



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
February 17, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- February 3, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
 - Historic District Commission
 - Energy & Climate Committee
 - Congregate Living and Social Services Licensing Board
2. Nomination
 - Energy and Climate Committee

C. COMMUNICATIONS

1. Harris Center for Conservation Education - Request to Temporarily Close Jordan Road for up to Six Nights in March and April - Migrating Amphibians
2. Danya Landis/Machina Kitchen & Artbar - Request to Serve Alcohol at Sidewalk Cafe
3. Councilor Kate Bosley - Rules of Order - Section 15 - Conflicts of Interest

D. REPORTS - COUNCIL COMMITTEES

1. Proposed Amendments to the City Council Rules of Order – City Clerk
2. National Pollution Discharge Elimination System - Technical Assistance - Change Order 3 - WWTP Operations Manager
3. Councilors Remy, Bosley and Giacomo - Continued Remote Participation
4. Councilor Filiault - Rooms and Meals Tax Decrease

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director
2. Ordinance O-2021-16-B: Relating to the Wearing of Face Coverings

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Keene Pride – Request to Use City Property – September 11–18, 2022

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

NON PUBLIC SESSION

L. PUBLIC SESSION

1. Motion out of Non-Public Session - Purchase of Property - 0 Gilsum Road (TMP #218 042 000), and 0 Washington Street (TMP #219 006 000).

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, February 3, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Gladys Johnsen arrived at 7:07 PM. Councilor Workman led the Pledge of Allegiance.

Having determined a quorum was present in the Council Chambers, the Mayor said that Councilor Remy had requested to participate remotely because he still had one more day of Covid-19 quarantine. Mayor Hansel stated that he was not currently in an easy position, having to decide whether to allow remote participation without concrete rules from the Council. That said, he asked if there were any objections to Councilor Remy's remote participation. Hearing no objections, Mayor Hansel welcomed Councilor Remy via Zoom. Councilor Remy stated that he was alone at his location and participated remotely due to his quarantine status.

ANNOUNCEMENTS

The Finance, Organization and Personnel Committee will continue its review of the Capital Improvement Plan. The meetings for February 10 and February 24 will start at 5:30 PM. The public hearing has been scheduled for March 3, 2022 at 7:00 PM.

MINUTES

A motion by Councilor Powers to adopt the minutes of the January 20, 2022 regular meeting was duly seconded by Councilor Bosley and the motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Johnsen was absent for the vote.

CONFIRMATIONS

A motion was made by Councilor Powers and duly seconded by Councilor Bosley to confirm the following nominations: Councilor Michael Giacomo to serve on the Partner City Committee, with a term to expire December 31, 2023, and Heidi Schwieger to serve as an alternate to the Human Right Committee, with a term to expire December 31, 2024. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Johnsen was absent the vote.

RESIGNATIONS – ANDREW DEY FROM THE ENERGY AND CLIMATE COMMITTEE; ABIGAIL ABRASH WALTON FROM THE CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

A memorandum was received from Senior Planner, Mari Brunner, recommending that the City Council accept Andrew Dey's resignation from the Energy and Climate Committee. Another memorandum was received from the Senior Planner, recommending that the City Council accept Abigail Abrash Walton's resignation from the Congregate Living and Social Services Licensing Board.

A motion by Councilor Powers to accept the resignations with regret and appreciation of service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NOMINATIONS

Mayor Hansel nominated: Sophia Cunha-Vasconcelos to the Historic District Commission, with a term to expire December 31, 2023; Beth Campbell to the Energy and Climate Committee, with a term to expire December 31, 2024; and Thomas Salvastano to the Congregate Living and Social Services Licensing Board, with a term to expire December 31, 2023. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – LORETTA SIMONDS – DAMAGE TO A SEWER LINE AND HOUSE FOUNDATION AT 79 WOODBURN STREET AND A REQUEST TO REMOVE A NEARBY CITY TREE

A communication was received from Loretta Simonds, who believes that her house foundation and a sewer line are being damaged from the roots of a nearby City tree. Ms. Simonds provided an inspection report from a NH Septic System Licensed Evaluator who is suggesting that because of the location of the mature trees in relation to the sewer line, as well as tree roots that were observed in the cellar, that the tree roots from the City tree have intruded into the sewer line. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

COMMUNICATION – ADAM TOEPFER/KEENE PRIDE – REQUEST TO USE CITY PROPERTY – SEPTEMBER 11–18, 2022

A communication was received from Adam Toepfer, representing Keene Pride, requesting permission to decorate Central Square, the trees lining Main Street and the exterior of City Hall as part of the 1st annual Keene Pride celebration, which is a week-long celebration running from September 11, 2022 through September 18, 2022. In addition, Mr. Toepfer is requesting to block off Central Square and Main Street to Eagle Court/Emerald Street to accommodate a block party on Sunday, September 18. Finally, Mr. Toepfer is requesting that the City absorb the cost of City services. Mayor Hansel referred the communication to the Planning, Licenses, & Development Committee.

MSFI REPORT – KEVIN LEARY – ACCESS TO PROPERTY THROUGH THE OLD GILSUM ROAD – PUBLIC WORKS DIRECTOR/ACM

Municipal Services, Facilities, & Infrastructure Committee report read accepting the communication from Kevin Leary as informational.

The Municipal Services, Facilities, & Infrastructure Committee report further recommended per Section 94-238 of the City Code of Ordinances, that Kevin Leary, of 27 Meetinghouse Road, Keene, NH, be permitted to use motorized vehicles on the Class VI portion of the Old Gilsum Road for the purpose of accessing and transporting in and out equipment up to four (4) times per year until 2023 to the Fontaine Albert R Revocable Trust Property (218-09-00-000-000). This

motorized access to be coordinated with City staff with Mr. Leary abiding by all conditions set by Staff

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – RELOCATION OF WOODARD POND ROAD – CITY ATTORNEY

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute an Easement Deed with the Town of Roxbury for the relocation of Woodward Pond Road across City-owned property in Roxbury, New Hampshire.

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – MAINTENANCE OF THE WILSON POND DAM – CITY MANAGER

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the issue of the maintenance of the Wilson Pond Dam be reported out as informational. Mayor Hansel filed the report as informational.

MSFI REPORT – MONICA MARSHALL – REQUEST THAT MAIN STREET BE DESIGNATED AS A SMOKE-FREE ZONE

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the communication from Monica Marshall seeking to have Main Street designated as a Smoke Free Zone be reported out as informational. Mayor Hansel filed the report as informational.

FOP REPORT – AMERICAN RESCUE PLAN: HUMANITIES GRANTS FOR LIBRARIES – LIBRARY DIRECTOR

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and expend a grant of \$10,000 from the American Rescue Plan: Humanities Grants for Libraries award in support of library programs.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began with an update on the Fire Department Staffing Committee. She has established a Committee to review the staffing request made by the Fire Chief for an additional four firefighters. The City Manager asked Councilor Powers to Chair this Committee and Councilor Remy to act as Vice Chair. We have four members of the Fire Union participating, in addition to leadership at the Fire Department, as well as a member from both the Human

Resources and the Finance Departments. The first meeting is planned for February 4. The goals for the first meeting include having the Fire Department clearly define the need, identify the information/data needed to analyze the issue so that recommendations can be formulated, and set the schedule for future meetings.

