

09/21/2023

A regular meeting of the Keene City Council was held on Thursday, September 21, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, 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. Andrew M. Madison was absent. Ward Four Council seat vacant. Councilor Roberts led the Pledge of Allegiance.

#### MINUTES FROM THE PRECEDING MEETING

First, the City Clerk noted an omission from the August 17, 2023, meeting minutes, which was corrected and re-presented to the Council in their packet this evening. A motion by Councilor Powers to adopt the August 17, 2023, meeting minutes as corrected was duly seconded by Councilor Bosley. The motion carried unanimously, with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

A motion by Councilor Powers to adopt the September 7, 2023, meeting minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

#### ANNOUNCEMENTS

First, Mayor Hansel announced the grand opening of the Patricia T. Russell Park on September 22, with a ribbon cutting ceremony at 11:00 AM. This same evening, there would also be a community night from 4:30 PM–6:00 PM with food, games, and music. The Mayor also announced the Annual Fire Prevention Parade on Sunday, October 8, at 1:00 PM. The reviewing stand will be on Main Street at the intersection with Railroad Street, and the parade will end at Keene Central Fire Station. Mayor Hansel continued by announcing the Annual Inspection Dinner on Thursday, October 12, at 6:00 PM on the apparatus floor at Keene Central Station.

The Finance, Organization, and Personnel Committee meeting for Oct. 12 was canceled so the Council and Staff could attend the Annual Inspections Dinner. Mayor Hansel also announced the cancellation of the 2nd Council Workshop scheduled for October 16, as they concluded their work in the first workshop. Next, the Mayor reported that in October, he was switching the meeting dates for the Municipal Services, Facilities, and Infrastructure Committee and Planning, Licenses, and Development Committee meetings; MSFI will be on October 11 and PLD will be on October 25. Lastly, Mayor Hansel announced that he was moving the Wednesday, November 22 MSFI meeting to Tuesday, November 21, as there are two issues that will require the MSFI Committee to meet that week.

Councilor Jones also shared an announcement. He said the Governor's long-term Advisory Commission on Intermodal Transportation would be having a public workshop in Keene on September 25 at 6:00 PM at the Recreation Center. He said this has happened before for projects

like the Rail Trail, and it is a great way for the Governor's Advisory Commission to gather information.

#### CONFIRMATIONS – LIBRARY BOARD OF TRUSTEES

Mayor Hansel nominated the following individuals to serve as regular members on the Library Board of Trustees: Yves Gakunde with a corrected term to expire June 30, 2024; Ritu Budakoti with a corrected term to expire June 30, 2024; Dr. Donald Caruso with a term to expire June 30, 2026; and Katherine Baer with a term to expire June 30, 2026. A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward 4 Council seat vacant.

#### NOMINATIONS – ENERGY AND CLIMATE COMMITTEE

Mayor Hansel nominated the following individuals to serve on the Energy and Climate Committee: Lisa Maxfield to switch from an alternate to regular member, with a term to expire December 31, 2024; and Michael Winograd to serve as an alternate member, with a term to expire December 31, 2026. Mayor Hansel tabled the nominations until the next regular meeting.

#### COMMUNICATIONS – HILARY SEIFER/AMERICAN HOUSE, VICKY MORTON, AND ROBERT HAMM – SAFETY CONCERNS ON THE EAST SIDE OF KEENE AND THE NEED FOR INCREASED POLICE PRESENCE; AND COUNCILOR FILIAULT – HOMELESSNESS IN KEENE

Communications were received from Hilary Seifer, on behalf of the American House Keene, as well as Vicky Morton, and Robert Hamm, all expressing their concerns about safety due to increased criminal activity in East Keene. For example, the staff at the American House recently had to call the Keene Police Department numerous times for suspicious activity near their property. The communications urged the need for increased police presence in the neighborhood. A communication was also received from Councilor Randy Filiault, expressing concern about homelessness in Keene. He toured homeless encampments within Keene with a homeless outreach coordinator to see the conditions that the homeless are living in. Councilor Filiault is asking that the City schedule a workshop to discuss the situation and possible solutions. Mayor Hansel referred all of the communications to the Municipal Services, Facilities, and Infrastructure Committee meeting on October 11.

