

A regular meeting of the Keene City Council was held on Thursday, March 2, 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, Bettina A. Chadbourne, Catherine I. Workman, Kate M. Bosley, and Thomas F. Powers were present. Having declared that a quorum was physically present, Mayor Hansel recognized that Councilor Mitchell H. Greenwald requested to participate remotely due to work travel; there was no one in the room with him. Hearing no objections from the Council, Mayor Hansel granted the remote participation. Councilor Raleigh C. Ormerod arrived at 8:13 PM. Councilor Powers led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel announced that there would be a special City Council meeting on Tuesday, April 4 to continue the evaluation process for the City's Charter employees. This meeting will start at 6:00 PM in the Council Chamber.

MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the February 16, 2023 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

NOMINATIONS – CONSERVATION COMMISSION, BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE; PARTNER CITY COMMITTEE

Mayor Hansel nominated Deborah LeBlanc to serve as an alternate member of the Conservation Commission, with a term to expire December 31, 2025. The Mayor also nominated Janelle Sartorio to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee, with a term to expire December 31, 2025. Lastly, Mayor Hansel nominated Gerald Lens to serve as an alternate member of the Partner City Committee, with a term to expire December 31, 2025. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – REQUEST FOR A TREE REMOVAL – MARLBORO STREET – 310 MARLBORO STREET, LLC

A communication was received from Randall Walter, Manager of 310 Marlboro St. LLC, requesting permission to remove an ornamental tree per the site plan approved by the Planning Board. He plans to replant a pin oak tree. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – REQUEST TO USE CITY PROPERTY - 2023 KEENE PRIDE FESTIVAL

A communication was received from Adam Toepfer, President of Keene Pride, requesting a license to use City property to conduct the second annual Keene Pride Festival on Sunday, September 17, 2023. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee to appear on their more time agenda until the protocol meetings with the applicant have been held.

COMMUNICATION – PROPOSED PUBLIC ART PIECE – HISTORICAL SOCIETY OF CHESHIRE COUNTY

A communication was received from Judy Rogers, on behalf of the Historical Society of Cheshire County, submitting a proposal for a public art piece to be displayed in front of their headquarters at 246 Main Street. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – PROCESS TO CONSIDER THE DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT – COUNCILOR RALEIGH ORMEROD

A communication was received from Councilor Raleigh Ormerod, sharing his thoughts on the process to be used to consider the Main Street Improvement and Reconstruction project. Mayor Hansel accepted the communication as informational.

FOP REPORT – EVERSOURCE’S REQUEST TO CONDUCT TREE TRIMMING ON SCENIC ROADS

A Finance, Organization, and Personnel Committee report read, recommending the acceptance of the recommendation from the Conservation Commission as informational. The report continued with a recommendation that Eversource Energy be authorized to perform all tree trimming services on the requested and designated scenic roads in the City, subject to the following standard conditions: that Eversource Energy make landowners aware of the option for leaving topped dead or diseased trees for purposes of supporting wildlife habitat; and that the tree removal activity is coordinated with the Public Works Department. A motion by Councilor Powers to carry out the intent of the Committee reports was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – SOLE SOURCE CONSTRUCTION ADMINISTRATION CONTRACT: WELLS STREET PARKING STRUCTURE

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized do all things necessary to sole source and execute a professional services contract with Desman Associates to perform construction administration/oversight for the Wells Street Parking Structure repair and maintenance project scheduled for spring 2023 for an amount not to exceed \$32,800. A motion by Councilor Powers to carry out the intent of the Committee report was duly

seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – HUD GRANT APPLICATION

A Finance, Organization, and Personnel Committee report read, recommending that the update to the HUD Grant Application be accepted as informational. Mayor Hansel accepted the report as informational.

