



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 15, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- July 1, 2021 City Council Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

D. REPORTS - COUNCIL COMMITTEES

1. Warrant for Unlicensed Dogs – City Clerk's Office
2. Municipal Pool Operations for 2021 – Parks, Recreation, & Facilities Department
3. Kevin Watterson/Keene Swamp Bats – Change in Date – Request to Discharge Fireworks
4. Danya Landis/Machina Arts – Request to Erect a Parklet in Public Parking Spaces
5. Councilor Gladys Johnsen – Legislative Authority to Install Parklets in Parking Spaces
6. Acceptance of Grant for Library - Keene Public Library
7. Acceptance of Donation - Bench in Memory of Richard Berry - Parks, Recreation and Facilities Department

8. FY21 DOJ Justice Assistance Grant - Police Department
9. Acceptance of Funds From the NH Court Division Network - Youth Services
10. Public Hearing on Charter Amendment - Redistricting of Ward Lines - City Clerk's Office
11. Councilor Andrew Madison - Mandatory Training for City Councilors

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation - Historic District Commission

H. REPORTS - MORE TIME

1. Keene Elm City Rotary Club – Use of City Property – Clarence DeMar Marathon

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Parking
Ordinance O-2021-09
2. Relating to Water and Sewer Utility Charges
Ordinance O-2021-10

K. RESOLUTIONS

1. In Appreciation of William H. Byrne Upon His Retirement
Resolution R-2021-33
2. In Appreciation of Eric E. Swope Upon His Retirement
Resolution R-2021-34
3. Relating to the Appropriation of Funds from the Capital Reserve - Pump Station Martel Court (08022) for Martel Court Pumping Station Emergency Generator Replacement Project (08099-18)
Resolution R-2021-35
4. Relating to the Appropriation of Funds from the Water Fund Unassigned Fund Balance for Wetmore Street and Winchester Street Emergency

Water Main Repair.
Resolution R-2021-36

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, July 1, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Steven L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Catherine I. Workman was absent. Councilor Bosley led the Pledge of Allegiance.

ANOUNCEMENTS

The Mayor mentioned three workshops over the next several months, all of which will begin at 6:00 PM in the Council Chambers:

- Fiscal Policies – Rescheduled from Monday, July 19 to Tuesday, August 17
- Council Meeting Process – Tuesday, August 24
- Strategic Budgeting – Tuesday, September 14

The Mayor also reported that City Council summer vacation schedule will start with the cancelation of the August 5 Council meeting as well as the August 11 and August 12 Standing Committee meetings. The Council will return to its normal meeting schedule for the August 19 meeting.

MINUTES

A motion by Councilor Powers to accept the minutes from the June 17, 2021 regular meeting was duly seconded by Councilor Bosley.

A motion by Councilor Ormerod to amend the minutes to include his comments on the budget amendment to increase the funding level for sidewalks was duly seconded by Councilor Bosley. The Councilor read into the record the following:

“Mayor Hansel, Fellow City Councilors,

I want to commend the City staff, and all the people who worked on the project, for presenting a budget this year that reflected by and large the Council goals that we put together. It wasn't easy, but it was done nearly perfectly. The one area that we would like to move forward more quickly on is on the sidewalks. That's based on community input. It's based on something that anyone who is "new to Keene" for the first time notices as well. We know there's been a lot of effort to build a program, to do asset management, find ways to move money around to make this happen over the long term. I believe you have the commitment of the City staff and the community to move this forward. We just want to jump start it right now. That's why we're proposing this amendment, so we can move forward a bit faster. Thank you.”

The motion to amend passed on a show of hands with 14 Councilors present and voting in favor.

The City Clerk noted a Scribner's error with the omission of the call to order for the meeting and the roll call of attendance. On a show of hands, the motion to accept the June 17, 2021 minutes as amended passed with 14 Councilors present and voting in favor.

PROCLAMATION – PARKS AND RECREATION – ANDY BOHANNON

Mayor Hansel welcomed Director of Parks, Recreation, and Facilities, Andy Bohannon, for a proclamation on the value of parks and recreation in our community. As such, the Mayor read into the record a Proclamation declaring July 2021 as Parks and Recreation month in Keene and urging all citizens to relish the nature around them and take advantage of recreation opportunities.

Mr. Bohannon thanked the Mayor and said that every year there is a theme for Parks and Recreation month and this year it is Our Parks and Recreation Story. Mr. Bohannon hoped everyone would follow the Parks and Recreation Department social media throughout July to learn of the different events, from employee engagement, to camps, and a movie and concert series. The music series on the Common begins Wednesday July 7. This year, Mr. Bohannon worked with the Monadnock International Film Festival for movies in the park that will begin on July 15 and continue every Thursday for four weeks at Fuller Park. He encouraged everyone to get out to enjoy their trails and parks, stating that there are many new programs on the horizon.

PROCLAMATION – CAROL JEFFERY

Mayor Hansel welcomed Carol Jeffery, print and radio journalist, who was present to cover her last City Council meeting professionally after doing so for 21 years, beginning with the last meeting of former Mayor, Patricia T. Russell. Therefore, Mayor Hansel saw this as a historic event. The Mayor stated that Carol was always part of the behind the scenes staff for Council meetings and recalled fond memories when he was a City Councilor of sitting in the AV room with Ms. Jeffery. He reflected on Ms. Jeffery being a constant presence for the entirety of his tenure in City government. Therefore, the Mayor read into the record a Proclamation congratulating Ms. Jeffery officially and thanking her for long-term dedication and service to Keene and the Monadnock Region. Ms. Jeffery stated that though she would be no longer reporting officially as a journalist, she would now be free to share her opinions again.

In honor and appreciation of Ms. Jeffery, Mayor Hansel expressed his honor to present his first Key to the City of Keene to Ms. Jeffery.

PUBLIC HEARING – APPROVING A CDBG APPLICATION – MONADNOCK FAMILY SERVICES

Prior to formally opening the public hearings, Mayor Hansel noted that the process would be conducted in four parts, including three public hearings. Due to the timeline to request these Community Development Block Grant (CDBG) funds and specific State requirements, the Mayor would request a suspension of the Rules of Order to allow the Council to vote on the proposed Resolution after the Public Hearing. Upon the Mayor's request, the City Clerk read the public hearing notice for the record. Mayor Hansel opened the public hearing at 7:14 PM and

recognized James Weatherly, Planning Technician for Southwest Regional Planning Commission and Grant Writer and Administrator for CDBG program.

Mr. Weatherly provided an overview of the CDBG program. The CDBG is a Federal program that distributes funds from the US Department of Housing and Urban Development to the State of New Hampshire annually. At a State level, those funds are distributed by the New Hampshire Community Development Finance Authority (CDFA) and distributed through a competitive application process to New Hampshire municipalities and counties. All eligible projects need to have a primary or at least 51% benefit to low-and-moderate income persons. Keene is eligible to apply for up to \$500,000 per program year per eligible category, including housing, public facilities, economic development, microenterprise technical assistance, emergency funds, and up to \$25,000 for feasibility studies annually. This year, the City is also eligible for up to \$500,000 for applicable project categories in response to the Covid-19 pandemic. Regarding this application on behalf of Monadnock Family Services (MFS), Mr. Weatherly said the funds would flow through Monadnock Community Services, Inc., which is the legal entity that owns and manages MFS's properties. MFS provides mental and behavioral health services to over 2,500 clients annually and the majority of those clients are low income. The organization currently has three buildings across the City, all of which have deferred maintenance, extremely strong small office spaces, Federal Disability Association compliance issues, and limited to no room for future growth. The deferred maintenance issues alone for two of the properties would cost approximately \$1.4 million, which was estimated several years ago and had likely risen. Therefore, Mr. Weatherly said there was great need for this project and a centralized facility. The proposed grant request was for \$500,000 to assist MFS in acquiring and rehabilitating a property in Keene to act as a central home for MFS.

Mayor Hansel recognized Brian Donovan, Chair of the Board of Directors of MFS. Mr. Donovan called this an exciting opportunity for the MFS clients and staff. He recalled that MFS has existed in some form since the beginning of the 20th century and it is one of the 10 community mental health centers in NH. MFS currently employs a staff of approximately 180 dedicated people who serve individuals with severe and persistent mental illness in the Monadnock Region, of which 800 are children and teens under 18 years of age. MFS serves a population of mostly Medicaid recipients, many of whom are disadvantaged financially. Mr. Donovan cited the mental health crisis in America, which he said had been exacerbated by Covid-19 because isolation is a terrible burden on people with mental illness. He said that many of the populations MFS serves do not have access to the technology needed for virtual medical visits, and for those who do have access, Mr. Donovan emphasized that face-to-face is much more therapeutic. He said there are currently two MFS locations that are not fit for their intended purpose; they are not handicapped accessible and there is no room for growth. He said the offices are not conducive to the vital services MFS provides and clients deserve the same welcoming, professional environment one would find at Cheshire Medical Center, for example. He said that staff also deserve the same experience in a workplace that is modern, welcoming, and inviting. Mr. Donovan said that one location would save costs and allow MFS to be good stewards of the resources to help people. He said they are currently in negotiations with the central facility seller and were very close to closing the deal. However, MFS entered a nondisclosure agreement with the seller and there

07/01/2021

would be a public announcement once the agreement is reached. Mr. Donovan said the facility would be large enough to accommodate MFS needs, provide plenty of parking, and would allow some synergies with other non-profits. They would also be making significant improvements to the facility; the property would be owned by MFS's holding affiliate. They have hired a professional fundraiser to conduct a capital campaign for the improvements. MFS was also in the process of seeking to finance part of the building using bonds issued by the New Hampshire Health and Education Facilities Authority. The total project cost is approximately \$6.5 million, of which \$2.3 million would be for renovations and improvements. Mr. Donovan said the City Council could help with financing, as this grant would be vital to help MFS achieve this goal. Mr. Donovan requested humbly that the City Council approve the MFS CDBG application.

There were no questions from the Council or the public and so the Mayor closed the public hearing at 7:24 PM.

A true record, attest:



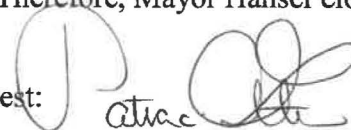
City Clerk

PUBLIC HEARING – RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Mayor Hansel opened the public hearing at 7:24 PM and welcomed James Weatherly again to speak on this CDBG application. Mr. Weatherly said that if any displacement takes place as a result of the proposed CDBG project, the federal Uniform Relocation Act (URA) must be followed. The URA requires that any displaced household or business in a project using Federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the CDBG application, the City would certify that the Residential Anti-Displacement and Relocation Assistance Plan is in place, and in the event that it is discovered that this specific project does displace persons or households, a displacement implementation plan must be submitted to CDFA prior to obligating or expending funds. At this time, displacement was not anticipated for the proposed project.

There were no questions from the City Council or the public. Therefore, Mayor Hansel closed the public hearing at 7:25 PM.

A true record, attest:



City Clerk

PUBLIC HEARING – HOUSING AND COMMUNITY DEVELOPMENT PLAN

Mayor Hansel opened the public hearing at 7:25 PM for discussion of the City's Housing and Community Development Plan and recognized James Weatherly again, Planning Technician with Southwest Region Planning Commission, to address the plan. Mr. Weatherly stated that the City of Keene's Housing and Community Development Plan was last adopted in 2019. The plan

outlines short-and long-term goals for the City in relation to Community Development Block Grants. The plan needs to be re-adopted every three years, for which it was time again. No substantial changes to the plan had been made at this time. Mr. Weatherly said the proposed Monadnock Family Services relocation project meets the Plan's goal of *"making available to all the people in the region the best possible health care and comprehensive, efficiently delivered and coordinated preventive and supportive services and opportunities, all designed to nurture and meet the needs of our citizenry and to encourage and allow all people to live with dignity and self-sufficiency."*

There were no questions from the Council or the public on this State-required document. As such, Mayor Hansel closed the public hearing at 7:27 PM.

A true record, attest:



City Clerk

Having concluded the three public hearings, Mayor Hansel called forward the report (Agenda Item D.9.) from the Finance, Organization, and Personnel Committee that requested the public hearings, and he filed that report into the record. A motion by Councilor Powers to suspend the Rules of Order to allow action on Resolution R-2021-31 and the associated plans regarding CDBG funds was duly seconded by Councilor Bosley. On a roll call vote, the motion passed with 14 Councilors present and voting in favor. Councilor Workman was absent.

A motion by Councilor Powers to adopt Resolution R-2021-31, as well as the Residential Anti-Displacement Plan, and the Housing and Community Development Plan was duly seconded by Councilor Bosley. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

CONFIRMATIONS

A motion was made by Councilor Powers and duly seconded by Councilor Bosley to confirm the following nominations: Yves Gakunde and Ritu Budokoti to the Library Board of Trustees and Marilyn Huston with terms to expire June 30, 2023; and Marilyn Huston and Brian Lee to the Heritage Commission with terms to expire December 31, 2021. On a roll call vote, 14 Councilors were present and voting in favor.

COMMUNICATION – JOHN HAYES, PARTIAL OPENING ROBIN HOOD PARK POOL – SWIMMING LESSONS FOR YOUTH

A communication was received from John Hayes, requesting that the City Council partially staff Robin Hood Park pool for conducting swimming lessons for children during the second, third, and fourth sessions. Mayor Hansel referred the communication to City Staff with the understanding that the Parks, Recreation, and Facilities Director would be having a presentation on the municipal pools at the Municipal Services, Facilities, and Infrastructure Committee on July 7 and Mr. Hayes would be invited to attend that meeting.