#### PLD REPORT – PETER ESPIEFS – PLACEMENT OF CELL TOWER IN RESIDENTIAL NEIGHBORHOOD – NUISANCE AND SAFETY HAZARD CONCERNS

A Planning, Licenses, and Development Committee report read, unanimously recommending accepting this communication as informational. Mayor Hansel filed the communication as informational.

Councilor Jones added that while this was being accepted as informational, Mr. Espieffs shared some information about the definition of a nuisance and safety issues. The PLD Committee assured Mr. Espieffs that they would take all of that into consideration when reviewing this Ordinance.

Councilor Filiault added that the Council had been hearing about this issue for some time, recalling that many in the community and Council are polarized on what they believe about this technology. Since this was being accepted as informational, the issue could be brought back before the Council again in the same calendar year. He urged all of his fellow Councilors to research both sides of this issue, so they are prepared for future conversations. Councilor Giacomo wanted to clarify that this PLD discussion was not about the perceived safety issues that some believe about this technology. Rather, this was about the potential physical electrical hazards and potential traffic hazards due to this pole's location.

**PLD REPORT – ATTORNEY MICHAEL BENTLEY – MONADNOCK T HANGAR CORPORATION – REQUEST TO RENEW EXISTING LEASE**

A Planning, Licenses, and Development Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate these leases and bring them back when ready to execute. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

**PLD REPORT – RYAN GRANDMONT – HAWKER AND PEDDLER – REQUEST TO PLACE SANDWICH BOARD ON CITY SIDEWALK**

A Planning, Licenses, and Development Committee report read, recommending that the current license issued to Ryan Grandmont for use of the vendor cut-out adjacent to Railroad Square be amended to allow placement of a sandwich board sign on City property, which may be erected prior to the start of sales each day, subject to review and approval by City staff with respect to the specific location. The sign must be removed immediately after sales have concluded. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

**FOP REPORT – 2024 LAW ENFORCEMENT SUBSTANCE ABUSE REDUCTION INITIATIVE GRANT**

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2024 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of

\$21,989.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Williams said he would vote against this as he had in the past. While he appreciated that the Police Department was bringing in grants, the Councilor ultimately believed that this was money for the drug war, which is not working. He said there were other ways to deal with this issue, such as medicalization and harm reduction.

Councilor Giacomo agreed it was good to have grant money. He asked more specifically what this money would be used for beyond the general statement of substance abuse harm reduction, particularly considering the communications about the east Keene neighborhood. The City Manager replied that these funds would cover overtime costs in the Police Department for activities related to drug investigations.

The motion carried unanimously with 12 Councilors present and voting in favor and 1 voting in opposition. Councilor Williams voted in opposition. Councilor Madison was absent. Ward Four Council seat was vacant.

#### FOP REPORT – FLEET FACILITY ASSESSMENT – PROFESSIONAL SERVICES CONTRACT

A Finance, Organization, and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with RTA Fleet Consulting Group for technical services for a Fleet Facility Assessment for an amount not to exceed \$49,300. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

#### CITY MANAGER COMMENTS

The City Manager began by reporting that the Council Goals Workshop on September 19 proved successful, thus negating the need for a second workshop. Amendments would be made to the goal language as discussed at the workshop and those amendments should be ready for the Council's adoption at their October 5 meeting. She recalled that there was a request from the Council for Staff to share any organizational changes made during Covid that were still in effect today. The City Manager was collecting that information and would share it with the Council when ready.

Next, the City Manager shared that she would be meeting with Cheshire County representatives on September 22 about ambulance service. She hoped to have several questions answered at this meeting: (1) the County-wide estimated number of calls and percentage of paramedic calls based on historic data to understand what the County anticipates as the overall ambulance demand; (2)

an inventory of service providers throughout the County, including the hospital, to determine where gaps of service exist; (3) the status of County contracts; (4) the County's capacity, i.e. how many more towns they could contract with and maximum number of calls or towns the County could support; (5) the County's staffing model and how that is being used to support their contracts now and in the future; (6) the County's funding model, how they are pricing contracts, and how that could change in the future; (7) the role of the County's contract with Great Brook Emergency Medical Services and their capacity; and (8) how the County could assist the Keene Fire Department. The City currently has a 90-day arrangement with Rescue Inc. As requested, the City has provided in advance of this meeting (transports and calls by Keene Fire per community and Keene's revenues—what Keene charged for ambulance calls to those communities, what the City was allowed to collect based on insurance, and what was collected).

