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A regular meeting of the Keene City Council was held on Thursday, November 16, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Michael J. Remy and Kris E. Roberts were absent. Ward Four Council seat vacant. Having declared that a quorum was physically present in the Council Chamber, Mayor Hansel recognized that Andrew M. Madison requested to participate remotely due to work travel; he was calling alone from his location. Hearing no objections, Mayor Hansel granted remote participation. Councilor Bosley led the Pledge of Allegiance.

MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes from the November 2, 2023, regular meeting, and the minutes from the November 9, 2023, special meetings as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

ANNOUNCEMENTS

Mayor Hansel reminded the Council that the Wednesday, November 22 MSFI meeting was moved to Tuesday, November 21. The Wednesday, December 27 MSFI meeting was moved to Tuesday, December 12. Additionally, the FOP Committee meetings for November 23 and December 28 were canceled. Further, at the last Council meeting of the year, outgoing and incoming Council group photos would be taken in the Council Chamber. Looking into 2024, Mayor Hansel announced that the inauguration of the 2024–2025 Council will take place on Monday, January 1 at 12:00 PM in the Council Chamber. Finally, Mayor Hansel reminded that a Council workshop was scheduled for Tuesday, January 9 at 6:00 PM on the right-to-know statute; it will be important that Councilors make every effort to attend this workshop.

CONFIRMATION – ZONING BOARD OF ADJUSTMENT

Mayor Hansel nominated David Weigle to serve as an alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2026. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

COMMUNICATION – FREDERICK PARSELLS – RELATING TO DOWNTOWN INFRASTRUCTURE PROJECT – CONSIDERATION FOR SAFETY AND TRAFFIC CALMING MEASURES

A communication was received from Frederick Parsells, requesting that the City Council give due consideration to including traffic calming measures such as tabletop crosswalks in the plans for the Downtown Infrastructure and Improvements Project as the plans for this project move forward. Mayor Hansel accepted the communication as informational.

COMMUNICATION – IAN MATHESON – IN SUPPORT OF FUNDING A POLICE SOCIAL WORKER

A communication was received from Ian Matheson, in support of creating a Police Social Worker position. He believes that this is a critical position and should be funded by the City. Mayor Hansel accepted the communication as informational.

FOP REPORT – JARED GOODELL – PLACE OF ASSEMBLY PERMITS – RECENT CHARGE BY FIRE DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that that the City Attorney's office be requested to draft an appropriate amendment to the fee structure with respect to Places of Assembly to make the distinction between the costs for the permit and any cost for inspection. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

A Finance, Organization, & Personnel Committee report read, recommending waiving the fee charged to Jared Goodell for the Assembly Permit. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF CYBERSECURITY GRANT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend a Cybersecurity grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$62,300 for a cybersecurity implementation project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

FOP REPORT – SALE OF CITY PROPERTY – 0 OFF GEORGE STREET

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 0 off

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George Street, Map 532 Lot 044. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

FOP REPORT – COUNCIL POLICY ON THE REVIEW AND RELEASE OF NON-PUBLIC CITY COUNCIL

A Finance, Organization, & Personnel Committee report read, recommending that the City Clerk implement the statutory release of non-public City Council minutes as outlined. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Jones asked if this would include non-public session minutes on personnel matters, land matters, and/or litigation. The City Attorney responded that the Statute covered all non-public Council minutes. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

CITY MANAGER COMMENTS

The City Manager reported that the tax rate was finalized. Bills were printed and mailed by Tuesday, November 21. The final rate was \$31.89, which was less than what was projected at budget time (\$32.65). The assessed values were higher than estimated. For the first time, the entire taxable value of the City exceeded \$2 billion and there were large commercial property sales this year that were higher than the assessed value, which was also good news. The school also returned about \$750,000 of unused funds, which decreased their rate increase. The education numbers were still the largest portion of the increase, at \$0.67 of the total \$0.86 increase.