COMMUNICATION – KEENE ELM CITY ROTARY CLUB – USE OF CITY PROPERTY – CLARENCE DEMAR MARATHON

A communication was received from Alan Stroshire, on behalf of the Elm City Rotary Club, requesting an event permit for the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 26, 2021. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – COUNCILOR ANDREW MADISON – MANDATORY TRAINING FOR CITY COUNCILORS

A communication was received from Councilor Madison, recommending that training for City Councilors be required in the following areas: sexual harassment and gender sensitivity; implicit biases; diversity and inclusion; and professional ethics. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – COUNCILOR GLADYS JOHNSEN – LEGISLATIVE AUTHORITY TO INSTALL PARKLETS IN PARKING SPACES

A communication was received from Councilor Johnsen, requesting that the Legislative Delegation be approached as to whether they can assist with legislation that would provide for the legislative authority to locate a parklet in a public parking space. The communication was referred to the Planning, Licenses, and Development Committee.

PLD REPORT – 2021 FIRE PREVENTION PARADE – FIRE DEPARTMENT

A Planning, Licenses, and Development Committee report read recommending that the Fire Department be granted permission to use City property for the 2021 Annual Fire Prevention Parade to be held on Sunday, October 3, 2021. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

PLD REPORT – ALBERT GRAUER – APPLICATION FOR A LODGING HOUSE LICENSE – 85 WINCHESTER STREET

A Planning, Licenses, and Development Committee report read recommending that a lodging license be issued to Mr. Albert Grauer for property located at 85 Winchester Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: No more than 8 persons may reside on the premises and no less than 4 vehicular parking spaces must be provided on the premises. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times. The continuation of the license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator and failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process. A motion by Councilor Bosley to carry out the intent of the Committee

report was duly seconded by Councilor Greenwald. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

PLD REPORT – CHESHIRE HOUSING TRUST – APPLICATION FOR HOUSING LICENSE – 86 WINTER STREET

A Planning, Licenses, and Development Committee report read recommending that that a lodging license be issued to Cheshire Housing Trust for property located at 86 Winter Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: No more than 20 persons may reside on the premises. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times. The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator and failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

PLD REPORT – HUNDRED NIGHTS, INC. – APPLICATION FOR A LODGING LICENSE – 15 LAMSON STREET

A Planning, Licenses, and Development Committee report read recommending that a lodging house license be issued to Patti Moreno for property located at 15 Lamson Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: no more than 26 persons may reside on the premises at any one time. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times. The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator and failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process, and it is conditional upon successful inspection by Fire and Code Enforcement. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. On show of hands, the motion passed with 14 Councilors present and voting in favor.

PLD REPORT – DONNA FORTE – APPLICATION FOR LODGING HOUSE – 57 WINCHESTER STREET

A Planning, Licenses, and Development Committee report read recommending that a lodging house license be issued to Donna Forte, Keene Student Rentals, for property located at 57 Winchester Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: no more than 14 persons may reside on the premises at any one time. Access to the common areas of the licensed

premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times. The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. On show of hands, the motion passed with 14 Councilors present and voting in favor.

PLD REPORT – CONTINUED DISCUSSION – PARKLETS

A Planning, Licenses, and Development Committee report read accepting the presentation as informational. Mayor Hansel filed the report as informational.

FOP REPORT – PRESENTATION – MELANSON FY20 AUDIT

A Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to accept the Melanson FY 20 Audit as informational. Mayor Hansel filed the report as informational.

FOP REPORT COUNCILOR JONES – REQUESTING A DECLARATION OF INCLUSION ON BEHALF OF KEENE CITY COUNCILORS

A Finance, Organization, and Personnel Committee report read recommending that this item be referred to the tentatively named group Monadnock DEI Coalition for comment on form and language and participants that should be a part of this process. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Mayor Hansel recognized Councilor Jones, who was pleased with the referral. Mayor Hansel noted that the new group had been formed and would be under the services of the YMCA and the goal is to hire a full-time coordinator for these issues. They would be meeting on July 7 and Councilor Jones' communication would be on their agenda. The FOP Committee was also invited to that meeting but they could not establish a quorum. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

FOP REPORT – PFAS DETECTION AT 173 WYMAN ROAD – ASSISTANT PUBLIC WORKS DIRECTOR/SOLID WASTE MANAGER

A Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to negotiate and execute an agreement with the property owner of 173 Wyman Road to provide access and a carbon-based point of entry water filtration system for an initial term of three (3) years beginning in July 2021 as part of an initial perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFAS) protocol. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

**FOP REPORT – MARTELL COURT PUMP STATION – ENGINEERING SERVICES –
CHANGES ORDER 2 – WWTP OPERATIONS MANAGER**

A Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to execute Change Order 2 with Aldrich & Elliot Engineers, to perform construction phased engineering and technical services for the Headwork's Screening Project at the Martell Court Pump Station for an amount not to exceed \$163,400 for contract 04-20-23. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

**FOP REPORT – LABORATORY RENOVATION – ENGINEERING – CHANGE ORDER 2 –
WWTP OPERATIONS MANAGER**

A Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to execute Change Order 2 with Underwood Engineers to perform construction phase engineering and technical services for the Laboratory Renovation Project for an amount not to exceed \$12,800 for contract 04- 21-22. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. Mayor Hansel suggested that now that Covid-19 restrictions were lifting, it would be a good time for the Council to schedule a tour of the Waste Water Treatment Plant. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

**FOP REPORT – AERATION PIPING REPLACEMENT – ENGINEERING SERVICES –
CHANGE ORDER 1 – WWTP OPERATIONS MANAGER**

A Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to execute Change Order 1 with Aldrich & Elliot Engineers to perform engineering and technical services for the Aeration Piping Replacement project at the Wastewater Treatment Plant for an amount not to exceed \$22,500 for contract 04-19-04. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

**FOP REPORT – PROFESSIONAL SERVICES CONTRACT – EMERGENCY RESPONSE
PLAN FOR THE CITY'S WASTE WATER PUMP STATIONS – UTILITIES
MAINTENANCE MANAGER**

A Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with Wright-Pierce for planning, engineering and technical services for the completion of an Emergency Response Plan for the City's Wastewater Pump Stations for an amount not to exceed \$44,990. If a contract cannot be negotiated, the City Manager is authorized to negotiate with the next ranked firm. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

FOP REPORT – 2021 SEWER MAIN LINING PROJECT – CONSTRUCTION CHANGE ORDER – CITY ENGINEER

A Finance, Organization, and Personnel Committee report read recommending that the City Council authorize the City Manager to do all things necessary to execute a Construction Change Order with Insituform Technologies, LLC. in an amount not to exceed \$115,000 for additional sewer main lining work to be completed as part of the 2021 Sewer Main Lining Project (08066). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

FOP REPORT – MUNICIPAL SERVICES AGREEMENT – KEENE STATE COLLEGE – CITY MANAGER

A Finance, Organization, and Personnel Committee report read recommending that a 4th amendment to Municipal Services Agreement between the City of Keene and Keene State College be forwarded to the City Council with a recommendation to extend the term of the agreement for one additional year. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Mayor Hansel recognized Councilor Jones who asked the difference between inter-municipal agreements and a memoranda of understanding. The City Manager said the City and College do have a memorandum of understanding for other issues, but this contract was a municipal services agreement between the College and City, signed by the Police Department. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager reported that the Keene Library would return to continuous hours beginning July 6 and will operate Monday 10:00 AM-6:00 PM, Tuesday/Wednesday/Thursday 10:00 AM-8:00 PM, Friday 10:00 AM-6:00 PM, and Saturday 10:00 AM-3:00 PM. These hours will be year-round. The Library is seeking volunteers to act as greeters at the west entrance and those interested should contact the Library volunteer coordinator. Additionally, as of July 6, the Library will begin offering free notary services by appointment. The Friends of the Library are now accepting books in good condition for their book sale, which is scheduled for October 15 to the 17.

On Parks and Recreation, the City Manager announced that the Keene community garden based at Robin Hood Park still had 19' by 25' plots available for \$25; contact the Parks and Recreation Department if interested.

The Governor's Executive Council meeting would occur August 4 at the Keene Public Library if Councilors are interested in attending.

The City Manager heard from Representative Kuster's office, and the funding Keene requested was approved for the George Street bridge in the about of \$729,191 and for the Marlboro Street Cheshire Rail Trail in the amount of \$681,123. This legislation still needs to make its way

through the Senate, but the City Manager said it is a step in the right direction and very encouraging. Mayor Hansel asked if these were congressional earmarked projects and the City Manager replied that they are member designated transportation projects.

FOP REPORT – MORE TIME – REDISTRICTING OF WARD LINES – CITY CLERK

A Finance, Organization, and Personnel Committee report read recommending that the redistricting of Ward Lines be placed on more time to allow the City Clerk and the City Attorney to prepare the wording of a charter amendment. Mayor Hansel granted more time.

ORDINANCE FOR FIRST READING – RELATING TO WATER AND SEWER UTILITY CHARGES – ORDINANCE O-2021-10

A memorandum from Finance Director, Merri Howe, recommending that Ordinance O-2021-10 relating to water and sewer utility rates have a first reading at the July 1, 2021 meeting of the City Council and that it be referred to the Finance, Organization and Personnel Committee for a recommendation. Mayor Hansel referred Ordinance O-2021-10 to the Finance, Organization, and Personnel Committee.

RELATING TO PARKING – ORDINANCE O-2021-09

A memorandum read from Parking Operations Manager, Chelsea North, requesting that the Finance, Organization, and Personnel Committee recommend to the City Council adoption of Ordinance number O-2021-09. This Ordinance makes minor wording changes to permit cleaner operations in an older Ordinance, raises some fees, clarifies the conditions and fees for night parking (where designated), public street parking, and the net effect would be the conversion of the Wells Garage to permit- and leased-only parking. Mayor Hansel referred Ordinance O-2021-09 to the Finance, Organization, and Personnel Committee

RESOLUTION – EMINENT DOMAIN FOR HIGHWAY PURPOSES – WINCHESTER STREET RECONSTRUCTION PROJECT – RESOLUTION R-2021-19-A

A Finance, Organization, and Personnel Committee report read referring this issue back to City Council without a recommendation. Councilors Remy, Filiault, Chadbourne, and Powers were not able to attend the site visit and thus they could not participate in this vote.

A motion by Councilor Hooper to adopt Resolution R-2021-19-A was duly seconded by Councilor Ormerod.

Councilor Hooper stated that for the City to exercise this eminent domain authority, the City Council must determine there is necessity for eminent domain, which he said the City Engineer, Don Lussier, had outlined in detail the traffic and pedestrian accessibility problems and aesthetics. The Council must also determine that the property would be put to public use; there is going to be a road built and the Council must find that there would be a net public benefit, meaning that the burden to the individual property owner is less than the community benefit. Finally, the Council must find that that the City, in this case through the City Manager, had made reasonable efforts to negotiate a settlement and City Engineer told the FOP Committee that good faith efforts had been made. Therefore, Councilor Hooper said that this was an updated action,

which is required by the members of the Council. Most of the Councilors attended the second site visit on June 17. On June 24, the FOP Committee made no recommendation as three of its members, a majority, were not present at the site visit. However, the Council could still vote, though Councilors had to be present at the second site visit to vote on this updated action. Having been at the site visit, Councilor Hooper recommended that the City Councilors who could vote on this matter vote in favor of adopting the Resolution.

On a roll call vote, the City Council adopted Resolution R-2021-19-A with 10 Councilors present and voting in favor. Councilors Remy, Filiault, Chadbourne, and Powers, who were unable to attend the required site visit were restricted from voting and abstained. Councilor Workman was absent.

RESOLUTION – OPIOID LITIGATION SETTLEMENT REVOLVING FUND – RESOLUTION R-2021-32

A Finance, Organization, and Personnel Committee report read recommending the adoption of Resolution R-2021-32. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Resolution R-2021-32 was duly seconded by Councilor Hooper. On a show of hands, the motion passed with 14 Councilors present and voting in favor.

NON-PUBLIC SESSION

At 8:15 PM Mayor Hansel requested a motion for the City Council to enter a non-public session to discuss litigation on the RSA-91-A.3,II e. A motion by Councilor Powers to enter a non-public session was duly seconded by Councilor Bosley. On roll call vote 14 Councilors were present and voting in favor. Councilor Workman was absent. Discussion was limited to the subject matter. At 8:27 PM the session concluded and the Council re-entered public session.

A motion by Councilor Powers to keep the minutes of the non-public session, non-public was duly seconded by Councilor Hooper. On roll call vote 14 Councilors were present and voting in favor. Councilor Workman was absent.

BANKRUPTCY SETTLEMENT – PURDUE PHARMA

A motion by Councilor Powers to authorize the City Attorney to do all things necessary on behalf of the City of Keene to cast a vote in favor of the proposed bankruptcy reorganization plan (docket #2982) submitted by Purdue Pharma L.P., et al, in the United States Bankruptcy Court, Southern District of New York, Case #19-23649 was duly seconded by Councilor Filiault. On showing of hands, 14 Councilors were present and voting in favor.

At 8:29 the meeting adjourned.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Warrant for Unlicensed Dogs – City Clerk's Office**

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2021.

