

04/04/2024

A regular meeting of the Keene City Council was held on Thursday, April 4, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bryan J. Lake, Catherine I. Workman, Thomas F. Powers, & Mitchell H. Greenwald were present. Bettina A. Chadbourne was absent. Ward One Council seat vacant. Councilor Jones led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt the March 21, 2024, minutes as presented was duly seconded by Councilor Bosley. The motion carried with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

ANNOUNCEMENTS

Mayor Kahn announced the cancelation of the April 10 Special Municipal Services, Facilities, and Infrastructure (MSFI) Committee meeting. The project design review will occur during the April 24 MSFI Committee meeting, with an early start at 5:30 PM. The Planning, Licenses, and Development (PLD) Committee will hold its regular meeting at 6:00 PM on April 10. Also on April 10, the public displays of the downtown infrastructure improvement project design will occur at the Recreation Center, at both 3:00 PM to 4:30 PM and 5:30 PM to 7:00 PM.

Next, Mayor Kahn announced that the Operating Budget review by the Finance, Organization, and Personnel (FOP) Committee would start with their first meeting on Thursday, May 9, at 5:30 PM. Additional meetings were scheduled for Tuesday, May 14 at 5:30 PM, and Tuesday, May 21 at 5:30 PM. A light meal will be provided in advance of these meeting times. Mayor Kahn also announced a Special City Council meeting on April 23 at 6:00PM for the purpose of holding the annual evaluation of a Charter employee. Lastly, the Mayor announced the cancelation of the July 4 Council meeting in observance of Independence Day.

RETIREMENT PROCLAMATION – RAY PHILLIPS

Mayor Kahn read a Proclamation honoring Ray Phillips for 22 years of service to the Keene Fire Department. Mr. Phillips thanked the City Council—past and present—for its support over the years. He said it was a long, good career, with a lot of support from the City. Mr. Phillips said it was an honor working for the residents of Keene for so long.

RETIREMENT PROCLAMATION – COLLEEN SWIDER

Mayor Kahn read a Proclamation honoring Coleen Swider for 35 years of service to the Keene Public Library. Ms. Swider read the following statement:

Even just a few years ago, public perceptions of libraries was undergoing a radical change. In the early 19th and 20th centuries, libraries were a means of education and entertainment. With the advent of modern technology, this idea was being questioned, but far from the demise of libraries, as was woefully predicted, a generation of educators and leaders began to pivot the role of the library in the community to one of activism and leadership.

Libraries build good citizens. Not only do they inform and educate, but they are also the so-called Canaries of the Community. Libraries are usually one of the first recognizers of social and cultural changes, whether that be housing, health initiatives, or political unrest. The Keene Public Library [KPL] has most assuredly brought myriad young families and retired active seniors to settle in our community. I've heard myself again and again when I saw your library, I knew Keene was the place for me. Part of this is because the libraries have become the new general store of the community. They are widely used meeting places. The KPL hosts hundreds of public and private meetings every year. The library is a place young mothers meet to socialize and support other young families. It's the place social service agencies can meet with clients privately. It's a place librarians can direct individuals in crisis to City help with housing and food and legal services. The elderly feel safe in our walls, attending lectures, movies, and craft programs, meeting new friends, and possibly finding a new purpose in life. It was the Keene Public Library partnering with the New Hampshire Food Banks and the Community Kitchen, who first realized how many of our children were without food during the summer. It was also the Keene Public Library that recognized the inequality and divisiveness that was engendered by feeding only children and not their caregivers or parents. And it was the KPL who extended the free food program to adults who were without families. All of this was accomplished without direct City funding. Instead, the funding came from our Trustees and our Friends and grants pursued by your librarians. Today, almost all of our lives are facilitated by technology. The Keene Public Library provides instructions for many of our seniors who are desperate to keep pace with today's changing order.

When I first began 35 years ago, we circulated books and magazines, LPs, and framed artwork. And a very, very tiny collection of videos donated by The Grange, which you could watch in a kind of telephone booth. But now, with the advent of our gear library, you can plan and plant your garden from seed to harvest and preserving with our extensive tool collection. You can snowshoe in the winter, kayak and fish and camp in the summer, all with materials borrowed from the libraries.

If you have a creative side, come to the Library and use our vast collection of sophisticated maker materials. You can engrave, carve, laser, and 3D print anything that you can think of with a knowledgeable instructor by your side. Diversity and inclusion is one of our City goals. The Library most assuredly is in the forefront of promoting that goal. We have a growing collection of materials curated to serve the needs of non-English speaking in Hindi, Spanish, Portuguese, and Chinese, among others. We partner successfully with Keene schools, ESL tutors, and the Keene community to ensure that we provide the best assistance and materials to our newest neighbors. When I visited schools often and talked with children about coming to the Library, there were two things that I said that amazed every child and I heard it over and over again. The Library and everything in it was free. They were astounded. And the second thing? The Library belonged to them. The Library belonged to them, and it's what their parents and their leaders gave them.

The KPL is a jewel in our City's crown. We are the best Library in this State in this time of municipal belt tightening. The Library is the most comprehensive egalitarian service that we can offer our citizens. In conclusion, the value that the City has always placed on the Library as a vital underpinning is undeniable, and as we celebrate 125 years in our beautiful building, my wish is that it may always be that way. Thank you.

PROCLAMATION – LIBRARY BOOK SALE

Mayor Kahn read a Proclamation in honor of the Keene Public Library's Book Sale. The Mayor announced that April 19–21, 2024 as Friends of the Keene Public Library Days, and he urged all citizens of the Monadnock region to visit the Spring Book Sale at the Keene Public Library in support of continued excellent library programs and facilities. Mayor Kahn presented the Proclamation to Jan Manwaring, representing the Friends of the Keene Public Library. Ms. Manwaring said this year the sale will be on two floors, with over 40,000 books. She added that on bag day you can fill any size bag with as many books as possible for \$5. She thanked the volunteers for their hard work sorting and moving books, as well as everyone who donated books.

RECOGNITION – KATHY COLLINSWORTH – BUSINESS NEW HAMPSHIRE FIRST INAUGURAL NONPROFIT LEADER OF THE YEAR AWARD, 2023

The Mayor stated this would be postponed until Ms. Collinsworth can be present.

CONFIRMATIONS – LIBRARY BOARD OF TRUSTEES & ENERGY AND CLIMATE COMMITTEE

Mayor Kahn nominated Hollie Seiler to serve as a regular member of the Library Board of Trustees, with a term to expire June 30, 2025. The Mayor also nominated Gordon Lerversee to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2026.

A motion by Councilor Greenwald 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 Chadbourne was absent. Ward One Council seat vacant.

NOMINATIONS – ENERGY AND CLIMATE COMMITTEE & PARTNER CITY COMMITTEE

Mayor Kahn nominated Annu Joshi Bargale to serve as a regular member of the Energy and Climate Committee, with a term expiring December 31, 2026. He also nominated Derek Blount to serve as an alternate member of the Partner City Committee, with a term expiring December 31, 2026. Mayor Kahn tabled the nominations until the next regular meeting.

COMMUNICATION – ARTS ALIVE – REQUESTING A WAIVER OF PARKING FEES – ELEVATE THE ARTS EVENT – AUGUST 11, 2024

A communication was received from Georgia Cassimatis of Arts Alive, requesting a waiver of parking fees for their annual fundraising event, Elevate the Arts, to be held on August 11, 2024,

in the Commercial Street parking lot and spaces along the Rail Trail on Gilbo Avenue. Mayor Kahn referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – GAIL SOMERS – RESIGNATION – PLANNING BOARD

A communication was received from Gail Somers, resigning from the Planning Board. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of her service was duly seconded by Councilor Bosley. The motion carried unanimously with 13 councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

COMMUNICATION – CATHEDRAL LEDGE DISTILLERY – REQUEST TO PARTICIPATE IN THE KEENE FARMER’S MARKET

A communication was received from Christopher Burk of the Cathedral Ledge Distillery, requesting to participate in the Keene Farmer’s Market. They previously participated in 2022 and would like to return this year and be able to serve samples and sell their organic spirits. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

FOP REPORT – ACCEPTANCE OF 2024 WELLNESS GRANT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the 2024 wellness grant from Health Trust in the amount of \$2,000 to be used for employee wellness activities. 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 Chadbourne was absent. Ward One Council seat vacant.

FOP REPORT – CONSTRUCTION SERVICES CONTRACT – DOG PARK

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a construction services contract with David O’Neil Construction for services required for the construction of a new dog park for an amount not to exceed \$74,707.00 with funding to come from Project Cost Center (65J0012A). 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 Chadbourne was absent. Ward One Council seat vacant.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Dragon, reported that the Legislative Delegation meeting at Heberton Hall was a success thanks to the City Clerk’s team, Library assistance, Helen Mattson, and Beth Fox. Ms. Fox serves on the NH Municipal Association (NHMA) Board. NHMA staff provide an excellent overview of bills of interest. In addition to SB 406 related to funding for homelessness housing expenses, the City Manager was also following several bills of interest related to housing and retirement. There are three retirement bills that could prove to be very problematic to the City. So, she reached out to Keene’s Legislative Delegation, requesting that they oppose HB 1647, SB 309, and HB 1451.

The City Manager continued, explaining that at this time, the NH Retirement system required 10 years of service in the system to become vested. SB 309 proposed changing that to five years. While the City Manager understood that this could be a recruitment tool, it would also create issues with retention. Many City employees are between that 5–10-year mark and are staying with the City until they reach 10 years to become vested. Vested balances made up of employer and employee contributions are fully owned by the employee and that employee has earned the right to a pension. Employees leaving before becoming vested are entitled to the contributions they have made plus interest—a pension is not an option. SB 309 could be very problematic to the City if passed, both as it relates to retention and as it relates to increased retirement expense. Employer contributions are expected to increase by \$2.12 million in FY-26 and \$2.18 in FY-27. These increased costs are passed on in our rates.

Next, the City Manager said that HB 1647 would not only cost towns and cities a great deal more, it is extremely unfair to the majority of our employees who are Group I. At this time, there were tiered benefits in both Groups I and II of the retirement system; where an employee falls on those tiers depends on when they started working for the City. This bill would attempt to remove those tiers for Group II (Police & Fire only) at a cost to towns and cities in year one of \$3.69 million. It would also create disparity between the rest of employees who fall under Group I.

The City Manager explained that HB 1451 related to inclusion of mandatory overtime in the calculation of an employee's base rate calculation for retirement benefits. This is again a very costly bill for towns and cities. The exact cost is unknown because they did not define what "mandatory overtime" is. Overtime costs in City departments vary greatly depending on what is happening in those departments. We see this the most in Police, Fire, and Highway. The City sees overtime numbers spike when short staffed (e.g., someone out on FMLA, someone just out sick, recruitment challenges, etc.). Including mandatory overtime in the base calculation for retirement will drive up the employer's pension rate. Projected increases up to \$8.18 million in FY-26 and \$8.42 million in FY-27. The City Manager was also concerned about changes related to people signing up for shifts. Will people be less apt to sign up for a shift and instead wait to be ordered in so that it counts towards their base rate calculations for retirement purposes? What changes might also be needed in our union contracts? The City Manager asked Keene's Legislative Delegation to oppose all three bills.

The City Manager said she was holding hope for one retirement bill, which passed the House. HB 1279 would restore a portion (7%) of the State's contribution toward retirement (the state once contributed 40%; this was fully eliminated in 2011). Those expenses were downshifted to local towns, cities, and schools. This bill would provide some welcomed relief. Some form of this bill has been put forward every year and defeated since 2011. In 2022, Keene received a one-time payment.

Mayor Kahn urged all to echo the City Manager's message to State Representatives. He noted that he was asked to join with other Mayors in supporting school funding bills: HBs 1482 and 1655.

TABLED ITEMS – COUNCILOR ORMEROD – RESIGNATION – KEENE CITY COUNCIL

Mayor Kahn called forward Mr. Ormerod’s tabled resignation, which was effective as of April 1, 2024. The Mayor declared the Ward One Council seat vacant and established the filing period as follows. The filing period will start at 8:00 AM on Friday, April 12, 2024, and will continue until Friday, April 26 at 4:30 PM. Declarations of Candidacy will be available in the office of City Clerk. There is a \$2 filing fee. At the May 2 City Council meeting, each candidate will be given five minutes to address the City Council relative to their candidacy. Immediately following this, the Council will proceed with the process of filing the vacancy. The candidate receiving the votes of a majority of the elected Council will be declared the winner. The oath of office will be administered, and the prevailing candidate will immediately assume office.

Mayor Kahn said that Mr. Ormerod had distinguished himself well during his five years on the City Council. The Mayor thanked him and wished him well in his continued service to the School Board.

TOM MULLINS – GIFT AND CONGRATULATIONS ON RETIREMENT

While Mr. Mullins’ retirement would be honored formally at a later date, a group of 23 retired City department heads presented him with a gift.

NON-PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss legal advice under RSA 91-A:3, II (e), was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant. The non-public session began at 7:50 PM. Discussions relating to the subject matter was held. The session concluded at 8:10 PM. A motion by Councilor Greenwald to keep the minutes of the non-public session sealed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Chadbourne was absent. Ward One Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting.

A true record, attest: 
City Clerk