REPORT – ACCEPTANCE OF DONATIONS

A memorandum was read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council accept a donation in the amount of \$1,587.00 and that the City Manager be authorized to use such donation in the manner specified by the donor. A motion by Councilor Powers to accept the following donation on behalf of the Partner City Committee was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

REPORT – ALLEGATION OF FRAUD OR MISCONDUCT IN CONNECTION WITH THE MUNICIPAL ELECTION – PURSUANT TO SECTION 5 OF THE KEENE CITY CHARTER – CITY CLERK

A memorandum was read from the City Clerk recommending that the allegation by Mayoral candidate Bradford Hutchinson of fraud or misconduct associated with the 2023 Municipal Election be referred to the Finance, Organization, and Personnel Committee. Mayor Hansel referred the memorandum to the Finance, Organization, and Personnel Committee.

REPORT – BACK-UP AMBULANCE SERVICES – CITY MANAGER

A memorandum read from the City Manager, Elizabeth Dragon, recommending that Section 26 of the Rules of Order be suspended to allow action upon a recommendation regarding an agreement with Cheshire EMS. The memorandum further recommended that the City Manager be authorized to execute a sole source back-up ambulance agreement with Cheshire County EMS.

The City Manager provided introductory comments. She recalled that the City Council directed her to negotiate with Cheshire County for back-up ambulance services, and said that negotiation took a long time. Since the closure of DiLuzio Ambulance, the City had been receiving back-up ambulance services from Rescue Inc., which was outlined in an agreement in August 2023 for a 90-day period, with a monthly payment to Rescue Inc. of \$15,000. Unfortunately, even with that monthly payment, Rescue Inc. was still losing money as a non-profit, so they had to withdraw from providing those services. Thus, as of November 1, Rescue Inc. moved out of the Keene Fire Station, but was still providing some assistance from a greater distance away, which was not ideal. The City Manager said that Rescue Inc. had been amazing and willing to help with this short-term agreement, which the City was grateful for.

The City Manager continued describing her negotiations with Cheshire County, which concluded on November 8. She said that she got everything she asked for in the negotiation and agreed to nothing she did not want to. Thus, she said the negotiations resulted in a very favorable agreement for the City. The Fire Chief attended all negotiations to ensure the most favorable contract with Cheshire County. The terms of the agreement include a reference that Keene Fire will remain the City's primary ambulance service provider. This contract is only for back-up services provided to other communities in the County, which would be provided to Keene at no cost. The City Manager said one sticking point in the negotiations was that the County initially wanted Keene Fire to also back-up the County in a mutual aid agreement. However, the Keene Fire Department is extremely busy and there were concerns about how Keene providing back-up services to the County would impact Keene's regular services, so that was a non-starter for the City Manager. Thus, she sought a back-up agreement that Cheshire County EMS had offered to other communities in the County, without having to pay a fee.

Ultimately, the City Manager said the agreement was for Cheshire County EMS to provide back-up ambulance services to the City of Keene. The County also offered paramedic intercept services when requested at a cost of \$600.00 per call, which the City Manager said was very reasonable. Another challenge in the negotiations was that Keene has a contract to provide primary ambulance coverage for Nelson, Roxbury, Chesterfield, Surry, and Sullivan. The City

Manager also requested that Cheshire County EMS back-up services to those towns. Ultimately, she was able to convince the County that those communities in the County deserve to have back-up services too, like every other community, regardless of where their primary ambulance service comes from.

The City Manager explained that a lot of the negotiation time was related to nursing home facilities in Keene, which amount to approximately 1,000 calls per year. In the past, DiLuzio handled those calls through a private agreement with the facilities, so the City cannot negotiate those private agreements. Many of the nursing home calls are for transfers, most of which could be handled another way. Thus, the City Manager suggested that the County should work directly with nursing homes if they want to pick up those contracts. The agreement includes a clause that the Keene Fire Chief and Cheshire EMS will develop joint standard operating procedures and protocols for incident management, patient handoff, data sharing, scene safety, and other matters related to operational effectiveness.

The City Manager continued, explaining that the contract also has a 90-day clause to terminate by either party, which is standard in the contracts with the five communities to which Keene provides ambulance services. The City also has the ability to cancel the contract at any time given the proper 90-day notice. The City Attorney was currently reviewing the contract. The City Manager noted that she added some “whereas” clauses to the contract, which had not yet been agreed to by the County. The City Manager read: *“Whereas the recent closure of DiLuzio Ambulance services and the impending departure of Rescue Inc., the City requires a reliable secondary ambulance service to provide necessary backup. Whereas, because the City is the largest tax dollar contributor to the annual budget for the County, and because the City residents are providing the direct funding for primary ambulance services, the County has assured the City that Cheshire EMS will be and will remain a separate County enterprise fund not funded directly or indirectly by tax dollars raised within the County and will have no negative impact on the county tax rate.”* The City Manager was hopeful that the County would agree to these quoted clauses.

