



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 2, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 18, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation of Retirement Resolution - W. Rhett Lamb
2. Community Development Block Grant (CDBG) Project Sponsored by the City of Keene for Improvements at the Community Kitchen.
3. Relating to Amendments to the Business, Growth and Reuse District Ordinance O-2021-14
4. Redistricting of Ward Lines - ad hoc Redistricting Committee Ordinance O-2021-15

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations
 - Congregate Living and Social Services Licensing Board

C. COMMUNICATIONS

1. Dr. Don Caruso/President and CEO of Cheshire Medical Center - Recommending a Mask Ordinance for Indoor Settings

D. REPORTS - COUNCIL COMMITTEES

1. Repurposing of Wheelock Park Campground – Parks, Recreation, & Facilities Director – Designation of a Site for a Community Dog Park & Proposal to Build a 9-Hole Disc Golf Course
2. Authorization to Acquire Easement – Beaver Brook – Russell Park – Parks, Recreation, & Facilities Director
3. Bulletproof Vest Partnership Grant- 2021 - Police Department
4. Branding, Marketing and Communications Vendor Selection - IT Director/ACM

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Proposed Amendments to the Rules of Order - City Clerk and City Attorney
2. Proposed Amendment to the Rules of Order relative to Conflicts of Interest

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to the Wearing of Face Coverings
Ordinance O-2021-16

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Office of the City Treasurer
Resolution R-2021-43
Resolution R-2021-44
2. In Appreciation of Barry Philip Hilton Sr. Upon His Retirement
Resolution R-2021-47
3. Relating to the Fire/EMS Training and Public Education Revolving Fund
Resolution R-2021-48

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, November 18, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Bryan J. Lake, Raleigh C. Ormerod, and Gladys Johnsen were absent. Councilor Williams led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel announced that due to the Thanksgiving holiday, the MSFI (5:30 PM) and FOP (6:30 PM) Committees would meet on Tuesday, November 23.

Mayor Hansel announced some additional important dates:

- The mid-grant CDBG hearing has been scheduled for December 2 at 7:00 PM.
- The City Council's holiday party will be held immediately after their December 16 City Council meeting. Returning City Councilor, Mike Giacomo, has offered his new residence as the site for the get-together. Councilors may expect to receive an invitation and RSVPs are appreciated.
- Inauguration Day for the Mayor and City Council will be held on Monday, January 3. The City Charter requires that the terms of office are to commence "on the first secular day in January." A secular day is defined, and commonly understood, to be a day not regarded as a religious day. Because January 1, 2022 falls on a Saturday, which is recognized as a religious day in the tradition of Judaism, and because Sunday is recognized as a religious day in the tradition of Christianity, the first secular day in January is Monday, January 3, when the inauguration will be held at 12:00 PM. Further details about the agenda for the day will be provided prior to that date.

MINUTES

A motion by Councilor Powers to adopt the minutes of the November 4, 2021 meeting was duly seconded by Councilor Bosley and the motion passed on a unanimous show of hands with 12 Councilors present and voting in favor.

PRESENTATION – CHESHIRE COUNTY ADMINISTRATOR, CHRIS COATES – COUNTY ACQUISITION OF DILUZIO AMBULANCE

Mayor Hansel welcomed Cheshire County Administrator, Chris Coates of 30 Gilsum Street, and Chair of the Delegation of State Representatives, Daniel Eaton of Stoddard, to update the Council on this County project.

Mr. Coates thanked Mayor Hansel and the City Council for allowing this presentation on Cheshire County moving forward with a letter of agreement to purchase the DiLuzio Ambulance Service in Keene. Mr. Coates provided background and explained what this means for the City of Keene.

Mr. Coates said that in June of this past year, the DiLuzio's contacted the County seeking funds for equipment and the County used \$70,000 of CARES funds to assist them because they believe it is important for the communities in Cheshire County. A few months later, County Commissioner Jack Wozmak and Mr. Coates contacted the DiLuzios, asking how the County could support the

ambulance service after seeing a four-part Sentinel series on the ambulance service crisis in the County. Mr. Coates and Mr. Wozmak had many conversations with chiefs throughout the County to understand the context with one ambulance service over time. Ultimately in January 2021, the DiLuzios asked the County to buy them out and over the next 10 months, the County worked to understand how that could happen, while also working with Senators Shaheen and Hassen to be awarded the CARES money. Through work of the National Delegation, counties in NH were able to get some of these funds despite having lower than the criteria population of 500,000 residents. Therefore, Cheshire County received \$14.7 million, and Keene will benefit by receiving \$248,000 because Mr. Coates said the County felt the City needed that support. He said the only silver lining of Covid-19 was the money coming out of Washington DC. So, simultaneously, the County knew something needed to happen with the ambulance service and through the American Rescue Plan, funds were set aside for that purpose. He said that negotiations are never easy, but over 10 months both the County and DiLuzio have reached a point where they are ready to move forward. The non-disclosure agreement was only lifted just recently, which is why they are now able to inform the City. Mr. Coates has been meeting with other towns in the County and he said the response to this news had been positive because those towns had not reached a decision on how to move forward with ambulance service. The county felt it was important for them to take this next step.

While anything could happen between now and January 2022, Mr. Coates said they were moving forward toward the final asset purchase agreement. Through two job fairs, 40–45 EMTs on various levels expressed intent to fill out applications. He said the DiLuzios had given tirelessly to this community and kept 14 communities from risk. Fire Chief Howard told Mr. Coates that without DiLuzio as the mutual agreement backup for the City of Keene, there would have been serious challenges. They are working at present toward the ultimate goal that the County will have an asset purchase, taking on the contracts with those 14 towns. Mr. Coates has been telling the towns that moving forward it would be “pay-to-play and what they have been paying all along they have been getting a sweetheart deal and so there would be some level of increase” because this would be an enterprise fund that must pay for itself. Keene would not be paying for this service because they have a separate agreement and has not paid to this point, the other 14 towns would pay. The County is also working on an agreement with Cheshire Medical Center because they have needs for 911 calls and acute care, but also inter-facility transfers between hospitals, which will generate income for the County ambulance service. The County has worked with individuals from Municipal Resource Incorporated to define a model that works financially. The County feels confident to this point. They have put-out an RFQ for billing companies and received those. He said they have also been trying to explain to DiLuzio employees the benefits of coming to the County and he thinks they are excited by it. He said there had been a lot of unknowns, but they have planned as best as possible for this transition, though there would be undoubted bumps in the road, which the City should also be aware of.

Mr. Coates clarified that this in no way effects the City of Keene fiscally because its service is in place and towns without their own services would pay for the County service. This will become another department of the county, like the Department of Corrections. Mr. Coates concluded his presentation stating that Cheshire County felt it was its obligation to step-up and take this on and

while it had been a chore, he said they were getting there and were eager to have an ambulance service starting mid to late January 2022. He welcomed questions.

Councilor Remy appreciated that there would be no ongoing fiscal impacts to the budget but imagined it was taking a significant amount of the funds that would have otherwise helped Keene, which was the only caveat he saw. Mr. Coates replied that to be honest, other Counties are using those funds for internal offsets. He said Cheshire County did look internally first and there is a \$4 million energy audit in place now that would otherwise have hit the tax base. There was approximately \$1 million in over-runs for Maplewood, and the County identified that those were only due because of Covid-19 delays, and they would have otherwise hit the mark on dollar. The only thing they could do to cope was to use those monies, so it did not go to the tax base. With the next round of monies, they plan to purchase a generator at the courthouse that helps secure the Sheriff's dispatch. They look internally because they always want to offset costs where they can. He said there was no directive stating that the County had to give back to communities, but they felt it was important especially with Covid-19 challenges. He appreciated the question.

Mayor Hansel said he was encouraged by this because the City cannot serve the community's needs on its own. He said this is a partnership and so to have the County—already established partners—take this on reduces risk of sale to an entity on the open market that might not be a good partner. He said the County is a solid partner and he was encouraged. Mr. Coates informed the Council that they wanted DiLuzio to look at those options. He said of the biggest ambulance services in the country, they would be more likely to go into a City like Manchester because they look at inter-facility transfers foremost versus a company like that coming into Keene taking on 14 separate contracts. Mr. Coates said the County would only be as strong as its partners in this effort. He was clear that this is not a power-grab by the County, but rather the County stepping-up and saying how can we help support. He said partnering with the City of Keene would be important to help with learning curves, especially because there is already a foundation here to build from. He said something really important was to work on cutting down drive times that are up to 15 minutes right now to those other 14 towns in the County because every second counts. He said the bottom line is that if this fails, people die, and that is the reality of operation.

Councilor Greenwald said he was very much in favor of this, and he thanked DiLuzio for its great service and partnership with the City. The Councilor passed along a constituent question: Keene is the major revenue funder for the County. Are there carrying costs for the DiLuzio acquisition that would need to be absorbed or is it all pay-by-ride, so if one town uses the service more, they pay more? What is the real impact to the City of Keene? Mr. Eaton replied that the impact to the City of Keene would be exactly what it is now, nothing. He said the primary purpose of government is public safety and his work with Southwest Mutual Aid for the last 20 years has showed him that in speaking with chiefs, there are safety difficulties, primarily the lack of volunteers, which they all agree is the greatest jeopardy right now. He said the entire system would breathe a sigh of relief now that the County has established this enterprise fund, which would require start-up costs and would utilize the American Rescue Act (ARA) monies. There is no jeopardy for the City of Keene and the advantages to the City would be substantial because the County hopes to expand the service to be a better partner for the City, including possible joint training operations. Mr. Coates added that the County takes its

budget process very seriously and stated that in the year 2021, there were no tax increases from the County's accounting. However, the NH Department of Revenue Administration has a formula based on assessments and evaluations that could add to the taxes in the County and City. Mr. Coates said the County would also strive to do the best they can to maintain services by statute, while best supporting communities. Mr. Eaton said they sent \$1 million out to communities from the CARES funds and he added that there had not been more than a 1% increase in County taxes per year during his 10-year tenure with the Delegation.

Councilor Jones thanked the presenters for taking a proactive approach to what could have been a disastrous situation. He asked whether this was a brick-and-mortar purchase or just the business. Mr. Coates said this is an asset purchase, meaning that the County absorbs DiLuzio's employees, contracts, the ambulances, and any other equipment. The County will use the DiLuzio facility for 1–2 years, while they look for a new location based on where they see the calls are most. Still, there are some fire departments currently doing great things, like in Fitzwilliam, that the County wants to support versus competing with, such as with supplemental staffing during off-hours. He said often calls go out and there is no one to answer, especially for fires, and backup for Keene will not arrive for 30 minutes. He said there are real crises, and we need solutions that the County must address. They want to collaborate with their current partners.

Councilor Jones added that demographics have changed and there used to be a lot of home-based companies, like in Troy, which would let their volunteers respond to situations and we do not have those employers any longer. Councilor Jones knew the Sheriff's office and State Police had contracts with some towns and asked if this would be a similar contract. Mr. Coates replied that it is a similar service, but the reality is that the costs would increase a little bit, but because of the American Rescue Plan funds, they were able to offset and phase-in those costs over three years. Thus, it would not be a shock to communities.

The City Manager, Elizabeth Dragon, thanked Mr. Coates and Mr. Eaton for this presentation and their work on this project. She said that ambulance services in the region had been a concern for some time and she was glad that this project would bring that concern to the forefront. She said it was important to remember that Keene has its own service and has contracts with other communities. She thinks that setting-up this new service as a pay-to-ride was the best scenario the City could ask for. Two years ago, the City moved from a handshake agreement with DiLuzio to a negotiated contract for mutual aid. The City did an analysis of how many times the City was responding versus DiLuzio to ensure it was still a mutual agreement because it's important to the City that it remains of mutual benefit. The City Manager thanked the presenters again and said she looked forward to being a part of the conversation as this moves forward. Mr. Coates noted that the City Manager had been a great supporter along with Don Caruso and others in the community who have known about this, and he was glad the non-disclosure agreement was lifted so they could share this with the Council and community.

Mayor Hansel appreciated Mr. Coates and Mr. Eaton giving this presentation and starting this off right with communication. The Mayor thinks this will be challenging but he is hopeful for the future. Mr. Coates is happy to field more questions as they arise.

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

Planning, Licenses and Development Committee report read recommending to take no further action on the allegations presented by Mark Zuchowski, as he failed to provide factual basis to establish a claim of fraud or misconduct in the conduct by the City of the municipal general election held on November 2, 2021.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. The motion passed on a unanimous show of hands vote with 12 Councilors present and voting in favor.

PLD REPORT – PROPOSED AMENDMENTS TO THE RULES OF ORDER – CITY CLERK AND CITY ATTORNEY

Planning, Licenses and Development Committee report read recommending the adoption of the proposed Rules of Order as amended.

A motion by Councilor Bosley to adopt the proposed Rules of Order as amended was duly seconded by Councilor Greenwald.

Discussion ensued.

Councilor Manwaring stated her concerns about the conflict of interest issue and noted that there was discussion at the PLD meeting of an unnamed Councilor who did not disclose conflict of interest, which Councilor Bosley later confirmed was in reference to Councilor Manwaring. Thus, Councilor Manwaring felt it necessary to explain the instance in question to the whole Council. The instance in question was a budget hearing when she supported full funding for Hundred Nights, Kids Collaborative, and two others; she asked for level funding for all four agencies under consideration because it was during the Covid-19 pandemic when they could not fundraise. At the time, Councilor Manwaring had just become a Hundred Nights Board member, which she did not disclose because she said that in all honesty, it did not occur to her, and she was operating on the concept of whether she would make money. She apologized to Councilor Bosley and the rest of the Council for not disclosing her Board membership at the time.

Councilor Manwaring continued noting that in the proposed changes to the Rules of Order, she did not see Councilors' expressed concerns about conflict of interest addressed, stating that the rules are so vague still that anyone could make the mistake she did. She requested better clarity. She also said the issue of bias was not addressed sufficiently in the Rules. Councilor Manwaring wanted an agreed upon process of disclosures. Particularly with budget discussions upcoming, she thought the matter of conflict of interest needed to be resolved quickly and with clear consensus.

Mayor Hansel said that Councilors could propose language changes to the proposed Rules. Regarding the more philosophical questions, he said his plan was to seek consensus of the Council and then have the City Attorney craft the appropriate language before the next Council meeting, if the Council was not ready to move forward with adoption.

Councilor Greenwald said this discussion was not about the Charter but the Rules of Order, which are apparently easy to amend. He thought a lot more discussion was needed because Councilor Manwaring raised good points and all Councilors are members of various organizations, so these Rules needed clear specification. He thought this was a good start. Councilor Greenwald thought it was easier in the past when conflicts were only about pecuniary interests, which was how he thought it should be still.

Councilor Bosley said this was discussed at length by the PLD Committee and one of the things that came up throughout that conversation identifying various situations where Councilors were on boards and did not appear to have conflicts of interest on an item, did appear to have conflicts of interest, were receiving or potentially receiving funding for an organization that they sat on a board for, or maybe asking the City to do a project that might support an organization that they sat on a board for. There were so many different slight variations of how you might have a bias in a situation or conflict of interest that Councilor Bosley said the Committee was stumped. After an hour of talking about what the language needed to say to make it very clear that this is relevant and important. There were suggestions to have Councilors disclose at the beginning of each year, so the information is open to the whole Council as well as an educational process on conflicts and biases during orientations or annually. They did replace the word “shall” with “must” to emphasize the importance of disclosure and letting the Committee decide whether to recuse the Councilor. She supported the City Attorney drafting different language in response to these concerns.

Councilor Filiault said that the more he heard at the PLD meeting and this meeting, he did not feel the Council was ready to vote on the extremely important Rules of Order. He said it felt like they were winging it during this conversation, which was not enough diligence when there was no clear definition of conflict of interest. Councilor Filiault expressed further concern about the allowance of electronic participation for various reasons like sickness, vacation, or important events. His personal stance was that aside from electronic participation in support of the American Disabilities Act (ADA), he was completely against the remote option and said that if once weekly participation in meetings was not possible, then perhaps those individuals were not right for Council. He could imagine someone taking advantage of the option and adding to the Mayor’s workload. The Council operates fine with a quorum when members are absent. Councilor Filiault was adamantly against the allowance of electronic participation and against the Council voting on these proposed Rules at this meeting.

Mayor Hansel stated he was prepared to table this matter if it became obvious that a lot of changes were still needed. However, he said this was time sensitive and while he understood the points voiced, he said the Rules are easily changeable compared to the Charter, for example. The Mayor wanted the Council to workshop these ideas at this meeting to provide the City Attorney consensus to draft new language before the next Council meeting. Mayor Hansel asked for feedback from the rest of the Council on the two main concerns posed—remote participation and conflicts of interest.

Councilor Powers suggested asking other communities what they were doing regarding remote participation. He believes that if Councilors cannot be present, then they should be absent, because the electronic participation is too much to ask of Staff and connection issues make for complications during the meeting; he said it was not a great business atmosphere. On conflicts of interest, he said it

must be about monetary issues. Still, he said the other thing that had not been discussed and should be likely placed on the table is the issue of public perception of the Council being unclear on what constitutes a conflict of interest. If the Council does not know then the public does not know. The issue needs to be defined so people understand it.