As part of the FY22 budget request from the Fire Chief Howard, three options were presented: 1) hire four firefighters, 2) hire four certified paramedics and require them to obtain firefighter credentialing, or 3) hire four certified paramedics that remain as paramedics only in the Department. The Chief identified more than one way to meet the growing needs of the Department and the Committee may identify even more ways to do so. For example, Keene contracts with communities in our region to provide service. The Committee will evaluate the cost benefit of providing that service and the demand on the Department, including the amount of time we are outside of the City limits. This is just one example of many of the things the Committee will be analyzing. The City Manager will keep the Council updated. It is her plan to have recommendations to include as a part of the upcoming budget for FY23. She begins the process of evaluating budget requests in March and finalizes her budget for printing at the end of March, so that the budget book can be back from the printers and to Council for May 1. It is a short timeline, and so if the work of the Staffing Committee is not done, it may be necessary to discuss further adjustments to the budget with the Council as part of the FOP budget review process.

The City Manager continued explaining interim staffing changes at the Fire Department. She met with the Chief, deputies, and HR Director regarding some interim/more immediate staffing adjustments at the Fire Department. She noted that she supported the continuation of the 10th person on shift through the end of the fiscal year. This additional cost is just over \$170,000 from Dec 8, 2021—when the Chief authorized the 10th person—until the end of this fiscal year. The Fire Department applied for a grant to cover \$85,000. The City Manager said she did not have word yet, but it looks like they may have been successful. It still may be necessary before the end of the fiscal year to move funds to the Fire Department to cover the rest of the expense. If so, she will be seeking Council approval to transfer these funds. The City Manager noted that the Fire Chief also put out a very detailed press release the day of this meeting related to their inspections program, which she sent to the Council.

Next, the City Manager reported that the letter the City sent to NH Department of Transportation, requesting use of toll credits to help offset the local match of the lower Winchester Street project was denied. Subsequently, she had drafted a letter to our Senator and Representatives to urge them to support legislative initiatives that would allow this type of use. The City Manager concluded her comments by reporting that there were three out-of-state applicants moving forward in the hiring process for the new Community Development Director.

CITY OFFICER REPORT – ORDINANCE 0-2021-16-B: RELATING TO THE WEARING OF FACE COVERINGS

A memorandum was received from City Clerk, Patricia Little, presenting Ordinance O-2021-16-B, Related to the Wearing of Face Coverings.

As provided for in the Ordinance, Mayor Hansel requested that the Ordinance appear on this meeting's agenda, as it must be reviewed every 60 days. He said there were several possible options the Council could consider. First, they could hear a motion to rescind the Ordinance. If the Council did not choose to rescind, they would have to determine whether to continue the educational period or to begin enforcement. He said that it was clear during the last discussion that the Council was not ready to proceed with enforcement. Therefore, the Ordinance had been in an educational phase, as the Council did not want the onus placed on the business owners. Mayor Hansel requested a motion to begin the discussion.

A motion by Councilor Powers to rescind Ordinance O-2021-16-B was duly seconded by Councilor Bosley. Discussion ensued.

Councilor Greenwald said the Ordinance reads on the surface as though it is a complaint-driven situation, where someone makes a complaint, there is a response, and the unmasked person is issued a summons. The City Attorney replied that they were a couple of steps short of that happening. Councilor Greenwald asked what the involvement of businesses would be as the Ordinance was currently adopted. The City Attorney replied that the requirements on a business are stated in the Ordinance, which he said are essentially for the business to prepare appropriate policies and procedures internally for their own employees (i.e., when to wear a mask), to post notice at entry to the business that a mask is required per City Ordinance, and that the business deny service to any individual who enters and does not comply with the mask requirement. In a situation where the business has complied with posting a notice and a patron does not comply, the business can request that they wear a mask and if the individual refuses, the business can ask them to leave. If the individual does not leave, the business has the right to call the Police Department, which will respond. Regarding penalties on the business, which are not spelled out in the Ordinance, the City Code (§1-15) provides that if a requirement is placed on an entity or individual by City Code that does not otherwise contain a penalty provision associated with it, then the general penalty under §1-15 would apply, which states that it is up to \$1,000 (the statutory limit under NH law). The City can issue a category of fines lower than that based on the summons it creates (the fine category is \$100 after warning and failure to comply, and \$250 after that).

Councilor Filiault said he appreciated comments and questions, but the motion on the floor was to rescind and it was not about enforcement. In his opinion, he did not believe the Council should rescind because of the science and numbers; everyone had seen the reports from Cheshire Medical. He said the numbers were higher now than when the Ordinance was adopted and so it made no sense to rescind. He suggested reconsidering rescinding in one month. Although it had turned political, he said his vote would be a health matter.

On a roll call vote of 5 in favor and 10 opposed, the motion to rescind the Ordinance failed. Councilors Remy, Giacomo, Roberts, Bosley, and Powers voted in opposition.

Mayor Hansel sought clarification from the Council as to whether Staff should move forward with enforcement or continue the educational phase. He said moving into a higher level of enforcement could lead to more confrontations and potentially fines.

Councilor Giacomo asked what the difference looks like; should language be added to the Ordinance stating that “we really mean it this time.” Mayor Hansel said the Ordinance would stay the same. The Mayor said the educational phase was important to not spring a new Ordinance on the community. Thus, after several weeks of education, when prompted, Staff would explain the Ordinance and expectations on business owners and public. He said at this point Staff needs more direction because during the last discussion, it was clear that the Council did not want the Police out ticketing unmasked people and it was clear they did not want the burden of the Ordinance to be on the business owners. Unfortunately, with the way the Ordinance is crafted, both are possible if the Ordinance is moved into full enforcement. Staff needed direction. Councilor Giacomo stated that the Council was making no change to the Ordinance, but voting to tell Staff that the Ordinance actually means something now. Mayor Hansel said they were showing Staff whether they want to fully enforce this Ordinance and move out of the educational phase.

The City Attorney said that currently with the way things were presented procedurally, the City Council had adopted the Ordinance as the legislative body and the City Manager is the executive of the City who has the authority to implement and enforce the City’s ordinances. He said it is not unusual for the executive to take a position on a new Ordinance, allowing a period of time for education to occur to the public. The last time this was seen statewide was when the statute was passed prohibiting handheld devices and there was an educational phase before enforcement began. He said that was the City Manager’s position at this point and she has the authority to move into enforcement without changes to the Ordinance. If the City Council wanted to change the Ordinance, it would have to go through the usual ordinance amendment process, with a request submitted to the City Clerk and the amendment reviewed first by the City Council, and referred to the appropriate Committee for a recommendation before coming back to Council.