Attachments:

None

Background:

Chair Manwaring welcomed the City Clerk, Patty Little, to discuss dog licenses as she does before this Committee each year to meet statutory requirements. By statute, the City Clerk must appear before this governing body for authority; this is not something that can be initiated administratively. The City Council granted authorization to issue forfeiture warrants for unlicensed dogs in 2020. However, Covid-19 ensued and ultimately, the Clerk's Office chose to not issue civil forfeitures and therefore, those who did not license their dogs in 2020 are carried over to this year's warrant, which is why the list is longer than typical. The civil forfeiture is essentially a \$25 fine to dog owners who fail to license their dogs with the Clerk's office by April 30 each year. It could proceed to a complaint issued to the Circuit Court for individuals who fail to pay the \$25 or do not contact the Clerk's office to notify that the dog either no longer lives in Keene or had passed away. The warrant is typically issued in June, which was why the City Clerk was before the Committee, and since the list before the Committee was printed, 80 owners had come to license and so the warrant was slightly shorter than presented. The City Clerk also explained that throughout the prior two months, her office had been transitioning to a new dog licensing software, which allows dog owners to register their pets online, though Staff were still working through a reconciliation process for online card payments and so the online opportunity had not been promoted yet to the public. She thought a solution to this reconciliation was imminent. She said it would take several more months to close the forfeiture process before noncomplying individuals are issued a complaint to appear before the Circuit Court and with the online possibility, she thought the resulting number would be quite low. The City Clerk

said there is typically good compliance. Dog licensing is a laborious, long-term process for the Clerk's Staff. The Clerk's recommendation was for the Committee to authorize issuance of the warrant and direct the Animal Control Officers to issue the forfeitures to dog owners who fail to license by April 30. The City Clerk welcomed questions.

Chair Manwaring asked the process the Clerk's office goes through to contact owners before forfeitures are issued. The Clerk replied that they are not required by statute to notify dog owners, but her office does so via repeated emails, which is a lot of effort from Staff to encourage compliance and urging owners to not wait until forfeitures are issued. In addition, any owner without email on file receives a personal phone call reminding them of the obligation to license their pet.

In response to Councilor Filiault, the Clerk confirmed that this process is required by NH law and can therefore not be initiated administratively; the City Council must authorize issuance of the warrant. Councilor Filiault asked how the Clerk's office is notified when pets have passed away. The City Clerk said that people typically call the office to notify after getting an email reminder to license and Staff are empathetic because people love their pets. Councilor Filiault stated that he does not look forward to this process each year because, "there is just no way to come out looking good in this particular situation," and he hopes the State hands this authority back to the Clerk's office in the future. He would second the subsequent motion "reluctantly."

Councilor Williams was pleased to hear there was new software in place and as an IT professional, was unsurprised that it was taking time to get it running. Regarding the credit card technical challenges, he asked if there are other City processes for which the City uses online card payments. The City Clerk could not speak to all the processes but knew there were many across all Departments.

Vice Chair Giacomo asked the Clerk to confirm that Council authorization is just another step in the process, directing the Animal Control Officer to proceed with issuing civil forfeitures to owners of unlicensed dogs; this does not mean someone will take your dog. He said this is the City getting more aggressive and reaching out with fines, which would ideally get people to license their dogs. The City Clerk said that was a correct understanding.

There were no public comments or questions.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2021.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Municipal Pool Operations for 2021 – Parks, Recreation, & Facilities Department**

Council Action:

In City Council July 15, 2021.
Report filed as informational.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the presentation on municipal pool operations for 2021 as informational.

Attachments:

None

Background:

Director of Parks, Recreation, & Facilities, Andy Bohannon, provided the Committee a handout on this year's summer recreation programs. He also introduced Brianne Rafford-Varley, Recreation Manager, who had overseen much of the pool operations now for 1.5 years.

Mr. Bohannon would present on three aspects of pool operations occurring simultaneously this year: staffing, construction, and maintenance. He began by discussing staffing concerns, which he said were related to how things went last year. He said that pool staffing is not just a Keene or NH challenge, it is a national trend for lifeguards in general. For example, WMUR recently reported on the issue statewide and some communities have resorted to not having lifeguards for town beaches or closing their pools; Good Morning America also did a related segment on the national issue on June 22. He said this staffing trend had continued for several years and to develop a plan for this year, Parks & Recreation Staff began discussing this summer during January—April, when Covid-19 was still unpredictable, and everyone hoped things would be opening like they are today. Mr. Bohannon said that human capital continues as a challenge, and Keene must compete with talent choosing Swanzey, Spofford, or the Keene Country Club, and other regional summer camps, which pay more. He said that having a lifeguard certification is a commodity and Mr. Bohannon said that some Keene lifeguards had already been “poached” this year by competitors offering much higher wages than Keene is able to pay. Luckily, he said that many lifeguards have chosen to stay with the Keene municipal pools and so he was grateful.

In February, Mr. Bohannon said that seasonal jobs were posted to Parks & Recreation social media; he hopes everyone follows them on Facebook, Twitter, and Instagram. Flyers were sent to the college and high schools in addition to other advertising efforts, including a unique radio advertisement this year, for which it never seemed wise to spend on in the past. In April, there were four returning lifeguards, one of which was the head lifeguard. From all the advertisements and recruitment, there was one applicant. Interviews resulted in hiring one collection attendant at the pool entrance; this person is usually 15—16 years-old. Mr. Bohannon explained that many people applied for one position, like camp counselor, and Parks & Recreation Staff convinced them to be lifeguards instead on condition of passing the certification, which the City would pay for. He said these position changes require sufficient training, though, for a Staff member to transition from a fast-paced environment with kids at a camp to sitting for hours and focusing on saving lives, which is a significant change in job responsibility. In May, advertising continued, and Mr. Bohannon hired three more lifeguards, several of whom went to Claremont for certification at \$325 each; Parks & Recreation rented the Claremont school pool for the training and paid all certifications. All lifeguards passed their tests. Therefore, by May 10, Parks & Recreation had hired a total 10 certified lifeguards, including one head lifeguard. On May 12, one pool supervisor and two more lifeguards were hired who passed their certifications less successfully, likely due to age and experience, but they are preparing to take on more responsibility next summer under the lead of the more experienced lifeguards. Several lifeguards' certifications expired in 2019/2020 but the American Red Cross carried those over until renewal in 2021 due to Covid-19. Therefore, several lifeguards could not work until their certifications were renewed this year at much less than the initial \$325 fee. When Wheelock Pool opened on June 22, there was one pool supervisor who worked with the City dating to 2017 and a head lifeguard who was the only former swim instructor and therefore the only one on Staff who could teach swim lessons. Six of the eight new lifeguards are 15 years-old and this year would be their first experience with the pool environment, and they need additional training.

Ms. Rafford-Varley discussed her approach to the swim Staff this year. The rookie lifeguards are encouraged to jump-in and start learning how to teach swim lessons so they are better equipped next year, because you must be able to demonstrate a number of hours taught before certification as a swim instructor. In response to the staffing crisis, Ms. Rafford-Varley worked with contacts statewide and brainstormed with the head lifeguard to develop the swim program model for 2021 that was depicted in the handouts provided to the Committee. Particularly, Ms. Rafford-Varley launched a new model for swim lessons, strategically investing in on-the-job training this year and encouraging all lifeguards to train as swim instructors. Thus, Parks & Recreation is staffing more lifeguards than typical this year in hopes that they will return and comprise a more experienced Staff next year. She said this effort of lifeguards attending swim lessons was already increasing their confidences; the new lifeguards are learning soft skills needed to teach lessons that are very different than lifeguarding. Therefore, Ms. Varley said that the new model had launched with great success. She referred to the packet of information provided to the Committee and said that the organization of the pool program and swim lessons therein breaks down the lessons by experience, which the administrative Staff in Parks & Recreation can use to guide parents who call interested in scheduling their kids for lessons. As of this meeting, there were 112 kids signed-up to participate in pool programs this summer and a few spots remained open for sessions three and four. Registration is for the whole summer, but not all children show-up daily.

Mr. Bohannon transitioned to the issue of pool construction. In January 2021, Parks & Recreation Department contracted with Weston & Sampson Engineering, Inc. to write a bid specification for work related to the 2019 feasibility study that was presented through the Capital Improvement Program (CIP) to essentially replace the Robin Hood Pool in Fiscal Year (FY) 2027. The project is estimated currently to cost \$3.5 million, allocated in FY-27. He said that there are immediate repairs needed to meet American Disability Association (ADA) standards and funding had been limited. However, there had been spikes in construction costs due to Covid-19. Parks, Recreation, & Facilities is making sure

to utilize every penny available to get things done and by the end of this construction, the Robin Hood Pool would be fully ADA compliant.

Mr. Bohannon continued explaining that on May 24, he presented before the Finance, Organization, & Personnel (FOP) Committee about the timeline for pool construction and it was announced at that meeting that the Robin Hood Pool would be closed for summer 2021. On June 3, the City Council approved construction funding and a construction award was signed recently. Mr. Bohannon said that demolition could begin by the end of July because once the fiscal year began on July 1, \$50,000 were released from the CIP for this project and other needed pool maintenance. Therefore, construction on the Robin Hood Pool was set to begin at the end of July 2021, with some demolition and maintenance in the meantime by Staff. Mr. Bohannon reminded the Committee that there was a retirement in February, and that person was a key cog in Parks, Recreation, & Facilities operations. The position was filled the week before this meeting.

Mr. Bohannon continued discussing the third pool operations issue this year, maintenance. On May 24, Staff began opening the Wheelock Pool, which had not been used during Covid-19 and therefore the pool cover had not been removed in two years. He said that opening the pool cover and draining the pool unveiled a lot of damage, from broken pipes to smashed pipes in the pump room; either something wrong must have occurred when the pool was closed in fall 2019, this is the result of the pool staying closed for two years, or some of the pipes had aged. In June, Staff repaired or replaced all the broken pipes, with limited Staff also maintaining ball fields and more. Also, on June 7, Staff discovered that the splash pad at Wheelock was not operational due to several broken pipes; Staff are working to determine whether it could be operational in 2021 because of how the pipes need to be replaced. Due to a shortage of seasonal maintenance Staff this year who would typically maintain pools each morning, lifeguards are coming in early for shifts to vacuum the pools while lead maintenance Staff maintain responsibility to measure pool chemicals, etc. Therefore, the Wheelock Pool opened on June 22 with a full Staff.

Mr. Bohannon continued explaining that playground operations are typically split between Wheelock and Robin Hood parks. Last year due to Covid-19, all operations were at Wheelock Park, which was a successful program and model that is maintained this year, because when planning in January and February, the outlook for Covid-19 was still unclear. This year, children are still grouped into pods of 60 and cohorts of 30. Children attending the programs are not vaccinated and protocols for indoor spaces are still relevant for the age group. Wheelock provides the opportunity for the children to spread out in the open with safety zones and shelters for immediate emergencies. He said all decisions are based on safety for Staff and the public using facilities. When things started opening more on June 1 in response to low Covid-19 rates, he said it would have been difficult for the Parks, Recreation, & Facilities Staff to pivot back to full operations. When things started to reopen, there was deliberation on opening Robin Hood Pool. First, there was insufficient pool staffing. Second, there was insufficient maintenance Staff to ensure Robin Hood Pool could open within two weeks; Mr. Bohannon also mentioned the national chlorine shortage due to Covid-19. He stated that Keene's public parks are drowning in overdue maintenance that must be addressed through the CIP process. He said the problems were compounded by the pool feasibility study from Weston & Sampson.

In closing, Mr. Bohannon said he wanted the Committee to know that Ms. Rafford-Varley was doing an amazing job to build a culture that makes people want to return and continue participating with Parks & Recreation. Despite the first few tough weeks of operations, summer Staff are already expressing interests in working with Parks & Recreation in other roles this fall. Mr. Bohannon could not say enough good things about Ms. Rafford-Varley and the Staff and programs she developed through the challenges of Covid-19. Mr. Bohannon wanted everyone to know that pool operations in general are about public and Staff safety first, always. He welcomed questions.

Councilor Williams asked the hourly wage the City pays to lifeguards and Mr. Bohannon replied \$10/hour for first year Staff. That rate seemed low to Councilor Williams, and he thought \$15 sounded more reasonable if there is a true staffing problem; if we need to bring people in then there is a need to spend more. Mr. Bohannon stated that he did not disagree with Councilor Williams. There was a significant increase to the staffing budget for pool operations a few years ago and Mr. Bohannon pays attention to what others are paying, and Keene is certainly on the low end compared to offers of \$15/hour elsewhere. For example, in 2019 a lifeguard who worked for Keene for a few years was hired away by the Brattleboro Retreat for \$18/hour. He said Keene cannot compete with higher rates at the Country Club or in Swanzey and Spofford.

Vice Chair Giacomo asked the number of children per session at a given time on playgrounds for programmed activities. Ms. Rafford-Varley stated that there are 120 registered campers for the whole summer split into two separate camps of 60 each by age, and those 60 are split into two groups of 30. Not all registered children come each day. Vice Chair Giacomo said he understood that understaffing complicated any efforts at split activities but suggested that Parks & Recreation work to have some programming in east Keene this year. He understood that the programming process was well underway but asked the possibility of programming at Robin Hood Park this summer for residents of that part of Keene. Mr. Bohannon stated that there is other programming at Robin Hood Park. There is a new outdoor program for children who want to experience more outdoor education led by a volunteer teacher from the Keene Middle School for three sessions over six weeks.