Mayor Hansel spoke about conflict of interest, having dealt with it a lot as a Councilor and Mayor. He said he liked Councilor Bosley's idea of Councilors disclosing organizational affiliations and whether the Councilors are paid by those entities annually so anyone could request the information, enhancing transparency. He said it comes down to whether the Councilor benefits financially and whether the Councilor is intimately involved with negotiating a contract with the City. Mayor Hansel said that many Councilors are able function as such, above their other affiliations, to make decisions. Those were the Mayor's suggestions.

Councilor Remy recalled the Taste of Keene event last year, for which he presented to PLD and FOP, requesting a license to close a street as well as financial support from the City; he was not recused for the license to close a street but was recused from the financial negotiation. He said he could understand the distinction between those two requests. He agreed that there are grey areas but said some have become clearer to him as time has passed. He supported annual disclosures of organizational affiliations for identifying potential biases. On remote participation, he disagreed with those in opposition, stating that because a Councilor cannot be present physically does not mean that they and their constituents should not be represented in the Chambers. He said that not everyone has the privilege to leave their family or jobs every Thursday night to be present at City Hall. He thinks the Council should appreciate that they are lucky to have remote participation so that more of the population can be represented in the room.

Councilor Bosley appreciated Councilor Remy's comments clarifying the issue of being in a negotiation of the City as a pivotal point of all conflicts of interest. She suggested using that language in the rewrite. Councilor Bosley also noted that there was a recent Council workshop when remote participation was discussed at length and while all Councilors might not have attended, there was a consensus of the majority in the room to provide for this participation. She thought the City Attorney had drafted reasonable and practical language on the matter, outlining the clear cases in which such participation would be permissible. Allowing remote access allows more people to run for Councilor, of which Councilor Bosley was in favor.

Councilor Greenwald said the Council was not going to agree on anything at this meeting but said he agreed with everything Councilor Filiault said about electronic participation, which Councilor Greenwald was also against. Councilor Greenwald agreed it could snowball into a situation of someone spending half the year away from Keene and so he suggested language limiting the allowance to vacations of 14 days; it is up to an individual whether they want to Zoom in from their vacation. He said this was a good discussion but that a more in-depth workshop of this issue was needed, and he supported tabling the matter.

Councilor Williams stated that he made his stance clear during the last discussion about this and that he is in favor of remote access, particularly for people with disabilities. He did agree with Councilor Greenwald's idea of limiting the stipulation to vacations no more than 14 days.

Councilor Jones agreed with Councilors Powers and Filiault, stating that the Council has functioned for years with no issue when members are absent for these various reasons. He thought the remote privilege could be abused and that the Rule should remain as they were pre-Covid-19. On conflicts of interest, he recalled Councilor Lake's recusal at the last meeting and stated that he did not think there was a conflict until Councilor Lake stated that he had a bias. Councilor Jones said the Council needed to determine what to do when Councilors express biases.

Councilor Madison said he wholeheartedly agreed with Councilor Bosley on remote participation, and he said the PLD minutes stated the reasons clearly. He agreed that City Council needs to be more accessible to potential Councilors from diverse economic backgrounds and abilities.

Councilor Workman was one of the Councilors in favor of remote participation originally and while her position had not changed, she noted that her support was from the perspective of this existing Council, and she did not think anyone would abuse the privilege. She said the Council needed to look at the whole Rules of Order to ensure what is best moving forward for all future councils. She said the ability for remote participation was built-in already for people with disabilities so that was a moot point.

The City Attorney, Thomas Mullins, said the Councilor's statement was correct generally, because the City is obligated to comply with the ADA. However, the City Attorney said that this was a threshold question: what is the Council's policy and procedure? How do people know and interact with the policy? He said it is a matter of risk analysis. Still, the Council is obligated by law to provide this opportunity to those with a disability defined by the ADA; the City Attorney's assessment of the current state of the law with respective policies and procedures was that the Council's risk would be lower if there were a written policy with respect to that.

Councilor Workman was not opposed to adding that policy because the Council should accommodate those with disabilities. Regarding remote participation for vacations and sick days, she thought the Council should lead by example and demonstrate work-life balance by not participating remotely in those instances; the Council would still function despite absences.

Mayor Hansel asked the City Attorney about reasonable accommodations, noting that City Hall is ADA accessible. The City Attorney agreed about the building but said the underlying question is whether someone is able to get into the building. A reasonable accommodation is one that is fact-specific to the individual who qualifies under the ADA. There could be an individual who quite literally cannot enter City Hall but there may be the obligation to provide them a reasonable opportunity for them to participate. Mayor Hansel said that technically City Councilors are employees of the City, so would this not default to however things are handled for an employee as well. The City Attorney said potentially, but that is the point, even in our employment situation we have policies and procedures with respect to one's rights as a disabled individual as an employee. He said the issue he raised was not whether any specific individual has a disability that requires reasonable accommodation but that as a matter of the course, there needs to be a policy and procedure that allows for assessing that and that allows for that individual to be reasonably accommodated. He used the analogy of workplace harassment policies and procedures; if you are in a judicial situation or at an administrative agency the first thing they would ask to see are the policies

and procedures, and to not have those is almost *prima facie* position regarding the administrative agency or the court that one is not following the requirements of the statute. Mayor Hansel asked why it would not default to the City's policy for their employees. The City Attorney replied that because even though Councilors are W2 employees, they are still elected officials, with a different status than employees.

Councilor Filiault said his point was made that there were more questions than answers and suggested moving on with tabling the matter.

Mayor Hansel provided his synopsis of the discussion. In listening, he heard the room fairly split on remote attendance and so he suggested moving forward with the language allowing remote attendance and those in opposition could offer an amendment with advice from the City Attorney. On conflicts of interest, Mayor Hansel said he heard some direction for modifying the Rules and asked to hear from the City Attorney.

The City Attorney thought he heard a few areas discussed, the first was about being involved in direct negotiation with the City and then there was the question of bias. He asked if the Council wanted language included for providing a statement to the City on some annual basis regarding the boards, etc., that Councilors serve on; the Council demonstrated consensus on adding that language. The City Attorney also said the Council should remember too that this will always be an unfortunate grey area, which is attempted to be resolved by the fact that 14 Councilors must decide whether a conflict exists, and there is a wisdom in the group.

Councilor Chadbourne did not recommend adopting this Rules at this meeting and she was not pleased making changes on the floor. She supported remote participation and thought the proposed language clearly outlined the allowances, which were perhaps too narrow in her opinion. She said it was important to allow people to participate and votes matter even if they are remote. Councilor Chadbourne thought the conflicts of interest discussion was interesting. She suggested that someone who realized that Councilor Manwaring overlooked her conflict could have had her back and reminded her that she might have a conflict. She said it is important for Councilors to make these disclosures when they are elected.

Mayor Hansel said the conflict of interest language would be reworked by the City Attorney and the remote participation language would remain until a Councilor proposes an amendment at the next meeting.

Mayor Hansel laid this matter on the table without objection until the City Council's December 2, 2021 regular meeting.

In response to the City Attorney, there was consensus from the Council they are content with all language in the proposed Rules of Order other than conflict of interest and remote participation.

CITY MANAGER COMMENTS

The City Manager began her comments by discussing the continued conversation about municipal aid (which includes meals and rooms revenue). She spoke with Cheshire County Administrator, Chris Coates, about a joint City/County meeting with our Senator and members of the House to discuss

municipal aid and the gradual downshift from the State that has occurred over many years. This is not a new topic, but it is an important one to keep in the minds of our legislators. The City Manager had also spoken with Senator Kahn, who suggested the timeframe be mid to late January when we will also have a better sense of bills in the House and Senate. The current plan is to also invite NHMA to speak on the topic and include an invite to area towns, like the legislative meeting we have held in the past closer to cross over. The City Manager would keep the Council informed as she receives more details.

Next, the City Manager reported on the Keene State College (KSC) student designs on the community billboards project. The final phase of the community billboards project in front of the US Post Office has been completed with the installation of backer boards on the stanchions, reflecting the design work of several KSC design students in the class of Professor Robert Kostick. These backer boards are mounted permanently to the sign stanchions—both in front of the US Post Office and at a more recent installation in Fuller Park. Any licensed sign will be mounted in front of these permanent backer boards. When there are no licensed signs, the backer boards will depict attractions in the City. This was all a part of an effort to improve the usability of these sign stanchions, by moving away from plywood signs to vinyl signs, and to use the stanchions to promote community assets whenever a licensed sign is not erected.

The City Manager continued sharing thanks to the Public Works Department. The artist who recently had her art installed at the airport, Martina Angela Muller, wrote to the City Manager, thanking our Public Works Department for their efforts to install the stainless-steel sculpture. The team used heavy equipment to prepare the hole and install the piece of art on a gravel bed. Ms. Muller wrote that Staff were fast, efficient, sensitive, and respectful of the art and artistic input that they were given. She was extremely grateful for their help and the support of the City, which the City Manager wanted to share with the City Council.

Next, the City Manager provided her regular Covid-19 update. Covid-19 positivity rates and hospitalizations remain high. Staffing issues continue to impact all hospitals and their bed capacity. We saw a bit of an uptick around the Halloween timeframe and then the positivity rate dropped down slightly this week. Positivity rates at Cheshire Medical Center remain around the 8% range. In addition to the social media information the city has been sharing weekly, Staff were preparing to send out messages to the businesses who took the Keene Safe Pledge, encouraging everyone to remain vigilant and take extra precautions next week around the Thanksgiving holiday. She said vaccination remains our best defense against transmission and the impacts of Covid-19. Access to both Covid-19 vaccinations and boosters is available widely at local pharmacies and other convenient locations. You can select a location and register online for an appointment at www.vaccines.gov, or select a vendor with walk-in appointments and obtain your vaccination or booster now. The City Manager said she was scheduled for her booster at Walgreens the next morning and the process to set up the appointment was very easy.

The City Manager continued sharing great news from the Government Finance Officers Association (GFOA) of the United States and Canada. She received notification on this day that the City of Keene was awarded the Certificate of Achievement for Excellence in Financial Reporting for the Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2020. This is the Finance

Department's third consecutive year receiving this award. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City Manager congratulated the Finance Director, Merri Howe, and her entire Department, with special recognition to Karen Gray who alongside Ms. Howe played a lead role in the preparation of these financial statements.

The City Manager concluded her comments by sharing that members of our community could receive free meals on the Thanksgiving holiday at the following locations: Keene Oddfellows (take-out 4:00 PM–6:00 PM), Keene Assembly of God (11:30 AM–3:00 PM), the Fraternal Order of Eagles (12:00 PM–3:00PM, with some delivery availability to Keene residents).

The City Manager concluded by wishing everyone a happy Thanksgiving.

FIRE DEPARTMENT MEMORANDUM – 2021 HOMELAND SECURITY GRANT PROGRAM AWARD – HAZMAT – FIRE CHIEF

A memorandum was read from the Fire Chief, Mark Howard, recommending that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$28,571.43 from the 2021 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant.

Because this was a time sensitive matter, Mayor Hansel requested a motion to suspend the Rules of Order to take action this evening.

A motion by Councilor Powers to suspend the Rules of Order to allow action on this item on first reading was duly seconded by Councilor Hooper, and the motion passed unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Lake, Johnsen, and Ormerod were absent. The Rules were suspended.

A motion by Councilor Powers to authorize the City Manager to do all things necessary to accept a grant in the amount of \$28,571.43 from the 2021 State of New Hampshire Homeland Security Program HazMat Grant was duly seconded by Councilor Bosley and the motion passed unanimously on a show of hands with 12 Councilors present and voting in favor.

ECC REPORT – RESIGNATION OF HILLARY BALLANTINE AND CARY GAUNT FROM THE ENERGY AND CLIMATE COMMITTEE

A memorandum was read from City Planner, Mari Brunner, recommending that the City Council accept the resignations of Cary Gaunt (effective December 31, 2021) and Hillary Ballantine (effective immediately) from the Energy and Climate Committee.

A motion by Councilor Powers to accept the resignations with regret and appreciation of service was duly seconded by Councilor Bosley and the motion passed on a unanimous show of hands with 12 Councilors present and voting in favor.

PB/PLD REPORT – ORDINANCE O-2021-14: RELATING TO AMENDMENTS TO THE BUSINESS, GROWTH, AND REUSE DISTRICT – JOINT PB/PLD

A memorandum was read from the Community Development Director, Rhett Lamb, identifying the following Joint Planning Board, and Planning, Licenses and Development Committee actions:

A motion was made by Mayor Hansel that the Planning Board find this Petition consistent with the City's Master Plan. The motion was seconded by Councilor Remy and was unanimously approved.

A motion was made by Chair Bosley that the Planning, Licenses and Development Committee request that the Mayor set a public hearing date for Ordinance O-2021-14. The motion was seconded by Councilor Philip Jones and was unanimously approved.

Mayor Hansel filed the memorandum and set a public hearing for December 2, 2021 at 7:10 PM.

MORE TIME – PLD REPORT – KEENE DOWNTOWN GROUP – REQUEST TO USE CITY PROPERTY – ICE AND SNOW FESTIVAL

Planning, Licenses and Development report read recommending that the request for use of City property for the Ice and Snow Festival be placed on more time. Mayor Hansel granted more time.

ORDINANCE FOR FIRST READING – REDISTRICTING OF WARD LINES – AD HOC REDISTRICTING COMMITTEE – ORDINANCE O-2021-15

A memorandum was read from Kendall Lane, Chairman of the Ad Hoc Redistricting Committee, recommending that Ordinance O-2021-15 relating to City Ward Lines be referred to the Finance, Organization and Personnel Committee, and that the Mayor set a public hearing date for Ordinance O-2021-15.

Mayor Hansel referred Ordinance O-2021-15 to the Finance, Organization, and Personnel Committee and set a public hearing for December 2, 2021 at 7:20 PM.

RESOLUTION – RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND – RESOLUTION R-2021-42

A memorandum was read from Finance Director, Merri Howe, recommending that the City Council suspend its Rules of Order to adopt Resolution R-2021-42 relating to the appropriation of funds for the Solid Waste Fund for FY 20/21.

A motion by Councilor Powers to suspend the Rules of Order was duly seconded by Councilor Bosley. On a roll call vote, the motion passed unanimously with 12 Councilors present and voting in favor. Councilors Lake, Johnsen, and Ormerod were absent. The Rules were suspended.

A motion by Councilor Powers to adopt Resolution R-2021-42 was duly seconded by Councilor Bosley and the motion passed on a unanimous show of hands with 12 Councilors present and voting in favor.

RESOLUTION – IN SUPPORT OF A MEDICARE FOR ALL PLAN – RESOLUTION R-2021-46

11/18/2021

A memorandum was read from the City Manager, recommending that Resolution R-2021-46, in Support of a Medicare for All Plan have a first reading in front of the City Council and that it be referred to the Planning, Licenses and Development Committee. Mayor Hansel referred Resolution R-2021-46 to the Planning, Licenses and Development Committee.

RESOLUTION – IN APPRECIATION OF WILLIAM RHETT LAMB UPON HIS RETIREMENT
– RESOLUTION R-2021-45

A motion by Councilor Powers to adopt Resolution R-2021-45 was duly seconded by Councilor Bosley. Councilor Jones indicated he would vote no, as he told Mr. Lamb he would.

The motion passed on a unanimous show of hands with 11 Councilor present and voting in favor. Councilor Jones voted in opposition.

Everyone looked forward to honoring Mr. Lamb in-person at the next Council meeting.

NON-PUBLIC SESSION

At 8:30 PM, a motion by Councilor Powers for the Council to go into non-public session for the purposes of discussion of a land matter under RSA 91-A (II) d was duly seconded. On a roll call vote, 12 Councilors were present and voted in favor. Councilors Lake, Johnsen, and Ormerod were absent. The Director of Parks and Recreation, City Assessor and Director of Economic Development were requested to join the session. Discussion was limited to the subject matter. The session concluded at 9:00 PM. A motion by Councilor Powers to keep the minutes in non-public session was duly seconded. On a roll call vote, 12 Councilors were present and voting in favor. Councilors Lake, Johnsen, and Ormerod were absent.

A true record, attest:



City Clerk

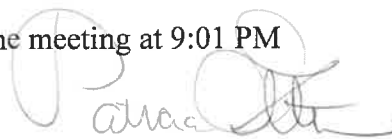
MOTION OUT OF NON-PUBLIC – PURCHASE OF PROPERTY IDENTIFIED AS TAX MAP
AND LOT NUMBER 586-001

A motion by Councilor Powers to authorize the City Manager to do all things necessary to negotiate and execute a Purchase and Sale Agreement for the purchase by the City of real property identified as Tax Map and Lot #586-001, and, as part of the consideration for the purchase, to swap with the Seller real property now owned by the City identified as Tax Map and Lot #575-015 was duly seconded by Councilor Bosley. The motion passed on a show of hands with 11 Councilors voting in favor. Councilor Filiault voted in opposition.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 9:01 PM

A true record, attest:



City Clerk



PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held on December 2, 2021 at 7:00 p.m. at Keene City Hall, Second Floor, 3 Washington Street, Keene, NH 03431 to discuss and hear public comment on a current project sponsored by the City of Keene under the federal Community Development Block Grant (CDBG) program. The project to be featured includes improvements by the Community Kitchen to their facility located at 37 Mechanic Street in Keene, including the installation of a rooftop solar array.

Interested persons are invited to attend and provide comment. Please contact the City of Keene, 3 Washington Street, Keene, NH 03431, at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearings.



Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2021-14 relating to amendments to the Business Growth and Reuse Zoning District. Petitioner, Randall Walter, proposes to amend Table 8-1 and Section 5.4.5 of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to permit "personal service establishment" as a principal permitted use in the Business Growth & Reuse Zoning District.

The full text of the ordinance and the City of Keene Land Development Code are available at <https://ci.keene.nh.us/land-development-code> or at the Clerk's Office of Keene City Hall during business hours.

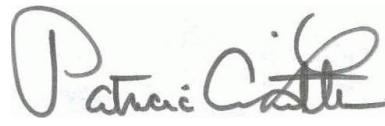
HEARING DATE: December 2, 2021

HEARING TIME: 7:10 PM

HEARING PLACE: Council Chambers, City Hall

Per order of the Mayor and Councilors of the City of Keene, this 18th day of November, two thousand and twenty one.

Attest:


City Clerk



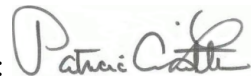
PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2021-15 Relating to City Ward Lines. Pursuant to Section 2. "Wards" of the Keene City Charter, the City Council is charged with reviewing the ward boundaries at the local level, and re-dividing the City's five voting wards to equalize populations, which is required by the N.H. Constitution to occur every ten years after the Federal census is completed. The Ordinance would codify the new ward line boundaries, and be effective on January 1, 2022. All voters impacted by these boundary line adjustments will be notified in writing as to their new polling location.

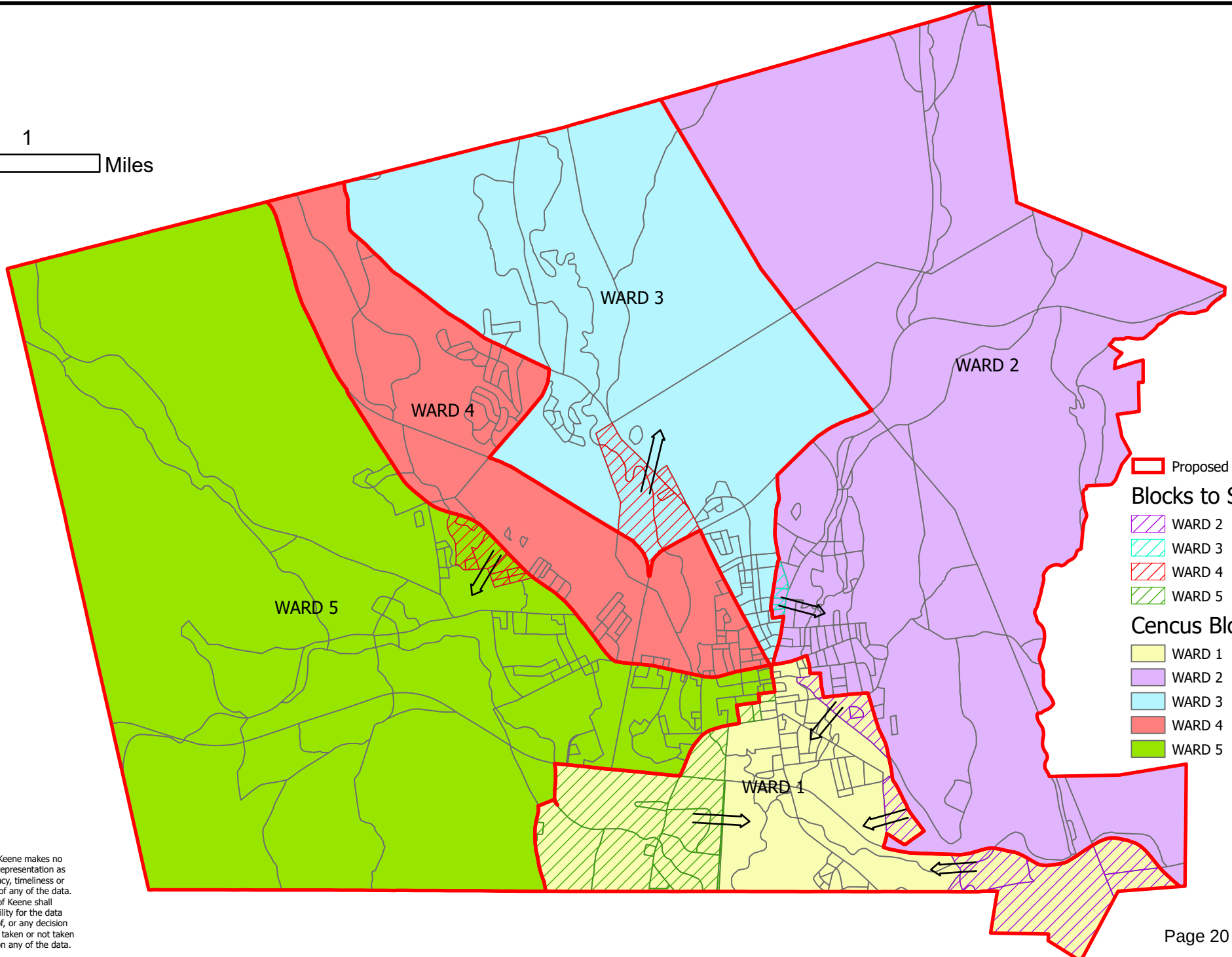
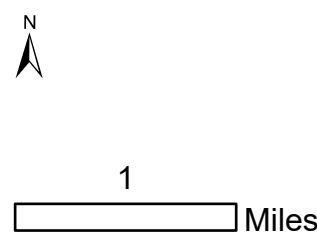
Copies of the Ordinance as well as background documents and a map depicting the areas of adjustment are available on the City of Keene website under Public Notices at <http://www.ci.keene.nh.us>.

PUBLIC HEARING: December 2, 2021 at 7:20 PM
HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and City Councilors, this eighteenth day of November, Two Thousand and Twenty One.

Attest: 
City Clerk

Keene, NH
2020 Census Redistricting Proposal



- Proposed Wards 2022
- Blocks to Shift**
- WARD 2
 - WARD 3
 - WARD 4
 - WARD 5
- Census Blocks**
- WARD 1
 - WARD 2
 - WARD 3
 - WARD 4
 - WARD 5

The City of Keene makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data.

The City of Keene shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.

<u>STREET</u>	<u>ADD RANGE EVEN</u>	<u>ADD RANGE ODD</u>	<u>BLOCK #s</u>	<u>FROM WARD</u>	<u>TO WARD</u>
CROSS STREET	16-40	15-43	1008, 1007	WARD 3	WARD 2
GILSUM STREET	4-92	-	2011	WARD 3	WARD 2
HIGH STREET	18-44	19-37	1019, 1000	WARD 3	WARD 2
HOWARD STREET	-	25-171	2011, 2019, 1000, 1008	WARD 3	WARD 2
PINE STREET	-	19-25	1007	WARD 3	WARD 2
WALNUT STREET	26-34	11-43	2011, 2019	WARD 3	WARD 2
WASHINGTON STREET	168-268	-	2011, 2019, 1000, 1008, 1007	WARD 3	WARD 2
COURT STREET	550-712	597-641	3021, 3022, 2016	WARD 4	WARD 3
ALLEN COURT	18-52	-	2016	WARD 4	WARD 3
EVERGREEN AVENUE	-	9-15	2016	WARD 4	WARD 3
RIVERVIEW STREET	4-10	11-15	3021, 3022	WARD 4	WARD 3
WESTVIEW STREET	10-20	9-17	3021, 3022	WARD 4	WARD 3
TENANT SWAMP	-	-	3020	WARD 4	WARD 3
PARK AVENUE	300-570	-	3015, 3018, 3019, 3020, 3021	WARD 4	WARD 5
SUMMIT ROAD	4-52	-	3017	WARD 4	WARD 5
WAKEFIELD STREET	-	43-59 (All)	3013	WARD 4	WARD 5
SWEENEY ROAD	10-54 (All)	5-53 (All)	3015, 3016, 3018	WARD 4	WARD 5
ROYAL AVENUE	-	37-131	3014, 3021	WARD 4	WARD 5
DORT STREET	22 (All)	All	3014, 3021	WARD 4	WARD 5
ARLINGTON AVENUE	28-112 (All)	33-119 (All)	3013, 3014, 3020, 3021	WARD 4	WARD 5
PINEHURST AVENUE	12-100 (All)	7-103 (All)	3013, 3019, 3020	WARD 4	WARD 5
KENDALL ROAD	34-108	31-109	3015, 3016, 3018, 3020	WARD 4	WARD 5
LEAHY ROAD	8-20 (All)	3-21 (All)	3015, 3016	WARD 4	WARD 5
OLIVO ROAD	4-22 (All)	3-23 (All)	3015, 3018	WARD 4	WARD 5
MARLBORO ROAD (RT 101)		639-973	1003, 1002, 1001, 1000, 1052	WARD 2	WARD 1
GRAVES ROAD	14-110 (All)	19-55 (All)	1001	WARD 2	WARD 1
SWANZEY FACTORY ROAD	14-94 (All)	-	1003, 1002, 1014	WARD 2	WARD 1
DEPOT ROAD	10-20	-	1002, 1013, 1014	WARD 2	WARD 1
JOSLIN STATION ROAD	72	71	1002, 1013, 1014	WARD 2	WARD 1
OPTICAL AVENUE	6-58 (All)		1018	WARD 2	WARD 1
MARLBORO STREET (EXT)	-	485-531	1018	WARD 2	WARD 1
EASTERN AVENUE		9-153 (All)	1008	WARD 2	WARD 1
VICTORIA STREET	16-92 (All)	15-77 (All)	1008, 1009	WARD 2	WARD 1
VICTORIA COURT	8-26 (All)	21 (All)	1008, 1009	WARD 2	WARD 1
WATER STREET	140-158	163-327	1008, 2018	WARD 2	WARD 1
FAIRFIELD COURT	4-22 (All)	11 (All)	1008	WARD 2	WARD 1
HANCOCK STREET	16-28 (All)	11-25 (All)	1008	WARD 2	WARD 1
RAILROAD STREET		93-139	2018	WARD 2	WARD 1
EMERALD STREET	12-48	-	2012	WARD 5	WARD 1
DAVIS STREET	60-94	21-47	2012, 2014, 2015	WARD 5	WARD 1

WILSON STREET	-	73-107	2012, 2014	WARD 5	WARD 1
WILCOX TERRACE	2-32 (All)	1-27 (All)	2015	WARD 5	WARD 1
RALSTON STREET	26-66	-	2015	WARD 5	WARD 1
WINCHESTER STREET	192-362; 410-542	57-131; 401-555.5	1026, 1027, 1028, 1036, 1037, 1053, 1054, 1055, 1056, 0157, 2014, 2015, 3002, 3003,	WARD 5	WARD 1
WINCHESTER COURT	16-52 (All)	13-41 (All)	3002	WARD 5	WARD 1
BLAKE STREET	16-50	7-51	2014, 2015	WARD 5	WARD 1
MAIN STREET	-	125-151	2012	WARD 5	WARD 1
KIT STREET	-	15 (All)	1027	WARD 5	WARD 1
FAIRBANKS STREET	16-40 (All)	9-37 (All)	1027, 1028	WARD 5	WARD 1
WETMORE STREET	8-36 (All)	9-35 (All)	1027, 1028	WARD 5	WARD 1
KRIF ROAD	50-80 (All)	69-95 (All)	1036, 1037	WARD 5	WARD 1
KRIF COURT	-	3-7 (All)	1036	WARD 5	WARD 1
CORNWELL DRIVE	-	39 (All)	1026	WARD 5	WARD 1
BRADCO STREET	12-18 (All)	3-17 (All)	1053, 1054	WARD 5	WARD 1
MAGNOLIA WAY	2-10 (All)	1-7 (All)	1043	WARD 5	WARD 1
BERGERON AVENUE	10-16 (All)	3-13 (All)	1053	WARD 5	WARD 1
MATTHEWS ROAD	14-52 (All)	3-33 (All)	1055, 1056	WARD 5	WARD 1
BUFFUM ROAD	-	-	1053	WARD 5	WARD 1
LUCINDA TERRACE	4-32 (All)	3-35 (All)	1056, 0157	WARD 5	WARD 1
PRODUCTION AVENUE	14-42 (All)	11-43 (All)	1027	WARD 5	WARD 1
BASE HILL ROAD	180-272	-	1031	WARD 5	WARD 1
ANDERSON AVENUE	-	1-9 (All)	1031	WARD 5	WARD 1
ELCONA DRIVE	2-8 (All)	-	1031	WARD 5	WARD 1
SCHULT STREET	2-44 (All)	1-51 (All)	1031	WARD 5	WARD 1
IMPERIAL DRIVE	2-22 (All)	1 (All)	1031	WARD 5	WARD 1
FARMSTEAD COMMONS	BASE HILL ROAD	BASE HILL ROAD	1031	WARD 5	WARD 1



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: December 2, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations**

- **Congregate Living and Social Services Licensing Board**

Recommendation:

I hereby recommend the following individuals to serve on the new Congregate Living and Social Services Licensing Board:

Andrew Oram 390 Main Street	Term to expire December 31, 2024
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Allison Welsh 17 Roosevelt Street	Term to expire December 31, 2024
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Martha Curtis 19 Carroll Street	Term to expire December 31, 2023
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Abigail Abrash-Walton PO Box 342 Harrisville, NH	Term to expire December 31, 2023
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Medard Kopczynski, ex-officio administrative official	Term to expire December 31, 2023
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Attachments:

1. Background_Oram
2. Background_Welsh
3. Background_Curtis_Congregate Care_Redacted

4. Background_Abrash Walton

Background:

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Monday, November 29, 2021 4:41 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 11/29/2021 - 16:41</p>

<p>Submitted values are:</p>

First Name:

Andrew

Last Name:

Oram

Address

390 Main St
Keene NH 03431

Email:

attunedfinancial.com@ne.rr.com

Cell Phone:

16039035013

Home Phone:

6039030079

Please select the Boards or Commissions you would be interested in serving on:

Congregate living and social services licensing board

Employer:

Self employed

Occupation:

financial consultant

Education:

BA American Studies Magna cum laude Amherst College

Have you ever served on a public body before?

No

Other Information/Relevant Experience:

Was member of Arts Alive! board for about 4 years 1.5 years as Board char

Please provide some references:

Joe Stacy

Joe.stacey@connection.com
603.730.2283 cell

References #2:

George Hansel
GHansel@filtrine.com

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, November 18, 2021 1:26 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 11/18/2021 - 13:26</p>

<p>Submitted values are:</p>

First Name:

Alison

Last Name:

Welsh

Address

17 Roosevelt St

Email:

awelsh@co.cheshire.nh.us

Cell Phone:

[16032096467](tel:16032096467)

Please select the Boards or Commissions you would be interested in serving on:

Congregate living and social services licensing board

Employer:

Cheshire County

Occupation:

Drug Court and Behavioral Health Court Coordinator

Education:

B.A and JD

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Agricultural Commission

Other Information/Relevant Experience:

I have served on several boards including Stonewall, Mayor's Ad Hoc Ad Advisory on Substance Use among others. I am happy to submit a resume if needed.

Please provide some references:

Chris McLaughlin

cmclaughlin@co.cheshire.nh.us
6033553010

References #2:

Nelson Hayden
nhayden@cheshire-med.com
6037627212

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, November 18, 2021 2:12 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 11/18/2021 - 14:12</p>

<p>Submitted values are:</p>

First Name:

Martha

Last Name:

Curtis

Address

19 Carroll St.

Email:

Cell Phone:

6032292602

Please select the Boards or Commissions you would be interested in serving on:

Trustees Of Trust Funds And Cemetery Trustees

Employer:

Retired

Occupation:

Prior to retirement I worked in local banks (Keene Savings Bank, Cheshire County Savings Bank and Savings Bank of Walpole for a combined total of 37 years.

Education:

I have a B.A. from Keene State College and a M.S. from Antioch New England.

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Trustee of Trust Funds, Keene, NH

Please provide some references:

Michelle Howard

mhoward@walpolebank.com

603-355-1663

References #2:

Dominic Perkins

dperkins@walpolebank.com

603-355-1608

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Tuesday, November 30, 2021 3:54 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 11/30/2021 - 15:53</p>

<p>Submitted values are:</p>

First Name:

Abigail

Last Name:

Abrash Walton

Address

P.O. Box 342
Harrisville NH 03450

Email:

aabrash@antioch.edu

Please select the Boards or Commissions you would be interested in serving on:

Congregate living and social services licensing board

Employer:

Antioch University

Occupation:

Director/Faculty

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

City of Keene Planning Board; City of Keene Master Plan Steering Committee

Please provide some references:

George Hansel

References #2:

Rhett Lamb



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Dr. Don Caruso
President and CEO of Cheshire Medical Center

Through: Patricia Little, City Clerk

Subject: **Dr. Don Caruso/President and CEO of Cheshire Medical Center -
Recommending a Mask Ordinance for Indoor Settings**

Recommendation:

Attachments:

1. Communication_Caruso

Background:

Dr. Caruso is requesting that the City Council enact a mask mandate for indoor settings.