CITY MANAGER COMMENTS

First, the City Manager provided an update on the upper Winchester Street project. The general contractor will be mobilizing back to the site on March 20. Their first order of business will be to reconfigure the Key Road intersection as a roundabout. This will be done temporarily with barricades while they remove the temporary pavement and install the central island. The Island Street Bridge will not be taken out of service until mid-April. Staff will be placing message boards around the area two weeks prior to closing the bridge. Their schedule currently shows that the work at the Key Road/Riverside Plaza intersection will be completed on/around June 22. The City Manager concluded her report on the topic of community power, for which she said the launch is planned for June. There is a 30-day opt out period that needs to occur, likely between the end of April and mid-May. The pre-bid meeting was the same day as this meeting, and the bid meeting would occur the next week. The City Manager hoped there would be good news to share with the Council at the next meeting.

CITY OFFICER REPORTS – PROCESS TO CONSIDER THE DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT

A memorandum was received from the City Attorney on the proposed process to consider the downtown infrastructure improvement and reconstruction project.

Before recognizing the City Attorney to comment on his memorandum, Mayor Hansel thanked the public for their attendance at the two informational meetings on the downtown project. Now, he said it was time for the Council to decide what process they wanted to choose that would allow them an opportunity to educate themselves on the various aspects of the project and to develop a consensus on the recommendations of the Ad Hoc Committee. The Ad Hoc Committee's recommendations, initially furnished to the City Council in January, were included in this meeting's agenda packet. Mayor Hansel said he knew he spoke for all the Councilors in still wanting to provide opportunities for the public to engage with the Council directly. He said he knew the Council sought compromises on aspects of the project that had become controversial in the community. Any option chosen would require additional meetings. The Council Chamber had been reserved for six additional meetings over the next three months. The Mayor said it would hopefully not take three months, but that the Council would ultimately determine this time commitment. Councilors were provided a list of proposed motions, which represented the various options on the process. In all the options, the Council would have the

opportunity to build in additional public interactions or, at any point, refer the ad hoc report to one of the Council Standing Committees.

Mayor Hansel requested comments from the City Attorney, Tom Mullins.

The City Attorney said that this was the second time the Council was presented with this memorandum, with some very minor edits to this copy, which was essentially a placeholder on the agenda. Additionally, this memorandum was in the agenda packet so that it was available to the public. Many members of the public were in attendance this evening or they had attended the public meetings, and had contacted the City Attorney with questions. The City Attorney continued briefly reviewed the proposed motions that he prepared to try to give the Council a sense of all of their options. Ultimately, any motions were at the Council's will.

The City Attorney explained one of the possible options, which was to convene a Quasi Committee of the Whole. This Quasi Committee is named as such because it is meant for smaller organizations. Normally, with a Quasi Committee of the Whole, the Mayor would act as the Chair. This type of Committee meeting would ensue just like the Council Standing Committees. The Council would have to vote to enter a Quasi Committee of the Whole. The City Attorney explained that the difference between the Quasi Committee and a Council workshop is that the Quasi Committee has more formality with respect to a committee process—with opportunities to make and amend motions—and all Councilors would have an equal opportunity to participate. Conversely, in the City Council's Standing Committee process, while all Councilors are encouraged to attend each meeting and participate in the discussions, once a motion is made by the five Councilors on the respective Standing Committee, the other Councilors attending in the audience can no longer participate. The City Attorney said that another interesting thing about the Quasi Committee of the Whole is that it would make a recommendation back to the full Council. Then, at another Council meeting or the same Council meeting the Council would consider the recommendation and adopt, amend, reject, or send the matter to a Standing Committee. The City Attorney hoped these details helped everyone to better understand all the possible options. He noted that while the Keene City Council had never entered a Quasi Committee of the Whole, it is a mechanism under Robert's Rules of Order and other cities use it.

Councilor Giacomo said he heard a question from constituents about the Quasi Committee of the Whole: when the City Attorney said the Quasi Committee of the Whole would be like a Standing Committee meeting, did he mean the public comment would be accepted unlike a regular Council meeting? The City Attorney said that decision would be up to the Quasi Committee of the Whole, which would take a vote to decide whether to allow public comment.

