



City of Keene, N.H.
Transmittal Form

December 11, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.1.

SUBJECT: Paul Krautmann – Request for Reserved Parking Spaces – East Side of Central Square

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee accepted the letter from Paul Krautman as informational.

BACKGROUND:

Mr. Krautman, of 258 Court St., introduced himself. He thanked the committee for serving him and the citizens of Keene. He continued that he represents the Keene Peace Vigil, which has been advocating for peace for 17 years, Saturday mornings at Central Square. They request five parking spots from 10:45 AM until 12:15 PM be reserved for them. It would be about \$1.30 per slot and they would be willing to pay for those and any signage. Some members are getting old, and it would be very nice to have those spots reserved during the time they need. Sometimes they would not use all five but would still pay for them.

Chair Richards asked to hear from staff. Med Kopczynski, Economic Development Director, stated that he is very much for peace. He continued that the Parking program is designed to move vehicles on a regular basis and provide access to businesses on Main Street. There is no way in the ordinance to reserve spaces. It is probably not something the City Council wants to entertain in the long run, because more people would make such requests and there would be fewer opportunities to move vehicles and people would not be able to park in front of businesses, and that is the prime function of the parking function.

Chair Richards asked if there are questions from the committee or public.

Jeff Scott, of Chesterfield, stated that he is a veteran twice over – he was in Vietnam one year, and has been [at the Peace Vigil in] Central Square for 17 years. He continued that the issue of moving vehicles is very important but very often they stand on the Square on Saturdays and see that there are employees that use those spaces all day. The Peace Vigil people would only be in those parking spaces for one and a half hours on Saturdays. There should be an exception made for reserving these parking spaces. Keene should be known as a City of peace. The City Council can think of this as a “peace dividend,” for the City of Keene.

Terry Clark, Councilor, stated that he wants staff to explain the difference between the Peace Vigil’s request and a request to reserve spaces for special events downtown, which the City does all the time. Mr. Kopczynski replied that the description he gave is from the parking ordinance. He continued that the ordinance talks about where there are limitations for parking – no parking areas, parking for two hours, parking for three hours, places with the ability to “bag a meter” for something like a funeral, and so on and so forth, and there is a whole body of ordinance language related to that. The purpose of the Parking program is to move vehicles on a regular basis to provide opportunity for those patrons of downtown businesses. Most people agree that is best for the

health of downtown. Special events are different. They are under the purview of the City Council with the special events process. It means creating a particular time and place to have the event, and the City Council blocks off a certain amount of parking. It is through the City Council's license and permit process.

Jim Smart, citizen of Keene, in Ward 5, stated that he realizes this is a highly unusual request. He continued that we are living in unusual times. If the Army came and made such a request [for reserved parking] he suspects it would be listened to with a good bit of sympathy, because we are in a military-state kind of world now where the majority of the budget is devoted to the military. The citizens here, every Saturday, come to the Square and have for 17 years, to try and emphasize that there is another way. It has to be done on the local level. It cannot be done in Concord or in Washington. Politics happen in small towns like Keene. That is how one sends a message. They are asking to send a message of peace. He supports having the spaces reserved. It may create some disturbance, he knows, and it is an exception, but they are talking war versus peace and this is a small voice of peace. He recommends acceptance of this proposal.

Joe Mirzoeff, of 641 Park Ave., stated that every local government employee has a free parking space – for example, staff from the Library, Fire, and Police departments. He continued that the City employees have free, reserved parking spaces, which means that even if they are not in their spaces, no one else can use them. This is a small request of only 90 minutes per week and should be accommodated for its purpose.

Jeff Scott stated that they just heard that the goal of moving vehicles, they just heard that that is not working. The vehicles are not moving. He asked if the Peace Vigil can be considered a special event. He asked what the process is to go through to make this a legal special event to get the parking reserved, and who the group can talk with about that.

Chair Richards asked for Mr. Kopczynski to speak. Mr. Kopczynski stated that special events are ones that are declared by the City Council. He continued that they are normally evaluated by the budgetary process, and there is normally an examination of the impact of the event. Meetings would take place with staff to evaluate the impact. He is not aware of any special events that continue. They all have a specific date and range. An example is the Pumpkin Festival. Special events are ones that occur in a specific place and at a specific time, and the City Council votes to designate them as special events.