The City Manager reiterated what the Mayor said, stating that there was an extensive educational period due to the overwhelming feelings of the Council when the Ordinance was adopted. The Council made amendments that they thought took the onus off businesses. Once Staff determined that there were still parts of the Ordinance that would require businesses to do certain things like post and refuse service, and Staff articulated what that meant in terms of enforcement of the Ordinance, it was difficult for the City Manager to move directly into an enforcement phase. Therefore, at this meeting she sought consensus on whether the Council wanted Staff to move to enforcement, which would be across the board, penalizing both individuals and businesses—they cannot be separated. She said that so far during the educational period, there was a lot of voluntary compliance. Otherwise, Staff responded to complaints, provided copies of the Ordinance, and answered questions. She said they had maximized the voluntary compliance portion and now it was up to the Council to determine whether they wanted Staff to move into enforcement.

Councilor Workman asked about the level of education in the informational blitz to the community, particularly businesses, regarding the §15 caveat. Are businesses aware they are responsible under this Ordinance without it being explicitly detailed in the Ordinance? The City Manager replied that businesses are aware. Staff received a list of contacts for all businesses in

the City and did a direct email to them. In addition, if someone is not on that list and there had been a complaint, Staff went and talked to them, provided a copy of the Ordinance, and explained their responsibilities under the Ordinance. She said it was possible that some businesses still did not know, but she felt Staff did its diligence. Regardless, even during enforcement, the first visit is a verbal warning and education. Councilor Workman said it sounded like the City did its due diligence in educating the community.

Councilor Johnsen recommended extending the educational phase at least through February, while there is such a peak time scientifically.

Councilor Roberts stated that last meeting, when there was a motion to extend the education for 30 days and then move into enforcement, it was overwhelmingly “shot down.” Now, he said the discussion was to wait another 30 days, by which time this peak would be over. He said that if the Council believed that, then there would be no need for an enforcement phase if just considering taking this away again in 30 days; it would be rushing enforcement to pick it apart in 30 days. He said that within those 30 days, it might take a few weeks for the enforcement to run smoothly. Councilor Roberts continued that if the Covid-19 rates are looking good in 30 days, the City should keep the education because many are doing well wearing masks. He said others are happy leaving Keene where they do not have to mask, when he said some get viruses and bring them back to Keene because the virus knows no borders. He said the majority of people wear their masks without having to be told. He suggested continuing the educational phase for 30 days, when it might be possible to lift the Ordinance entirely.

Councilor Bosley agreed with continuing the educational phase. She said the hospital had indicated that it started offering other forms of therapy, and the surge ward and hospital numbers were on the way down. She believed that the peak was met and on the way down. She agreed that going into enforcement for 30 days was not her preference. She thought there had been the maximum voluntary compliance and that most people in the City were doing the right thing. She wanted to move forward with education.

A motion by Councilor Greenwald to recommend that the City Manager work within her authority to extend the educational period for Ordinance O-2021-16-B was duly seconded by Councilor Roberts.

Mayor Hansel noted that the time period was not included in the motion because the Ordinance requires that it be revisited every 60 days.

Councilor Filiault had no objection, stating that we are a nation of laws, and ordinances at all levels keep honest people honest. There would be people who violate the Ordinance no matter what, just like speed limits. He said some people enjoy violating ordinances because they do not care. Others violate on accident. He said people would gleefully ignore this mask Ordinance and Staff would continue doing its job educating people. He said this was not about “big brother coming down on people,” but about health. He hopes the numbers come down in the next month so they can lift the Ordinance.

02/03/2022

On a roll call vote of 14 in favor and 1 opposed, the motion to extend the educational period for Ordinance O-2021-16-B carried. Councilor Workman voted in opposition.

Mayor Hansel reminded that this would be reviewed again within 60 days.

ADJOURNMENT FOR LEGAL ADVICE

There being no further business, Mayor Hansel adjourned the meeting for legal advice at 7:44 PM.

A true record, attest:


Assistant City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Mayor George S Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations**

- **Historic District Commission**
- **Energy & Climate Committee**
- **Congregate Living and Social Services Licensing Board**

Council Action:

In City Council February 17, 2022.

Voted unanimously to confirm the nominations.

In City Council February 3, 2022

Tabled the nominations until the next regular meeting.

Recommendation:

Attachments:

1. Background _Cunha_Vasconcelos redacted
2. Background Campbell_redacted
3. Background Savastano_redacted

Background:

I hereby nominate the following individuals to serve on the designated board or commission:

Historic District Commission	
Sophia Cunha-Vasconcelos, slot 9	Term to expire Dec. 31, 2023
21 Summer Street	
Energy & Climate Committee	
Beth Campbell, slot 11	Term to expire Dec. 31, 2024

32 Upper Knight Street	
Congregate Living and Social Services Licensing Board	
Thomas Salvastano, slot 4	Term to expire Dec. 31, 2023
75 Winter Street	

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, January 20, 2022 9:09 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 01/20/2022 - 21:08</p>

<p>Submitted values are:</p>

First Name:

Sofia

Last Name:

Cunha-Vasconcelos

Address

21 Summer St
Keene, NH 03431

Email:

[REDACTED]

Cell Phone:

[REDACTED]

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

Historic District Commission

Employer:

Office of Theodore H. Parent, Attorney at Law, PC

Occupation:

Attorney

Education:

BA, Physics. 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.

I currently serve on the Human Rights Committee here in Keene

Please provide some references:

Jan Manwaring

[REDACTED]

References #2:

Beth Campbell

Project Manager Committed to Equity and the Energy Efficiency

EXPERIENCE

Unity Homes, Walpole, NH

Special Projects Manager October 2020 – present

Delivered R&D construction and software projects valuing \$3 mm in collaboration with developers, corporate investors, and local subcontractors. Managed international patent and contract implementation. Facilitated business development for start-up software company.

Green Hammer Design Build, Portland, OR

Construction Project Manager March 2018–January 2021

High performance, Net Zero Energy, and Passive House residential and commercial construction. Partnered with nonprofits, municipal jurisdictions, and financial institutions to deliver projects with budgets up to \$7 mm. Founded company-wide inclusion and diversity committee and led staff equity training, resulting in a broader and more diverse subcontractor base.

Birdsmouth Construction, Portland, OR

Estimator and Project Manager June 2015 – March 2018

Estimated costs and managed energy-efficient construction projects. Operated project budgets up to \$500,000 and met or exceeded third-party certification requirements.

H&H Natural Building, Madison, WI

Business Owner September 2006 – June 2015

Developed a profitable, small-scale construction business focused on ecologically-sound practices. Executed residential projects, taught construction classes, and handled all finances/administration.