Councilor Williams commented on the recent heat wave and stated his concern for eastern Keene residents having no escape with the pool closed. He asked if there were other things the City could do to support eastern Keene residents cooling off, like sprinklers, or if people could swim in the Robin Hood Reservoir. Mr. Bohannon did not recommend swimming in the Reservoir because it is not maintained, not tested for components dangerous to humans, and there are no lifeguards. He said there are small brooks in the Robin Hood woods that people could dip their feet into. Mr. Bohannon encouraged anyone in eastern Keene to use the City Express bus for free transportation to the Wheelock Pool by waving down the bus anywhere on its route; they will receive a free voucher with the fees paid by the City. He noted that the City Express would be changing route on June 15 or 22 and people should be attentive to those changes.

Councilor Madison noted the damage due to Wheelock Pool sitting dormant for two years and asked if anything preventative was occurring at Robin Hood to ensure no further damage with an additional dormant year. Mr. Bohannon said yes.

The IT Director/Assistant City Manager also complimented Ms. Rafford-Varley and her team for doing a great job with their extensive team-building efforts that help young people to like their jobs and want to come back.

Chair Manwaring welcomed public comments.

John Hayes of 320 Roxbury Street spoke about a letter he has recent submitted to the City Council Hayes on this matter. Mr. Hayes thanked the Committee for this opportunity to speak on this important issue. He has lived five minutes from Robin Hood Park for approximately 20 years. He has swum at the pool after work on hot days, his daughters have taken swim lessons, and he has socialized and reconnected with neighbors at the pool, until this year. He said these were the only two seasons he remembered the Robin Hood pool being closed. He understood that the Director of Parks, Recreation, & Facilities have a difficult job facing dual challenges of assuring lifeguards and planning during these uncertain times. Still, Mr. Hayes said he had an alternate proposal that he called very simple to be fair to the citizens, taxpayers, and children of east Keene. First, Mr. Hayes cited statistics for childhood drownings to make the point of how important access to swim lessons is

for kids; drowning is the leading cause of death in children aged one to four and is the third leading cause of unintended injury and related deaths in children five to 19. Mr. Hayes believed that was sufficient reason to ensure swim lessons are offered at Robin Hood Pool. His proposal was to split operations, with programs at the Wheelock Pool three to four days weekly, and programs an equal number of days at Robin Hood Pool. He said that would ensure resources are available fairly to everyone. Mr. Hayes stated that the swim season is only eight weeks and therefore the capital improvements could work around that schedule; from what he heard at this meeting it sounded as though this would only cause a three-week delay to construction at Robin Hood. He said that was not a huge burden considering what citizens would get from the time of the pool open. He understood it took work to open a pool but said that opening the pool later than typical would still be advantageous for the kids of east Keene to experience the joy of the neighborhood pool opening and have access to lessons, and for neighbors to reconnect after a year of isolation. Mr. Hayes said it was not too late to correct this decision that deprived one part of Keene unfairly from services and use of this treasured facility. He said he trusted that this Committee and the City Council would reach a decision that is fair to all citizens and children in Keene and thanked the Committee for its consideration and service to the City.

Chair Manwaring requested a response from Mr. Bohannon, who clarified that the City offers swim lessons beginning at age five and older. Regarding opening Robin Hood Pool, he said that the next Council meeting is July 15 and if the Council recommended opening the pool, there would then be work with the City Manager related to staffing and more, and therefore if everything went well, Robin Hood Pool could not likely open until August 1 at earliest. He said that Robin Hood sat dormant for two years just like Wheelock and there would be likely the same maintenance issues to contend with. Pools then close on August 19. As an operations manager and Director, Mr. Bohannon did not think three weeks of operations were worth it or was what the Council seeks. Something would have to be given-up to open Robin Hood Pool.

Chair Manwaring asked when construction was set to begin at Robin Hood Pool and Mr. Bohannon replied at the end of July. If the pool were opened, construction could not begin until after August 19, so it would be another delay.

The City Manager stated that Mr. Bohannon did a great job explaining the timeline and effort involved in recruiting sufficient Staff to open both pools and the time and process to plan these programs. She said with Covid-19, it was understandable how the City was in this position. She said Mr. Bohannon explained the degree of effort the City put forth to publicize this issue, both through social media and the radio, and presentations at Council and FOP meetings. She said the decision to not open Robin Hood Pool was not an easy one. At this point in the season, the City Manager was not in favor of changing operations. She said it was a question of whether the City should be operating two pools at this time, which would require allocating Staff from the Wheelock Pool. She also attested to the chlorine shortage and effort it would take to get Robin Hood Pool running safely. She thought the best position moving forward was to focus on lifeguard wages and the infrastructure at Robin Hood Pool to be best prepared for full operations next season. The City Manager just signed a contract to get the Robin Hood bathrooms ADA accessible, for example. She concluded that it was not an easy decision, there was a lot of effort behind it, and she knew that if Mr. Bohannon could have made it work this season then he would have. The City Manager urged everyone to take advantage of the bus system to access Wheelock Pool from any place in the City.

Vice Chair Giacomo asked the timeline for the Robin Hood Pool rebuild. Mr. Bohannon replied that construction would begin at the end of July and following demolition, there would be installation of the pool, toilets, faucets, showers, etc. Mr. Bohannon recalled the information that there is only one lifeguard who can teach swim lessons this year and therefore lessons could only be at one pool at a time. Mr. Bohannon said he did not see the possibility of that one lifeguard teaching lessons at

Wheelock and then rushing across the City to do the same at Robin Hood, even if operations were split for half of the week as Mr. Hayes suggested. Vice Chair Giacomo said it was very challenging to only have the one lifeguard who could teach and cited the challenges of the hiring shortage again.

Councilor Kate Bosley made a statement. She said that she is a fan of the Robin Hood Pool and when she heard of maintenance issues in January 2020, she spoke to the City Manager to ensure that repairs were in the CIP. She understood how the pools were in this position following Covid-19 and she complimented Ms. Rafford-Varley's efforts for the Recreation Department in general, stating that she created a lot of fun, unique, and amazing programs for kids this year. She told Councilors who had not experienced the Recreation playground programs what a great and invaluable resource they are to the community as the only affordable childcare program, which her family had used regularly. She said that throughout those years, she had chosen the Robin Hood programs for her kids because they were a better fit, as the programs at each park are different. After all kids at Wheelock these two summer seasons, she thought it was important to get the Robin Hood programs running again. Councilor Bosley offered a potential compromise. She stated that the Express bus option's advertising had not reached her, and she wanted it better advertised throughout the City. She recalled a different bussing option the City used in the past, which Mr. Bohannon said were the First Student busses. As opposed to asking citizens to wave down the busses on the street, Councilor Bosley thought that the City could hire private busses to pick east Keene residents up at one location to be bussed to Wheelock from 10:00 AM—2:00 PM for example, which would reduce the danger of people waving down a bus or people missing their opportunity. She said parents might feel their children are safer with such an arrangement. Councilor Bosley hoped the Committee would consider her comments.

Chair Manwaring liked Councilor Bosley's idea. She said the Committee's course of action on this was to accept the presentation as informational, which she assumed east Keene residents would not be content with. She thought the best idea was Councilor Williams', to act proactively on wages so both pools could open successfully next year.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Filiault.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the presentation on municipal pool operations for 2021 as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: Kevin Watterson/Keene Swamp Bats – Change in Date – Request to Discharge Fireworks

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Saturday, July 31, 2021 on Alumni Field at no later than 10:00 PM, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured; submittal of a signed letter of permission from SAU 29 for the use of their property and obtainment of a Class B fireworks permit. In addition, the petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the petitioner absorbing the charges for any City services over and above any amount of City funding allocated in the FY 22 Community Events budget. Such payment shall be made within 30 days of the date of invoicing.

Attachments:

None

Background:

Kürt Blomquist, Public Works Director, stated that the Swamp Bats were scheduled to discharge fireworks on July 3, but had to cancel due to weather events. He continued that normally the Swamp Bats do not get a rain date, but for the first time they have considered doing another day. Mr. Watterson has requested permission for July 31, 2021. Staff recommends that the PLD Committee authorize that.

Chair Bosley asked if there were any questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald arrived at 7:04 PM.

Councilor Workman made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Saturday, July 31, 2021 on Alumni Field at no later than 10:00 PM, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured; submittal of a signed letter of permission from SAU 29 for the use of their property and obtainment of a Class B fireworks permit. In addition, the petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the petitioner absorbing the charges for any City services over and above any amount of City funding allocated in the FY 22 Community Events budget. Such payment shall be made within 30 days of the date of invoicing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Danya Landis/Machina Arts – Request to Erect a Parklet in Public Parking Spaces**

Council Action:

**In City Council July 15, 2021.
Report filed as informational.**

Recommendation:

On a vote of 4-0, the Planning, Licenses, and Development Committee accepted this item as informational. Councilor Greenwald abstained due to his conflict of interest.

Attachments:

None

Background:

Chair Bosley stated that Councilor Greenwald has a conflict on file for this agenda item, so he will be moving to the audience.

Chair Bosley asked to hear from Danya Landis.

Danya Landis of 433 Elm St. stated that she realizes that there is a risk to approving her parklet request, because the State law is not 100% for parklets right now. She continued that her plan is to find a champion to help amend that law. She understands that having a parklet right now is something the City cannot do, but she would like to also address the request in her letter to serve alcohol on Machina Arts' patio in the future. They would like not just an Emergency Order permit, but an actual permit, and also the rental of the three parking spaces.

Chair Bosley stated that she anticipated Ms. Landis's comments and questions this evening and reached out to the City Clerk's Office earlier in the week and asked for clarification on this so she could give Ms. Landis some guidance. She continued that from her understanding, the way that Machina Arts' current sidewalk café license is arranged is such that it continues until March 2022, which means they are covered through the rest of this outdoor season. The City Clerk's Office is asking Ms. Landis to come back with a follow-up license request sometime before the end of the year, maybe in December or January. They would be looking for additional diagrams for what Machina Arts would be asking for. Ms. Landis would come back before the PLD Committee. They

need specifics regarding how long Ms. Landis would want the tables to extend down the street, in front of which businesses, and those sorts of details. Since Ms. Landis has had this access and that bodes well for the continuation.

Ms. Landis stated that the current way that Machina Arts has the tables now is the way they want it to be in the future. She continued that all of that has been submitted. She does not know what more she needs to do. Chair Bosley replied that she had recalled, from their previous conversations, that Ms. Landis had felt that as part of her request for parklets that there had been also some sort of addendum to her request for her sidewalk café license to continue, because she believes Ms. Landis had spoken directly to that fact and said something to the effect of "If this is not going to happen this evening, is it possible for me to get some sort of approval for my café license?" That is why she (Chair Bosley) wanted to know that question and where that stood in the process of the City Clerk's Office and coming before the PLD Committee. The City Clerk's Office indicated that they had also verbally spoken with Ms. Landis and she had made those indications, but not all the paperwork was in order. The paperwork that the City Clerk's Office received related directly to parklets, and thus, they need to receive an additional packet.

Ms. Landis replied that she apologizes if this was a misunderstanding, but Machina Arts was literally submitting for the current setup. She continued that there is no other way to set it up in that space, unless they had a parklet. She has submitted that, as part of the Emergency Order when she had to have a permit for a patio. Chair Bosley replied that that was information Ms. Landis gave the City Manager's Office under the City Manager's Emergency Order permission. She continued that she believes the City Clerk's Office needs some sort of modified license agreement. She is not sure if the same documentation was required by the City Manager's Office as it would be required for an official sidewalk café license before the PLD Committee.

City Manager Elizabeth Dragon stated that everything Ms. Landis did was great. She continued that she did a very complete application. Right now Ms. Landis has a license that was granted under the Emergency Order and extends until March 1, 2022. Thus, what the City Clerk was communicating was that in order for Ms. Landis to get a license for next year she needs to submit a new application. Staff have now learned the legalities around use of the parking spaces, and since the sidewalk is not wide enough to accommodate a sidewalk café the way Ms. Landis had it laid out, there is a separate process for the City Council to approve the use of those parking spaces and for Ms. Landis to be able to rent them for a longer period of time. Thus, they will need a new packet for Ms. Landis's new license next year.

Chair Bosley stated that it is her understanding that these licenses renew annually. In the future, Ms. Landis will have to submit similar packets yearly. Ms. Landis asked if she would have to go through the PLD Committee every year. She continued that tonight is her fourth or fifth time at a PLD Committee meeting and to have to do it again would be a lot. This is a frustration as a local business owner. This is a slow process to have to go through. Chair Bosley replied that she understands the frustration. She continued that before she was a member of this committee she had no idea that the reason things take so long is all of these moving parts and the timing of the meetings. There is a permit she, personally, is interested in obtaining, but the City Council will be on a summer break so she will not be able to get it. These are elected, volunteer positions and they only have a certain amount of time. Yes, it takes time. However, Ms. Landis has the safety net of having the license in place until March, and she has some time before she has to worry about coming back before the PLD Committee.

City Attorney Tom Mullins stated that to clarify, once the license is granted for the sidewalk café piece, Ms. Landis will not have to keep coming to the PLD Committee. However, to the extent that she will want parking associated with it, that is a different part of the process.