Chair Richards stated that perhaps the way to approach this is the special events process. He continued that it could perhaps be similar to the farmer's market, which he thinks is an ongoing event that the City Council approves.

Elizabeth Dragon, City Manager, stated that she thinks Chair Richards is referring to a community event. She continued that that would be a different process for them to go through. What Mr. Kopczynski is saying is special events are typically for a day or two or a weekend, and this would be different, but the Peace Vigil group could pursue this under the community event process.

Mr. Kopczynski stated that the only event he is aware of that is ongoing is the farmer's market. The City Manager replied that that is through a license and there is an annual protocol process for that.

Chair Richards stated that the reserved parking is for community events or special events, and is almost always for a limited time frame, or people have a license, and in either case the petitioner met with staff ahead of time and got approval. That is what the City does every time before they allow restricted parking.

Rhett Lamb, Community Development Director, stated that the only exception would be the "bag a meter" parking Mr. Kopczynski referred to for things like funerals, which does not require a separate license or approval by City Council but is allowed through that section of the code.

Chair Richards stated that what he is getting at is: Central Square can be used at any time for any kind of

demonstration, by anyone. But it does not really fall under any of these categories. And for parking it really should. The City Council could get requests all the time, from people doing events at the Square and wanting parking spots.

Mr. Lamb stated that the Peace Vigil event does not need a license because it is a protected free speech activity on Central Square, which is an open forum location. He continued that maybe the request for parking could be handled through an application for a license. The license would be for parking, not for the event itself, as opposed to the way it is with the farmer's market, which is a licensed activity that has parking associated with it.

Kürt Blomquist, Public Works Director, stated that community events like the farmer's market are licensed. He continued that if the approach were for the Keene Peace Vigil to become a licensed event they would be a recognized organization and part of the licensing process could include parking. If this were the case, the Peace Vigil would also have to provide insurance, indemnification, all those things associated with hosting an event. Currently this is a First Amendment free speech event, a gathering on a Saturday morning of people expressing their thoughts, not a group that wants a license to take control of Central Square. With that comes all the other parts. The group could apply for a license but there would be a lot of other things they would have to provide and he is not sure the group is capable of that.

Councilor Jones replied yes, but he thinks it is more like the wedding and funeral thing. He continued that the Peace Vigil already has the right to have their event. So that is what he thinks they should be looking at. He wants more details on how to handle that. He asked staff, what are the requirements for handling it when a church or funeral home requests reserved parking?

Mr. Kopczynski read from the city code, Section 94-154 of Article III. -

Notwithstanding other sections of this chapter, parking spaces may be permitted on a daily basis for funerals or weddings, for special drives or events, and for construction or remodeling in which the work being accomplished necessitates work vehicles to be placed adjacent to where the construction is taking place and there is no other proximate area to locate the vehicle or vehicles. The decision of the city manager or parking services shall be final with respect to granting such parking space permits.

He stated that the present ordinance does not really contemplate this request from the Peace Vigil.

Councilor Jones replied that Mr. Kopczynski is right. He asked if putting something into the ordinance to allow the Peace Vigil's request would open up a whole new can of worms. He continued, what if a hate group comes and wants to rent parking spaces? They would say they have the right to do that, since the City Council allowed it for a different group. Mr. Kopczynski replied yes, the City Council could go down a road they do not want to go down. Other groups could request the same thing. Councilor Jones asked if it could be worded in a way that prevents the other things from happening. Mr. Kopczynski replied that they could ask the City Attorney when he is back, but he, personally, does not see how they could write it in a way that allows certain groups and not others.

Councilor O'Connor asked how they would enforce the five parking spaces being reserved for the Peace Vigil people and not taken by others. Mr. Kopczynski replied that for an event like a wedding, the City has bags that go over meters, indicating that those spots are reserved. He continued that Parking staff is aware of which are reserved. They have times when they need to have free parking in downtown. Parking Services staff place bags over the meters to signify that the meters are "free."