The City Attorney said Councilor Giacomo's question was a good segue to the topic of City Council workshops. Many Councilors had talked to the City Attorney about the possibility of conducting this process in a workshop setting. While there was typically minimal public interest in Council workshops, the Council could allow public comment. Typically, in a workshop the whole Council would learn about a given topic and take no action. The Council could choose to have as many workshops as needed. The City Attorney concluded explaining that the proposed motions before the Council were to initiate one or

a series of the processes he described—a Quasi Committee of the Whole, the MSFI Committee, and/or Council workshops—all of which can allow for public comment. The City Attorney spoke frankly, stating that his conversations with Councilors led him to believe there was little interest in the Quasi Committee of the Whole. The City Attorney welcomed further questions.

Councilor Remy clarified for the public that if this matter was referred directly to the Municipal Services, Facilities, and Infrastructure Committee (MSFI), the five Councilors on that committee could amend the recommendations contained in the final report of the Ad hoc Committee; and once any motion is made, the rest of the Councilors present would not be able to comment. He continued stating that the MSFI Committee's recommendation would go to the full Council in a meeting like this one, with no public input, and the remaining 10 Councilors would make their amendments. The City Attorney said that was exactly right. Councilor Remy said that would not necessarily be the case for the Quasi Committee of the Whole, where all Councilors could make and amend motions, and the recommendation would go to the full Council. The City Attorney said that was exactly right.

Councilor Workman recalled that the Mayor would be the Chair of a Quasi Committee of the Whole and asked if he would also have a vote. The City Attorney said the Mayor would only have a vote in the case of a tie.

A motion by Councilor Powers was duly seconded by Councilor Bosley: to have the final report from the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Project Steering Committee be considered by the City Council in one or more Council workshops and then be referred to the Municipal Services, Facilities, and Infrastructure Committee for further discussion and recommendation back to the City Council.

Councilor Filiault recalled that the City Attorney said this was less about the project and more about the process. Councilor Filiault said this matter—with multiple possible motions and amendments—demonstrated why the City has its Standing Committee process. The Councilor said he looked back and found that in 149 years and 54 mayors, the Keene City Council had never used a Quasi Committee of the Whole. Every project and budget had gone through the Standing Committee process, which he said the founding fathers of Keene created for a reason. He said the process was created to prevent one person—the Mayor—from being able to fully control a matter. In the end, he said all matters would still be considered and voted on by the whole City Council. Because the Quasi Committee of the Whole had never been done before in Keene, Councilor Filiault said it could be like opening a can of worms. He addressed his fellow Councilors who were objecting to this important topic only being debated by the five MSFI Committee members. He noted that if the five members of the Finance, Organization, and Personnel Committee are trusted to vote on the City's \$54 million budget, then the same should be true of the MSFI Committee voting on this infrastructure project. He questioned why Councilors did not object to the Planning, Licenses, and Development Committee debating the proposed five-to-two-acre zoning change in the Conservation Residential District. Councilor Filiault repeated that a Quasi Committee of the Whole had never happened and he asked why. He said it was because there had been a Standing Committee process that stood the test of time. He warned that this was the first step in destroying the Standing Committee process and that this would set a precedent for future

mayors/councilors to eliminate that process. To the Councilors opposing this going to the MSFI Committee, Councilor Filiault said he expected the same Councilors to oppose the FOP Committee acting on the next budget. Additionally, Councilor Filiault said that Councilors should attend Standing Committee meetings if they want a say in a matter. He urged trusting the Standing Committee chairs, who he said are not doing anything to prevent conversation by the whole Council. He concluded that the process is not broken and does not need to be fixed.