Chair Bosley stated that the license will need to be renewed through the City Clerk's Office annually. The City Attorney replied yes, through the City Clerk's Office, but not through the PLD Committee. Chair Bosley stated that once Ms. Landis's sidewalk café license is granted, she will be able to get an administrative approval on a yearly basis. She will have to apply for that yearly.

Ms. Landis replied that she thought she was already applying for at least that piece through her initial application, but she understands.

Councilor Jones stated that he is sorry Ms. Landis had to go through all of this, but it was mostly due to the COVID changes. He continued that otherwise, she would only have to come to the PLD Committee once to get her license approved, and if everything stays the same, she can renew it every year. That was the system they set up. He believes parking is different and has to be renewed every year through the Finance, Organization, and Personnel Committee, because it comes out of the parking fund. Ms. Landis replied yes, she understands that.

Chair Bosley stated that she thinks it is complicated by the fact that Ms. Landis's original license was given to her through the City Manager's Office first. The City Manager stated that it is also complicated by the fact that Ms. Landis needs the parking spaces. She continued that if she did not need the parking spaces, they could probably do this tonight, but because she does need the parking spaces, there is a separate process for that. And Ms. Landis is not able to get a sidewalk café license without it, because she does not have enough sidewalk. That is the complicating piece. Right now she can operate under the Emergency Order, thankfully, and that license extends through the season. But that is the piece they will need to address for the future.

Ms. Landis stated that she thanks the City Manager for clarifying that, because that makes more sense than just the standard patio/alcohol permit.

Chair Bosley asked if there were any further questions about the parklet portion of this request. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Jones made the following motion, which was seconded by Councilor Johnsen.

On a vote of 4-0, the Planning, Licenses, and Development Committee accepted this item as informational. Councilor Greenwald abstained due to his conflict of interest.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Councilor Gladys Johnsen – Legislative Authority to Install Parklets in Parking Spaces**

Council Action:

In City Council July 15, 2021.

Voted with 12 in favor and three opposed to carry out the intent of the report.

Recommendation:

On a vote of 4-1, the Planning, Licenses, and Development Committee recommends that Senator Kahn be approached about introducing legislation that would provide municipalities the legislative authority for allowing parklets in public parking spaces.. Councilor Greenwald was opposed.

Attachments:

None

Background:

Councilor Johnsen read what she wrote to the Mayor and City Councilors:

“Last week during the PLD Committee meeting on June 2, the topic of parklets was discussed again, and at that time, City Attorney Mullins shared his research about municipalities using streets and sidewalks without having direct authority from the State.”

Councilor Johnsen continued that in her letter she then asked whether the PLD Committee could meet with their State Senator and Representatives to see if they could help the Committee make a temporary regulatory decision, more specifically, for this summer session. Based on what she just heard, she thinks they do not need that right now, but they will need it for the future.

She continued that her letter continues: “Chair Bosley explained how this discussion is much more complicated than we had originally thought. I heard, appreciate, and understood her reasons why we could not approve any parklets. However, I’m asking that this issue be included in the agenda for . Perhaps there might still be a way ”

Councilor Johnsen continued that it sounds like folks figured out a way, where Ms. Landis’s license goes until March. Her letter gives a sense of where she is coming from. She appreciates what Ms. Landis is talking about, and appreciates what they have heard from the City Attorney. Sometimes

the rules in Concord have to be changed. That is what she was pushing for.

Councilor Jones stated that he thinks this is a great idea, but as they all know, Concord can be partisan and the entire City delegation is part of the minority in Concord. He continued that he thinks they would get more bipartisan help if they asked the NH Municipal Association (NHMA) to champion this cause. He thinks there are a number of communities that want to or have put in parklets. He would like that to be part of the motion.

The City Attorney replied that the NHMA is going to be involved because of their legislative activity. He continued that that is why they suggested working with Sen. Kahn, because through that conduit, the City can open up other conduits, including the other members of the House and legislative delegation and the NHMA. They would clearly be working with all of them.

The City Manager stated that she can add, from her time on the NHMA board and as part of their legislative process that every other year they go through an extensive process to get all of the communities to vote on which items are action items that they move forward in the legislation. It would take too long to get an action item unless they could directly tie it to one that the NHMA already has. However, the NHMA can support Keene. If, like the City Attorney was saying, they were able to work on some legislation and then go to the NHMA, she thinks Keene can make a good case that this is about local control. NHMA is supportive of every community in NH having that level of local control.

Councilor Jones stated that there could be other lobbying groups, such as the NH Restaurant Association, who would want to see this through. He continued that he thinks the word should get out that Keene wants to do this.

Councilor Greenwald stated that he has 22 years of experience on Main Street as a retailer. He continued that he thinks parklets are a great idea, and he would be first in line to get every parking space he could grab and call the space a parklet. They would see a lot of merchandise out there. If they are going to do parklets for restaurants, they should do them for retail stores. If they cook up some interesting criteria to focus parklets where they want them to go, he does not think it will float. He wants parklets on Court Street, which is great, and he thinks they would be great on Main Street too. All of those spaces would be taken up by aggressive retailers. He hopes they are, if this happens.

Councilor Greenwald continued that however, he will change hats and advocate for parking on Main Street. There are not enough parking spaces on Main Street, the side streets, or anywhere downtown. Yes, they need a parking deck. He understands the finances of a parking deck probably better than many other people do. Maybe they need a workshop to explain to the public and other Councilors that parking decks are very expensive, hard to maintain, and very difficult. They need parking. Any time they take away a parking space for any particular use, the other users are losing it. They should think about multi-story buildings. The retailer or restaurant may think it is very important for them, and the second-floor offices want it for them, and the third- and fourth-floor residents want it for them. Who is the most deserving? His answer is "all of them." He is interested in the creativity of the parklet and thinks it is a great idea as such, but he thinks it is a bad idea for the overall parking needs of downtown.

Councilor Greenwald continued that he thinks the talk about whether Concord will be partisan on this is unusual. He does not think this is a partisan issue. He does not think Concord will think this is very important, when they deal with issues that are more serious than parking spaces in downtown Keene. He will oppose this, primarily due to the need for more parking downtown. When he sees empty parking spaces on Main Street, then maybe he will change his mind. He is not seeing that; he

sees them filled, particularly during the dining hours. It was amazing to see all of the spaces filled over the Fourth of July holiday. The Parking Department is probably looking at the possibility of changing the parking hours. That is a whole other conversation that the FOP Committee will probably be having. If there are three or four parking spaces as part of the Emergency Order, so be it, but other places need the parking so he will oppose any of this legislative authority to install parklets.

Chair Bosley stated that she respectfully disagrees with Councilor Greenwald. She continued that she feels that whether the PLD Committee decides to create an Ordinance to allow parklets in Keene or not, they should have the right to make that decision. They were doing some great work in this committee, originally, outlining criteria and coming up with compromises and ways to make parklets work for the greater community, and by potentially offering a limited number of licenses on a first come, first serve basis so there is not an overtaking of downtown. However, they cannot even have that conversation if they are not in a position to have authority to have the conversation. Thus, the first step is to get Concord to recognize that it is important that each city is able to look at its own particular issues and make their own decisions based on what their communities need. She would like to see this at least get started.

Councilor Greenwald asked the City Attorney if he would like to lead the fight for home rule. He asked if the City Attorney could explain to the Committee what home rule is all about, and how Concord is not going to let this happen.

Councilor Johnsen stated that she hears what Councilor Greenwald is saying and she appreciates him being here and his history here means a lot to her. She continued that the only reason she recommended Sen. Kahn, primarily, is because this could start there. She spoke with Chair Bosley, who said that would be a good place to start. She likes what Councilor Jones is saying. Having been in Concord, she can say that what is has been like this past year is not indicative of what Concord could do. This past year, unfortunately, has had a cluster of folks who have been very negative. However, she was there for eight years that if this comes up, yes, it might take a long time, but she thinks that not just Keene but all the other towns from the state should have this opportunity. Her understanding from a Councilor not present tonight is that Portsmouth, Concord, and she believes Manchester, too, already use parklets in the summer. She hopes Councilor Greenwald knows she is empathetic with the parking situation itself. She has more faith in Concord turning around. There were two deaths – they lost the Speaker of the House right after his first week, which tossed things around, and then they lost Representative Ley, which was a big issue for many people. She hopes that in this next year, perhaps, Concord will be willing to listen. Senator Kahn would know that.

Councilor Jones stated that he does not want to start jumping to conclusions. He continued that right now, they are just asking for State legislation. Keene would still have to do an Ordinance for this and have a licensing process. State legislation would not give carte blanche permission for parklets to go up and down all of the streets. There could end up being none, in the end. He thinks they should get past the legislation part and then worry about what will happen in Keene.

Councilor Johnsen stated that when Chair Bosley explained this to her, she said that they need a starting place, and that is what she hears Councilor Jones talking about. She continued that they just need to get this off the ground.

Councilor Greenwald stated that they can send this to Concord if they want. He continued that they were drifting into home rule. When Pat McQueen was the City Manager he explained what “home rule” means. Just because Keene thinks something is a good thing does not mean that Concord will allow it. He will still oppose this, on the principal of it, but they can see if Concord will even hear this.

Councilor Workman stated that she thinks they owe it to the residents and businesses to at least explore the option and advocate that Keene, as a municipality, should be allowed to make these decisions about what is best for Keene.

Chair Bosley asked if members of the public had any questions.

Danya Landis stated that she recently walked around Portsmouth, her hometown. She continued that she talked with a restaurant owner there who has a parklet similar to the one Machina Arts would like to build. At every eatery, café, and restaurant, in every possible space, there was a parklet. It was bustling and alive. The business owner she talked with is very willing to help Keene lobby and help restaurant owners across the state come together to know that they need parklets as an option. As they all have experienced during COVID, being in locations that do not have outdoor seating can be a detriment to your restaurant and your business. Some State Representatives are already interested in championing this. Many people who are pro-business and want small businesses to succeed will also be championing this.

Ms. Landis continued that parking is a sensitive issue in Keene. She comes from Queens, NY, where parking in front of a business does not happen. She thinks parking in Keene is very convenient and cheap, and parking tickets are also cheap. She thinks Keene is very generous with its parking, in general. She appreciates people standing up for small businesses and realizes that this is a City decision, but it is also a State decision. She sincerely wants to defend her industry and make sure everyone can succeed in the long run.

Chair Bosley stated that a lesson she frequently talks to her children about is that nothing worth doing is ever going to be easy. She continued that every cause you are passionate about has a price you will pay, such as time and/or effort. These processes can take a long time, and you must be willing to stick with it and put your head down and just keep moving forward.

Chair Bosley asked if members of the public had any further questions. Hearing none, she asked for a motion.

Councilor Johnsen made a motion, which was seconded by Councilor Jones.

Move that the Planning, Licenses, and Development Committee recommend that Senator Kahn be approached about introducing legislation that would provide municipalities the legislative authority for allowing parklets in public parking spaces.

Councilor Johnsen asked if should the motion pass, it means that the City Manager and City Attorney takes it from here. Chair Bosley replied yes.

On a vote of 4-1, the Planning, Licenses, and Development Committee recommends that Senator Kahn be approached about introducing legislation that would provide municipalities the legislative authority for allowing parklets in public parking spaces.. Councilor Greenwald was opposed.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Acceptance of Grant for Library - Keene Public Library

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to accept a grant of \$5,260 from the New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 1 for the support of library services that meet the needs of the community.

Attachments:

None

Background:

Library Director Marti Fiske addressed the committee regarding a grant in the amount of \$5,260. This grant is through the Institute of Museum and Library Services and the American Recovery Plan Act. It is the first round and it was based on the population of Keene and its Poverty Index.

This grant will be used to purchase a 16 foot portable screen, a high quality LCD projector, a portable sound system and supporting accessories that make this sound system a mobile unit. The equipment is going to be used for outdoor events at the library on the library grounds. Ms. Fiske indicated this equipment will be very useful important as they transition to in-person programs that are being done outdoors especially during the summer months when they are running library programs for youth who are under the age of 12 and who have not been vaccinated for Covid-19 yet. She indicated they are trying to keep as many of their programs outdoors as possible. After the pandemic conditions have ended they will still be able to use this equipment at other events that are outdoors for outreach purposes.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to accept a grant of \$5,260 from the New Hampshire State Library, Institute of Museum and Library Services, and the American Recover

Plan Act Formulaic Sub-Grant Round 1 for the support of library services that meet the needs of the community.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Acceptance of Donation - Bench in Memory of Richard Berry - Parks, Recreation and Facilities Department**

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of a bench from Christine Houston and that the bench be placed along the Cheshire Rail Trail near the Ammi Brown Trail.

Attachments:

None

Background:

Parks, Recreation and Facilities Director, Andrew Bohannon was the next speaker. Mr. Bohannon indicated that Christine Houston, in memory of her father Richard Barry has donated a bench as part of the "adopt a bench" program. The bench will be located on top of the Ammi Brown Trail on the Cheshire Rail Trail, which is scheduled to be built later this summer.

Mr. Bohannon reminded those present that Richard Barry served on the Planning Board and was a strong advocate for conservation within the City. He also served as a City Councilor, a Moderator for Ward Five and a longtime board member for Southwest Region Planning Commission,

Councilor Ormerod made the following motion, which was seconded by Councilor Chadbourne. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of a bench from Christine Houston and that the bench be placed along the Cheshire Rail Trail near the Ammi Brown Trail.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: FY21 DOJ Justice Assistance Grant - Police Department

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept the U.S. Department of Justice FY21 JAG in the amount allocated to the City of \$5,590.