Keene City Council

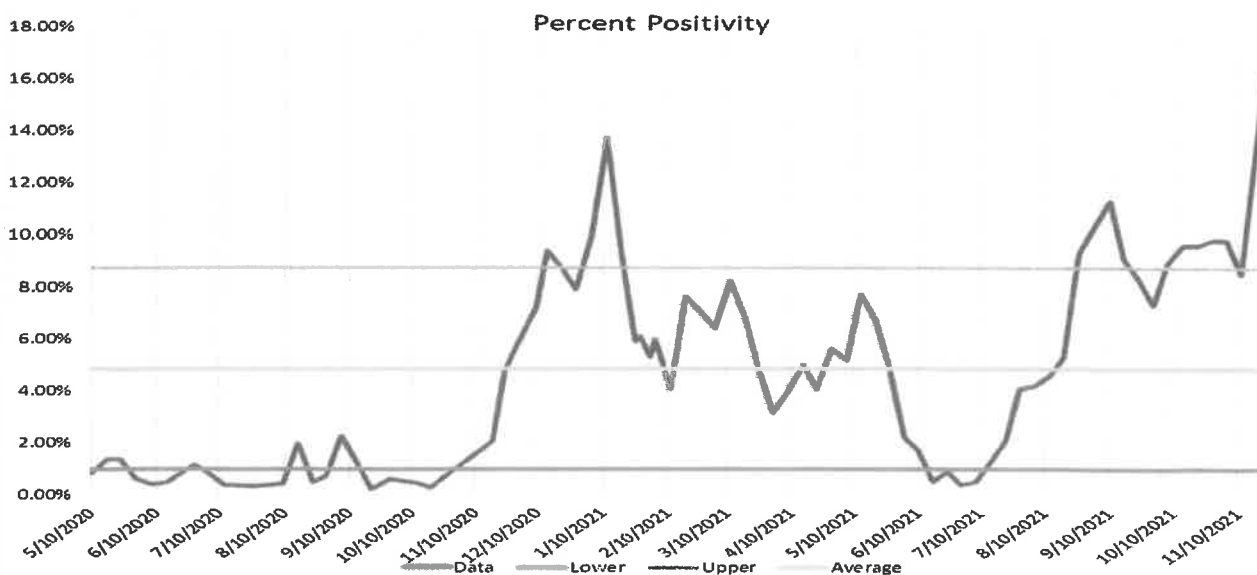
Dear Council Members,

With deep respect for the job you do, I hope you can see a way to mandate masks in the indoor setting in the City of Keene as soon as possible. As the CEO of Cheshire Medical Center, our organization has a responsibility to respond to the health needs in the communities we care for. For the past few weeks I have been encouraging voluntary masking and vaccination. Based on the data we collect it is clear that approach has been ineffective.

IP Update Week of 11/22/21

Total Tests Collected / Percent Positive: (per eDH)

	Detected	Not Detected	Grand Total	% Detected
10/29/21 – 11/4/21	86	791	877	9.8%
11/5/21 – 11/11/21	84	899	983	8.5%
11/12/21 – 11/18/21	161	837	998	16.1%
Grand totals since JAN2021	2,177	28,023	30,200	7.3%



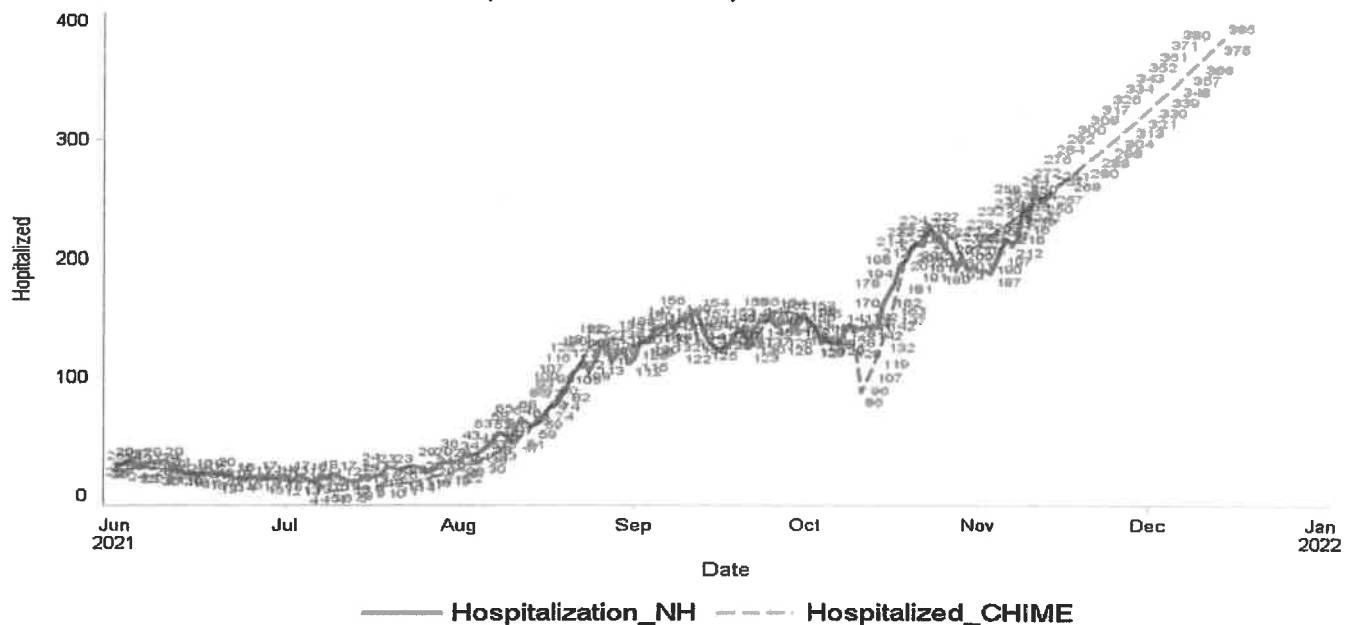
Symptomatic vs. Asymptomatic Tests Collected – 89% were asymptomatic and 11% were symptomatic.

The tremendous spike in percent positivity, along with the continued high number of Covid positive hospitalized patients is problematic. However, when you couple it with a new phenomenon of patients waiting to be placed in an inpatient setting because there are no beds at Cheshire or even in distant hospitals, the concerns become real and not just theoretical. Last week, on a daily basis, we averaged between 9-15 patients awaiting beds. These patients had to be held in our emergency room until beds were available. During this same time period we had staff resigning, not because we mandated vaccinations (retention rate over 99% post mandated Covid vaccine), but because they are tired and not seeing individuals in our community living up to their societal responsibilities (voluntarily wearing a mask and voluntarily getting vaccinations).

The coming winter does not bode well for our community if we do not take action. The dramatic rise in positivity in my mind is driven by New Englanders moving indoors. If we are at this level before the expected Thanksgiving and December Holiday surge in cases, it will be an even more difficult winter than last year. I say that because many individuals delayed care and much of the non-Covid surge is due to individuals not seeking timely care.

Cheshire Medical Center will do its part. Last week we stopped inpatient elective surgical care to respond to the demand we saw. If need be, we will cut back ambulatory services to have enough staff to meet hospitalized demand as things worsen. This will clearly impact those who should have ongoing care for their chronic medical problems.

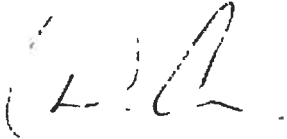
NH hospitalization daily census and projection R=0.88 between 4/14/21 and 7/1/21; R=1.21 after 7/1/21; R=1.08 after 9/7/21; R=0.99 after 9/20/21; R=1.17 after 10/10/21



Already surpassed where model on Monday projected we would be by first week of December.

However, my thoughts are that this alone is unlikely to be enough. Unless we intervene, the above predictive modeling shows a continued rise in hospitalizations through the end of the year. Mandating masks indoors is critical for us to keep the amount of disease in our community in check so we can care for everyone who needs us. We need the City Council to consider what its responsibility is regarding the health of the community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Don Caruso', enclosed in a faint circular outline.

Don Caruso, MD, MPD
President and CEO Cheshire Medical Center



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

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

Through:

Subject: **Repurposing of Wheelock Park Campground – Parks, Recreation, & Facilities Director – Designation of a Site for a Community Dog Park & Proposal to Build a 9-Hole Disc Golf Course**

Recommendation:

On a vote of 5–0, the Municipal Services, Facilities, & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to expend funds from the Capital Improvement Program to create a concept plan for the repurposing of the Wheelock Park campground to include both a dog park and disc golf course, and recommended that the communications from both the dog park and disc golf petitioners be accepted as informational.

Attachments:

None

Background:

Chair Manwaring welcomed Parks, Recreation, & Facilities Director, Andy Bohannon, to speak to this matter.

Director Bohannon recalled that in October, this Committee heard from both the dog park and disc golf groups. Since, Mr. Bohannon noted that he has had many individual meetings with members of each group and walked the property. He said that since the dog park group had started working toward the Council request that they become an established non-profit organization. When looking at the map, Director Bohannon said it occurred to him that both activities on the former campground site could work. He recalled the Wheelock Park Concept Plan created in 2014, which the consultant called an “Uncle Tom plan, where Uncle Tom came in and did this and that,” and the park was never really laid out properly.

To repurpose the campground with the goal of long-term future growth and success that everyone could enjoy, he decided a professional consultant should be contracted to ensure it is done right. He contacted the City Manager regarding the opportunity to use \$40,000 from the Capital Improvement Program (CIP) for a concept plan for the repurposing of the campground, including what to do with the remaining electrical and water hook-ups as well as parking needs. The consultant would provide a drawing of how the campground could accommodate both the dog park and disc golf or determine that it could only accommodate one use. This would include a public input process. Director

Bohannon recommended that the Committee authorize the City Manager to do all things possible to expend the funds from the CIP and to create a concept plan for repurposing the Wheelock Park campground and to accept the communications from both petitioners as informational. In doing so, this would remove both items from more time, though Director Bohannon said that both groups would be involved in the process because accommodating both uses would be a win-win for the City.

Councilor Filiault asked if Director Bohannon had an idea of whether there would be space for both uses on the site, despite this being preliminary. Director Bohannon said that a consultant could determine it is possible, or not; there must be adequate space to run the dogs and there are safety considerations with disc golf. He thinks professional advice is the best course of action.

Councilor Williams supported this and said that if the dog park did not work out at this location, then the east side neighborhood would welcome a dog park at Robin Hood Park in the former amphitheater space, though it would be smaller.

Councilor Lake asked whether the scope for this consultant should include other parts of Wheelock Park in case there are opportunities. Director Bohannon replied that he did not believe that was necessary and thought it important to focus on repurposing the campground. However, if the consultant suggested another area, he would return to the City Council with those concepts. Director Bohannon said the park is solid now and there is nothing more he wants to add to it other than repurposing the campground for future City needs.

There were no public comments.

Councilor Filiault made the following motion, which Councilor Madison duly seconded.

On a vote of 5–0, the Municipal Services, Facilities, & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to expend funds from the Capital Improvement Program to create a concept plan for the repurposing of the Wheelock Park campground to include both a dog park and disc golf course, and recommended that the communications from both the dog park and disc golf petitioners be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

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

Through:

Subject: **Authorization to Acquire Easement – Beaver Brook – Russell Park – Parks, Recreation, & Facilities Director**

Recommendation:

On a vote of 5–0 the Municipal Services, Facilities, & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate acquiring property rights for the Russell Park project.

Attachments:

None

Background:

Chair Manwaring welcomed Parks, Recreation, & Facilities Director, Andy Bohannon, again to speak to this matter.

Director Bohannon said the City was nearing completion of the design phase for Russell Park and a requirement of the NH Department of Environmental Services is ensuring that the City has acquired property rights along Beaver Brook in the vicinity of the park, from the bridge at Harrison Street to Water Street. Along the Brook at this location, the City needs property rights from five or six abutters for invasive species management, control, and monitoring related to the permit requirements the City will need for the next five to seven years. He recalled that both Councilors Manwaring and Williams were on the design team and therefore knew this met all criteria set in the active and passive recreation management plans. He said it is a great design for climate resilience and sustainability. With this final permitting and easement step, the City would be issuing the request for proposals for construction in early December for construction to begin in spring 2022.

Councilor Williams thought it was important that this happens due to the pervasive invasive Japanese knotweed problem at that location. He said clearing all that plant material on City property would be for naught if they do not on the other side of the Brook, where it would continue spreading from. He appreciated that this was being addressed as a part of this project.

There were no public comments.

Councilor Filiault made the following motion, which Councilor Madison duly seconded.

On a vote of 5–0 the Municipal Services, Facilities, & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate acquiring property rights for the Russell Park project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: December 2, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Bulletproof Vest Partnership Grant- 2021 - Police Department**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept \$5,588.00 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

Attachments:

None

Background:

Police Captain Todd Lawrence addressed the committee first regarding the Bulletproof Vest Partnership Grant Program with the Department of Justice. Captain Lawrence stated the Police Department provides all its officers with bulletproof vests. He noted the vests have a five year warranty.

The department has a budget of approximately \$3,950. The department was awarded \$5,588 through the grant, which will provide the City with about 57% of what is needed over a two year period.

Councilor Chadbourne asked for the price of a vest. Captain Lawrence stated it is just under \$700.

Councilor Hooper asked for clarification of the five-year warranty – he asked whether it was the material that at some point begins to lose their effectiveness. Captain Lawrence agreed the material does begin to wear down after a period of time; wearing the vests 40 hours a week 365 days if the year does wear down the material. He added about four to six officers get a new vest each year.

Attorney Mullins asked whether the used vests are recycled for working dogs. Captain Lawrence stated now that the city is back involved with the Working Dog Foundation, they are trying to use the vests that can be recycled for use by K-9's.

Councilor Remy made the following motion, which was seconded by Councilor Chadbourne.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City

Manager be authorized to do all things necessary to accept \$5,588.00 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Branding, Marketing and Communications Vendor Selection - IT Director/ACM**

Recommendation:

On a 3-1 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute an agreement with Guide Studio for Branding, Marketing and Communications services and that the City Manager be authorized to negotiate and execute an agreement with Selbert Perkins Design if negotiations with Guide Studio are unsuccessful.

Attachments:

None

Background:

Asst. City Manager/IT Director Rebecca Landry addressed the committee and stated staff is coming before the committee to seek authorization for the City Manager to negotiate an agreement with a branding and marketing firm which is being put forward after an RFP process and a thorough review process by a committee consisting of City staff.

She noted the City has never branded itself. An RFP was issued mid to late summer and staff went through a number of meetings to identify the goals of the project. Nine proposals were received. The top three or four winning proposals were invited to review their proposals with the City, either in person or via online meetings.

Ms. Landry noted Guide Studio has been selected by the committee, but the second place finisher has also been included in the recommendation and staff is asking that the City Manager negotiate with them, should the City be unable to reach an agreement with Guide Studio.

Councilor Chadbourne asked how long the City plans to retain their services. Ms. Landry stated the proposals came in anywhere from four to eight months in terms of the duration of the project. It will be driven somewhat by budget. She indicated there is funding this fiscal year, which will be put together with funding from next fiscal year. Ms. Landry stated there is \$30,000 for each fiscal year plus there will be funds coming from the Parks and Recreation budget.

Councilor Remy stated because it is multi-tiered, he would like to ask staff to negotiate and come back to the Finance Committee as there are no dollars attached to this request. He also inquired

which City staff served on the selection committee. Ms. Landry stated the Parks and Recreation Director, the Economic Development Director, HR Director, the Airport Director as well as herself served on the committee.

The Councilor stated he gets nervous about going forward with this item at this time, with only staff being on the review committee; because it is a citywide branding initiative.

The City Manager stated they intend to involve other stakeholders in the process, but typically reviewing contracts for hiring a consultant is a staff driven process. At this point what the City would be doing is engaging Guide Studio for this fiscal year and next year plan to put additional funds in the budget so the project will in fact span over two years. Once they are brought on board, the City is talking about creating a committee with various stakeholders. Staff has already met with the Chamber of Commerce and have talked with them about how the City might be able to coordinate with the Chamber's effort; to make sure there is no conflict.

Ms. Landry stated the way she sees this happening is the branding component would be the first phase of the project, which could be completed in a span of a few months before next budget year comes around. Involving the city leadership, as well as stakeholders, businesses in the community and citizenship is all part of the process. Before anything concrete is done the stakeholder process has to be engaged.

Councilor Hooper stated he echoes Councilor Remy's concern but knowing very soon in the process the City will be branching out and having more discussion with the greater community. He indicated his priority has always been branding for the City of Keene. He felt this is a much needed item and applauded the City for coming up with it. The Councilor asked whether in the future there is a plan to employ a marketing expert or will there be more work assigned to present staff.

The Manager stated the end product will be a Marketing Communications Plan. Once this Plan is in place the City will have a better understanding of how to market the brand. The City is looking at how to improve its communications and marketing efforts for the future.

Councilor Remy stated he appreciates this is a staff function primarily in looking at contracts, but having served on the committee for the Chamber, one of the primary selection criteria is getting a feel of a vendor, what their prior work had looked like and how it might fit with the City. He felt by choosing a vendor, the City is picking the path. He added by going with this proposal the City is signing up for a much larger dollar amount without having a full understanding.

Ms. Landry stated the role of the Staff Committee that chose Guide was not to drive the brand for the City. It was to pick the agency that was best able to perform the scope of work. One of the reasons the committee chose Guide over the other consultants was because of their experience working with government entities, city councils, Parks and Rec organizations; no one else came to the table with that level of expertise. Ms. Landry stated the next step in the process is for staff to outline the process and to show how the other stakeholders will be involved.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne.