While working on this contract with Cheshire EMS, the City Manager said she had some concerns about their financial model for the future, and how that model would impact the overall tax rate for the County. Thus, she wanted to ensure there was language in the contract to protect the City in that regard: *“and whereas the parties agree to work cooperatively with each other to provide services, as stated herein, and not compete with each other, while providing ambulance services within the County.”* The City Manager said this clause was important. She explained that Westmoreland had a contract with the City of Keene, and yet the County created a contract with Westmoreland for a much lower charge, which shifted approximately \$100,000 of expenses back to the Keene taxpayers. Thus, she said there was a very difficult conversation between the City and County because the City Manager believed that the County reneged on their initial terms that said they would not compete with the City. The County tried to explain why they were working with Westmoreland, but the City Manager needed to ensure that there would not be this competition again moving forward. She said there were discussions of pricing models and

perhaps working together to avoid future competition: *“and whereas by entering this agreement with the County to provide secondary ambulance services to the City, the City is not expressing its support for, or endorsement of, the funding mechanism used by the County to establish and operate Cheshire EMS.”* The City Manager said she had been very vocal about concerns related to the use of Keene’s funds. Keene has very limited options for backup services, so she had to find a way to work together and move forward, which she thought this contract allowed, without putting the City in any jeopardy. This agreement is not Keene’s endorsement of anything Cheshire County had done to date. There would be no negative impacts for the Keene Fire Department because they are not being asked to back-up the County. Keene would receive the same back-up that Cheshire EMS provides to all other towns in the County.

The City Manager understood that there might be concern moving forward because there is no trust in this relationship, and it would take time to rebuild that trust. Still, she said this agreement would be a step in the right direction and began an important conversation about what EMS service will be in the future for this region. Because this was time sensitive—due to Rescue Inc. moving out of the Fire Station—she asked the Council to suspend its Rules of Order to act on this item. Regarding concerns that Cheshire County violated laws related to providing ambulance services, Medicare, or Medicaid, the City Manager said that was beyond the scope of this contract or what the City needs to do. She hoped the Council would support this contract so there would be no gap in back-up services. The City Manager said she understood that members of the Fire Department contacted Councilors with their own ideas about the future organization of the Fire Department, which are things the City Manager wants to talk about for the future.

A motion by Councilor Powers to suspend Section 26 of the City Council Rules of Order to allow a discussion and vote on this matter was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

A motion by Councilor Powers to authorize the City Manager to execute a sole source back-up ambulance agreement with Cheshire EMS was duly seconded by Councilor Chadbourne. Discussion ensued.

Councilor Filiault commended the City Manager for this tough and complicated negotiation. He thought it was unfortunate that there was so much misinformation and rumors throughout the community that put people against people—and people against the Council—while everyone wondered what was going on. Still, he applauded the City Manager and Staff for coming to this agreement. Councilor Filiault said he was also disappointed to see that many attacks on this matter became personal, and that it was tough seeing elected officials taking personal hits on this issue that was not personal—it was business. The Councilor wanted to comment on one rumor that somehow, if the Keene Fire Department lost a contract to a town, that there would be potential layoffs, which he said was never true. Rather, the Council had just recently voted to hire four firefighters. In the 24 years Councilor Filiault was on the Council, he said such layoffs were never discussed. He added that this argument should not be based on potential loss of

revenue. He knew that for the last few years, the Keene Fire Department was buried in calls, and he knew that one reason Keene takes outside calls is because of revenue, which he did not believe should be a part of the equation anymore. If it is a matter of revenues, he said the City Council could find a way to add to the budget. Still, in the future, Councilor Filiault said this argument should never happen again over a potential loss of revenue. He said that if this happens again in the future, the City should be concentrating on the citizens of Keene and handling the revenues here in the City.