Attachments:

None

Background:

Police Captain Steve Stewart stated he was before the Committee to receive approval to co-apply with Cheshire County for the 2021 US Department of Justice Assistance grant in the amount of \$5,590. Captain Stewart stated these funds would be used for continued cellular connectivity of smartphones that the Department has in its cruisers. The smartphones will also be in the Investigations Bureau which allows for more efficiencies in communicating with victims and witnesses as well as collecting items with evidentiary value, such as photos etc.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept, the U.S. Department of Justice FY21 JAG in the amount allocated to the City of \$5,590.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Funds From the NH Court Division Network - Youth Services**

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

Attachments:

None

Background:

Youth Services Manager Demitria Kirby addressed the Committee and stated the Department has received an opportunity for additional funding from the New Hampshire Juvenile Court Diversion Network totaling up to \$5,000. She explained this funding is for the City to complete substance abuse screeners for the youth as they are referred to the program.

Councilor Ormerod made the following motion, which was seconded by Councilor Chadbourne. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Public Hearing on Charter Amendment - Redistricting of Ward Lines - City Clerk's Office

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report. Public hearing set for Thursday, August 19, 2021 at 7:00 PM.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that a Public Hearing be set for August 19, 2021 on a charter amendment that would delete the ward lines descriptions from the City Charter, designate the City Council as the authority to redistrict ward lines to comply with Constitutional requirement to equalize populations, establish a process for any redistricting changes that would codify the ward descriptions in the City Code and provide that if a City Councilor's residence is impacted by any redistricting change that the Councilor would continue to serve until the end of the term for which they were elected.

Attachments:

None

Background:

City Clerk Patty Little addressed the Committee and reminded the members that the City was under a fairly strict timeline in terms of the statutory process to propose a charter amendment on the redistricting of ward lines. She indicated she is before the Committee to recommend the Mayor schedule a public hearing on the proposed charter amendment.

Ms. Little noted two weeks ago staff had indicated they were going to be looking at various City Charters in the State as some communities already designate their City Councils or their Board of Aldermen as the authority to redistrict ward lines. For most communities, the redistricting of ward lines is a question that goes before the voters and any redistricting effort appears as a ballot question. She indicated she provided the City Attorney with the City Charters from the cities of Lebanon, Concord and Nashua. These three communities already have removed the ward line descriptions for their charters. Ms. Little stated she also shared with the City Attorney a proposed amendment from the City of Dover, which is on track to propose an amendment at their municipal election to remove that ward line description from their charter.

Ms. Little continued the charter language from Nashua was being recommended as a model as it included everything that needed to be said; however, there are some provisions in the Nashua charter that staff is not recommending. The most important exception is based upon advice from the Secretary of State's office and specifically the legal counsel representing the Secretary of State. Their concern is a community having the ability to redistrict its ward lines outside of the census process. The Secretary of State office is not in favor of an ability for a City Council to be able to redistrict its ward lines outside of the federal census. Therefore, that provision in the Nashua City Charter is not being recommended for Keene. It is recommended that the redistricting ward lines will only be triggered by the 10 year Constitutional provisions to equalize ward populations.

Ms. Little stated the other aspect that the staff is not recommending related to the public notice for the public hearing. The Nashua Charter requires 30 days' notice that she felt was too long. Ms. Little suggested staying in line with the statutory notice for any kind of charter amendments and that would be seven days.

Another aspect of the Nashua charter that is not being included in Keene's proposed amendment dealt with informational meetings held in every ward to give an opportunity for voters of that ward to come to a location in that ward and talk about ward lines. Ms. Little stated she was concerned about the logistics of those informational meeting and how they would be noticed. She also questioned the overall necessity for these informational meetings because they will not relieve the City Council from conducting the public hearing before the City Council. Because of these concerns, staff is not recommending informational meetings.

Finally there is a sort of an odd passage in the Nashua charter about the effective date of the ward lines before the redistricting process reverted to the governing body. Staff is not recommending the identification of the last time the voter's redistricted the ward lines within the proposed amendment.

Ms. Little continued that after the public hearing is held the formal amendment language would be sent to the Secretary of State and the Attorney General's office. After their review and approval, there would be a final vote by the City Council to place an amendment to the Keene City Charter on the Municipal General ballot.

The City's objective is to have the ballot question on the November, 2, 2021 municipal ballot. The City did receive some encouragement by the House Redistricting Committee to have the effective date as soon as possible, because the State also needs to redistrict its district lines and they utilize the City's ward lines in that effort.

Ms. Little explained the amendment to the charter has four provisions:

- Deletes the street by street ward descriptions from the charter.
- Designates the City Council as the authority to redistrict ward lines to comply with the Federal constitutional requirements to equalize the populations between wards.
- Establishes a process for redistricting, which would be codified in the City Code.
- Provides that if a Councilor's residence is impacted by any redistricting change, the Councilor would continue to serve until the end of the term for which they were elected.

Councilor Ormerod asked for clarification on any ad hoc redistricting committee. Ms. Little stated the Mayor will be approached as to the creation of an ad hoc Redistricting Committee. This process will be running parallel to the City Council's charter amendment process. Census results are expected

by the end of September and the plan is to have the ad hoc Committee created by that time. When the census data arrives, staff will be working with the GIS technician in the Community Development Department. Before they actual start working with the census track populations, the committee will also need to determine what the deviation the City wants to achieve. Once the redistricting committee makes a recommendation as to any ward lines changes, that recommendation will be adopted by the City Council in the form of an ordinance with an effective date of January 1, 2022. There will also need to be a mechanism to notify voters impacted from the redistricting effort of what their new polling locations will be.

Councilor Chadbourne asked who has to authority at the present time to redistrict ward line. Ms. Little stated it was the Keene voters who had that authority. Ms. Little noted the reason for removing the ward line description and transferring the responsibility to the City Council is because of a very significant delay in the receipt of the Federal census data. This information is usually received by the beginning of June, but this year that information is not going to be received until the end of September. That delay would not allow the City from putting any sort of redistricting effort on the ballot for the voters this fall. Hence, the only remedy – and this will be a remedy for every New Hampshire City which hasn't already removed the ward descriptions from the charter – is to shift away from having ward line descriptions in the Charter and to authorize the City Council to redistrict ward lines in response to the Federal census data.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that a Public Hearing be set for August 19, 2021 on a charter amendment that would delete the ward lines descriptions from the City Charter, designate the City Council as the authority to redistrict ward lines to comply with Constitutional requirement to equalize populations, establish a process for any redistricting changes that would codify the ward descriptions in the City Code and provide that if a City Councilor's residence is impacted by any redistricting change that the Councilor would continue to serve until the end of the term for which they were elected.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Councilor Andrew Madison - Mandatory Training for City Councilors

Council Action:

In City Council July 15, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 3 – 0, the Finance, Organization and Personnel Committee recommends the communication from Councilor Madison with regards to training on workplace harassment and professional ethics be referred to the City staff to be incorporated into the City Council orientation process for January, 2022 and the issue regarding implicit bias training be referred to staff for further investigation.

Attachments:

None

Background:

Councilor Andrew Madison addressed the Committee and stated he had submitted a communication last week requesting to establish a policy for mandatory training for City Councilors specifically with regard to sexual harassment, implicit bias, diversity and inclusion and professional ethics. He indicated there are several reasons why he decided to write that letter. In terms of individuals, there are many who are suffering disenfranchisement and who are not feeling heard from elected bodies. Also, many movements have occurred in many communities and closer to home he has seen other communities in New Hampshire enact similar policies requiring the separate training for their public elected officials.

He indicated about two years ago, the New Hampshire State Legislature adopted, but then vetoed a policy that would have required mandatory sexual harassment for legislators. There have been several towns and cities throughout the State that have enacted similar rules. Added to that, the Councilor noted Keene has its own Racial Justice and Community Safety Committee that was recently formed. In their report they suggested this type of training for City employees and he felt as a City Councilor it is incumbent on the Council to set a good example by undertaking this type of training.

Furthermore, last Thursday the City put out a statement on a Declaration of Inclusion that came

before the City Council which the Council enthusiastically supported and he felt it was a good idea to put that statement into action by undertaking this type of training to ensure we are treating our residents, constituents, each other, and our City staff with dignity, respect and compassion. He added he will never accuse anyone on the Council of not displaying that type of behavior, but it is a way for everyone to be on the same page. It is a way for the Council to look at its own words and behaviors and reflect and it is a way for the Council to grow and improve as leaders in this community and to better represent and better serve our constituents.

Councilor Ormerod referred to the HR Director asked which of the trainings mentioned by the Councilor are already given to City employees that perhaps the Council could participate in, and what new trainings would have to be developed and approved. HR Director Beth Fox stated the City has easy access to a number of online trainings. There is a workplace harassment training which was done with the Council a few years ago.

Ms. Fox stated there is a lot of discussion and development of exactly what sort of training municipalities can provide around the question of implicit bias, diversity and inclusion and they are likely to see some new initiatives in that effort over the next four to six months. She noted the ethics training provided to Councilors is different to what employees are provided.

Councilor Ormerod asked whether this can be put in place for orientation in January. Ms. Fox felt it would be very ambitious to have a comprehensive program in place for orientation in January. She stated staff can take a look at what they are doing now for orientation and add some components to it which address emerging needs. She indicated January could be a tight timeline, particularly on implicit bias training which is still in the development stages for municipalities, at least in New Hampshire.

Councilor Chadbourne felt each of these topics could end of being an individual workshop - as they are large topics. She stated as leaders her hope is they come equipped with this knowledge, but they don't. She felt a formal training was a good idea, but wasn't sure how it can be completed. Ms. Fox stated it can be done in a workshop format but noted she is not in charge of scheduling workshops and added they are pressed for time particularly because of the high turnover in the Council. She added workshop training is perhaps something the Council would need to make a decision on regarding what components they want to focus on.

Chair Powers clarified that recently the Legislature included as part of its budget adoption a prohibition on the training of inherent bias. Attorney Mullins it is not in prohibition, but it looks like one. He indicated it was adopted as part of the budget, it has a lengthy set of requirements on its face. It talks about not discriminating against people and respecting how they act, feel or believe. He indicated it is a very difficult piece of legislation to navigate through to determine what is and what is not permissible. At the end the legislation says there is nothing contained in here which should restrict the objective presentation of these issues. The Attorney stated the question at that point becomes what determines how something is determined as "objective." He stated this is something staff is going to have to work through with people within the training environment to determine what the City can and can't do at this point. He indicated this is a separate question at the moment from the other two proposals that are being made and the City needs to be careful about this issue.

Councilor Madison stated he is becoming more acutely aware of the time constraints of being a City Councilor and also navigating a 40 hour week job. He felt perhaps a compromise might be these kinds of trainings could be in an online format that Councilors would have a timeframe to complete so as to not interfere with their schedule. He agreed in-person training is preferable, but on-line training would work to be able to get the same information.

City Manager Elizabeth Dragon noted her comment related to Councilor Madison's suggestion that the training be mandatory for the City Council and she felt this is something the Council may need to discuss through a Rules of Order change. She indicated mandatory training can be put in place for employees, but making mandatory training for elected officials can be a "tricky" subject.

Councilor Chadbourne stated she was also going to express concern about mandatory training as well. She also noted there are many different committees and commissions, not just in the City and at the college where these things are being addressed and she felt perhaps the City could learn and get direction without too much duplication.

Chair Powers stated what he is hearing is there is a lot of interest in trying to address this topic. Councilor Madison in his letter is looking for this to be completed by fiscal year 2023. He stated it sounds like the City needs some time to work through this, so the City can come back with a reasonable proposal which meets all the criteria. He felt the item could be put on more time or it could be referred to staff. He felt it would be more productive to refer it to staff to have them work on it and come back with some drafts.

Councilor Ormerod stated he would like to see what can be done for orientation, to address at least address a couple of items. He stated he would also like to see what other resources there are for on-line training.

Councilor Ormerod made the following motion which was seconded by Chair Powers. That the Finance, Organization and Personnel Committee recommends the communication from Councilor Madison with regards to training on two of the five elements be referred to the City staff to be incorporated into the Council orientation process for January, 2022.

Councilor Ormerod stated he was open to a suggestion on the two most salient ones that Councilor Madison thinks he would like to see addressed. The Manager suggested sexual harassment and gender sensitivity along with professional ethics as topics she would suggest, only because the implicit bias diversity inclusion conversation is going to still need to unfold at the State level before the City is going to be able to implement training of any sort.

Ms. Fox suggested instead of sexual harassment perhaps workplace harassment as "harassment" is a much broader topic. Councilor Johnson addressed the committee and stated she supports what Councilor Madison is proposing. She stated one of the things she values about the City Council is how well people treat one another and she felt they can be role models for the City by going through this training.

Councilor Ormerod withdrew his motion and Chair Powers withdrew his second.

Councilor Ormerod made the following motion which was seconded by Councilor Chadbourne. On a vote of 3 – 0, the Finance, Organization and Personnel Committee recommends the communication from Councilor Madison with regards to training on workplace harassment and professional ethics be referred to the City staff to be incorporated into the City Council orientation process for January, 2022 and the issue regarding implicit bias training be referred to staff for further investigation.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Mari Brunner, Planner
Through:
Subject: Resignation - Historic District Commission

Council Action:

In City Council July 15, 2021.