The City Manager also reported on Flash Vote, which can be used to gain public input. There were currently 416 Keene residents who had signed up to be panelists on the City's Flash Vote surveys and those numbers were growing weekly. The City's first Flash Vote survey helped to gather the public's priorities on the future of Robin Hood Park improvements with 253 responses. The survey results were available via the [City's of Keene's website homepage](#), including ways to sort the data to understand specific issues. There were enough responses for those results to be statistically accurate for the greater community. The City Manager said anyone who resides in the City could sign up (there is a way to sort out responses from those outside the community), and the surveys only take one minute. The participants do not know what the topic will be when they sign up to be panelists for a particular survey, which helps to reduce bias. One survey question asked what possible improvements the panelists prioritized for Robin Hood Park and the top three priorities were: (1) bathroom renovations, (2) a pool upgrade, and (3) more covered seating. The City Manager invited more residents to sign up for these surveys.

Lastly, the City Manager shared that the Keene International Festival would be held on Saturday, September 23, from 11:00 AM–3:00 PM at the Recreation Center.

#### ACCEPTANCE OF DONATIONS

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending the acceptance of the donations totaling \$6,600.00. A motion by Councilor Powers to accept the following donations with gratitude was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

**MORE TIME – ROGER WEINREICH – REQUEST TO USE CITY PROPERTY – BLOCK PARTY; AND JARED GOODELL – PLACE OF ASSEMBLY PERMITS – RECENT CHARGE BY FIRE DEPARTMENT – BENDER'S BAR & GRILL**

A Planning, Licenses, and Development Committee report read, recommending that Roger Weinreich's request to use City property for the block party be put on more time to allow for protocol meetings to be scheduled. A Finance, Organization, and Personnel Committee report read, recommending that Jared Goodell's request to use City property be placed on more time. Mayor Hansel granted more time for both.

**ORDINANCE FOR SECOND READING – RELATING TO PERFORMANCE BONUSES AND CLASS ALLOCATION – ORDINANCE O-2023-14**

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Ordinance O-2023-14. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Ordinance O-2023-14 was duly seconded by Councilor Remy. Councilor Jones asked about the effective date for this Ordinance. The City Manager replied that there were two different effective dates. The first part of the Ordinance related to performance bonuses was effective January 8, 2023, to ensure the calendar year is covered. The second part of the Ordinance regarding the grade change would be effective October 1, 2023, to align with the two changes the Council made to the Keene Police Supervisors' contract and the Keene Police Officers' contract; this keeps all of the positions in line. This was the final adjustment for the non-union positions. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

**IN APPRECIATION OF GAIL ZACHARIAH UPON HER RETIREMENT – RESOLUTION R-2023-34**

A memorandum read from the HR Director/Assistant City Manager, recommending that the Resolution be adopted by the City Council. A motion by Councilor Powers to adopt Resolution R-2023-34 with appreciation of Ms. Zachariah's service was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

**RELATING TO FY24 FISCAL POLICIES – RESOLUTION R-2023-32**

A Finance, Organization, and Personnel Committee report read, unanimously recommending the adoption of Resolution R-2023-32. A motion by Councilor Powers to approve Resolution R-2023-32 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Madison was absent. Ward Four Council seat vacant.

**RESOLUTION R-2023-29-B**

Mayor Hansel recalled that at the Council's last meeting, there was a close vote on a waiver request from a developer not to have to put their utilities underground. Since that meeting, the developer provided the City with more detailed costs of putting their utilities underground due to

the Council debate and lack of clarity on this matter. Thus, under Section 19 of the City Charter, Mayor Hansel reconsidered the City Council’s adoption of Resolution R-2023-29-B and noted that he would accept a motion to amend the Resolution to re-instate the waiver request for underground utilities. Mayor Hansel noted that this is not a typical Council procedure and when he calls something back for reconsideration, it essentially nullifies the previous vote and reopens the Council debate on this amendment. Mayor Hansel recalled that because Councilors Chadbourne and Roberts did not attend the site visit related to this application, they could not participate in this discussion or vote.