Councilor Lake asked about the length of the agreement; and was there a renewal schedule? The City Manager said the agreement was through 2026, with the month dependent on when the contract is signed. Councilor Lake thanked the City Manager for this negotiation and getting the City closer to having back-up services.

Councilor Chadbourne thought the City Manager did a good job in this negotiation. The Councilor thought it was important for the Council to support the City Manager on this contract. That said, Councilor Chadbourne thought there needed to be a larger discussion about the future of ambulance service in Keene, and she proposed sending this to the FOP Committee for that discussion, though she did not make a formal motion. Mayor Hansel suggested initiating the discussion on the broader ambulance service differently and dealing with this specific contract that was on the floor; Councilor Chadbourne could submit a communication to initiate the FOP discussion.

Councilor Ormerod expressed his opinion, which he did not think would be popular. He thought a few things were being overlooked that he wanted to bring to the Council's attention. He was aware of how difficult the negotiations had been, and he was aware that the Council tasked the City Manager with this. Councilor Ormerod was glad there was progress, but he did not think it was close enough. He thought that the vulnerable nursing home population—the largest growing demographic in Keene—was being left to chance and whims. Thus, he said he could not agree with this contract unless there were guarantees that someone would be servicing the nursing homes better than in the past; he thought the City needed to do a better job. Also, Councilor Ormerod was concerned about the clause to terminate the agreement by either party for no cause, and he was unsure if that was standard or if it should be in the contract. He said it was critical for the City to have fire protection—particularly going into fire season—that should be tied to very specific performance clauses that terminate automatically. The Councilor was also concerned that City Staff or the City Manager would have to constantly manage the County on the procedures for incident management that were still to be negotiated, which he did not think was fair. Thus, Councilor Ormerod said he wanted to support the City Manager with a vote in opposition.

The City Manager thanked Councilor Ormerod for his continued support. Still, she explained that nursing home transportation is a private agreement, and the City cannot negotiate on the nursing homes' behalf for who they use for non-emergency transfers. She recommended during the negotiations that if the County was interested, they could have those one-on-one

conversations with the nursing homes. While this had been a difficult process, the City Manager hoped that the Council would support her with unanimous affirmative votes for this contract.

Councilor Powers wanted it to be clear to everyone that the Keene Fire Department was never in the transport business, and this contract would not change that. The City could not afford to be in the transport business and does not have the Staff capacity for non-emergency nursing home transfers. He said the model being discussed in this agreement was just an emphasis of business as usual.

On a roll call vote, the motion to authorize the City Manager to execute a sole source back-up ambulance agreement with Cheshire EMS carried with 10 Councilors present and voting in favor and 2 Councilors voting in opposition. Councilors Madison and Ormerod voted in the minority. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

ECC REPORT – RECOMMENDATIONS REGARDING LOWER WINCHESTER STREET RECONSTRUCTION PROJECT – ENERGY AND CLIMATE COMMITTEE

An Energy & Climate Committee report read, recommending the inclusion of dedicated bicycle infrastructure, sidewalks, roundabouts, trees, and connectivity to the rail trail in the plans for the Lower Winchester Street Reconstruction Project. The Committee further requested that energy conservation, multi-modal transportation, and environmental impacts be prioritized. Mayor Hansel accepted the recommendation as informational.

ORDINANCE FOR SECOND READING – RELATING TO PURCHASING – ORDINANCE O-2023-15

A Finance, Organization, & Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2023-15. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Ordinance O-2023-15 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FOR SAFETY IMPROVEMENTS ON WOODBURY STREET – RESOLUTION R-2023-37

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Resolution R-2023-37. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Resolution R-2023-37 was duly seconded by Councilor Chadbourne. Councilor Greenwald said this was not just about a wall or guardrail, but about housing. He said Keene Housing Authority was creating affordable housing on an otherwise vacant site that was not tax-paying. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

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RESOLUTION – RELATING TO USE OF OPIOID LITIGATION SETTLEMENT FUNDS –
RESOLUTION R-2023-39

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Resolution R-2023-39. Mayor Hansel filed the report. A motion by Councilor Powers to suspend Section 27 of the City Council Rules of Order to allow action on the Resolution without a second reading was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

A motion by Councilor Powers to adopt Resolution R-2023-39 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:58 PM.

A true record, attest: 
City Clerk