ADDITIONAL INDUSTRY EXPERIENCE

Passive House Northwest 501(c)6— *Vice President, Board Member*
High-Performance Construction Standards Body, 2016 – 2020

Blue Heron Natural Builders Guild, Madison WI — *Co-Founder*
Regional Green Builders Guild, 2005–2009

32 Upper Knight St.
Keene, NH 03431

SKILLS

Excellent communication and conflict mitigation

Team collaboration

Strong organizational abilities

Attention to detail

Emphasis on leadership and unifying team goals

Thoroughness and project follow-through

CERTIFICATIONS/COURSES

PHIUS Passive House Builder
Golden, CO, September 2015

Earth Advantage Sustainable Homes Professional
Portland, OR, April 2016

Building and Designing a Design Build Business – Adam Cohen
Portland, OR, February 2018

Diversity and Inclusion 3-day training– Center for Diversity and the Environment
Portland, OR, March 2019

AFFILIATIONS

Passive House Institute US
Builder Training Instructor
December 2021– present

NE Sustainable Energy Assoc.
Conference Selection Committee
December 2021–present

EDUCATION

University of Michigan, BFA, BA

LANGUAGES

English (native), French (fluent)

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Tuesday, February 1, 2022 11:22 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 02/01/2022 - 23:22</p>

<p>Submitted values are:</p>

First Name:

Thomas

Last Name:

Savastano

Address

75 Winter Street, Keene

How long have you resided in Keene?

6.5 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Self-employed

Occupation:

Ordained minister, running a nonprofit ministry

Retired

No

Please list any organizations, groups, or other committees you are involved in

President, FirstLoveWorks (a nonprofit Christian organization that sponsors meetings, conferences and arts events in New England)

Church member and volunteer: The Salvation Army of Keene

Board member, New Hampshire Alliance (group of churches and ministries throughout NH)

Past board member of other nonprofit organizations

Have you ever served on a public body before?

No

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

Congregate living and social services licensing board

Please share what your interests are and your background or any skill sets that may apply.

My background includes both social services and property management, along with ongoing Christian ministry. Recently, I was running an LLC that redeveloped bank-owned properties. It was gratifying restoring old homes: providing new homeowners a solid value and benefitting neighboring property owners in the process. Beforehand, I was the Massachusetts statewide director of a Salvation Army diversion program for first-time youth offenders ("Bridging the Gap"), having risen to that position after running local programs in Lawrence and Haverhill, MA. In these positions, I interfaced with youth, families, assistant district attorneys, probation officers, grant writers, and other professionals. My social service experience also includes general case management in the Salvation Army, and prior work assisting intellectually disabled adults get meaningful employment.

Why are you interested in serving on this committee

I want to do something that could benefit the City of Keene and its residents in the long run. With the background I have in social services, the interest I have in seeing neighborhoods thrive, and having participated in the zoning process these past two years, I feel I can bring a balanced perspective to the table regarding congregant living and social service licensing.

Please provide 2 personal references:

Lt. David LaBossiere

david.labossiere@use.salvationarmy.org

[REDACTED] 603-352-0607 (office)

References #2:

Paul Jehle

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nomination**

- **Energy and Climate Committee**

Council Action:
In City Council February 17, 2022.
Tabled the nomination until the next regular meeting.

Recommendation:

Attachments:

1. Edmunds, Linsey_Redacted

Background:

I hereby nominate the following individual to serve on the designated board or commission:

Energy & Climate Committee
Linsey Edmunds
489 Windy Row, Peterborough

Term to expire Dec. 31, 2023

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>

Sent: Thursday, February 3, 2022 9:10 AM

To: Helen Mattson

Cc: Patty Little; Terri Hood

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 02/03/2022 - 09:10</p>

<p>Submitted values are:</p>

First Name:

Linsey

Last Name:

Edmunds

Address

Work:

229 Main Street
Keene, NH 03435

Home:

489 Windy Row
Peterborough, NH 03458

How long have you resided in Keene?

I've worked in Keene for nearly three years, I reside in Peterborough.

Email:

linsey.edmunds@keene.edu

Cell Phone:

[REDACTED]

Employer:

Keene State College

Occupation:

Sustainability Coordinator

Retired

No

Please list any organizations, groups, or other committees you are involved in

None, yet!

Have you ever served on a public body before?

No

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

Energy and Climate Committee

Please share what your interests are and your background or any skill sets that may apply.

As the Sustainability Coordinator for Keene State College I am actively working on initiatives to reduce Keene State's carbon footprint. I'm currently overseeing student interns as they complete a greenhouse gas inventory of Keene State. I am actively engaged with energy data management and interpretation, as well as responsible for putting forth energy savings and sustainability focused initiatives for the college.

Why are you interested in serving on this committee

Working in conjunction with the City of Keene through the Energy and Climate Committee is an important aspect of my work to further sustainability and achieve our ambitious climate goals, for both the college and the region. I believe Keene State can apply lessons from the Energy and Climate Committee in our own efforts to build a Climate Action Plan and achieve carbon neutrality.

Please provide 2 personal references:

Mari Brunner

mbrunner@keenenh.gov

(603) 352-5440

References #2:

Marc Doyon

mdoyon@keene.edu

603-358-2203



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: February 17, 2022

To: Mayor and Keene City Council

From: Brett Amy Thelen
Science Director - Harris Center for Conservation Education

Through: Patricia Little, City Clerk

Subject: Harris Center for Conservation Education - Request to Temporarily Close
Jordan Road for up to Six Nights in March and April - Migrating
Amphibians

Council Action:

In City Council February 17, 2022

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Communication_Harris Center

Background:

The Harris Center for Conservation Education is submitting their annual request for the temporary closure of Jordan Road for up to six nights in March and April for the protection of migrating amphibians - in particular, the Jefferson Salamander.



February 8, 2022

Mayor George Hansel and City Council
3 Washington Street
Keene, NH 03431

To the Honorable Mayor and City Council,

I am writing to request the temporary closure of Jordan Road for up to six nights in March and April for the protection of migrating amphibians – in particular, Jefferson complex salamanders, which are listed as a “Species in Greatest Need of Conservation” in New Hampshire.

Every year, on the first warm, rainy nights of spring, thousands of amphibians migrate to their breeding wetlands – including the wetland adjacent to Woodland Cemetery and North Lincoln Street, and the vernal pools in the upper reaches of Robin Hood Park, near Jordan Road. Many are killed when they must cross roads. Studies have shown that even modest vehicle traffic can have a significant negative impact on local amphibian populations.

Since 2018, the Harris Center for Conservation Education has worked closely with the City of Keene to close the North Lincoln Street amphibian crossing site to vehicles on migration nights, facilitating the safe passage of nearly 6,000 amphibians over the course of three seasons. We have received many notes of gratitude for these efforts, including one that said, “It gives me hope for this world that Keene closes a street for this.”

Over the last five years, our Salamander Crossing Brigade volunteers have also moved more than 1,200 migrating amphibians (including 134 Jefferson complex salamanders) to safety at Jordan Road, and documented 138 road-killed amphibians (including 5 Jefferson complex salamanders) at that site. These numbers are underestimates – likely significantly so – as our volunteers typically don’t stay out after midnight, but the migration can continue through the pre-dawn hours if conditions are right.

Although the Jordan Road crossing site comprises fewer individual amphibians than the North Lincoln Street crossing, Jordan Road has conservation significance due to the presence of the Jefferson complex salamanders, which are listed as a “Species of Special Concern” and “Species in Greatest Need of Conservation” in New Hampshire. (Jefferson complex salamanders do not occur at the North Lincoln Street crossing.) New Hampshire Fish and Game’s Wildlife Action Plan listing for Jefferson complex salamanders identifies road mortality as a primary threat to this species and recommends efforts to facilitate amphibian movement across roads as an action that can benefit Jefferson salamanders in New Hampshire.