Councilor Greenwald said that this matter would hopefully go directly to the MSFI Committee. Once reaching MSFI, Councilor Greenwald said his first act as Chair would be to call for a Council workshop to discuss the process. He said there needs to be Council involvement and compromise. He said the purpose of the workshop he was proposing would be to involve all Councilors in the planning process for this project; not down to how many trees or bike lanes, but the process, which he said needs to be organized. He said there was no clear approval process, which is why he said things did not work out well for the Ad Hoc Committee. Now, he said there really was no approval process. He spoke against the Quasi Committee of the Whole, saying that the Council did not know what that process would be. He said it was important for this entire project to be Council driven—they are the elected officials—not staff or consultant driven. Councilor Greenwald said it is the Council's job to listen to the public and everyone knows what happens if they do not—they are not re-elected. Staff and consultants are only a part of the process to advise and provide technical support, not to promote a project. For the workshop Councilor Greenwald proposed, he suggested that he and the Mayor should co-Chair. Councilor Greenwald added that this project is not about egos or legacies. He said all Councilors should keep in mind that this project affects the lives of all property owners, businesses, and people who live and work downtown, who are all at the heart of the City. He urged not acting in haste and he was pleased to see the Sentinel article confirming that there would not be shovels in the ground next spring. He said the Council needs to listen and said it was clear at the public sessions that the community was not happy about how this was going. The elected officials are responsible for what their constituents want. He did not want his fellow Councilors to believe that they would be shut out of a MSFI process or that Councilor Greenwald had preconceived notions. He said his comments while on the Ad Hoc Committee did not preempt him from enabling a fair conversation at MSFI. He was convinced that compromises were possible.

Councilor Bosley spoke in support of the Council workshop process because it is a process that the whole Council is familiar with. She said that the Council workshop process works well for the Capital Improvement Plan and Council goals meetings. She said there were many unanswered questions amongst the Council and the public. She said a forum is needed where the Council can ask questions collectively and all receive the same answers. At a workshop, she said there would be the opportunity to get those answers and consider what revisions might have consensus. After this workshop, Councilor Bosley said the matter should be referred to the MSFI Committee for public input. Through this process, Councilor Bosley said that Council would at least have a version of the project that they are interested in hearing public comment on, without creating new committees. She said this would respect the original Standing Committee process and would still give all Councilors a chance to participate. She hoped her fellow Councilors would support this workshop phase.

Councilor Workman said she respected Councilor Bosley's comments and desire to eventually send this to MSFI. Still, Councilor Workman said the more time she had to think about this, the more she agreed with Councilor Filiault and Greenwald about the Council having a Standing Committee process that works very well. She said that at this point, if the other 10 Councilors (not on the MSFI Committee) felt they would not have an equal say in the project, it was just not true. She reiterated that those other 10 Councilors can attend and comment at the MSFI meeting, and that the Chair always asks for further comments before concluding an agenda item. She added that the whole Council would then have another chance to comment at the Council meeting the following week. Councilor Workman said she also heard comments that the other 10 Councilors would not get the same chance to interact with the public at a MSFI meeting. She countered this notion, stating that those Councilors in the audience would hear the same public comments she does sitting on the MSFI Committee and if they cannot attend the MSFI meeting, the video is available for review. Councilor Workman said it was simply not true that those 10 Councilors would be less informed about the project. She said that if this were an issue with the FOP or PLD Committees, those Councilors would be equally upset. She recalled when this Council debated allowing remote participation and Councilors at the time said that this current Council was ethical and would never abuse that privilege. Thus, hearing her fellow Councilors questioning whether the MSFI Committee could act impartially, unbiasedly, or fairly was very upsetting to Councilor Workman; such questioning implied that those five Councilors are not upholding their oath of office. She said that if the Quasi Committee would work so well, then why would all projects not be addressed by a Quasi Committee of the Whole. Councilor Workman said she heard from other Councilors that this project was too important to go through the normal process. She countered that notion, stating that she loves her City and every project that comes before the Council is important.

Councilor Jones said this Council had been through a lot of contentious things over the years. He cited chairing the MSFI Committee when it dealt with the railroad property, for example, and said the Standing Committee process worked well then. He said the process also worked when he chaired the PLD Committee, which made the controversial decision to install roundabouts. Councilor Jones believed that the process worked, and he was confused hearing other Councilors questioning that process. He said he would let the motion on the floor play out but said he wanted this matter to go directly to the MSFI Committee.