On a 3-1 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute an agreement with Guide Studio for Branding, Marketing and Communications services and that the City Manager be authorized to negotiate and execute an agreement with Selbert Perkins Design if negotiations with Guide Studio are unsuccessful.

Councilor Remy vote in opposition.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Proposed Amendments to the Rules of Order - City Clerk and City Attorney**

Council Action:

In City Council November 18, 2021.

Tabled until the December 2, 2021 City Council meeting.

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of the proposed Rules of Order as amended.

Attachments:

1. Rules of Order Amendments
2. Rules of Order Amendments_Redlined

Background:

Chair Bosley asked to hear from Patricia Little, City Clerk.

The City Clerk stated that to give a background to this issue, these amendments to the Rules of Order were initiated in the summer of 2019, during the last few months of Kendall Lane's tenure as Mayor. She continued that the charter officers met with former Mayor Lane to gain his experience having served as Mayor and a City Councilor for many years and who served on many Rules of Order committees. Their intent was to have the City Council consider making amendments to the Rules in the fall of 2019 before former Mayor Lane's term ended. Unfortunately, that did not happen. When Mayor Hansel took office in 2020, the charter officers met with him and went over the Rules. Mr. Hansel felt that instead of taking a comprehensive list of amendments they should select significant ones and introduce the amendments in segments. They did that. In June 2020, they brought some of those amendments to the Council, intending for the remainder to follow a few months later. It was about that time that the Council started meeting remotely, and it would have been difficult for everyone to look at a document together and do this remotely. In addition, there were changes being discussed at the State relative to remote meetings and they wanted the State to determine the parameters for remote attendance before considering any local parameters.

The City Clerk continued that several months ago the charter officers started meeting again. They reviewed the entire document and again reviewed the concerns raised in 2019. What staff is bringing to the Committee this evening is a comprehensive review of the Rules. Only three or four

sections did not have some level of change. To assist the Committee, she distributed a highlighted table of contents. Each section in the Table of Contents indicates whether there were no changes to the language or there was “wordsmithing” to indicate that changes in the language for better clarity or to address inconsistencies in the language. The Table of Contents have several sections with yellow highlights to indicate substantive changes, which the City Attorney will go over.

The City Attorney stated that he begins by reminding the Committee and the Council that these are the Committee’s and the Council’s Rules of Order. He continued that he and the City Clerk tried to capture, in the substantive changes he will talk about, things that they have seen over a period of time, things that the two mayors brought up, and things that may need a little adjustment. These are proposals. The Council is free to accept the changes, move them around, and do what they would like with these. That is within the Committee and City Council’s prerogative. There are only a couple that he has a vested interest in – essentially, procedural aspects with making sure that they are appropriate in voting on Resolutions that deal with the appropriation of funds, budgeted funds, or funds that involve a bond issue. There are some statutory requirements with respect to those. He very much appreciates the City Clerk putting together the packets that are in front of the Committee members.

The City Attorney stated that the first proposed change, in Section 1, looks minor, but it is important, and reads: “Except in the event of an emergency declared by appropriate authority, ” He continued that they want it to be clear going forward that they have an opportunity for an out, in the event that they were not able to meet in accordance with the requirements of the Rules.

Councilor Jones asked about Section 2. He continued that there are items in there that are supported by State statute, mostly the Right to Know laws, such as “The City Clerk shall prepare a Notice of the special session...” He asked if they should add something like “in accordance to State law.”

The City Attorney replied no, because the State law applies whether there is a reference to it or not. He continued that the City of Keene already has to operate under RSA 91-A.

Councilor Jones replied that it might make it easier, if the State law changes, for the Council to go back and refer to it, and say, “Oh, now we have to look at that.” The City Attorney replied that is why he did not put it in there; he does not want to have to change it every time. It is certainly up to the Committee, if they want to put that language in there. One place that RSA 91-A does appear, specifically, is under Non-public Sessions. From his perspective, when you are already required to operate under a requirement by State statute, it is not necessary to include a reference to the statutory provision.

The City Attorney stated that the title of Section 4 will be expanded to read “Quorum and Remote Participation.” He continued that during the COVID-19 emergency, the City Council had greater latitude for the emergency orders from the Governor to operate in a completely remote fashion if necessary. That is not true at this point, so they defaulted back to RSA 91-A. They have been doing this process now for a while. An individual participating remotely is required by statute to first say where they are, who is with them in the room, and their reason for being remote. They added two things to the statutory requirements under this section. One is the mandatory 24-hour notice to the City Clerk that you want to participate remotely. That is necessary due to the technology that staff needs to set up, and in all likelihood, they would not be able to set that up any quicker than that. If the Councilor does not provide that 24-hour notice then they would not be allowed to participate remotely. The other change they propose that is not in the statute is to define “reasonable and practical.” Again, this is open to discussion by the Committee and the Council, but he and the City Clerk defined “reasonable and practical” as related to serious health issues, disability, or out-of-town

employment responsibilities. The intention was to not provide the opportunity to participate remotely if someone “just does not feel like coming in,” but other than that, it is up to the Committee and the City Council to decide how to define that.

Councilor Greenwald stated that he agrees they should not be allowed to participate remotely just because they do not feel like coming in, but he thinks a pre-scheduled family event or family vacation should be considered.

The City Attorney replied that they talked about that a bit, and this is a situation where you pull here, push there, and something they talked about with respect to vacations is that you are supposed to be on vacation, having downtime and family time. It is up to the Committee and the Council if they want to put something in there. He suggests they go through all of these proposed amendments, and then discuss everything, and if Councilor Greenwald wants to make amendment and/or if others have amendments to make, they can go through those. He continued that these Rules of Order are not a Resolution, Ordinance, or anything like that. If the Committee wants to amend what is written, it is just a matter of them directing him to write the changes to propose to the Council.

The City Attorney continued that there are some scrivener’s changes to Section 10, Decorum and Order. The last sentence is important, however, and comes directly out of the Right to Know seminar that he attended. It says: “Any electronic communication by and among members of the City Council during any Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.” There is obviously good reason for that, because under RSA 91-A, when the Council is in session, especially a public session, members of the public have the right to hear and participate, or at least hear and understand anything that is happening. Apparently, this problem has developed around the state and the Municipal Association suggests they be very careful about that.

Councilor Jones asked if that is strictly about City business. For example, if he sees that a Councilor across the room has a dust ball on his shoulder, is he allowed to text him to say that? The City Attorney replied no, he really should not, because no one can really know whether that is truly what Councilor Jones is texting to the other Councilor. The intent of this sentence is to put an emphasis on digital use in a public meeting. How the City Council implements this is up to them, but they should keep in mind that perceptions are important. If members of the public see Councilors texting, they may immediately start wondering who they are talking to. They should be careful about this.

The City Attorney stated that in Section 21, Tie Vote, the proposed change makes it clear that the Mayor, under the City Charter and State statute, does not have an opportunity to vote, unless there is a tie. They wanted to make it clear that if the Mayor is not present, the Temporary Chairman will vote, assuming it is a 7-7 split and the Temporary Chairman is the one who is the 14th member. If there is a tie in that context, then it becomes a “no” vote. The Temporary Chairman could ask for another vote and see if someone changes their vote; otherwise, it would have to go to the next meeting. He does not recall if this situation has ever occurred, but they wanted to put it in the Rules of Order just to make it clear.

The City Attorney stated that the changes in Section 22, Special Committees, clarify a couple of things. One of the most important ones was something he talked about with the Mayor. The current language says, “the appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees,” but the Mayor and the Council do not directly have the right or authority to direct the City Manager with respect to use of funds or staff time. The understanding is that when a Special Committee is formed, clearly the Mayor will be working with the City Manager to make that happen. He (the City Attorney) just felt uncomfortable about having something in the Rules of Order, which, on its face, did not appear to be authorized.

The City Attorney continued that there are a couple changes in Section 23, Standing Committees. The first clarified the term “municipal year.” They also added language about proposed legislation, including any proposed legislation appropriate to the business of the Committee. Previously, all proposed legislation went before the PLD Committee, and the Council discussed that before this all went to the PLD Committee. It seemed appropriate for proposed legislation to go to the Committee that had sort of “jurisdiction” over it. In addition, they added language to say that items of business can be referred to other Committees as necessary for efficiency or to accommodate time constraints, especially given the experiment they are running by having one Committee meeting a month instead of two.

Chair Bosley stated that she wants to reiterate, because this is a big change for the PLD Committee, that this change means that the legislative burden will be broken up amongst the three Committees. The City Attorney replied yes, exactly.

Councilor Jones stated that there have been times when one Committee sends something to another, and he does not see a reason for that, because the Council is the committee of the whole. The three Committees are just advisory. He continued that for example, the Municipal Services, Facilities, and Infrastructure (MSFI) Committee comes up with a project and says, “Now we will send this to the Finance, Organization, and Personnel (FOP) Committee, for funding.” There could be an issue if one of the Committees votes “yes” and the other votes “no.” He does not think it is necessary. One committee should send it to the Council to vote on as a whole.

Chair Bosley stated that the situation with the PLD Committee, she believes, was in relationship to an event license but the event organizers wanted free services. She continued that her opinion was that the PLD Committee was responsible for the licensing portion of that, but because of the delicacies of the funding and individual budget items, she wanted the FOP Committee to be decision-maker saying “yes” or “no,” not to the event as a whole, but to the request for free services. Councilor Jones replied that if they distinguish it like that, yes. Chair Bosley replied that that is how the PLD Committee did it. She continued that she does not know that the PLD Committee set it up in a way that the FOP Committee’s recommendation to Council would have directly impacted the ability of the person to get the license. Councilor Jones replied that the situation Chair Bosley is referring to was okay. He continued that he is talking more about, for example, when the MSFI Committee would state, “Yes, let’s do this project” and then send it to the FOP Committee. They could get conflicting views there, and then staff does not know what to do.

Councilor Greenwald stated that for counterpoint, if the MSFI Committee is involved with the design of the project, they are just involved with the design. He continued that the FOP Committee is involved with the funding. That is appropriate, and historically, that is how it has been done.

The City Attorney stated that the subject matter areas are established by the Rules. He continued that this was intended to allow a mechanism of those cross referrals, primarily to accommodate if you only have one meeting a month or if there is something that requires the expertise and understanding of another Committee, to move it into that Committee. There is just no process for that. That has been the practice; thus, this change was intended to codify what the practice is. The intent is to follow the assignments under each of these Committee headings, unless, for some reason, that is not practical.

Councilor Greenwald stated that it is an interesting improvement, that if the timing is such that they are doing one meeting a month and an event becomes time sensitive, maybe the MSFI Committee will give the approval, or the opposite. If it is something that is extremely financially complex, the FOP Committee is meeting every other week anyway.

Chair Bosley stated that she sees how this is going to happen in the future. She continued that she thinks there will be times when the PLD and MSFI Committees will be standing in for each other, because it will be appropriate to hear petitioners in front of a committee and in an environment that allows them to have communication back and forth. This would be preferable to having the Council suspend the Rules during a Council meeting, which is a more formal setting. She thinks the Committees will be sharing responsibilities. She likes that they have split up the legislative workload, because the PLD Committee saw quite a bit of that last year, and some items they made decisions which related to a primary focus of another Committee.

Councilor Jones stated that an example of what he was trying to avoid would be if, say, Keene has a mudslide somewhere, and staff goes to the MSFI Committee and says, "We need a \$4,000 retaining wall." The MSFI Committee might say, "Yes, let's approve that project," and sends it to the FOP Committee to approve the \$4,000. He does not think that is necessary. The City Attorney replied that the more relevant example would be: "This retaining wall is going to cost \$40,000," and at that point, there is a budgetary impact. He asked the City Manager to speak.

City Manager Elizabeth Dragon stated that she agrees with Councilor Jones. She continued that oftentimes, staff will address an issue at one Committee and if they have identified the funding source in the budget, they do not then go to another Committee to get the approval. It only happens on a rare occasion, and it has to do with how unusual it might be. For example, last year there was an event happening for the first time, so it had not gone through the budget process, and there had been no conversation about that event, so it made sense to go to both Committees. However, usually, it will be with the Committee that is the primary focus.

The City Attorney stated that something else in Section 23 that affects the PLD Committee is the proposal to move the Rules of Order to the FOP Committee, because it really is an organizational-type of issue. He continued that in the last paragraph, he added, "Except for a special meeting of the Committee called by the Mayor or the Committee Chair," to clarify that they can call special meetings, because that was not clear in the Rules before. They are keeping the alternating Wednesday idea, because the Rules say "shall normally meet on an alternating Wednesday." The "normally" word means that the Committee members can decide, as a group, when they want to have their meetings. He did not think it was good to lock in stone what they are doing now, because they might want to change it. The City Clerk pointed out that Section reads "The FOP Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting" does not specify alternating weeks, but it winds up to be that way, because after every regular Council meeting there is an FOP Committee meeting. There may be occasional times when they do not have a meeting, but the "normally" language is important.

Councilor Jones referenced the words "A Councilor who is not a member of the Committee ... may not participate in the Committee deliberations after a motion and 2nd has been made." He asked if it is correct that they put that in about eight or nine years ago. The City Attorney replied yes.

Councilor Jones asked if the Councilor loses their right as a citizen with that provision. The City Attorney replied no, that is why they tried to finesse this. Concord went through the same kind of difficulty. Simply having eight members of the Council in the same room together creates a quorum. As citizens, Councilors have the right to speak. This was an attempt to balance the rights that Councilors still possess as citizens against the fact that they are members of this public body. The thinking at the time, which he still thinks is appropriate, was that once the public participation time stops and the Committee is into deliberations that is when the members of the Committee are acting, talking, and discussing the matters that they will vote on. To allow the Council members who are present in the room to also participate in that part of the process bleeds over into

having a quorum of the Council acting in a Committee.

Councilor Jones stated that the law is on the City Attorney's side. He continued that he thinks there should be an exception, however. If the Councilor is the petitioner, they should have the right to speak during deliberations. What if the Councilor does not like the way the motion was made, and it was something they brought forward? The City Attorney replied that he sees Councilor Jones's point. He continued that he suggests they bring this topic up again at the end of going through these proposed changes to the Rules of Order. Chair Bosley stated that the proposed change could have the added language "...except when they are the Petitioner."

The City Attorney stated that the change to Section 24, Order of Business, was to insert "10. Acceptance of Donations." He continued that the intent is to not need a suspension of the rules to accept a donation.

He continued that the change to Section 25, Communications, allows for the acceptance of digital signatures that are in compliance with State laws and the City Ordinance recently adopted. In cleaning up the language in this section, he wanted to specifically include the word "defamatory" regarding "Communications of a personal, defamatory, or argumentative nature shall not be accepted by the City Clerk".

The City Attorney continued that the changes they made to Section 26, Review of Items of Business, clarify how the process works. To relieve some ambiguity, he includes the words "appropriate governmental agency," because sometimes they receive items that really should go to the County or the State. It also deals with items that should not be placed on the agenda.

The City Clerk stated that she noticed a wrong reference to in Section 26. She continued that in the paragraph that starts, "All items to be placed on the Council agenda," the fourth line down says "...unless more time is granted by the Council," and City Attorney struck "Council" and wrote "Committee," but she thinks it should be "Council." The City Attorney replied that he struggled with this. The Council has a right to do that anyway, which generally happens in consensus with the Mayor, but it is usually the Committees requesting items be placed on more time. The City Clerk replied that Committees are not "granting" that, they are recommending that. The City Attorney replied that he sees what she means. He continued that he would be happy to change it back to "Council," if that is not clear. Chair Bosley replied that the word "granted" makes it unclear. The City Attorney agreed with Chair Bosley's suggestion of "unless more time is requested by the Committee."

The City Attorney stated that there is a substantial change to Section 33, Resubmission of Items Once Considered. He continued that first, they should keep in mind that there is a reconsideration process for the Council that needs to be followed. Once the reconsideration process is done, the matter cannot be taken up again. The Mayor also has the right to reconsideration, under the Charter. Regarding the language here, it struck him as raising the question of finality. At some point, there has to be some finality to the decisions that are made. The Rules of Order currently read that the matter cannot be taken up again "...unless the circumstances pertinent to the item of business have changed substantially", and there is the question of how the Mayor, in particular, may decide what a "necessary change" is or what "substantially changed." It becomes somewhat of a judgement call. It raises the question of having finality, especially if you have gone through a reconsideration period, both with the Council and the Mayor. At that point, there should be an expectation that the matter has been decided. If you want to bring it up again, bring it up in the next calendar year.

The City Attorney continued that he scratched his head over Section 36, To Amend Rules. Even though the language is that the requirement to amend the rules "shall be waived only by unanimous consent with a recorded vote," the problem he saw with it is: why would they want to do that? If

someone raises the question, and wants to amend the rules without having “submitted the amendments in writing at the preceding regular meeting,” no one has the opportunity to think or consider it at the meeting. Is it truly that critical? If they want to amend, they could suspend the rules to amend and do it by a two-thirds vote. He sees this as problematic and suggests they take it out, because they can do it in another process.