Councilor O'Connor asked if Parking Services would issue a summons if the spot was taken by someone else. Mr. Kopczynski replied that Parking Services is not part of the Police Department. He continued that staff would not know if the vehicle parked in a reserved spot was actually an allowed vehicle, unless the spot is registered for a specific vehicle, which is a step the City does not take. For construction vehicles they have

placards for people to put in the window. But otherwise staff would not know. Councilor O'Connor replied that it sounds like there are some complications here that maybe the City Attorney really needs to address.

Councilor Jones stated that years ago, the City used to give free parking to the local church bazaar, about two weeks before Christmas. It was an event with all of the local churches downtown. They do not do that anymore. He asked what part of the ordinance that fell under. Mr. Kopczynski replied that he does not remember that. He continued that there is complimentary parking that takes place from December 18 to 25 based on City ordinance. That could be what Councilor Jones is thinking of. Councilor Jones replied no, it was a one-day event. Mr. Kopczynski replied that he does not know but it is not in the ordinance now.

Councilor Hansel stated that he does not see how the committee could approve this, as just a letter requesting the spaces. He continued that any organization or business should be treated with the same criteria. This seems outside of what they want to do with the Parking program. If the Peace Vigil wants to go through a different process that is a possibility but he does not think the committee can approve this tonight.

Chair Richards replied that he agrees. He continued that if the City Council says "yes" to this request now, they would have to say "yes" in the future to other requests, and they would be setting a precedent. He thinks the Peace Vigil members should meet with City staff to see if there is a process to go through if a precedent has already been set. Yes, he knows people sit in the same parking spots and do not move enough; they have been dealing with that for years. The City Council does support peace. But the whole nature of downtown is moving parking spaces, so he would say no to the free parking in December. He would not say yes to the (hypothetical) request from the Army or cut them a break, either, but if the Federal government made such a request they might have to comply with it. Keene supports peace, and he agrees that the country is getting too militarized. But the parking spots are designed for the flow of the downtown area. The City has processes in place for special events or community events and he suggests the Peace Vigil members schedule a meeting with the City Manager to discuss the definition of those and how they might fit. Then the committee can discuss this again.

Mr. Scott stated that what he can envision for parking signs for the Peace Vigil is like what the farmer's market has – two signs, with two arrows, reserving five spots. He continued that Parking staff could enforce it because everyone parking for the Peace Vigil would have a "stop war" bumper sticker. Regarding only allowing the reserved parking for weddings and funerals, he says, the Peace Vigil wants to "bury war and wed peace."

Chair Richards stated that they still need to have a structure in place. He continued that like Councilor Jones said, other groups or events that the City Council did not want to approve could come asking for reserved parking spaces. The City Council cannot pick or choose who gets better or worse treatment.

Councilor Jones stated that at the moment the PLD Committee does not have anything behind them to approve this. He continued that he thinks it is the committee's job to deny this, based on the way the Parking ordinance is written now. However, he thinks they should give the group an opportunity to meet with staff and see if this can be restructured as a community event, or talk about the parking ordinance, and then it can come back to the committee with another letter. He recommends they deny tonight's request but not let the group think this is gone.

Chair Richards agreed.

Councilor Hansel made the following motion, which was seconded by Chair Richards.

On a vote of 4-0, the Planning, Licenses, and Development Committee accepted the letter from Paul Krautman as informational.



City of Keene, N.H.
Transmittal Form

December 11, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.2.

SUBJECT: Year Round Lighting Decorations - Keene Kiwanis Club

RECOMMENDATION:

On a vote of 4 to 0, the Planning, Licenses, and Development Committee recommended the Keene Kiwanis Club be authorized to maintain decorative lighting on the City-owned light poles on Main Street for a year and that the City Manager be authorized to negotiate and execute an agreement with the Keene Kiwanis for the maintenance and operations of the lights.

BACKGROUND:

Elizabeth Sayre, of 290 Main Street, present with Mr. Blomquist, stated that she is here representing the Keene Kiwanis Club and the Tree Lighting Event.