Voted unanimously to accept the resignation with regret and appreciation for service.

Recommendation:

That the resignation from Tia Hockett be accepted with regret and appreciation for her service.

Attachments:

1. Staff Memorandum_Resignation_Hockett_Redacted

Background:

Tia Hockett has been a member of the Historic District Commission since March 5, 2020. She has found it necessary to submit her resignation and has extended her appreciation for the opportunity to serve.

From: Tia Hockett [REDACTED]
Sent: Thursday, June 17, 2021 9:03 AM
To: Mari Brunner <mbrunner@ci.keene.nh.us>
Subject: HDC

Good Morning Mari,

[REDACTED]

So, I have been thinking about this for a while and I am sad to say I can no longer be a part of the HDC council and meetings. I am not sure if I am exactly going about this the right way, but I figured you are the point of contact so I'll start with you.

As you know I work two jobs and trying to keep up with everything has been challenging for me. joining the HDC has been a good experience, but ultimately I do not feel like I am gaining anything from it. I have enjoyed our meetings and learning about guidelines and building construction, but I think you have noticed I am extremely quiet and kind of overwhelmed with the subject. Needless to say architecture and all that entails is just beyond me! haha

I appreciated you welcoming me on board and offering to answer any questions, Everyone has really been kind and helpful.

If I have to contact anyone else about me leaving, let me know.

Thank you Mari for everything!

Tia Hockett



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Keene Elm City Rotary Club – Use of City Property – Clarence DeMar Marathon

Council Action:
In City Council July 15, 2021.
More time granted.

Recommendation:
On a vote of 5-0, the Planning, Licenses, and Development Committee placed this item on more time for further consideration by staff.

Attachments:
None

Background:
Mr. Blomquist stated that this is the annual request from Alan Stroshine, Race Director for the Elm City Rotary Club for their 43rd annual Clarence DeMar Marathon and Half Marathon. He continued that this year it will be in September. Staff recommends placing this item on more time so protocol meetings can be held.

Chair Bosley asked if it is correct that the City has not had its initial protocol meetings for this item. Mr. Blomquist replied that he believes so. He continued that they will be holding those meetings quickly.

Councilor Greenwald asked if they could approve this subject to staff recommendations. Mr. Blomquist replied that normally there is a fairly lengthy approval that the PLD Committee has, and he does not have all of the conditions. He continued that particularly for an event of this size, it is always good to have the appropriate protocol meetings.

Councilor Greenwald asked if there is anything different this year from previous years. Mr. Blomquist replied that he does not know, and that is why protocol meetings are appropriate. He continued that staff has not yet had conversations with Mr. Stroshine to see if the Rotary Club is making any adjustments or changes. They do from year to year, a little bit. These protocol meetings will not take an excessively long time; staff will probably be back within a month. Councilor Greenwald replied that he is always looking to minimize staff time and Council time when something could almost be

handled administratively. Mr. Blomquist replied that he appreciates it, but it is also important for the Marathon to get the public exposure that comes with the City Council process.

Councilor Jones stated that he usually agrees with Councilor Greenwald about streamlining anything they can, but they want the protocols to be there so the public can speak to it. He continued that one year there was an issue. Someone came and spoke about the environmental impact of the arrows being put on the road. You never know what the public will want to speak about. He thinks this should come back. Mr. Blomquist replied that it will.

Chair Bosley stated that this is a great event and she is happy to see it back on the agenda. She continued that she looks forward to seeing it come back before the Committee. She asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

On a vote of 5-0, the Planning, Licenses, and Development Committee placed this item on more time for further consideration by staff.



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to Parking
Ordinance O-2021-09

Council Action:

In City Council July 15, 2021.

Report filed as informational. Voted unanimously to adopt Ordinance O-2021-09.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-09.

Attachments:

1. Ordinance O-2021-09_Adopted

Background:

Economic Development Director Med Kopczynski addressed the Committee and began by introducing Chelsea North the new Parking Manager. Mr. Kopczynski stated staff is before the Committee today to request a change to City Code to allow more flexibility in delivering parking services. He stated in the past the City has concentrated its discussion on Main Street parking and it have not tried to address the significant and growing need for workforce and especially residential parking. Residency in downtown is growing and with the adoption of the Unified Development Code, it will grow further.

Hence, the changes being proposed are intended to accommodate some of the demand for workforce and address a parking need for full time residents, where there is an estimated 1,000 units within the limits of the newly adopted growth districts. To that end, the City has conducted an experiment with the Wells Street garage, to see if there was an interest in expanding rental spaces, in addition to overnight parking. The answer is an overwhelming “yes” with a waiting list as well as contacts from our neighbors and businesses eager to secure parking.

The City’s goal is to provide parking opportunities for as many users of this system as it can. In addition, the Ordinance aims to keep the parking fund viable and diversification of income streams helps to do that. Mr. Kopczynski stated the City cannot rely simply on meter spaces on Main Street to fund this operation. The adopted City Council goals directs service delivery costs to minimize the burden to the property tax payer and at the same time to support the diverse needs of all Keene

residents. In addition, the ordinance will help stabilize and revitalize existing businesses and ensure that Keene's municipal infrastructure supports the various needs of Keene residents and businesses. The proposed ordinance includes minor wording changes and creates the mechanism to have a night rental system in the Wells Street Garage and on the Gilbo East parking lot. This does require fee changes and a criteria for overnight parking. This Code change will set the rate for on street the same as the rental program in the parking lots. Finally, the Ordinance converts the Wells Street garage into all rental with a marked section available for event overflow after hours. Councilor Ormerod stated he wanted to clarify the City has already identified the market and ordinance put in place is guaranteed revenue. Mr. Kopczynski stated this was the purpose of the experiment staff conducted beginning in November. Councilor Ormerod made the following motion, which was seconded by Councilor Chadbourne. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-09.



CITY OF KEENE

Ordinance O-2021-09

In the Year of Our Lord Two Thousand andTwenty-one.....

AN ORDINANCERelating to Parking.....

Be it ordained by the City Council of the City of Keene, as follows:

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by removing the stricken text and inserting the bolded text to the following provisions of Chapter 94, Article I, In General Section 94-1, Definitions, Article III, "Parking," of Division 2, "Snow and Maintenance Period" and "Specific Streets," of Sections 94-95, of Division 4 "Leased Spaces," Leased Spaces of Section 94-151, Public Street Parking Spaces of Section 94-152, and Appendix B, Chapter 94, Traffic, Parking and Public Ways as follows;

Sec. 94-1. - Definitions.

Parking Division means that division assigned by the City Manager to manage the parking system to provide parking opportunities and enforce parking regulations.

Sec. 94-95. - Snow and street maintenance period.

(a) Snow maintenance period. No vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the city and owners of all vehicles or trailers so standing between the hours of 1:00 a.m. and 6:00 a.m. shall be deemed in violation of RSA 262:31 et seq. and shall be towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during the period each year from November 1 to April 30.

(b) Summer maintenance period. To provide for maintenance in the city's downtown, business, and commercial streets, no vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the areas specified and owners of all vehicles or trailers so standing between the hours of 2:00 a.m. and 6:00 a.m. as specified shall be deemed in violation of RSA 262:31 et seq., and shall be towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during the period each year from May 1 to October 31:

(c) The prohibitions described in subsections (c) through (f) of this section shall not apply during the period from May 1 through October 31, ~~except that no vehicle shall be left continuously in any city-owned parking lot for longer than five days~~ **except in the event of an emergency condition as**

determined by the Public Works Director. Any vehicle that is left in any city-owned parking lot and/or that is unregistered may be towed as stated in section 94-154 pertaining to enforcement practices. Nothing in this exception to parking prohibitions will prohibit the public works department from closing all or parts of any parking lot for maintenance, as long as the parking lot has been signed to notify users of the parking lot of the closing at least five days prior to the closing of the parking lot for maintenance.

(d) No vehicle shall be left standing on the city-owned Elm Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. Exceptions: This Elm Street lot prohibition shall not pertain to the spaces specifically designated for overnight permit parking.

(e) No vehicle shall be left standing on the city-owned Gilbo Avenue parking lot west of St. James Street and Commercial Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Monday, Wednesday, Friday, and Sunday; and no vehicle shall be left standing on the Gilbo Avenue parking lot east of St. James Street between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. ~~Exception: This prohibition shall not pertain to the space rented to Vermont Transit or its successor organization or the spaces specifically designated for overnight permit parking. This exception shall terminate automatically upon the termination of the monthly rental by Vermont Transit or its successor organization.~~

(f) No vehicle shall be left standing on the city-owned Wells Street parking structure between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday and Thursday, except in the spaces specifically designated for overnight permit parking.

DIVISION 4. - LEASED SPACES

Sec. 94-151. - ~~Leased~~ **Managed** parking lot spaces.

(a) All rental of parking spaces in public parking lots shall be for a minimum period of three months and at a quarterly rental rate as set forth in the schedule of fees in appendix B to this Code. The number of permits to be issued ~~each month~~ shall be at the discretion of ~~the city manager~~ **Parking Services**. Rentals shall be from 8:00 a.m. to 5:00 p.m., Monday through Saturday, in all city lots except for the Elm Street Lot. Rentals in the Elm Street lot shall be from 7:30 a.m. to 6:00 p.m. for daytime reserved parking spaces, Monday through Saturday, and 6:00 p.m. to 7:30 a.m. for nighttime reserved spaces, each day of the week. Anyone occupying a parking space leased **or rented** to another shall be subject to the penalty set forth in section 94-181. ~~The terms and conditions of existing leases of parking spaces shall not be subject to the provisions of this division.~~

(b) Areas so designated **by Parking Services** in the Commercial Street Lot, **Elm Street Lot**, Gilbo Avenue West Lot, **Gilbo Avenue East Lot** and the Wells Street Parking Garage for overnight permit parking shall not be subject to the rates set forth in subsection (a) of this section. Permits will be issued for these areas at a rate as set forth in the schedule of fees in appendix B to this Code. These permit rentals shall have no time limit and vehicles may remain parked around the clock seven days a

week. Maintenance of this area will be minimal; users will be responsible for dealing with wind rows and ice left by minimal snow plowing.

(c) Leases of bulk portions of unused public parking areas may be issued on such terms as negotiated and approved by the city council.

Sec. 94-152. - Public street parking spaces.

(a) Short term parking space permits.

(1) Notwithstanding other sections of this chapter, parking spaces may be permitted on a daily basis for funerals or weddings, for special drives or events, and for construction or remodeling in which the work being accomplished necessitates work vehicles to be placed adjacent to where the construction is taking place and there is no other proximate area to locate the vehicle or vehicles. The decision of ~~the city manager or~~ parking services shall be final with respect to granting such parking space permits. Space permit payments shall be made in advance to the city in the amount as set forth in the schedule of fees in appendix B to this Code.

(2) For funerals and weddings, application may be made in advance to the city for billings to be sent out at intervals of no greater than once a year. In such case, the applicant shall furnish in advance an estimate to the city of the proposed use over the interval to be billed. Prior to the agreed upon billing date, the applicant shall furnish the city a log of actual usage during the interval. Bills will then be sent out based on actual use; if less than one full day or a partial day, rates may be determined by the city. The responsibility for appropriate marking and removal of the marking of the space permitted shall be with the person having the permit for the space.

(3) On street parking spaces may be issued a permit for periods of less than 90 days in accordance with rates as set forth in the schedule of fees in appendix B to this Code. Designation of on street permit spaces shall be determined by the city council. Permits shall be from 7:30 a.m. to 6:00 p.m., Monday through Saturday. Anyone occupying a parking space permitted to another shall be subject to the penalty set forth in section 94-181.

The following shall be designated as on street permit parking spaces:

Center Street—Three consecutive spaces on the north side of Center Street beginning west of Court Street.

Elm Street—Five consecutive spaces on the west side of Elm Street beginning north of Mechanic Street.

Mechanic Street (west)—Four consecutive spaces on the south side of Mechanic Street beginning east of Court Street.

Mechanic Street (east)—Two consecutive spaces on the south side of Mechanic Street beginning west of Washington Street.

Mechanic Street (east)—Two consecutive spaces on the north side of Mechanic Street beginning west of Washington Street.

Norway Avenue—Five consecutive spaces on the west side of Norway Avenue beginning north of Church Street.

Norway Avenue—Six consecutive spaces on the east side of Norway Avenue beginning north of Church Street.

Summer Street—Ten consecutive spaces on the south side of Summer Street beginning west of Court Street.

Vernon Street—Two consecutive spaces on the south side of Vernon Street beginning west of Washington Street.

APPENDIX B

Chapter 94. Traffic, Parking and Public Ways

§ 94-151(a). Public parking lot space permit, quarterly (surface lots)

<u>Day Only.</u>	145.00	<u>\$175.00</u>
....24/7.....		<u>\$275.00</u>

Public parking lot space permit, quarterly (Wells garage covered)

<u>Day Only....</u>	\$200.00	<u>\$250.00</u>
....24/7.....		<u>\$350.00</u>

Per day 5.00 \$10.00

§ 94-151(b). Commercial Street parking lot, Elm Street parking lot, Gilbo Avenue east and west parking lot and Wells Street Parking Garage overnight parking permit fees:

Single Space twenty-four-hour period5.00 \$10.00

§ 94-152(a). Public street parking space permits:

Metered spaces, per day per space\$15.00

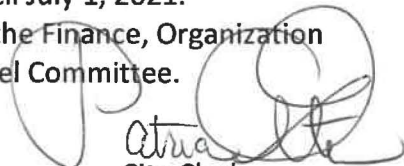
Unmetered spaces, per day per space\$15.00

Space per quarter\$175.00



George S. Hansel, Mayor

In City Council July 1, 2021.
Referred to the Finance, Organization
and Personnel Committee.