Councilor Greenwald apologized for his confusion, noting that because he was remote he did not have the same motions in front of him as the rest of the Council did. Mayor Hansel restated the current motion on the floor for the Councilor. Councilor Greenwald agreed with others who said this matter should go directly to the MSFI Committee. The Councilor said that at the proposed MSFI Committee meeting, he would call for a Council workshop. With the motion on the floor, Mayor Hansel clarified that the first proposed Council workshop would be for the Council to reach a consensus on the process they want to proceed with, what information they want or need, and how many meetings they want to have to go over the various aspects of the project; the Council would not take any action at the workshop. Then, the Mayor said the whole report from the Ad Hoc Committee would go to the MSFI Committee, which would make a recommendation to the entire City Council. Councilor Greenwald apologized to the Council again and stated his disappointment with not having seen the proposed motions.

A motion by Councilor Greenwald to amend the motion on the floor to refer the Ad Hoc Committee's report directly to the MSFI Committee was duly seconded by Councilor Filiault.

Councilor Greenwald assured the Council that his first action when this matter is before the MSFI Committee would be to set a Council workshop to discuss the process moving forward. Mayor Hansel was not sure Councilor Greenwald could do that. The City Attorney confirmed that when this matter arrives at MSFI, Councilor Greenwald—as the Chair—could request that the Mayor convene a Council workshop to discuss the process. If that was the intent, Mayor Hansel asked why not keep the original motion and send the matter straight to the Council workshop; he did not see the difference. Councilor Greenwald said the original motion sounded to him like the possibility for an endless number of workshops. Mayor Hansel replied that it would not be endless. The Mayor said the intent for the first workshop—which was already scheduled for March 14 at 6:00 PM—was for the Council to determine how many workshops they need to comprehend the project and options. Councilor Greenwald said he wanted the MSFI Committee to meet before the first workshop.

Councilor Lake said that the original motion was straightforward and would still send the report to MSFI. He did not hear an argument against having the workshops first other than that there could be workshops for multiple weeks, and he did not see that as a problem. He did not support the amendment.

Councilor Bosley pointed out that all ordinances affecting the PLD Committee go through the Joint Committee process, which includes public workshops, so the necessary informal conversations can occur to reach consensus. She said a workshop process was not unusual for this Council. She said the project would still reach the MSFI Committee for continued public comment. She thought an initial workshop was an opportunity to review finer details of the project that might not be touched on during a public hearing. Councilor Bosley asked her fellow Councilors to give everyone a chance to get to know the project better.

Councilor Roberts stated that he thought this matter should be directed to the MSFI Committee. He continued saying that he heard individuals promising to do something if the Council votes a certain way. He said that normally politics includes obvious back door deals. He said this conversation was proceeding as if there were not people in the audience listening, which he said was like making back door deals in front of everyone and on the TV. He thought this would cause the public to lose faith in the Council's ability to be objective. He said that while he wanted this report to go to MSFI, he could not support this proposed amendment because it made him uncomfortable and it would feel like he is not doing the job people elected him to do. So, he said to let one or two Council workshops occur to ensure that this done the right way and show the public that personal deals are not being made amongst the Council.

Councilor Johnsen informed the public that they could listen to the Feb. 21st public meetings online. She said she listened because she was not there in-person and said she heard a lot of wonderful things. She continued stating that she supported the workshops. She wanted to hear what her fellow Councilors

thought about the project before sending the matter to any Standing Committee. She would not support the amendment.

Councilor Workman referred to Councilor Lake's comment about not having heard arguments against doing workshops before sending the report to MSFI. Councilor Workman said one argument was that March 14 is a Tuesday, which is not a typical day of the week for the Council to meet and therefore many might not be able to attend. She noted that many Councilors did not attend the public sessions in January and February, which were also on atypical meeting days. She said it was possible that not all Councilors would be able to attend these proposed workshops too.

Councilor Chadbourne stated her opinion that the report should go to MSFI but she was not necessarily opposed to a Council workshop before that. She said that Councilor Roberts' words resonated with her. She agreed that the City Council has a Standing Committee process that works and that other Councilors can attend those meetings to participate. She said that if there were still some unanswered questions, the MSFI Committee could also recommend placing this issue on more time so Staff can return with answers. She said the MSFI meeting would be a lot like a workshop, and she said it might be more tasteful. Councilor Chadbourne cautioned against the argument for doing things the same way for 149 years, given that back then, she was not afforded the right to vote. She said that sometimes it is necessary to break ranks and try something different. She wondered if the Council wanted to set a precedent with this; she did not think so. She said the Council could essentially go through the workshop process at the MSFI meeting and that there could be more than one MSFI meeting if needed. Councilor Chadbourne concluded that her first preference was to send the report to MSFI and her second preference was to have workshops and then send the ad hoc Committee recommendations to MSFI.

Councilor Madison did not support the Quasi Committee of the Whole option. Like other Councilors stated, he said there is a Standing Committee process, and the Council does not create new processes for specific projects. He thought of other recent major actions of the City Council, like the Mask Ordinance, which went through the same Standing Committee process. Councilor Madison's first preference was to send this directly to MSFI and his second preference was to have a workshop first and then go to MSFI. He said the Council needed an opportunity to review what they learned from the public and to refine the proposals. Councilor Madison was not comfortable changing a process for a specific project.

Councilor Jones said he heard mentions of the advantages of workshops. He said he did not see any advantage. He said that by sending this to MSFI, the Council would hear the same information and get the same questions from the public, and that it would be less formal and more intimate. Councilor Jones thought it was great for this to go directly to MSFI to let them handle it just like many other projects throughout the City.

Councilor Remy said he was okay with the report going to MSFI but not without it going through a Council workshop first. He said he had a hard time with the idea of this project leaving MSFI without any kind of Council consensus and going to the full Council the next week to be significantly amended on the floor, where the public would not have an opportunity to comment. Councilor Remy believed that

the report should go through a workshop process before sending it to MSFI and he would vote against the amendment.

Councilor Greenwald rephrased what he was trying to accomplish. He said his intent with this amendment was for this report to go to the MSFI Committee, whose first action would be a Council workshop to discuss the process the Council wants to move forward with. He said that would allow all Councilors, residents, and the MSFI Committee to feel comfortable moving forward to take action on different issues. He continued stating that a major difference between the Standing Committee and workshop processes is that the public is locked out of the workshops. Councilor Greenwald agreed with Councilor Remy that no issue coming out of any Standing Committee should go blindly to the Council with the hope of accomplishing something. He said that would be wrong and lock out the public. He said this is the public's property and the Council should be working in the public's best interests.

The City Attorney said that what Councilor Greenwald was suggesting would circumvent the Standing Committee process if the Councilor was building into his amendment a direction to the MSFI Committee to take a specific action. It would upend the Rules of Order the Council exists under. The City Attorney reiterated that if the report was referred to MSFI, that Committee would vote and send a recommendation to the full Council. As far as the City Attorney knew, it would be unprecedented for the City Council to direct one of its Standing Committees to act a certain way on a matter, and it would violate the City Council's existing rules.

Councilor Greenwald said he acknowledged the City Attorney's wisdom on the matter. Still, the Councilor said he pledged to his fellow Councilors that all of their input on the process to move forward with would be listened to and he would be surprised if the MSFI Committee's first action was not a Council workshop. He restated his concern with having an endless series of workshops with no public input and no Council actions. The City Attorney said that the Council workshops could contain public input if a majority (eight members) of the Council agreed. Councilor Greenwald said that was news to him. Mayor Hansel recognized that some of this was confusing.

Councilor Chadbourne addressed Councilor Remy's concerns and reiterated that all City Councilors can participate and ask questions during the MSFI Committee meeting. If Councilors do not receive all the information they need, she said they should trust that their fellow Councilors on the MSFI Committee would place it on more time until Staff can return with answers. She said that if needed, there could be a series of MSFI meetings that would work like a workshop in a sense.

Councilor Powers said it felt like things were getting off track. He restated the original motion. He said the underlying concern seemed to be about at what stage this report goes to the MSFI Committee. Still, Councilor Powers said that amendments were being made before there was even a chance to determine the will of the Council on the original motion. He said the Council needed to arrive at a point of voting on something even if everyone does not like it.

Councilor Workman said it was important for everyone to know that if this report was sent directly to MSFI, public input was absolutely guaranteed. Conversely, as a Quasi Committee of the Whole or at a

Council workshop, eight members of the Council would have to vote to allow public comment, which was not guaranteed. Mayor Hansel interjected to say that someone could amend the original motion to ensure public comment is heard at the Council workshops. Councilor Workman said it still depended on a vote and with a referral to MSFI, public comment was guaranteed. She added that the process occurring at this meeting, with amendments and disagreement amongst the Councilors, was exactly why the Quasi Committee of the Whole would not work.

Councilor Williams said that as a member of the MSFI Committee, he wanted a chance to feel prepared and to know what his fellow Councilors feel about this project before it arrives at MSFI. He said the Council had several opportunities to hear from the public but Councilors had not yet heard from each other on the facets of the project. Councilor Williams supported workshops before sending this report to MSFI.

Councilor Lake said that the MSFI Committee Chair, Councilor Greenwald, being in favor of Council workshops at some point reinforced that there should be workshops. However, Councilor Lake thought that Councilor Workman had a great point about scheduling workshops Tuesdays. He suggested looking for some additional dates.

Councilor Greenwald asked if the Mayor was open to the MSFI Committee having input on the workshop schedule. Mayor Hansel said that any Councilor could work with the City Clerk, Patty Little, on the workshop schedule. The Mayor agreed with wanting as much participation in the workshops as possible but noted that a lot depends on the availability of the Council Chamber, which is the ideal location so the meetings can be televised. Councilor Greenwald asked that the workshop schedule begin after the next MSFI Committee meeting on March 22 so the Committee has more time to digest what is going on before the workshops commence. Mayor Hansel said the dates could be reconsidered but that ultimately nothing about this issue would be put on the MSFI Committee's agenda unless the Council sent it there.

Councilor Johnsen called the question to which Councilor Chadbourne objected. On a roll call vote of 10-4, the City Council called the question and debated ended. Councilors Filiault, Chadbourne, Workman, and Greenwald voted in the minority.

On a roll call vote of 5-9, the amendment to send the report directly to the MSFI Committee failed. Councilors Filiault, Jones, Chadbourne, Workman, and Greenwald voted in the minority.

A motion by Councilor Remy to amend the motion on the floor to require that public comment be heard at the Council workshop level was duly seconded by Councilor Lake.

Councilor Greenwald said he supported the amendment.

Councilor Ormerod arrived at this point and the Mayor restated the motion on the floor.

On a roll call vote of 15–0, the City Council amended the motion on the floor to require public input at the Council workshop level.

Councilor Greenwald asked who would conduct the Council workshop(s) under discussion. Mayor Hansel said he would. Councilor Greenwald said that was what he wanted to hear.

Councilor Filiault said he supported the amendment because ultimately the matter would be sent to the MSFI Committee like he said it should have two months ago. He continued that while this was a divisive issue, he applauded this fellow Councilors because they were making compromises. Councilor Filiault added that as a lifelong resident of Keene and a 23-year City Councilor, he had never seen a project more mishandled than this one. He said the City Council was owed an apology. He said that on this same day, he read in the newspaper that the project was backed up two years and he said that occurred without a phone call to any City Councilors. He reiterated that the Council was owed an apology.

Councilor Chadbourne asked, if this motion failed, whether there could be another motion to send this directly to MSFI. Mayor Hansel said that was true.

On a roll call vote of 14–1, the City Council referred the report from the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Project Steering Committee to be considered by the City Council in one or more Council workshops that include required public comment and then be referred to the Municipal Services, Facilities, and Infrastructure Committee for further discussion and for recommendation back to the City Council. Councilor Workman voted in the minority.

Mayor Hansel accepted the City Attorney’s memorandum as informational. Mayor Hansel said he would start the Council workshop process with a meeting on Tuesday, March 14 at 6:00 PM. At the first workshop, the Mayor wanted to allow the Councilors to state where they stand on the project generally, identify what they need in terms of Staff support, and share any new ideas they want Staff to investigate. At this workshop, the Mayor said the Council would also review the various grant application timelines and develop a meeting schedule, so the workshops do not continue indefinitely. All meetings would include a light dinner for the Council in advance.

Councilor Chadbourne reiterated that the Mayor said the workshop would start with all Councilors stating where they stand on the project. She asked the City Attorney whether that was allowed since a workshop is not a Council meeting. The City Attorney said that workshops are fully noticed Council meetings that the public has the right to attend, watch, and in this case, to also comment. Mayor Hansel said the difference is that no recommendation would come out of the Council workshops; he said the Council just voted to decide the recommendations would come from the MSFI Committee.

Councilor Greenwald stated his disappointment about how much was pre-planned about this first workshop and said that it went way beyond what he anticipated. He hoped to work with the Mayor on scheduling the first workshop. Councilor Greenwald attempted to make a motion to reconsider his previous motion, which was already voted on. Mayor Hansel thought that was not possible until the next

meeting. The City Attorney said that was correct, Councilor Greenwald's motion would have to wait until the next regular meeting, and he would have to submit a written request to the City Clerk for it to be placed on that agenda. Mayor Hansel encouraged any Councilors to speak with him about the workshop details. The Mayor said he was happy to listen and that this is ultimately the Council's process. Discussion ensued with more than one person speaking at the same time.

Councilor Filiault said he agreed with Councilor Greenwald. He said the Council just voted to allow this to go to the MSFI Committee, which was not a predetermined decision. He said that now, the Council was hearing that the workshop was already organized, and he objected to that. He said this workshop should be a clean slate and he believed that before anything for a workshop is agendaized, Mayor Hansel should consult the MSFI Committee Chair, Councilor Greenwald. Councilor Filiault continued stating that he objected to this project since the beginning because it was Staff-dictated, which he said he was tired of. Mayor Hansel disagreed. Councilor Filiault said this workshop should not have been a predetermined decision. He said it was wrong.

The City Clerk interjected to remind Councilor Filiault that she is always looking out for his and the Council's best interests. She said she is always looking out for the logistical process of everything the Council does. She noted that the Council Chamber is booked almost constantly and so she must forecast these dates—whether it is for Council workshop, additional MSFI meetings, or a Quasi Committee of the Whole. The City Clerk continued acknowledging that unfortunately, Tuesdays are some of the only days that the Council Chamber is available, with a few opportunities on Wednesdays, such as with a fifth week in March. When she booked the Council Chamber on this upcoming series of dates, it was because they had to be reserved for whichever of the multiple choices the Council made tonight.

Councilor Filiault said he was not contesting the workshop date but the fact that it sounded to him as if the Mayor already determined the content of the workshops, which Councilor Filiault objected. Mayor Hansel said that was not the case and that the workshops would be as open as possible. Councilor Filiault said he respectfully requested that the Mayor work with Councilor Greenwald to develop the agenda for the workshop. Mayor Hansel reiterated that he was happy to speak with any Councilors about the workshop.

CITY OFFICER REPORT – MUNICIPAL PRIMARY CHARTER AMENDMENTS – CITY CLERK

A memorandum read from this City Clerk with some housekeeping amendments to the Municipal Primary Charter. She recommended that her memorandum be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred the memorandum to the FOP Committee.

ORDINANCE FOR FIRST READING – RELATIVE TO THE LIBRARY BOARD OF TRUSTEES – ORDINANCE O-2023-05

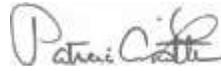
03/02/2023

A memorandum was received from the City Attorney, recommending that Ordinance O-2023-05 be referred to the Finance, Organization, and Personnel Committee for consideration and recommendation back to the City Council. Mayor Hansel referred Ordinance O-2023-05 to the FOP Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:24 PM.

A true record, attest:

A handwritten signature in black ink, appearing to read "Patricia Castle". The signature is written in a cursive style with a large initial "P".

City Clerk