The City Attorney continued that regarding Section 37, Procedure to Fill a Vacancy, he put language in because of the experience they just had with respect to the closeness of an election. The Charter does not put any time periods on it. They tried to be conscious of the fact that individuals and wards have a right to representation, but on the other hand, having somebody sort of elected into the position by the City Council, when you are only weeks away from the municipal general election, also does not seem quite appropriate. He means no offense to anyone who has been in this situation recently. It seems to provide an unfair advantage to an individual who is elected by the City Council acting as a group of 15 just before a municipal election, because incumbency does matter, even if you have only been in for a while. They propose putting some time parameters around that, so that if they are within that 120-day period before the regularly scheduled election that gives them an opportunity to leave it open.

Councilor Jones stated that the way he just said it makes it sound like it is the Council’s prerogative whether to leave it open. The City Attorney replied yes, it is a prerogative.

The City Attorney stated that that is the end of the proposed changes. Chair Bosley asked to return to Section 4 and Section 23. The City Attorney asked if the issue in Section 4 was the term “reasonable and practical.” Chair Bosley replied yes, and asked if Councilor Greenwald wanted to speak to that.

Councilor Greenwald stated that he thinks pre-scheduled family events or vacations should be included as reasons for allowing a Councilor to participate in a meeting remotely.

Chair Bosley stated that she used the Emergency Order privilege of being able to be remote, in this capacity, during the time of COVID-19 when the full Council was remote. She continued that they had a PLD Committee meeting about an important issue, which she was very involved in, but then she was going to be out of town for the Council meeting at which she would have had to speak. Since she was able to participate remotely, she still had her opportunity to address the issue at the full Council meeting. Participating remotely is not necessarily something she would always choose to do, but because that issue was very important, she is glad to have had that opportunity. She sees Councilor Greenwald’s point. It is up to the Councilor if they want to give up that couple of hours of time to attend the meeting. She suggested other wording: “Physical attendance shall be deemed to not be ‘reasonably practical’ in the event of serious health issues, disability, or due to travel.”

Councilor Greenwald stated that he likes the phrase “pre-scheduled family event or vacation.” He continued that he personally is anti-Zoom, believing that the physical contact is very important to the operation of this organization, but if an individual is not going to be there, if they cannot participate via Zoom they cannot participate at all. What harm is there in letting someone Zoom while on vacation? It should be discouraged, which the Rules of Order say, but he sees no harming in having it as an option.

Councilor Workman stated that she disagrees with Chair Bosley and Councilor Greenwald and does not think that vacations should be included. She continued that as a Council, they should be promoting work/life balance and self-care. When you are on vacation, you should take that vacation. With that said, it could also be abused, if it said “vacation” – someone could, say, vacation

in Florida for the winter, and still be able to participate via Zoom. She does not think “vacation” should be an allowed reason. With respect to the issue Chair Bosley brought up, that is why they have a Vice Chair. Yes, Chair Bosley might have been part of all the proceedings, but she should have the confidence in her Vice Chair to understand and effectively communicate Chair Bosley’s viewpoints at the Council meeting. She does not like having “vacation” in here, nor even “out of town employment.” If you are elected for City Council, you should be expected to come to most meetings, but there are times when you are going to miss meetings. She thinks it should be okay to miss a meeting, and you should not feel like, “I’m going to be on vacation; I’m not fulfilling my duties as a Councilor because I missed a meeting.” Personally, with her employment responsibilities, she hardly ever would be able to use this option to participate remotely in a Council meeting while traveling for work. She does not have a 24-hour notice to give, due to the nature of her job.

Chair Bosley stated that she hears what Councilor Workman is saying and there are two sides to this coin. She continued that she is a business owner, and there is no checking out; there is no vacation for her, and no sick days. That does not relate to Council; that is her life. They all have different expectations for what they want out of their lives and choose different things for themselves, which they find reasonable and practical. She would not want to leave the responsibility of her opinions, because they are such individuals, up to any other Councilor. Every vote at a Council meeting matters. Sometimes, those votes are split. Sometimes, it is going to be an 8-7 vote, and if someone is not available, it might matter. When you arrange a vacation six months in advance, you do not necessarily know you are going to be in a pandemic when the time comes. Being able to participate remotely to express her opinion was important to her. They all have different opinions and look at things from different perspectives.

Councilor Johnsen asked if “vacation” is the troubling word. She asked if that has to be there. She hears what Councilor Greenwald is saying, and there might be a family emergency or something else relating to one’s family. The word “vacation” seems messy and implies that they are just out playing. Chair Bosley replied that there already is a term for “travel,” but it is specific to employment. She asked if there is a way to broaden that.

Councilor Greenwald stated that there are 15 Councilors, and the City is going to run, with or without any number of them. However, if a Councilor wants to take a few moments out of vacation time, that is their personal choice. He continued that hearing what Councilor Workman was saying, a situation could arise like that – someone could be traveling extensively in a warmer climate and still be a Councilor. That has not happened and he cannot imagine that it will, but he has learned to always anticipate the worst-case scenario.

Chair Bosley replied that she would not want to see something like that happen; she agrees. She continued that she thinks that the discouragement from being able to use this rule is what is practical. They have all seen, in the last 18 months, how important it is to be in a room together.

Randy Filiault, Councilor, stated that he is here tonight because he takes the Rules of Order seriously. He continued that he has memorized them all. He wants to share his views on the Quorum and Remote Participation section. He has a problem with changing this Rule. Talking about the term “reasonable and practical” means opening up a can of worms, although maybe not with this particular Council, which is full of ethical people. The Councilors who have been around for a while have not abused it. But once the genie is out of the bottle, it is not going back in. He knows the intent is to make it easier, but he is old school, and from his perspective, if you are running for City Council and cannot put in one night per week to come to a meeting, probably being a Councilor is not for you. He can count the number of Council meetings he has missed on one hand, because when he ran for Council, he prioritized it.

Councilor Filiault continued that Councilor Workman has a good point – Councilors could take as many vacations as they wanted. Then they would have to go back and change the Rule, determining how many vacation days count. Maybe they do not abuse this, but someone could run for Council and almost never show up. They are saying the Mayor would have to make that determination. If the person calls in and says, “I’m sick,” HIPAA laws prevent them from having a rule to challenge that. Someone could abuse it. Once they change this Rule, he predicts that they will have to change it again rapidly, because someone would abuse it. The word “reasonable” is, as the City Attorney can tell them. If you are on vacation, enjoy the vacation. If you are sick, you are sick. There are 15 Councilors; this is not a three-member select board where if one person does not show up they are missing a third and if two people do not show up they do not have a quorum. If one Councilor cannot be at a meeting, the other 14 will take care of it. There is a big enough Council to make that possible. This is a Rule that is not broken, so they should not try to fix it. The remote meetings during the Emergency Order showed them that a lot of the work is done the night of the meeting when they talk before, during, and after Council meetings. If you are on vacation, it is not the same. In his opinion, they should not touch Section 4, as far as remote participation.

Councilor Jones stated that he agrees with Councilor Filiault and Councilor Workman. He continued that he believes a Councilor does take on that responsibility when they are elected, and he does not think there should be any remote application going on here. Once when he was working in RI, there was a Council meeting about the Surface Water Protection Ordinance. He had a strong feeling about that Ordinance and came home to vote on it, then went back to his hotel in RI that night, because he felt a responsibility. It is true that there has not been any abuse, but it does open them up to abuse.

Chair Bosley stated that she believes this alteration of this language came out of a Council workshop that they held and they discussed this as a group of 15 and decided that they would like to include remote participation. She continued that she loves that Councilor Jones did that, but she thinks they have learned a few things from the pandemic, and one is that they have technological resources that they have invested in and that allow for this, and Councilor Jones should not have had to drive back. His opinion matters and he should get to voice it. In addition, they have experienced firsthand that you might choose to run for an elected seat, and then something happens in your life that does not allow you to safely participate inside the room. A Councilor currently is not able to participate; it would put them at risk. We now live in a world in which if someone has cold or flu symptoms, they would not be allowed to participate, and could potentially be under a quarantine requirement, but still healthy enough to. That was her situation a couple weeks ago. She was out of quarantine but still not well, and did not want to potentially expose the entire room to COVID-19, even though she legally could have come to the meeting. That does not mean she was not well enough to participate; she certainly was. She feels that follow the spirit of the changes the Council asked for at its workshop, and if they want to work on the wording, that is fine, but they should put something forward for the full Council to discuss.

The City Attorney stated that he agrees with all of the philosophical discussion that is happening. He continued that he cautions the Committee that one of the reasons this provision is included in RSA 91-A is the question of disability. The City of Keene has to comply with the Americans with Disabilities Act (ADA), and it applies to elected officials, too. The Council may have an obligation to allow an individual who meets the qualifications of the ADA to participate in a manner that allows them to participate. That would be, potentially, remote participation, depending on the disability. He understands that they want to talk about what is “reasonable and practical,” and again, he agrees with Councilor Filiault on that, but five attorneys will give five different answers. RSA 91-A does not define “reasonable and practical,” either, which is one of the reasons why it is a good idea to define it in a Rule. He suggests that having an opportunity, specifically with respect to disability, would probably be required if push comes to shove.

Chair Bosley asked if they would say it is reasonable to leave this as worded and they can then discuss it as a full Council. The City Attorney replied yes. Chair Bosley asked if the other Committee members are comfortable with that. There was agreement among the members.

Chair Bosley stated that the second section they potentially wanted to alter was Section 23, Standing Committees. She continued that Councilor Jones asked that if the Petitioner is a City Councilor, they be allowed to speak during the deliberations.

Councilor Johnsen stated that they have learned how important it is to stick with specific language. She continued that her sense is that if something has already been discussed, and if the person really does not agree but it is done and then it is time to vote, it is time to vote. Thus, she does not think they should be bringing something up after the fact.

Chair Bosley replied that this period in the process would be where a Councilor at the Committee table has made a motion, and that motion might indicate specific things. The public then has the opportunity to ask a question specific to the motion at hand, not going back into the original debate, but maybe questioning why, for example, the Committee would like a million dollars of insurance and not two million dollars, or some detail like that. Councilors are not allowed to ask questions, because the thought process is that they will have an opportunity to speak to it again at the Council meeting, where a member of the public would not have that opportunity. Because of that, it would potentially not include a Petitioner. For example, if a Councilor brought a matter before the PLD Committee, once the Committee made a motion, the Councilor could not ask them to edit or alter that motion in any way. That is because the Councilor would have the opportunity to do that at the full Council meeting, whereas a member of the public who is bringing an item before the Committee. It puts the Councilor/Petitioner in both camps. She would like to know how the City Attorney would like to handle this.

The City Attorney stated that he suggests that right after the words “may not participate in Committee deliberations after a motion and second has been made concerning an item on the agenda,” they add, “unless the Councilor is the Petitioner before the Committee.”

Chair Bosley asked Councilor Jones if that works. Councilor Jones replied that it is perfect.

Councilor Greenwald asked about Section 15, Conflict of Interest. He continued that he does not know where it fits into this, but there was a recent situation. If a Councilor is not an employee of a , and not on the board of directors of a , is there still a conflict of interest? He thinks it should indicate, at least, that you have to be on the board of directors to have that conflict.

The City Attorney asked them to talk about that a little. He continued that he knows what Councilor Greenwald is referring to, and the operative language that he focused on when the question came before him was “or is otherwise a party in interest.” The situation that arose where he had to think about that language was in the context of two competing entities or businesses for only one piece of property. He agrees with Councilor Greenwald that if the Councilor was just a member of an organization and there was no other “conflict” happening. For example, the Keene Snoriders , and nobody else was asking to use the roads or to exclude anyone from the use of those roads, and the fact that Councilor Greenwald happened to be a member of the Snoriders . However, regarding the other situation and the words “or is otherwise a party in interest,” there was an interest in that organization wanting to occupy a property to the exclusion of another organization, so in that context, it seemed to him that because that “conflict” was fairly pronounced, it was a conflict of interest.

Councilor Greenwald stated that he is not speaking specifically to that situation, because he

assumes those two groups do not necessarily have boards of directors. He continued that he thinks this section needs a tune-up and a workshop. It is not a conflict of interest if they are paving the road in front of his house, because everyone uses the road, but if there is some special accommodation being considered, like for drainage or something, then it might become a conflict. The City Attorney replied that he understands. He continued that he is trying to parse this in his own mind. When you have someone who is a member of an organization that wants to do something, and another member of another organization wants to do the exact same thing, and you can only do one, it seems to him to be appropriate for the person to say "No, I can't decide on that." That is up to the Council to decide.

Chair Bosley stated that this topic came up for her during her first year on the Council, during the budgetary process. She continued that on the floor, a Councilor who was on the board of directors prior to this being changed had requested that the organization that they sat on the board for have an increase in their funds from the City. She thought to herself that that was not right. Maybe the request was legitimate, but the fact that it was not disclosed to any of the people who were sitting there. Not even a handful of people could have known that this person sat on the board. She wonders if there is some sort of annual process where Councilors disclose the boards or commissions they sit on, without having to declare them as conflicts, necessarily. Then they will all be aware of the biases that might occur.

The City Attorney replied that the State does exactly that. He continued that he sits on a couple State boards, and every year he has to file a disclosure statement with the State. The Council could choose to implement that. He suggests that if they do, they implement it with some sort of process and clarify what they do with it. Before they got into the fiduciary language – which has always been in the Rules of Order, at least for as long as he has been here – that generally, someone on a board or commission could even come before the City to request money and it was clearly not a conflict under the City Charter, because they had no pecuniary interest in it. Unless you are gaining something, like that organization pays you or somehow you get money out of it. The pecuniary aspect has always been a narrow definition of what a conflict is. Broadening it to fiduciary issues means it becomes more difficult to define. They could have a disclosure statement of some kind, if the Council thinks that is appropriate.

Councilor Greenwald asked if that would make any difference. He continued that he could disclose that he is a member of the Rotary Club that puts up the banners on Main St. The City Attorney replied that Councilor Greenwald is exactly right – the question is what they do with it at that point. What the State does with that is make sure that a board member is not benefitting personally from one of the boards or committees.

Councilor Jones stated that they made some of these changes when Mayor Hansel was on the Monadnock Economic Development Corporation (MEDC) and MEDC was negotiating with the City. He continued that he himself is on the board of directors for Pathways for Keene (PFK) and he votes for PFK's licenses and community events, and he does not think he has a conflict. But that is the difference – he thinks Mayor Hansel did have a conflict, because MEDC was negotiating with the City. The City Attorney replied yes, exactly.

Councilor Jones continued that at the last Council meeting, there was a , and he did not think the Councilor in question should have been recused, until he said the words "I have a bias." He asked if the word "bias" should be in this section somewhere.

Chair Bosley asked how they could streamline the language to get to the point of what they are saying, which is that sometimes you are a member of a group and you have a bias, and sometimes you are a member of a group and you do not. Sometimes you are on the board of directors and you

have a bias, and sometimes you are on the board of directors and you do not. How do they write a one-size-fits-all paragraph that indicates those nuances? Each of these situations is different. In her situation, there was a person who might not personally benefit but had a personal interest in seeing the funds come into the organization and maybe not go to a different organization. There should be some way of disclosing or exposing that or having the conversation, so at least the rest of the Council is aware of what is going on.

The City Attorney replied that he thinks that is exactly what appears to be throwaway language. He continued that even he did not pick it up the first time he read it, but “or is otherwise a party in interest” is getting at exactly the issues/questions they are raising. He thinks what the Committee is wrestling with is what “a party in interest” means.

Councilor Greenwald replied that it means “financial interest.” The City Attorney replied that in the example they were just talking about, however, there was not any financial interest for the party, but the party clearly admitted, “I have a bias. I want this property for the purposes of .” Councilor Greenwald replied a is not just when it is uncomfortable to vote. He continued that he and Councilor Filiault can speak of many times when they wished they were not in the room, but they have to vote. The City Attorney replied that that is why he thinks it is prudent and appropriate for the Council to make the decision, not the particular individual.

Councilor Johnsen stated that the word “bias” says, to her, ‘I choose to be a City Councilor, therefore, I know that it is not my job to listen to my biases; rather, it is my job to listen to the people whom I represent.’ She sees the language “A conflict may exist when a Councilor’s spouse, child, parent, or other member of the Councilor’s immediate family has a conflict.” Some could say that sounds like it does not separate church and state. It could be suspected. It is muddy language. For example, so what if someone’s kid does not agree? Do they need that sentence? One of the things she values about the Council is that they are trying to be as pure as possible. They are not going into their own biases or own beliefs; rather, they are listening to what their constituents need or want.

Chair Bosley stated that she has asked the Council for one of these recusals because her husband works for a non-profit organization and receives a salary, and she was in a position to be able to vote on whether a sum of money should go to that organization. It puts her husband in a delicate situation where he could be looked at as a tool to get this money, or it puts her in a delicate situation where if she , it could be considered that she is biased. She asked the Council to recuse her, which they did. She thinks that there is some correlation between your own and those of your immediate family. Part of what they need to get across is that while the Council is making this decision, they need to identify to the Councilors when they should be asking the question, instead of keeping it to themselves and assuming they have no bias. She thinks everyone has internal biases, and sometimes that is good to bring to the table, because they have perspectives. However, in certain situations, when there is money associated with a decision, she thinks they should always know if it is not an “arm’s length transaction.” They should be bringing these issues up more often and having these conversations at full Council. Regarding the situation she spoke of earlier, in her view, a Councilor had a conflict of interest, but that Councilor did not think he did. However, without that disclosure, no one would have known to ask for it. That is where she thinks it would be useful. She does not know how they would make it available, but there should be a way for the questions to be brought before the Council so the Council can make a decision.

Councilor Workman stated that she agrees with everything that has been said. She continued that she assumes people will do the right thing and disclose. She cannot recall the incident that was used as an example, when a Councilor did not disclose, but she assumes that everyone operates and has the same morality that she does. She knows that is not true. Is it possible to put language in this section saying that a Councilor is ethically obligated to disclose any potential conflict of interest

to the Council so the Council can determine whether a conflict of interest exists. Councilor Johnsen replied that sounds good to her.

The City Attorney replied that is what the language is trying to capture – “If a conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest...” It is still dependent upon the individual looking at the agenda items and thinking, ‘hmm, I think I may, or I know I do,’ That is what that language is trying to get at.

Councilor Workman replied that if they firm it up and say “must disclose,” that does not give them a choice. They have to disclose, whether or not they sit upon the board. The language says they “should.” Everyone “should” follow the speed limit, too; it does not mean everyone will. The City Attorney replied that it says “shall.” He continued that it really is an obligation Councilors are supposed to meet. Some people, in good faith, just do not make the connection. It is just the way it is. The Councilors sit on many boards, committees, and commissions.

Rhett Lamb, Community Development Director, stated that the sentence reads, “If the conflict becomes known prior to a Council meeting, the Councilor shall...” It is actually about filing the presence of a conflict with the City Clerk’s Office. He asked if there is a way to clarify it so that it is not just related to letting the City Clerk know about it, but that it is the obligation of the Councilor to . The City Attorney replied that the rest of the sentence is, “for inclusion on the Councilor agenda.” He continued that he thinks the wording could be a little different and not have the “if” clause, which is what they are all stumbling on. Mr. Lamb agreed. The City Attorney continued that it should say, “A Councilor with a known conflict of interest with respect to an agenda item shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda.” He continued that he would take out “prior to a Council meeting.”

Chair Bosley asked if this section could have language about how long conflicts of interest stay on file. She asked if they stay on file for life, or if someone has to refile every year. The City Clerk replied that the conflicts of interest stay on file for as long as someone is a Councilor.

Chair Bosley asked what happens if a conflict of interest changes. The City Clerk replied that the Councilor has an obligation to inform the City Clerk about the change, and inform the Council to remove or amend that conflict. Chair Bosley replied that she was wondering, because this section does not necessarily speak to it. Perhaps it would be helpful, since there are so many nuances, to talk about having a “refresher” on this, similar to how they have refreshers on RSA 91-A, or other portions of their Rules. Perhaps during orientation and on a regular basis such as a Council workshop, they remind folks what their obligations are.

The City Attorney stated that at least for the purposes of discussion at the Council meeting, he suggests they change the language to what he had suggested, because he does think the “if” clause is the . It would read: “A Councilor with a known conflict of interest on a Council agenda item shall file ” That puts it back on the Councilor.

Councilor Workman stated that regarding “known” conflict of interest, some people do not know there is a conflict of interest. She continued that it could say “suspected” or “potential” conflict of interest. That way, it keeps everyone honest.

The City Attorney replied that is a good point. Chair Bosley replied that speaks to the point of it, because going back to all of the examples they have used, it can be hard to know if you have a conflict of interest, because it is not cut and dried. She continued that any Councilor with a suspected conflict of interest should present it to the City Clerk so the Council can discuss it. The City Attorney replied that he thinks that is a great call, because that does happen a lot. He continued

that he gets calls from people wanting to discuss whether they have a conflict of interest and he goes it through with them. Councilor Workman is right; most people really wrestle with the question.

Councilor Jones stated that many years ago, before Attorney Mullins was here, when the City was doing an RFP for the Railroad property, he and former Councilor Parsells were challenged because the Keene Housing Authority (KHA) was managing the block grant and his (Councilor Jones's) spouse and Councilor Parsells worked for the KHA. He continued that the Council determined that it was not a conflict, because there was no pecuniary interest. However, when Chair Bosley, the Council determined yes, she did have a conflict. They have to bring this together and come up with an answer.

Chair Bosley replied that in her situation, her spouse receives a salary. Councilor Jones replied that his did, too. Chair Bosley replied that she would have said Councilor Jones had a conflict, but she supposes it is the Council's prerogative.

Chair Bosley stated that this leads her to her final conflict of interest question. What do they do if, at the end of the day, after a vote, they realize someone had a conflict of interest they did not disclose? What are the repercussions of that? The City Attorney replied not very many. He continued that he supposes that one thing someone on the prevailing side of the vote could do, if they thought that conflict made a difference, is move for reconsideration of the vote and state the reason why. A Councilor can raise the question of whether another Councilor has a conflict of interest. That could form the basis of a motion for reconsideration at that point, but after that, it would be difficult to raise the issue.

Councilor Greenwald stated that he suggests changing the sentence that begins, "A conflict may exist when a Councilor's spouse, parent, child..." to "A conflict exists when..." taking out the word "may." The City Attorney agreed.

Councilor Greenwald stated that he thinks they have a good general sense here. Chair Bosley asked if everyone is happy with the edits they have made tonight. The City Clerk stated that given the Committee has gone through this with such a fine-toothed comb, she thinks the PLD Committee is the right Committee to handle the Rules of Order. The skill set is here, because of the PLD Committee's involvement with other regulatory ordinances.

Councilor Johnsen thanked the City Attorney and the City Clerk for the work they have put into this language, so that the PLD Committee had a jumping off point for discussion.

Chair Bosley stated that she agrees that the PLD Committee is the appropriate Committee to deal with the Rules of Order. She continued that if the Rules of Order are considered an organizational item, then they can let the FOP Committee have it, but the FOP Committee carries a heavy agenda burden, and tonight's conversation just established that the Council can move items from Committee to Committee. She thinks the PLD Committee would be happy to have this item back if the Rules needed to be looked at and the FOP Committee was not available.

Councilor Greenwald stated that as Councilor Johnsen was saying, regarding all of the nitpicking and wordsmithing by the PLD Committee, the City Attorney and the City Clerk did a super job going through it.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of the proposed Rules of Order as amended.

The City Attorney stated that he will prepare a revised version for the full Council meeting.

PROPOSED AMENDMENTS

RULES OF ORDER OF THE CITY COUNCIL

CITY COUNCIL MEETINGS

SECTION 1. REGULAR CITY COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the City Council. **Except in the event of an emergency declared by appropriate authority,** ~~the~~ the City Council shall meet at least once per month.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, **incapacity** or absence from the City, by ~~five~~ **seven (5 7)** or more members of the City Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating **the** time, place, and ~~object~~ **subject matter**, and this notice shall either be mailed or ~~sent~~ **delivered** by cell phone text message at least forty-eight (48) hours before the time of the meeting **to the Mayor and to each member of the City Council**, or **in the event of** an emergency as determined by the Mayor **in accordance with applicable law**, the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. **In the event that a quorum is not achieved,** ~~case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ **Chairman**. **Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, or out of town employment responsibilities. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.**

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the **City** Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present **and absent**. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the **City** Council to order and call the roll of the members. If a quorum is found to be present, the **City** Council shall proceed to elect a Councilor, by a majority vote of those present, as ~~€~~**Temporary** Chairman of the meeting to act until the Mayor appears. The ~~€~~**Temporary** Chairman shall have the obligation to vote in accordance with Section 15, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the **City** Council and shall perform such other duties as the Mayor and a majority of the **City** Council may prescribe.

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the **City** Council unless excused by the **City** Council or Mayor. Any member of the **City** Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the ~~presiding officer~~ **Mayor or Temporary Chairman**, subject to the provisions of Section 13, "Right of Appeal," of these Rules of Order.

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall preserve decorum and if a member transgresses the ~~Rules of the City Council, the~~ ~~presiding officer~~ **the Mayor or Temporary Chairman** shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section ~~12-13~~, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and **City** Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the **City** Council. **Any electronic communication by and among members of the City Council during any City Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.**

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ **Mayor or Temporary Chairman**, shall confine himself or herself to the question under debate, avoid ~~personalities~~ **personal attacks**, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the **City** Council may speak for or against a petition at a public

hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without **first obtaining** permission from the ~~presiding officer~~ **Mayor or Temporary Chairman**. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ **Temporary Chairman in the absence of the Mayor**, a recess of approximately (5) minutes, after the **City** Council has been in session for two (2) hours, ~~including hearings~~.

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the **City** Council a ruling of the ~~presiding officer~~ **Mayor or Temporary Chairman**. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ **Mayor or Temporary Chairman** may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall then put the question **to the City Council**: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the **Mayor or Temporary Chairman** ~~Chair~~ is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ **Mayor or Temporary Chairman** shall not have a vote.

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ **item of business before the City Council** until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ **item of business**, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ **Mayor or Temporary Chairman**.

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when ~~a question is put~~ **a vote is required** shall **state their** vote thereon, except when the Councilor has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene; **provided, however, that** ~~A~~ **a** conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be defined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability. A conflict exists when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the **City** Council and a Councilor is employed by the business, or is otherwise a party in interest. A Councilor with a conflict of interest on a City Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the **City** Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and ~~voting~~ **vote** on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any

other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the **City** Council as set forth above.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the **Mayor or Temporary Chairman** ~~Chair~~ so directs; or if any member of the **City** Council requests it. When a main motion is under debate, the Mayor **or Temporary Chairman** may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor **or Temporary Chairman** may receive the following incidental ~~and restorative~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
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Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 18. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL. Persons other than the Mayor, members of the **City** Council, ~~or~~ the City Manager, **City Clerk and City Attorney**, shall not be permitted to address the **City** Council except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ~~ordered~~ **moved**
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~for~~ **of** that action at the next regular

meeting of the **City** Council. For the purposes of this **Rule**, the next regular meeting of the **City** Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the **City** Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice **to the City Clerk** and the question shall be placed on the agenda in accordance with these ~~Rules~~. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once~~ been acted on, no other motion for a reconsideration **of the question** shall be made. If the original vote is sustained ~~at the next regular meeting~~ as defined herein, the **City** Council shall have no further right of reconsideration on the question.

SECTION 21. TIE VOTE. In case of a tie vote on any ~~proposal~~ **question**, the ~~presiding officer~~ **Mayor** shall cast his or her vote to dissolve the tie vote. **In the absence of the Mayor, a tie vote on any question, which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.**

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the **City** Council such as the **City** Council may establish, **other than Standing Committees under section 23**, shall be appointed and announced by the Mayor. **The vote on each member appointed by the Mayor to such Committees shall be by roll call.** ~~The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council.~~ Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

SECTION 23. STANDING COMMITTEES. ~~On or about January 1st, At the commencement of each municipal year,~~ the following Standing Committees of the **City** Council shall be appointed by the Mayor. All Standing Committees of the **City** Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the **City** Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items **of business** referred to Committee ~~shall may~~ be in accordance with ~~the their~~ areas of concern as set forth below, **including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business coming before the City Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:**

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, ~~legislative review~~, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the **public** discussion, but may not participate in the **Committee** deliberations after a motion and 2nd has been made concerning an item on a Committee agenda, unless the Councilor is the petitioner on the item before the Committee. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, **or if an adjournment permitted by law is necessary**, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions **and adjournments** by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee

Chair, A All Standing Committees, except Finance, Organization and Personnel, shall normally meet on ~~the an~~ **alternating** Wednesday following a regularly scheduled **City** Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first and third Thursday following the regularly scheduled **City** Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will ~~make arrangements~~ **confer as necessary** to avoid conflicting demands on the City Manager's time.

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the **City** Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting

5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments

10. Acceptance of Donations

110. Legislation (Ordinances/Resolutions)

121. Non-Public Session

132. Adjournment

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be **addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) introducing the same submitting the communication, and must give his or her and contain a residential address or mailing address, if different, and an email address. at** ~~which he or she can be reached to be notified of committee meetings, etc.~~ Communications containing a scanned image of the person's actual signature, **or a digital signature created in accordance with applicable law or City Ordinance,** may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk. ~~and will not be placed on the agenda of the City Council.~~ Communications addressed to a Councilor of a personal, **defamatory,** or argumentative nature, shall not be ~~introduced in Council~~ **accepted by the City Clerk.**

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the **City** Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the **City** Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor ~~or~~ **and** City Manager to be routine City business, or ~~easily resolved~~ **within the purview of** ~~by the City staff Manager,~~ or of a nature that investigation by the City would be **appropriate** ~~desirable in order to better determine how to proceed with that item of business,~~ or of a nature that the matter **should** be dealt with confidentially ~~under applicable law~~ shall be referred, as appropriate, to the City ~~officer, department~~ **Manager, the** City Council, Council Committee, or other **appropriate governmental** agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or~~ **and** City Manager shall determine to be appropriate. The **City** Council shall be provided with a summary of these items of business **not placed on the Council agenda** and their ~~disposition of the items.~~ The City Manager shall take reasonable measures to insure that these referrals are ~~followed up~~ **dealt with appropriately.** **Except as otherwise provided by these Rules,** items of business not resolved to the

satisfaction of their sponsor, ~~shall~~ **may** be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing to be placed~~ on the **City** Council agenda for the first time shall be referred by the Mayor **as appropriate** to a Committee or Committees ~~in accordance with its or their areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their~~ consideration and report **by the Committee for** at the next meeting of the **City** Council, unless more time is requested by the ~~Council~~ **Committee**. Any item appearing on the **City** Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~R~~**Rules**, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the **City** Council agenda without suspension of the rules.

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in **City** Council. No item which has been the subject of a public hearing may be considered by **City** Council on the same day as the hearing.

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the any~~ appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond, **or a Resolution calling for the repurposing of an issued Bond**, shall require a 2/3 roll call vote of all **elected** members. Every member shall be required to vote unless excused for conflict of interest by vote of the **City** Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the **respective** budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the **City** Council agenda no later than 4:00 p.m. on the Tuesday prior to the **City** Council meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been ~~passed~~ **adopted**, subsequent **unbudgeted** expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said~~ **If subsequent the unbudgeted expenditure** creates a City debt, the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the **annual** budget, Resolutions calling for the appropriation of **unbudgeted** funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call of all members.~~

SECTION 32. REPORT BY COMMITTEE. All matters referred to a ~~e~~Committee must be reported out of that ~~e~~Committee at the next regular meeting of the **City** Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to~~ **submitted after** a public hearing **held before the City Council** shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the ~~e~~Committee meeting. Written testimony with regard to any other business before the ~~e~~Committee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the ~~e~~Committee meeting ~~in order to be included in on~~ the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a ~~e~~Committee at the next regular meeting after the hearing unless otherwise ordered **retained** by a majority of the Council Committee members present. If not reported **out** as **provided** above, or if immediate action is required, a motion by the City Council to call the matter out of ~~e~~Committee will then be in order. Passage of that motion will place the matter before the **City** Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the ~~e~~Committee's recommendation shall be ~~verbally shared with the Council~~ **stated**. Moving to carry out the intent of the ~~e~~Committee report does not restrict the ~~maker~~ **proponent** of the motion from speaking against the recommendation of the Committee.

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the **City** Council regarding the disposition of an item of business submitted to it, **or on any question properly before it**, except for a reconsideration vote under these ~~Rules~~ or the City Charter, the identical subject matter to that ~~in the item of business or question so decided~~ shall not be taken up again by the **City** Council ~~as an item of business~~ during that calendar year, ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the

majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~Rules~~ not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the **City Council**, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

SECTION 36. TO AMEND RULES. These ~~Rules~~ **of Order** may be amended or new ~~Rules~~ adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting **of the City Council** and shall be referred to the ~~Planning Licenses and Development Committee~~ **Finance, Organization and Personnel Committee**. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes **to the Rules** shall become effective upon ~~passage~~ **adoption**.

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. **The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.**
- B. When a vacancy is declared to exist, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.

The following procedure shall be followed on the date of the election:

1. The Mayor, or ~~Temporary~~ **Chairman** in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.

2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or ~~Temporary~~ **Chairman may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman** shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office **and be immediately seated.**

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A **City** Council policy shall remain effective until ~~superceded~~ **superseded** by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.

RULES OF ORDER OF THE CITY COUNCIL

CITY COUNCIL MEETINGS

SECTION 1. REGULAR CITY COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the City Council. **Except in the event of an emergency declared by appropriate authority,** the City Council shall meet at least once per month.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, ~~incapacity~~ or absence from the City, by ~~five~~ **seven (5 7)** or more members of the City Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating the time, place, and ~~object~~ **subject matter**, and this notice shall either be mailed or ~~sent~~ **delivered** by cell phone text message at least forty-eight (48) hours before the time of the meeting **to the Mayor and to each member of the City Council**, or **in the event of an emergency as determined by the Mayor in accordance with applicable law,** the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. ~~In the event that a quorum is not achieved, case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ **Chairman**. **Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, or out of town employment responsibilities. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.**

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the **City** Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present **and absent**. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the **City** Council to order and call the roll of the members. If a quorum is found to be present, the **City** Council shall proceed to elect a Councilor, by a majority vote of those present, as **Temporary** Chairman of the meeting to act until the Mayor appears. The ~~Temporary~~ **Chairman** shall have the obligation to vote in accordance with Section 15, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the **City** Council and shall perform such other duties as the Mayor and a majority of the **City** Council may prescribe.

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the **City** Council unless excused by the **City** Council or Mayor. Any member of the **City** Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the ~~presiding officer~~ **Mayor or Temporary Chairman**, subject to the provisions of Section 13, "Right of Appeal," of these Rules of Order.

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall preserve decorum and if a member transgresses the ~~Rules of the City Council, the presiding officer~~ **the Mayor or Temporary Chairman** shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section ~~12-13~~, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and **City** Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the **City** Council. **Any electronic communication by and among members of the City Council during any City Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.**

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ **Mayor or Temporary Chairman**, shall confine himself or herself to the question under debate, avoid ~~personalities~~ **personal attacks**, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the **City** Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without **first obtaining** permission from the ~~presiding officer~~ **Mayor or Temporary Chairman**. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ **Temporary Chairman** in the absence of the Mayor, a recess of approximately (5) minutes, after the **City Council** has been in session for two (2) hours, ~~including hearings~~.

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the **City Council** a ruling of the ~~presiding officer~~ **Mayor or Temporary Chairman**. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ **Mayor or Temporary Chairman** may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall then put the question **to the City Council**: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the **Mayor or Temporary Chairman** ~~Chair~~ is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ **Mayor or Temporary Chairman** shall not have a vote.

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ **item of business before the City Council** until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ **item of business**, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ **Mayor or Temporary Chairman**.

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a question is put ~~is put~~ **a vote is required** shall **state their** vote ~~thereon~~, except when the Councilor has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene; **provided, however, that** ~~A~~ a conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be defined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability. A conflict ~~may exist~~ when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the **City Council** and a Councilor is employed by the business, or is otherwise a party in interest. ~~If the conflict becomes known prior to a City Council meeting, the Councilor~~ **A Councilor with a conflict of interest on a City Council agenda** shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the **City Council** agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and ~~voting~~ **vote** on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public

hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the **City** Council as set forth above.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the **Mayor or Temporary Chairman** ~~Chair~~ so directs; or if any member of the **City** Council requests it. When a main motion is under debate, the Mayor **or Temporary Chairman** may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor **or Temporary Chairman** may receive the following incidental ~~and restorative~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
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Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 18. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL. Persons other than the Mayor, members of the **City Council**, ~~or the City Manager, City Clerk and City Attorney,~~ shall not be permitted to address the **City Council** except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ~~ordered~~ **moved**
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~for of~~ that action at the next regular

meeting of the **City** Council. For the purposes of this **Rule**, the next regular meeting of the **City** Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the **City** Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice to the **City Clerk** and the question shall be placed on the agenda in accordance with these ~~Rules~~. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once~~ been acted on, no other motion for a reconsideration **of the question** shall be made. If the original vote is sustained ~~at the next regular meeting~~ as defined herein, the **City** Council shall have no further right of reconsideration on the question.

SECTION 21. TIE VOTE. In case of a tie vote on any ~~proposal question~~, the ~~presiding officer~~ **Mayor** shall cast his or her vote to dissolve the tie vote. **In the absence of the Mayor, a tie vote on any question, which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.**

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the **City** Council such as the **City** Council may establish, **other than Standing Committees under section 23**, shall be appointed and announced by the Mayor. **The vote on each member appointed by the Mayor to such Committees shall be by roll call.** ~~The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council.~~ Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

SECTION 23. STANDING COMMITTEES. ~~On or about January 1st, At the commencement of each municipal year,~~ the following Standing Committees of the **City** Council shall be appointed by the Mayor. All Standing Committees of the **City** Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the **City** Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items **of business** referred to Committee ~~shall may~~ be in accordance with ~~the their~~ areas of concern as set forth below, **including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business coming before the City Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:**

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes, ~~Rules of Order.~~

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, ~~legislative review~~, licensing, management of open space, conservation, planning, ~~Rules of Order~~, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the **public** discussion, but may not participate in the **Committee** deliberations after a motion and 2nd has been made concerning an item on a Committee agenda, unless the Councilor is the petitioner on the item before the Committee. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, or if an adjournment permitted by law is necessary, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions **and adjournments** by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee Chair, All Standing Committees, except Finance, Organization and Personnel, shall normally meet on ~~the an alternating~~ Wednesday following a regularly scheduled **City** Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first and third Thursday following the regularly scheduled **City** Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will ~~make arrangements~~ **confer as necessary** to avoid conflicting demands on the City Manager's time.

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the **City** Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting

5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments

10. Acceptance of Donations

- ~~110.~~ Legislation (Ordinances/Resolutions)
- ~~121.~~ Non-Public Session
- ~~132.~~ Adjournment

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be **addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) introducing the same submitting the communication, and must give his or her and contain a residential address or mailing address, if different, and an email address. at which he or she can be reached to be notified of committee meetings, etc.** Communications containing a scanned image of the person's actual signature, **or a digital signature created in accordance with applicable law or City Ordinance,** may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk. ~~and will not be placed on the agenda of the City Council.~~ Communications addressed to a Councilor of a personal, **defamatory,** or argumentative nature, shall not be introduced in Council ~~accepted by the City Clerk.~~

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the **City** Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the **City** Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor ~~or and~~ City Manager to be routine City business, or ~~easily resolved within the purview of~~ by the City ~~staff~~ **Manager,** or of a nature that investigation by the City would be **appropriate** ~~desirable in order to better determine how to proceed with that item of business,~~ or of a nature that the matter **should** be dealt with confidentially ~~under applicable law~~ shall be referred, as appropriate, to the City ~~officer, department~~ **Manager, the City Council, Council Committee, Council Committee,** or other **appropriate governmental** agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or and~~ City Manager shall determine to be appropriate. The **City** Council shall be provided with a summary of these items of business **not placed on the Council agenda** and their disposition **of the items.** The City Manager shall take reasonable measures to insure that these referrals are ~~followed up dealt with appropriately.~~ **Except as otherwise provided by these Rules,** items of business not

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resolved to the satisfaction of their sponsor, ~~shall~~ **may** be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing to be placed~~ on the **City** Council agenda for the first time shall be referred by the Mayor **as appropriate** to a Committee or Committees ~~in accordance with its or their areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their~~ consideration and report ~~by the Committee for~~ **at** the next meeting of the **City** Council, unless more time is ~~granted-requested~~ by the ~~Council~~ **Committee**. Any item appearing on the **City** Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~#~~**Rules**, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the **City** Council agenda without suspension of the rules.

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in **City** Council. No item which has been the subject of a public hearing may be considered by **City** Council on the same day as the hearing.

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the any~~ appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond, **or a Resolution calling for the repurposing of an issued Bond**, shall require a 2/3 roll call vote of all **elected** members. Every member shall be required to vote unless excused for conflict of interest by vote of the **City** Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the **respective** budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the **City** Council agenda no later than 4:00 p.m. on the Tuesday prior to the **City** Council meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been ~~passed~~ **adopted**, subsequent **unbudgeted** expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said~~ **If subsequent the unbudgeted expenditure** creates a City debt, the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the **annual** budget, Resolutions calling for the appropriation of **unbudgeted** funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call of all members.~~

SECTION 32. REPORT BY COMMITTEE. All matters referred to a **eCommittee** must be reported out of that **eCommittee** at the next regular meeting of the **City** Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to~~ **submitted after** a public hearing **held before the City Council** shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the **eCommittee** meeting. Written testimony with regard to any other business before the **eCommittee** shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the **eCommittee** meeting ~~in order to be included in on~~ the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a **eCommittee** at the next regular meeting after the hearing unless otherwise ordered **retained** by a majority of the Council Committee members present. If not reported **out** as **provided** above, or if immediate action is required, a motion by the City Council to call the matter out of **eCommittee** will then be in order. Passage of that motion will place the matter before the **City** Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the **eCommittee's** recommendation shall be ~~verbally shared with the Council~~ **stated**. Moving to carry out the intent of the **eCommittee** report does not restrict the ~~maker~~ **proponent** of the motion from speaking against the recommendation of the Committee.

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the **City** Council regarding the disposition of an item of business submitted to it, **or on any question properly before it**, except for a reconsideration vote under these ~~Rules~~ or the City Charter, the identical subject matter to that ~~in the~~ item of business **or question so decided** shall not be taken up again by the **City** Council ~~as an item of business~~ during that calendar year, ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result.~~ During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. ~~Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the

majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~#~~Rules not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the **City Council**, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

SECTION 36. TO AMEND RULES. These ~~#~~Rules of Order may be amended or new ~~#~~Rules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting **of the City Council** and shall be referred to the ~~Planning Licenses and Development Committee~~ **Finance, Organization and Personnel Committee**. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes **to the Rules** shall become effective upon ~~passage~~ **adoption**.

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. **The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.**
- B. When a vacancy is declared to exist, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.
The following procedure shall be followed on the date of the election:
 1. The Mayor, or ~~Temporary~~ **Chairman** in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.

2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or ~~Temporary~~ **Chairman** **may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman** shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office **and be immediately seated.**

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A **City** Council policy shall remain effective until ~~superseded~~ **superseded** by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Thomas Mullins, City Attorney

Through:

Subject: **Proposed Amendment to the Rules of Order relative to Conflicts of Interest**

Recommendation:

As requested, the proposed amendment to the City Council Rules of Order on the subject of conflicts of interest is attached for discussion and action by the City Council.

Attachments:

1. SECTION 11 - Conflict of Interest TM 11.30.21

Background:

At the City Council meeting held on November 18, 2021, the City Council requested that the City Attorney prepare an amendment to the City Council Rules of Order on conflicts of interest based in part on the discussion that occurred at that meeting. The proposed amendment is attached for further discussion, consideration, and action.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL**

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration.

A conflict of interest shall be defined to exist when a proposed action, decision, or discussion, would affect the Councilor's pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally. A personal interest is any non-pecuniary interest by a Councilor in the outcome of a matter in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the matter by a Councilor. Membership in an organization generally, and not in a leadership capacity, shall not be considered a personal conflict of interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict of interest.

A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on Conflict of Interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for each person in the household the person's employer, and any board, commission, organization, association, or other entity which the person is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: December 2, 2021
To: Mayor and Keene City Council
From: Thomas Mullins, City Attorney
Through:
Subject: Relating to the Wearing of Face Coverings
Ordinance O-2021-16

Recommendation:

That the proposed facemask Ordinance #O-2021-16, be referred to the Planning, Licenses and Development Committee for further discussion and recommendation to the City Council.

Attachments:

1. Ordinance O-2021-16

Background:

Based on the communication submitted to the Mayor and the City Council from Cheshire Medical Center requesting that the City Council again consider implementing a City-wide requirement for the wearing of face coverings, the Office of the City Attorney was requested to submit for further consideration by the City Council the previously adopted, but rescinded, ordinance related to the wearing of face coverings. The previous Ordinance as adopted is attached with an updated Ordinance number and a blank in paragraph I) for a termination date.



CITY OF KEENE

Ordinance O-2021-16

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Wearing of Face Coverings

AN ORDINANCE

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 deleting the stricken text and adding the bolded text to Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

Section 66-170. Statement and Intent.

- a) COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and
- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties within the business premises, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any enclosed indoor business for any purpose, are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators ("Common Areas") unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
- d) As used herein, "business" is defined as any place, premises, or location within a premises ("Premises"), operated either for profit or not for profit, which is generally open to, or accessible to the public, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, fitness centers, personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that "business" shall not include any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein "face covering" means a covering made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials. The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
- f) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.

- g) A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health or safety. The individual shall not be required to produce documentation or other evidence to verify the condition.
- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.
- l) This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City of Keene, on _____.
- m) Businesses in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to the Office of the City Treasurer
Resolution R-2021-43
Resolution R-2021-44

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-43 relating to the appointment of City Treasurer.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-44 relating to the appointment of City Treasurer.

Attachments:

1. Resolution R-2021-43_referral
2. Resolution R-2021-44_referral

Background:

Finance Director Merri Howe addressed the committee next. She explained when the previous Finance Director retired in August 2018, the City Council appointed Ms. Howe as the Interim Treasurer for the City of Keene; this title is still in existence today.

The first resolution is to request the Council to remove the word Interim from that title.

The second resolution is that the City has hired an Assistant Finance Director. That position is the Deputy Treasurer for the City of Keene. The second Resolution is to appoint Robert Constable as the Deputy Treasurer for the City of Keene.

Chair Powers noted this is one of the few positions the Council appoints. The City used to have an outside individual perform the duties of Treasurer for a long time but the market has changed and it made more sense that the Finance Director assume that role.

Councilor Chadbourne made the following motion, which was seconded by Councilor Hooper.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of

Resolution R-2021-43 relating to the appointment of City Treasurer.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-44 relating to the appointment of City Treasurer.



CITY OF KEENE

R-2021-43

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to the Office of the City Treasurer

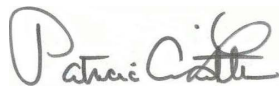
A RESOLUTION

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

That Merri E.B. Howe be appointed as the City Treasurer to perform those duties as prescribed by
NH RSA 48:16.

George S. Hansel, Mayor

In City Council November 4, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE

R-2021-44

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Office of the City Treasurer

A RESOLUTION

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

That, in accordance with the provisions of NH RSA 48:16, whenever the Treasurer shall become unable, by reasons of sickness, or otherwise, to discharge her duties, Robert Constable, be and he hereby is appointed Assistant Treasurer to perform all the duties and have all the powers incumbent upon the Treasurer during such time as any incapacity may continue.

George S. Hansel, Mayor

In City Council November 4, 2021.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Elizabeth Fox, ACM/Human Resources Director

Through: Elizabeth Dragon, City Manager

Subject: **In Appreciation of Barry Philip Hilton Sr. Upon His Retirement
Resolution R-2021-47**

Recommendation:

That Resolution R-2021-47 be adopted by the City Council.

Attachments:

1. Resolution R-2021-47

Background:

Mr. Hilton will retire from the Police Department effective December 31, 2021, with 33½ years of service.



CITY OF KEENE

Twenty-One

In the Year of Our Lord Two Thousand and

In Appreciation of Barry Philip Hilton Sr. Upon His Retirement

A RESOLUTION

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

WHEREAS: Barry P. Hilton began his career with the Keene Police Department June 13, 1988, as Animal Control Officer; added the role of traffic signal maintenance and repair with the Traffic Platoon of the Operations Division in 1992; and was reclassified to Traffic Safety Specialist/Animal Control Officer effective January 1, 2000; and

WHEREAS: Certified as a Level II Animal Control Officer, with additional training from the New Hampshire Fish and Game Department and the Animal Control/Humane Academy, Barry has responded promptly, sensitively, and effectively to a variety of calls for service—from bobcat to boa constrictor to mice in traffic light boxes—and educated pet owners of their responsibilities; worked with our Health Department, local schools, and other agencies to raise awareness of rabies and help ensure prompt reporting of potential exposures; maintained excellent relationships with area veterinarians, animal welfare individuals, and the Monadnock Regional Humane Society—from whom he earned an Award of Appreciation—and worked in concert with the City Clerk's Office, former District Court, and Police Operations Division for an organized, comprehensive, and effective approach to animal control and enforcement; and

WHEREAS: Also certified as a Level II Traffic Signal Technician, Barry has an outstanding grasp of the effects of lights on traffic throughout the City and how best to adjust them to optimize safety when issues arise; has recommended short- and long-term maintenance programs, as well as improvements to the system to preempt problems; saved the City considerable money by repairing hardware and wiring problems with in creative ways—earning him the nickname MacGyver from one supervisor—researching and negotiating with vendors, going directly to manufacturers for advice; upgrading the Opticom® Traffic Pre-emption system himself; and converting the old lighting system to LED configuration at better service and tremendous savings—and within a short timeframe so City could take advantage of rebate offers; and has made himself available 24 hours a day; and

WHEREAS: A Jack of all trades with a strong sense of teamwork, Barry has provided essential logistical support as part of the department's Collision Analysis Team; helped avert traffic problems for many community events; served as backup for School Crossing Guards and as a member of Citywide committees; and contributed myriad other ways to the daily operations of KPD; and

WHEREAS: Barry retires from the City of Keene December 31, 2021, with 33½ years of dedicated and honorable service;

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

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

PASSED

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: December 2, 2021

To: Mayor and Keene City Council

From: Jeffrey Chickering, Deputy Fire Chief

Through: Elizabeth Dragon, City Manager
Mark Howard, Fire Chief

Subject: **Relating to the Fire/EMS Training and Public Education Revolving Fund Resolution R-2021-48**

Recommendation:

Recommend that Resolution R-2021-48 be referred to the Finance, Organization and Personnel Committee for their consideration and recommendation.

Attachments:

1. Resolution R-2021-48

Background:

The current fiscal policies adopted by the City Council on September 5, 2019 emphasizes the use of stabilization funds. A revolving fund is a stabilization fund established for a particular purpose. The revenues deposited in the fund are allowed to accumulate from year to year and are not considered part of the city's general fund surplus. The revenues generated by the revolving fund activity subsidize the expenses of the activity thus keeping the funding outside the general fund resulting in no tax impact to the taxpayer.



CITY OF KEENE

R-2021-48

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

A RESOLUTION Relating to the establishment of a Fire/EMS Training and Public Education Revolving
Fund pursuant to RSA 31:95-h for the purpose of receiving revenues and expending
funds relative to Fire/EMS Training and Public Education.
Resolved by the City Council of the City of Keene, as follows:

That all revenues received for Fire/EMS Training and Public Education be deposited into the fund for the purpose of paying all expenses associated with payroll and equipment of Fire/EMS Training and Public Education and shall be allowed to be accumulated from year to year, and shall not be considered part of the City's general fund balance.

George S. Hansel, Mayor

PASSED