When we first proposed amphibian detours at Jordan Road in 2020, traffic data was reviewed and the Harris Center sent letters detailing the proposed plan to all residents of Jordan Road; at the time, we received only one response, from a resident who was supportive of the detour. (We ultimately withdrew that proposal due to the unfolding COVID-19 pandemic.)

More recently, the Department of Public Works has consulted with the Keene Police Department and received their support for expanding amphibian detours to Jordan Road in 2022. The proposed plan, developed by the Department of Public Works in consultation with the Police Department, would only close the road to through-traffic. Jordan Road residents would still be able to drive to and from their homes when the detour was in place, and emergency vehicles would have access, as needed. Volunteers with the Harris Center's Salamander Crossing Brigade program would be present at the site in the early evening hours to keep track of the migration, and to minimize the potential roadkill impacts of any local traffic.

The amphibian migration is a weather-dependent phenomenon, so I cannot provide specific dates for the requested road closures at this time. However, we have already worked successfully with the Department of Public Works to implement detours at North Lincoln Street and to inform the public about them. Should the expansion of amphibian detours to Jordan Road be approved, we anticipate a similarly smooth process.

Thank you for your consideration of this request, which would benefit both wildlife and people in Keene. I would be more than happy to meet with you, or to make a brief presentation to provide more information and answer any questions you have.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Amy Thelen". The signature is fluid and cursive, with the first name "Brett" being more prominent.

Brett Amy Thelen
Science Director
Harris Center for Conservation Education
thelen@harriscenter.org



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: February 17, 2022

To: Mayor and Keene City Council

From: Danya Landis

Through: Patricia Little, City Clerk

Subject: **Danya Landis/Machina Kitchen & Artbar - Request to Serve Alcohol at Sidewalk Cafe**

Council Action:

In City Council February 17, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Machina

Background:

Machina Kitchen & ArtBar is requesting permission to serve alcohol at the sidewalk cafe in front of her business.



Machina Kitchen & ArtBar

9 COURT STREET, KEENE NH

(603) 903-0011

INFO@MACHINAARTS.ORG

WWW.MACHINAARTS.ORG

DEAR HONORABLE MAYOR GEORGE HANSEL

February 9, 2022

Machina Kitchen & ArtBar is requesting permission to serve alcohol on our patio which is located on city sidewalk at 9 Court Street, Keene NH.

**THANK YOU,
DANYA LANDIS
PARTNER**

Direct



danya@machinaarts.org



(603) 205-0135



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: February 17, 2022

To: Mayor and Keene City Council

From: Councilor Kate Bosley

Through: Patricia Little, City Clerk

Subject: Councilor Kate Bosley - Rules of Order - Section 15 - Conflicts of Interest

Council Action:

In City Council February 17, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Bosley

Background:

Councilor Bosley is requesting that Section 15 of the City Council's Rules of Order - dealing with conflicts of interest - be referred for further discussion and potential amendment of the language.

KATE MICHELLE BOSLEY

111 Gunn Rd • Keene, NH 03431 • [REDACTED]

[REDACTED] www.hendersonbosley.com

February 9th, 2022

Dear Mayor and City Council,

I am writing this letter in regards to following up on the current matter in front of the Council relating to the rules of order. I am hoping that we can further the conversation and consider reviewing Sec 15. Conflicts of interest. I have spoken to this matter in the past and feel that this section could use some fine tuning and would like to see it appear on a committee agenda for further conversation and possible amended language.

Thank you for your time and consideration in this matter.



Kate Bosley
Keene City Council
At-Large



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Proposed Amendments to the City Council Rules of Order – City Clerk

Council Action:

In City Council February 17, 2022.

Voted unanimously to adopt the proposed amendments to the City Council Rules of Order.

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of the proposed amendments to the City Council Rules of Order with the minor Scribner's errors corrected.

Attachments:

1. RULES_OF_ORDER_red lined_PLD Changes_final

Background:

Chair Bosley said these amendments were only a portion of amendments to the Council's Rules of Order and did not cover the entire document before the Committee. Parts of the document were chosen for review at this meeting. The Chair had submitted a letter to the Clerk's office, asking the Council and the Mayor to return Section 15 on conflicts of interest back to this PLD Committee for further discussion, hopefully in March. Additionally, the FOP Committee has raised the issue of remote participation that has been on more time to their regular agenda this week. This agenda item was in response to a letter submitted some time ago by Councilors Bosley, Giacomo, and Remy. The Chair expects that matter should be referred back to PLD in March as well. Those two topics would not be discussed at this meeting.

Chair Bosley welcomed the City Clerk, Patty Little, and City Attorney, Thomas Mullins, to discuss the proposed amendments. The City Clerk said that in 2019 when former Mayor Kendall Lane concluded his 20-year term as Mayor and Councilor, she and the City Attorney wanted to solicit his perspective on the Council's Rules of Order. Throughout four meetings, the Clerk, Attorney, and Mayor Lane workshopped the Rules for improved consistency and identified more substantive changes like those presented at this meeting. The City Clerk said the original intent was to have the Council review these in fall 2019, but things precluded the matter. A few months into Mayor Hansel's term, the City Clerk and Attorney met with him to solicit his perspectives as well. In total, there are 40 sections of the Rules of Order and she recalled focus on conflict of interest and remote participation on the Council floor. Because of that focus, the other procedural changes to the Rules for effectiveness of

meetings were not considered. The City Clerk said this was the third attempt to bring these administrative changes back to Committee and while some was wordsmithing, there were some more substantive changes for the Council to consider. The City Clerk asked the City Attorney to provide the Committee an explanation of each change.

The City Attorney reviewed the various sections with substantive changes, not including the issues of conflict of interest or remote access. A lot of issues were of consistency; for example, referring to a temporary chair as such throughout a meeting. He continued reviewing each section being changed:

☐ Section 1: Regular Meetings

o The new language recognizes that as a result of the pandemic, there could be events or things that occur that could prohibit the Council from meeting.

☐ Section 2: Special Meetings

o Minor changes and wordsmithing. Changed the requirement for calling a special meeting from five members to seven to be more representative of the whole Council.

☐ Section 10: Decorum and Order

o This involves electronic communication during the period of time when the meeting is in session. This change is a result of some discussions that have happened in the Municipal Bar and at the State Legislature. This regards access to digital devices during a meeting and a concern about the internet becoming communicating ex parte, either with other members of the Council or even with constituents. Those are communications that may have something to do with what is being discussed during the meeting and those occurring outside of the public context. Thus, language was that references that possibility and states that it would be inappropriate.

☐ Section 21: Temporary Chairman

o Under the Charter, the Mayor cannot vote unless it is to break a tie. However, the changes clarify that in the Mayor's absence, a temporary chair can vote, which could result in a tie. If a tie occurs in that situation, it would be considered a no vote because a majority is required to act.

☐ Section 22: Special Committees

o Due to statutory issues, the City Attorney suggested this change to remove the direction for the City Manager to expend funds for Staff time regarding one of these initiatives. This is within the City Manager's purview, but the City Attorney stated that most any City Manager would be reticent in assisting the Council when it comes to funding and Staff time.

☐ Section 23: Standing Committees

o This change was relative to ensuring that instead of legislative proposals automatically appearing before the PLD, now the proposals would go to the Committee that may have the appropriate jurisdiction for that legislation. During the last review of these changes, Staff suggested moving changes to the Rules of Order to the FOP Committee but have now agreed that it would stay with PLD. Unfortunately, the change back from FOP to PLD had not occurred yet and that edit needed to be adopted with this amendment.

☐ Section 24: Communications

o The City Attorney pointed out a Scribner's error in this section in the following passage, where the word "electronic" has replaced the word "digital," "... or an electronic signature created in accordance with the City Ordinances." This language is needed to be able to accept these signatures.

□ Section 26: Review of Items of Business

o This refers to the referral by the Mayor to the appropriate Committees that are in place. There were some changes to refine language to reflect that sometimes matters are referred to Committee and on occasion, there is a different governmental entity to which the matter should be referred, such as the Department of Transportation.

□ Section 33: Submission of Items Once Considered

o A fair amount of language was eliminated in this section because it became difficult to determine when some material change or substantial change or who makes that decision and why the Council would do that. The City Attorney said there is a reconsideration provision both for the Mayor's reconsideration and the Council's reconsideration that says once a matter has been handled, it cannot be reconsidered until the next calendar year, which keeps the Council from revisiting a matter all year.

□ Section 36: Rules of Procedure

o The Council eliminated the provision dealing with the unanimous vote to waive, which the City Attorney said did not seem appropriate if someone is going to make an amendment. He said the matter should go before Committee and there should be some discussion about it because people could be caught off guard and on occasion vote when they really do not know what they are voting for. This elimination would make the section in better alignment with the rest of the Rules.

□ Section 37: Procedures to Fill a Vacancy

o There was a change because of the last election cycle when there was a vacancy to fill. He said it did not seem appropriate to fill a vacancy when an election is imminent, but instead to place it in a context where it is far enough out to make a decision on someone to take that seat in the interim.

Chair Bosley thanked the City Attorney for that summary. She pointed out that some of the Councilors on this Committee had already reviewed these amendments in depth, but newer Councilors appointed to the Committee might have more questions.

Councilor Bosley began with a question on the change to Section 36. She believed that Councilor Ormerod had pointed out earlier that there was a conflict with some of the language on where referrals were going. She said it was correct in the breakdown of Standing Committees, but in Section 36, it says "to amend the Rules the preceding regular meetings of the City Council shall be referred to ..." and the Planning, Licenses, and Development Committee was stricken, and Finance, Organization, and Personnel Committee was bolded. The City Attorney agreed that needed to be edited back so it still reads as "... shall be referred to the Planning, Licenses, and Development Committee."

Councilor Ormerod thought these were beautiful and elegant edits; they were exceptionally well done. He appreciated the work, clarity, and use of modern clear language that could otherwise read quite legalese. The Councilor questioned Section 33, stating that he understood and appreciated the intent for clarity or not building extraneous ambiguity, but he wondered if a resubmission of something beyond that timeline, whether the Rules of Order could be suspended again; for example, the Mask Ordinance that has been heard multiple times. He wondered if the Rules of Order suspension would allow the Council to reconsider things. The City Attorney replied in the affirmative, that the Rules are subject to suspension and change. Councilor Ormerod stated that in that case, he was even more impressed because the rest of that language is completely unnecessary.

Councilor Giacomo really liked most of the language that had been changed. However, in Sections 6 and 11, he noticed that it refers to the Chair, and in the rest of the document it says Chairman. He requested those all be changed to Chair for consistency and to remove the gender specific language.

Councilor Bosley stated that women Councilors would likely appreciate the change. Vice Chair Giacomo did note that the Rules read he/she and him/her in several other places. The City Attorney was content with that change. Vice Chair Giacomo pointed out the change in Sections 6, 10, 11, 12, 13, 14, 17, and 21.

Councilor Jones referred to vacancies and asked why four months was chosen. The City Attorney replied that that they thought about that a fair amount, and it was chosen because it is the time period necessary to announce the vacancy, allow reasonable time for people to apply for the vacancy, and send public notices. Other than that, it seemed reasonable to Staff based on necessary action to fill the seat. Then, Councilor Jones said it would be six months before a vacancy is filled because there are two months after the election before swearing-in. The City Attorney agreed. Councilor Jones noted that in some states if there is a vacancy the elected member could take the seat immediately after the election, which the City Clerk confirmed is not possible in NH.

Chair Bosley was pleased to be moving quickly through these edits after this Committee originally scrutinized each section for hours.

Councilor Ormerod asked whether there needed to be motions for each amendment. The City Attorney said that at this point, there were some Scribner's errors and the change back to PLD in Section 36, so he did not hear anything else requiring a motion but that was at the Committee's discretion.

Councilor Jones asked if the changes to Section 17 and the matter of dividing the question, when the Mayor usually says to take two votes. The City Attorney said to remember that a lot of this only applies if there is no consensus. If someone wants to divide the question and there is no objection to that, the Mayor as the Chair or any Chair has the right to operate by consensus; this only applies if there is an objection. Robert's Rules of Order recognize that action by consensus is preferable. Councilor Jones referred to the same section, recalling that a term "call the question" was not included, but he also recalled that if someone calls the question, the Mayor will accept it unless someone objects to it, followed by a vote. The City Attorney said that is where it says limit or extend debate. Limit debate is really calling the question because at that point you are ending the debate on the issue.

Chair Bosley asked if the City Attorney was comfortable proceeding with the regular motion, and he replied in the affirmative, with the understanding there are Scribner's errors included that Staff would correct.

Chair Bosley heard no public comments.

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

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of the proposed amendments to the City Council Rules of Order with the minor Scribner's errors corrected.

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.

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 CHAIR. 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 Chair** of the meeting to act until the Mayor appears. The ~~Temporary~~ **Chair** 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 Chair**, 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 Chair** shall preserve decorum and if a member transgresses the ~~Rules of the City Council~~, ~~the presiding officer~~ **the Mayor or Temporary Chair** 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 Chair**, 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 Chair**. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ **Temporary Chair** ~~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 Chair**. 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 Chair** 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 Chair** 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 Chair** ~~Chair~~ is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ **Mayor or Temporary Chair** 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 Chair**.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the **Mayor or Temporary Chair** so directs; or if any member of the **City Council** requests it. When a main motion is under debate, the **Mayor or Temporary Chair** 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 Chair** may receive the following incidental ~~and restoratory~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
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 Chair 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 Chair; the second member named on each Committee to be Vice-Chair. 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, 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 Chair 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 an electronic 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 **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. ~~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~~ **Chair** (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~~ **Chair** (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~~ **Chair** in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chair," 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~~ **Chair 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 Chair** 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.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: February 17, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **National Pollution Discharge Elimination System - Technical Assistance - Change Order 3 - WWTP Operations Manager**

Council Action:

In City Council February 17, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute change order #3 with Weston and Samson engineers to perform technical services for the City's national pollution discharge elimination system permit renewal process for an amount not to exceed \$30,000 for contract 02-16-01.

Attachments:

None

Background:

Assistant Public Works Director/Operations Manager was the first to address the committee. Mr. Costa stated the Wastewater Treatment Plant operates 24/7 and 365 days of the year. The City treats about 3 million gallons of water every day for which it has a discharge permit issued through EPA. There are parameters that need to be met for the permit, which is typically valid for five years. The last permit issued to the City was in 2007 and expired in 2012. The City has been operating under that expired permit for the past 10 years.

Mr. Costa noted the City did receive a new permit effective February 1 and is currently negotiating with the EPA on three different parameters. Although the majority of the permit has taken effect, these three parameters are still outstanding. He noted this change order would allow the City to continue to work with its consultants through the negotiation process with EPA. The City's consultant Wesson and Sampson have included a scope of work to include meetings with staff, meetings with legal counsel, assisting the City with the appeals process, etc.

Funds for this work are available in the Wastewater Treatment Plant NPDES Permitting Assistance Project (08012).

Councilor Madison asked what the three parameters the City is still working on. Mr. Costa stated it

was aluminum, copper and Ph.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute change order #3 with Weston and Samson engineers to perform technical services for the City's national pollution discharge elimination system permit renewal process for an amount not to exceed \$30,000 for contract 02-16-01.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Councilors Remy, Bosley and Giacomo - Continued Remote Participation

Council Action:

In City Council February 17, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication on remote access be reported out of committee and be referred to the Planning, Licenses and Development Committee for their consideration as an amendment to the Rules of Order.

Attachments:

None

Background:

City Manager Elizabeth Dragon indicated this communication has been discussed as part of the Council's Rules of Order and indicated the suggestion tonight is that this item be reported out and be sent over to PLD so it could be made part of their agenda March.

Councilor Remy stated as one of those who submitted he felt this fits right into what they are doing.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication on remote access be reported out of committee and be referred to the Planning, Licenses and Development Committee for their consideration as an amendment to the Rules of Order.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Councilor Filiault - Rooms and Meals Tax Decrease

Council Action:
In City Council February 17, 2022.
Report filed as informational.

Recommendation:
On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication from Councilor Filiault be accepted as informational based on ongoing initiatives being undertaken by the County and the City with respect to increasing the local share of the rooms and meals tax.

Attachments:
None

Background:
The Manager reminded the Committee about the letter Councilor Filiault had submitted a letter to the Council in regards to urging the State to fully fund their meals and rooms tax to municipalities. This item was taken up during a recent legislative delegation meeting held jointly with the County. The Manager stated staff has spoken to Councilor Filiault about reporting this out of Committee

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication from Councilor Filiault be accepted as informational based on ongoing initiatives being undertaken by the County and the City with respect to increasing the local share of the rooms and meals tax.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations - Finance Director**

Council Action:

In City Council February 17, 2022.

Voted unanimously to accept the donations.

Recommendation:

Move that the City Council accept the list of donations below and the City Manager be authorized to use each donation in the manner specified by the donor.

Attachments:

1. Parks and Rec donation AB memo to council 2 3 2022
2. Attachment_Fiske

Background:

The City of Keene receives donations from many sources throughout the year that are brought forward to the City Council for acceptance with gratitude. Below is a listing of recent donations received by the City of Keene.

- The Keene Parks, Recreation and Facilities Department received a donation of \$25 from Michelle Zanga in appreciation of the work the Department does to maintain the trail system. She moved to Keene in part because of the trails and its connectivity to the downtown area.
- The Keene Public Library received a donation of \$5,000 from the Friends of the Keene Public Library to be used to fund interns for the Kingsbury Makerspace. The Friends of the Keene Public Library have provided funds for Makerspace interns since 2016.

These donations total \$5,025.00

City of Keene
New Hampshire

TO: Elizabeth A. Dragon, City Manager
THROUGH: Merri Howe, Finance Director
FROM: Andy Bohannon, Parks, Recreation & Facilities Director
SUBJECT: Donation



Recommendation:

Move that the City Manager recommend that the City Council accept as informational a donation of \$25.00 from Michelle Zanga and that the funds be used towards the trails system.

Background:

Ms. Zanga contacted the Recreation Center in appreciation for the great work that the City does to maintain the trail system. She recently moved to Keene in part because of the trails and the joy they bring for her ability to be outside and the connectivity to the downtown and other areas of the City.



January 27, 2022

TO: Merri Howe, Finance Director/Treasurer
FROM: Martine Fiske, Library Director
THROUGH: Elizabeth Dragon, City Manager
SUBJECT: Acceptance of Donations

Recommendation:

Move that the City Council accept a \$5,000 donation from the Friends of the Keene Public Library to fund Makerspace Interns.

Background:

The Friends of the Keene Public Library have a long history of supplementing the Library's operating budget. Since 2016, the Friends have provided funds for Makerspace interns to assist Library staff with designing and implementing programs in the Kingsbury Marketplace. The interns also help train community members who are seeking certification for machinery and equipment in the Makerspace. Our current intern, Chai Cotton, is a sophomore at Keene State College's Sustainable Product Design and Innovation Program.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: February 17, 2022
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: Ordinance O-2021-16-B: Relating to the Wearing of Face Coverings

Council Action:

In City Council February 17, 2022.

Voted with seven in favor and seven opposed and the Mayor breaking the tie with a vote in favor to rescind Ordinance O-2021-16-B.

Recommendation:

Attachments:

1. Ordinance O-2021-16-B_rescinded

Background:

Ordinance O-2021-16-B was adopted by the Keene City Council at its regular meeting on December 16, 2021. The Ordinance provides for its review every 60 days or at the discretion of the City Council. At the February 3, 2022 meeting, the Mayor requested that the Ordinance appear on the Council agenda and the Council voted to have the City Manager work within her authority to extend the educational outreach phase. Mayor Hansel has again requested that the Ordinance be placed on the Council agenda for February 17, 2022.



CITY OF KEENE

RESCINDED

Ordinance O-2021-16-B

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 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 interior 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 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 in a food service establishment.
- 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 interior 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 general public without charge, 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, non-membership fitness centers and 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 houses of worship, or any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein “face covering” means a covering in compliance with the recommendations by the Centers for Disease Control and Prevention that covers the nose, mouth, and surrounding areas of the lower face. 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, and any recommendations or requirements to the public. 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 denied entry to, and/or services provided by the business. In addition, any member of the public who declines to wear a face covering as required by 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 that may be 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 Pandemic that are more restrictive than as stated herein.
- l) This Ordinance shall be reviewed for termination every 60 days by the City Council, or sooner at the discretion of the City Council.
- 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

PASSED December 16, 2021
Effective December 20, 2021

RESCINDED February 17, 2022



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: February 17, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Pride – Request to Use City Property – September 11–18, 2022**

Council Action:

**In City Council February 17, 2022.
More time granted.**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the request from Keene Pride to Use City Property be placed on more time to allow protocol meetings to occur.

Attachments:

None

Background:

The Chair welcomed the applicant, Adam Toepfer of 411 Winchester Street. Mr. Toepfer stated that his group planned to bring a Pride Festival to Keene this year from September 11–18. This would involve decorating the downtown for the week and a block party on Sunday the 18th, for which they request to shut down parts of the downtown to traffic. The event would include booths, music, and food. Mr. Toepfer called it a wonderful family friendly event. They hoped that during the week there would be private events at downtown businesses. They hope the City would shut down what is necessary for the block party on Sunday, September 18. Chair Bosley asked if the applicant had started the process of having protocol meetings with the City yet. Mr. Toepfer said no, that was what he hoped to begin with this meeting.

Chair Bosley requested Staff comments from the Director of Public Works/ACM, Kürt Blomquist. Mr. Blomquist said that Staff had reviewed Mr. Toepfer's communication briefly and it was good to start hearing their plans. A protocol meeting with Staff had been scheduled already or would be soon; Mr. Blomquist anticipated it taking a few weeks to work through this new event with new organizers. Mr. Blomquist imagined this matter returning to the Committee in March potentially.

Councilor Jones noted that this would be the same time of year as the annual Music and International Food Festivals. He asked if the Director of Public Works could think of any potential conflicts. Mr. Blomquist replied that the Music Fest is typically Labor Day weekend, which would be before this proposed event. He thought the International Food Festival was in the September timeframe but said those details would be addressed in the protocol meetings. The International Food Festival usually

occurs at Parks & Recreation on Washington Street, so there is a chance they could occur concurrently.

Councilor Johnsen said it seemed this would be a wonderful event for our area. The Councilor referred to the event being “in a manner consistent with community event protocols” and asked whether there would be consideration of absorbing any additional costs of Police, Fire, etc. for the block party. The City Manager replied that the Council has a policy for submitting a request for funding an event, which talks about the organizers holding the event for two years successfully and then submitting a request for funding in the third year. The funding usually covers a portion of those fees the Councilor mentioned, and those fees go through the budget process each year; obviously, this would not be in time to follow that process. Chair Bosley followed-up, asking whether this was a situation where the license would come to the PLD Committee and the request for funds would go to the Finance, Organization, and Personnel Committee? The City Manager replied in the affirmative, stating that if it was a request outside the normal process, then the organizers would have to go directly to the FOP Committee to solicit their support in finding funds elsewhere in the budget. The Chair said that the PLD Committee had not seen that happen too often because some requests are divided amongst the Committees. Councilor Jones asked the City Manager to clarify that these are services provided and the City is not giving money to anyone; they are City services with a value placed on them. The City Manager replied that there are expenses that are paid on, so it is actually the bill that we would normally give an event organizer for the overtime cost of bringing in Staff on a weekend for services like removing blockades and other services above and beyond the normal budget. Councilor Jones wanted it to be clear that the City was not giving money to anyone.

Chair Bosley opened the floor to public comments.

Councilor Bettina Chadbourne shared the history of the Stonewall uprising on June 28, 1969 in Greenwich Village, New York City. The police were notorious for raiding and beating patrons of the Stonewall gay bar and on June 28, 1969, the patrons fought back in an effort to live openly and not be discriminated against. Other bars in the City began to participate and over a few weeks, the protests gained momentum across the country. One year later on June 28, 1970, the first gay pride marches were held in Chicago, New York, San Francisco, and more. From those events, many organizations developed to fight for gay and lesbian rights. In 2000, President Clinton declared June as Pride Month. In 2011, President Obama expanded that scope, making it Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Pride Month in the U.S. Because June has been Pride Month nationally for more than a decade, Councilor Chadbourne hoped the organizers and Council would consider holding this event in June versus September to be consistent with the rest of the country.

Chair Bosley asked Mr. Toepfer what the decision-making process was for September and whether June was considered. Mr. Toepfer replied that the organizers considered September, thinking that it would be a high time for tourism in NH and Keene. He is not opposed to having it in June but was sure that would restrict the extensive planning period for this year. Mr. Toepfer did counter that Keene would not be the only City in the nation to have pride events outside of June. Chair Bosley thought the organizers could hold an event in September this year, so the planning period is not restricted, and then consider holding the event in June in 2023 if it makes sense for the volume of people they hope to engage.

Councilor Jones thanked the organizers for bringing this forward and referred them to the City’s Human Rights Committee, which has a long history of supporting events in the City and navigating the government logistics. Mr. Toepfer said he intended to meet with them. Councilor Jones continued recommending meeting with the Monadnock Region Diversity, Equity, Inclusion, and Belonging Committee, which helped in creating the City’s Declaration of Inclusion; the Chairman is Dan Smith, CEO of the YMCA. Mr. Toepfer was appreciative for the advice. Chair Bosley hopes applicants leave

the PLD Committee with both homework and direction, and then City Staff will follow-up with them.

Chair Bosley recognized Councilor Randy Filiault from the public, who said he thought this was a wonderful idea and that the City should do everything possible to get behind it. He said that while these meetings are commonplace for the Councilors, it could be daunting for the applicants, whom he applauded for bringing this forward. He agreed with Councilor Jones on contacting the Human Rights Committee because they know how to circumvent the government logistics, which can also be daunting. It did not matter to Councilor Filiault what time of year the event occurs because no matter what, it would be a great way to demonstrate the City's Declaration of Inclusion as more than just a plaque on the wall. He intends to support the organizers 100% and hopes the Council and Staff do too. He hopes this whole process better educates the community.

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

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the request from Keene Pride to Use City Property be placed on more time to allow protocol meetings to occur.

City of Keene
New Hampshire

February 17, 2022

TO: File

FROM: Patricia A. Little, City Clerk

SUBJECT: MOTION OUT OF NON-PUBLIC SESSION – PURCHASE OF PROPERTY – 0 GILSUM ROAD (TMP #218 042 000), AND 0 WASHINGTON STREET (TMP #219 006 000)

At a regular meeting of the Keene City Council held on February 17, 2022, the following actions occurred after a non-public session pursuant to a land matter as authorized by RSA 91-A (II) d was conducted:

A motion was made by Councilor Powers and duly seconded by Councilor Bosley that the City Council authorize the City Manager, acting through her designee, and the Conservation Commission, acting through its Chairman, together to do all things necessary to purchase real property located at 0 Gilsum Road, tax map #218 042 000, for conservation purposes, and for a price to be paid from Project #90203, Conservation Land Use Tax, in an amount not to exceed the maximum bid amount authorized by the City Council. On showing of hands, with 12 Councilors voting in favor and Councilors Remy and Filiault opposed, the motion carried.

A motion was made by Councilor Powers and duly seconded by Councilor Bosley that the City Council authorize the City Manager, acting through her designee, and the Conservation Commission, acting through its Chairman, together to do all things necessary to purchase real property located at 0 Washington Street, tax map #219 006 000, for conservation purposes, and for a price to be paid from Project #90203, Conservation Land Use Tax, in an amount not to exceed the maximum bid amount authorized by the City Council. On showing of hands, with 11 Councilors voting in favor and Councilors Powers, Remy and Filiault opposed, the motion carried.

Attest:



City Clerk