Patricia
City Clerk

PASSED July 15, 2021



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to Water and Sewer Utility Charges
Ordinance O-2021-10

Council Action:

In City Council July 15, 2021.

Report filed as informational. Voted with 14 in favor and 1 opposed to adopt Ordinance O-2021-10.

Recommendation:

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-10.

Attachments:

1. Ordinance O-2021-10_adopted

Background:

Public Works Director/Emergency Management Director Kurt Blomquist and Finance Director Merri Howe addressed the Committee with reference to Ordinance O-2021-10 relating to the water and sewer utility rates water. These rate are both the primary sources of revenue for both the water and sewer enterprise funds. Ms. Howe stated as the cost of providing water and sewer services increases and capital planning needs change, water and sewer rates need to be adjusted to accommodate these changes and meet the budgetary needs moving forward. Using the right methodology approved by the City Council on July 1, meeting volumetric and fixed rates for both water and sewer have been calculated to support the revenue needs to fund operations and capital planning for FY 22. She noted this methodology uses two components for each service account; volumetric and fixed rate. However, the fixed component and the volumetric component have been realigned based on the results of the recent study.

The value metric rate shown in this ordinance are at a per unit cost. Each unit is 100 cubic feet or 748 gallons of water consumption. The rates shown are based fixed rates and their meter sizes. Fire line rates per City Council request, will remain at the 2019 rates.

Mr. Blomquist added by the Council not increasing the 2019 fire line rates, there might be a question about what happened. He explained there was about \$300,000 that had to be moved into both fixed charges and volumetric charges to compensate for not increasing the fire line rates.

Councilor Chadbourne stated the people she has spoken to seem to be more receptive to what is before the committee today.

Councilor Chadbourne made the following motion, which was seconded by Councilor Ormerod. On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-10



CITY OF KEENE

O-2021-10

Twenty-One

In the Year of Our Lord Two Thousand and
 Relating to Water and Sewer Utility Charges

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That Appendix B Fee Schedule of the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the effective 2019 text and inserting the bolded text under effective 2021 in the accompanying rate schedule in Section 98-511 (a) and in Section 98-512 (a) of Appendix B so that Section 98-511 (a) and Section 98-512 (a) would read as follows:

Appendix B

	effective	effective
<u>Section 98-511 (a). Water</u>		
<u>Meter Rates</u>	<u>2019</u>	<u>2021</u>
Volume Rate (\$ per hcf)	4.78	5.06
Fixed Quarterly Charge (meter size in inches)		
5/8 inches	7.29	24.36
3/4 inches	10.50	36.53
1 inch	18.66	60.89
1 1/2 inches	41.99	121.78
2 inches	74.65	194.84
3 inches	167.96	365.33
4 inches	297.97	608.88
6 inches	671.86	1,217.76

Section 98-512 (a). Sewer

Rates

	<u>2019</u>	<u>2021</u>
Volume Rate (\$ per hcf)	5.31	6.29
Fixed Quarterly Charge (meter size in inches)		
5/8 inches	53.96	50.93
3/4 inches	77.70	76.39
1 inch	138.13	127.32
1 1/2 inches	310.78	254.63
2 inches	552.50	407.41
3 inches	1243.13	763.89
4 inches	2210.00	1273.15
6 inches	4972.51	2546.31



George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: In Appreciation of William H. Byrne Upon His Retirement
Resolution R-2021-33

Council Action:

In City Council July 15, 2021.
Voted unanimously to adopt Resolution R-2021-33.

Recommendation:

That Resolution R-2021-33 be adopted by the City Council.

Attachments:

1. Resolution R-2021-33_Adopted

Background:

Mr. Byrne retired from the Public Works Department effective July 7, 2021 with almost 30 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-One

A RESOLUTION In Appreciation of William H. Byrne Upon His Retirement

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: William H. Byrne began his career with the City on October 30, 1991, as the Public Works Highway Division's Maintenance Aide II that serves as the "ambassador of downtown;" was promoted to Highway Foreman for a quarter of the community effective November 1, 1993; became Acting Highway Superintendent on September 10, 2007; and secured the Highway Superintendent position as of November 19, 2007—the start of the second snowiest winter in recorded New Hampshire history, handled with short staffing and a salt shortage; and

WHEREAS: Having achieved Master Roads Scholar status, Bill used sound judgment to oversee the maintenance and repair of streets, sidewalks, roads, signage, drainage, and adjoining vegetation with maximum operational efficiency during all seasons and in a way consistent with the Comprehensive Master Plan to provide the best return on investment where everything is a priority, issues are complex, and resources are scarce; and

WHEREAS: With a genuine concern for his customers, the ability to identify an issue early, and the drive to provide regularly outstanding service, Bill has been resourceful, creative, solution-oriented and an effective planner in prioritizing the thousand ever-changing things that occur between the seasonal events that drive the division's work agenda; in maintaining the highest standards of quality on many challenging assignments, done on time and within budget—and in providing timely and critical information to the general public about upcoming activities through various platforms, including his twice-weekly *Highway Superintendent* talk with the local radio station; and

WHEREAS: Overseeing a staff with diverse skills and personalities, he placed a premium on their safety, encouraged them to balance work and personal lives, and stimulated them to offer ideas that often were implemented—giving them leeway to suggest, plan, and complete assignments important to the division to improve efficiency, cost-effectiveness, learning, and ownership of the process—and he expected the job to be done right every time and recognized staff in a meaningful way for work well done; and

WHEREAS: Some of his other accomplishments and attributes include assisting to develop the City-wide snow and ice control operation plan, improving the leaf collection program's efficiency for both residents and employees, categorizing all the regular activities either performed or overseen by the Highway Division so the numerous areas of responsibility could be tracked, using his Master Gardener knowledge to design a landscape program to beautify downtown Keene with perennial beds and many trees to enhance the built environment, always being willing to share resources, knowing the capabilities and limitations of all City vehicles and equipment, and assisting temporarily to oversee Water and Sewer Division operations; and

WHEREAS: Bill retired from the City of Keene July 7, 2021, with almost 30 years of dedicated and honorable service; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to William H. Byrne and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Bill in appreciation for his many years of service to the residents of Keene and the Monadnock Region.

PASSED

July 15, 2021


George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: July 15, 2021
To: Mayor and Keene City Council
From: Kurt Blomquist, Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: In Appreciation of Eric E. Swope Upon His Retirement
Resolution R-2021-34

Council Action:

In City Council July 15, 2021.
Voted unanimously to adopt Resolution R-2021-34.

Recommendation:

That Resolution R-2021-34 be adopted by the City Council.

Attachments:

1. Resolution R-2021-34_Adopted

Background:

Mr. Swope retires from the Public Works Department effective July 16, 2021, with almost 21 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-One

A RESOLUTION In Appreciation of Eric E. Swope Upon His Retirement

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Eric Swope began his career October 18, 2000, as the Industrial Pretreatment Technician for the City of Keene and, based on the job's responsibilities, was reclassified to Industrial Pretreatment Coordinator effective July 1, 2003; and he has been carry out both his mission to provide great service and his passion for and commitment to all things environmental; and

WHEREAS: Eric's primary responsibility has been to oversee the Industrial Pretreatment Program, which he has done by helping organizations regulated by the program understand and comply with their role in achieving its goals, developing a rapport with them and addressing their needs and requests promptly and patiently, and resulting in the USEPA 2018 *Industrial Pretreatment Program Excellence Award* for outstanding commitment to water quality; and

WHEREAS: Eric embraced resident and worker health and safety, as well as infrastructure and environmental protection, by spearheading the department's storm water compliance actions, monitoring our groundwater and surface water resources, teaming with the Water/Sewer Division to address sewer blockages attributed to grease or inappropriately flushed items, developing Spill Prevention Programs, identifying solutions for odorous storm drains, assisting with department grant proposals, investigating unusual environmental issues; and leading the joint City/Keene State College COVID-19 wastewater testing program; and

WHEREAS: Eric juggled many projects, including being the driving force for Beaver Brook Watershed Restoration Grant, annual Ashuelot River and Beaver Brook cleanup events, Green Up Keene, Trout-in-the Classroom Programs, Fourth-Grade Water Science Fairs, rain garden education workshops and installations, the Watershed Education Program, updates to the City's Sewer Use Code, and other water quality education and habitat protection events for which he partnered with multiple community organizations, schools, and the general public; and

WHEREAS: Two of Eric's keys to effectiveness are his ability to work with everyone and his creativity in using humor and facts in his educational presentations for memorable messages (as anyone who has seen his public service videos knows)—enthusiastically imparting his message of citizen stewardship, for which he received the NH Water Pollution Control Association's 2017 *Public Outreach Award* for his ability to connect with community; and

WHEREAS: Eric retired from the City of Keene July 16, 2021, with almost 21 years of dedicated and honorable service to the City of Keene; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Eric E. Swope and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Eric in appreciation for his many years of service to the residents of Keene and the Monadnock Region.

PASSED July 15, 2021


George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Kurt Blomquist, Public Works Director

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of Funds from the Capital Reserve - Pump Station Martel Court (08022) for Martel Court Pumping Station Emergency Generator Replacement Project (08099-18) Resolution R-2021-35**

Council Action:

In City Council July 15, 2021.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

First reading of Resolution R-2021-35 Relating to the Appropriation of funds from the Water Fund Unassigned Fund Balance for Wetmore Street and Winchester Street Emergency Water Main Repair and referring to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-35_referral

Background:

On June 2, 2021, the six (6) inch water main feeding Wetmore Street just west of the connection to the twelve (12) inch water main failed. This resulted in the loss of water to fifteen residential and business customers. The Water/Sewer Division responded isolating the area of the failure.

The failure is in an area that also has a twelve (12) inch sewer main, twenty-four (24) stormwater main and a telecommunication/electrical duct bank making the repair very difficult. The area is also within Winchester Street that has an average daily count of vehicle trips of approximately 20,000. To accomplish the repair over two nights it will be a combination of contract assistance and in-house staff.

A temporary feed line has served residents and the business from Fairbanks Street since the failure of the six (6) inch main.

This is an unplanned and unbudgeted event. The City Engineer estimates the repair cost at \$65,000. It is recommended that the funds for this emergency repair come from the Unassigned Fund Balance in the Water Fund.



CITY OF KEENE

R-2021-35

Twenty-one

In the Year of Our Lord Two Thousand and

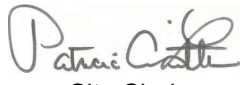
A RESOLUTION Relating to the Appropriation of funds from the Capital Reserve- Pump Station Martel
Court (08022) for Martel Court Pumping Station Emergency Generator Replacement
Project (08099-18).

Resolved by the City Council of the City of Keene, as follows:

That up to the sum of fifteen thousand seven hundred dollars (\$15,700) be appropriated from
Capital Reserve - Pump Station Martel Court for the Martell Court Pumping Station Emergency
Generator Replacement Project (08099-18).

George S. Hansel, Mayor

In City Council July 15, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.4.

Meeting Date: July 15, 2021

To: Mayor and Keene City Council

From: Kurt Blomquist, Public Works Director

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of Funds from the Water Fund Unassigned Fund Balance for Wetmore Street and Winchester Street Emergency Water Main Repair.
Resolution R-2021-36**

Council Action:

In City Council July 15, 2021.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

First reading of Resolution R-2021-36 Relating to the Appropriation of funds from the Capital Reserve- Pump Station Martel Court (08022) for Martel Court Pumping Station Emergency Generator Replacement Project (08099-18) and referring it to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-36_referral

Background:

The City's Martell Court Pump Station is the main pumping facility that transports wastewater from Keene and parts of Swanzey to the City's Waste Water Treatment Plant. The Martell Court Pump station generator is original equipment and has been in service since 1985. The unit has reached the end of its serviceable life expectancy and is due for replacement. The generator serves as a redundant electrical power source for critical operations and is a requirement of the City's National Pollutant Discharge Elimination System (NPDES) permit for the Wastewater Treatment Plant.

The City thru the Capital Improvement Program (CIP) program funded a project to replace the generator at \$318,592. The Utilities Maintenance Division has received final estimates for the project in the amount of \$352,490 including contingency. This has created a shortfall of \$33,898. To fund the short fall it is proposed to reallocate \$18,225 in project balance from a recently completed project, Wastewater Treatment Plant Lighting Energy Efficiency Project (08104) with the remaining balance, \$15,673, to come from the Capital Reserve for the Martel Court Pumping Station. Attached is Resolution R-2021-XX that would appropriate up to \$15,700.



CITY OF KEENE

R-2021-36

Twenty-one

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Appropriation of funds from the Water Fund Unassigned Fund Balance
.....for Wetmore Street and Winchester Street Emergency Water Main Repair.....

Resolved by the City Council of the City of Keene, as follows:

That up to the sum of sixty-five thousand (\$65,000) be appropriated from the Water Fund Unassigned Fund Balance to perform an emergency Water Main Repair at Wetmore and Winchester Streets.

George S. Hansel, Mayor

In City Council July 15, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED