05**

Councilor Powers moved to adopt Resolution R-2023-02 and thanked Mr. Goodchild for his 21 years of service to the City. Councilor Bosley seconded the motion, which carried unanimously with 15 Councilors present and voting in favor.

Councilor Powers moved to adopt Resolution R-2023-03 and thanked Mr. Ballantine for his 26 years of service to the City. Councilor Bosley seconded the motion, which carried unanimously with 15 Councilors present and voting in favor.

Councilor Powers moved to adopt Resolution R-2023-04 and thanked Mr. Chickering for his 30 years of service to the City. Councilor Bosley seconded the motion, which carried unanimously with 15 Councilors present and voting in favor.

Councilor Powers moved to adopt Resolution R-2023-05 and thanked Mr. Lawrence for his 22 years of service to the City. Councilor Bosley seconded the motion, which carried unanimously with 15 Councilors present and voting in favor.

**RESOLUTION – RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND RESOLUTION R-2023-06**

A memorandum read from the Assistant Public Works Director, recommending that the City Council refer Resolution R-2023-06 relating to the appropriation of funds for the Solid Waste Fund for FY 21/22 to the Finance, Organization, and Personnel Committee for consideration. Mayor Hansel referred Resolution R-2023-06 to the Finance, Organization, and Personnel Committee.



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ADJOURNMENT FOR LEGAL ADVICE

At 7:43 PM, Mayor Hansel adjourned the meeting for legal advice. The meeting reconvened at 8:03 PM.

DEPARTMENT REPORT – CHANGE ORDER FOR SUR CONSTRUCTION, AIRPORT FUEL TANK REPLACEMENT PROJECT

The Mayor pulled the memorandum from the Airport Director regarding the airport fuel tank replacement project from the table. The memorandum recommended that the City Council authorize the City Manager to execute a change order with S.U.R. Construction West for work associated with the Airport Fuel Farm Replacement Project.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to allow action on a time-sensitive item was duly seconded by Councilor Bosley. The motion carried on a unanimous roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Powers was duly seconded by Councilor Remy to authorize the City Manager to execute a Change Order #3 with S.U.R. Construction in the amount of \$65,557 for work associated with the Airport's Fuel Farm Replacement Project #05J0006, with \$27,750 of the required total amount to being transferred from Public Works accounts #75221800/527400 into the Fuel Farm Replacement Project. The motion carried unanimously with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at approximately 8:05 PM.

A true record, attest:

  
City Clerk