The following motion by Councilor Powers was duly seconded by Councilor Giacomo: Move to amend Resolution R-2023-29-B by adding the following phrase to paragraph 7 of the Resolution *“and Section 22.3.7.D, underground street lighting feed and utilities”* so that the paragraph 7 would read: *“Petitioner shall receive a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.3.7.A Sidewalks, Section 22.3.8 Street Lighting, but with the exception of the required street light at the intersection of the road layout and Whitcomb’s Mill Road, Section 22.3.7.D, underground street lighting feed and utilities, and Section 22.3.16 Street Trees.”*

Councilor Giacomo was glad this was being reconsidered. He voted in opposition at the last meeting, but did some more research shortly after the meeting, and had since reviewed the developer’s specific costs. Those costs led him to change his vote to support this waiver.

Councilor Workman agreed with how the Ordinance is written in requiring underground utilities. Having looked more closely at this project specifically, she thought it highlighted the reason why the City provides the opportunity to apply for waivers. She did not want the Council’s vote to dismiss the intention of the Ordinance, but she still understood the unique characteristics of this project. She would vote to approve the waiver.

Councilor Jones recalled when the delegation from Keene’s partner city—Einbeck, Germany—first visited Keene. He remembered asking why the delegates were taking so many photos of the utility poles, which he said was because they could not believe Keene had them. He called it an antiquated system that Germany eliminated in the 1950s. He thought Keene should start moving in the same direction anytime a new neighborhood is built, noting how ugly the overhead poles and wires are. He lived on Pako Avenue with overhead wires for 20 years and every time there was a bad storm, one of the transformers blew up. He never had that problem in his current neighborhood where the utilities are underground. Councilor Jones thought that underground utilities should be the standard for every new residential dwelling, noting that there would be a true return on investment. He would not support this waiver.

Councilor Greenwald thought this issue was simple given all the Council’s discourse about the need for more and affordable housing in Keene. He said that each new requirement of a developer will raise their costs. In this case, the developer had demonstrated the costs and challenges, which could send a signal to others in the housing business that there are a lot of

requirements in Keene. He thought overhead wires would not be highly visible in this wooded area. He wondered if government subsidies in Germany allowed the change Councilor Jones mentioned. Councilor Greenwald said the City would not subsidize this. He wanted the Council to send a signal to the building community that they want housing and will cooperate.

Councilor Williams responded to Councilor Greenwald, stating that by not requiring the builder to place utilities underground, it would raise maintenance costs long-term, which would fall on all the rate payers and not just those in this development. Thus, in that way, Councilor Williams said the Council would be subsidizing this. He said these would be nice houses and he was not opposed to those owners paying property taxes. He thought it would be a nicer neighborhood with underground utilities and he would not support this waiver.

Councilor Ormerod said that in looking at the scale of this project, he understood the claim that the costs would be spread among fewer people, which could raise the price. Councilor Ormerod's initial reason for opposing this waiver was not due to the costs, but because of the environmental impact and aesthetics, and his opinion had not changed. However, he did not think the City's Ordinance was strong enough to set the expectation of underground utilities and he did not think it provided the Council a strong enough reason to deny this waiver request. Councilor Ormerod would vote in favor of the waiver.

Councilor Jones added that the homeowners' association of this development would be installing underground wiring to the end of every driveway for lamp lights. Thus, he said there would already be digging for underground wiring, so he did not see how installing overhead poles would be that much cheaper than installing underground. Councilor Jones anticipated that the costs of installing and maintaining overhead utilities would prove even more expensive.

The City Attorney, Tom Mullins, pointed out Scrivener's error in the motion. What was listed as "*Section 22.3.7.D*" should be "*Section 22.3.8.D*." There was no need for a new motion.

The motion to amend carried on a vote of 7–4. Councilors Lake, Remy, Williams, and Jones voted in opposition. Councilor Madison was absent, Councilors Roberts and Chadbourne abstained, and the Ward Four Council seat was vacant. Thus, Resolution R-2023-29-B was amended. Referring to the Resolution as amended, on a vote of 8–2, the City Council adopted Resolution R-2023-29-C. Councilors Williams and Jones voted in opposition. Councilor Madison was absent, Councilors Roberts and Chadbourne abstained, and the Ward Four Council seat was vacant.

## ADJOURNMENT

Mayor Hansel noted that the delegation from Keene's partner city—Einbeck, Germany—would be visiting Keene from September 22–29. He encouraged all to join the events and welcome the visitors to the City.



09/21/2023

There being no further business, Mayor Hansel adjourned the meeting at 7:51 PM.

A true record, attest:   
City Clerk