Mr. Blomquist stated that when the Kiwanis Club came to the PLD Committee requesting a license for their tree lighting event they inquired whether the City Council was interested in maintaining lights year-round downtown. He continued that each year the Kiwanis Club places the lights on the poles. Several months ago, staff was before the PLD Committee to inquire if the City Council was interested in allowing the lights to be up throughout the year. The PLD Committee placed it on more time to give the Kiwanis Club members and City staff more time to work out that experiment. City staff and Kiwanis Club members sat down and drafted guidelines for the next year. For now the lights would belong to the Kiwanis Club and Public Works Department (PWD) staff would be working with them, on issues such as how to handle complaints or the lights were not working right. If the City Council wants to move forward with this, staff and the Kiwanis Club would finalize the guidelines/operating agreement with The City Manager's Office and put that in place for next year. Lighting is sometimes one of those things that some people like and others do not. The PWD traditionally gets people asking why the lights are not taken down right after the holidays are over. They do not know what people will think about having these lights up year-round.

Mr. Blomquist continued that what would happen is a year from now when the Kiwanis Club comes back here for the license request they would be approaching the City Council to ask them to permanently take over the lights. The electricity costs are minor, since the lights are LED; the issue is more about the maintenance – keeping the lights running, responding to calls, and so on and so forth. There is a recommended motion in front of the committee now.

Ms. Sayre stated that she does know that there are people asking when the Christmas tree is coming down. She continued that the lights on Main Street go up when the tree goes up. Every merchant that supported the tree lighting event this year said that they hope the lights stay up. Coincidentally, today she saw that one of the street lights is out at a cross walk but she could see the silhouette of a person waiting to cross, because of the decorative lights the person was standing in front of. The President of Keene State College (KSC) has

approached Mr. Blomquist and the Kiwanis Club and has generously donated the lights for the four poles at the end of lower Main Street, which Councilor Hansel had asked about when the Kiwanis Club first came to the PLD Committee with their request. Those were installed today and they look spectacular. The Kiwanis Club has another string of lights to go up on the pole she mentioned, when it is replaced. Someone had an accident and took out the pole, right after the lights went up. The lights are commercial-grade and good for 50,000 hours. That would be 9 years and 7.85 months before they needed replacement, if they only were on 14 hours a day, or 5.7 years if they were kept on 24/7. That should help with maintenance costs. The Kiwanis Club would be interested in donating the lights to the City if the City is interested. She has heard from some members of law enforcement who think having more light on Main Street is a benefit. She hopes the PLD Committee approves this trial period. The Kiwanis Club members and City staff have established a protocol for what to do if there are issues.

Chair Richards stated that in the past the issue was the lights failed and were not being monitored. Mr. Blomquist replied yes, they have been through this several times, such as the Millennial Light Program under former Mayor Pat Russell. He continued that the problem has been not budgeting for the maintenance, so when lights failed there were not funds to replace them. If the City Council considers this they would need to be aware that appropriations would be needed for maintenance. These are at lower risk because they will not be in trees, like with the Millennial Light Program, and less maintenance would be needed, but the City would need to commit to long term maintenance.

Chair Richards stated that he thinks it is worth trying because it creates a more vibrant downtown.

Councilor Jones stated that this connection with the poles in front of the college, it says something. He continued that the Mayor has been wanting that connection on Main Street for a long time. The new zoning initiative is trying to make that connection, as is the College City Commission. This is a visible connection, and he thanks them for it. He is all for the one year trial and he looks forward to it.

Chair Richards asked to hear from the public.

Peg Bruce, of 15L Windsor Court, member of the Keene Kiwanis Club, stated the lights are commercial-grade, and each light is molded on, so you cannot replace the lightbulbs, but that also protects them from corrosion and rain. They covered the outlet parts with electrical tape to prevent people from plugging into the lights. They also created the email account keenekiwanislights@gmail.com for anyone to email them with issues, and she and Ms. Sayre will respond to those emails. They attached the lights with zip ties, after learning in the past that electrical tape kept coming undone. They should be sturdier now. These LED lights, when they older, start dimming. People might notice that before the end of the time frame that Ms. Sayre gave but the lights will last a long time.

Ms. Sayre stated that there are four zip ties holding the lights on each pole. If the lights will be up long-term they would use metal clamps, and they do have them in black, like the ones on the boxes on the poles.

Chair Richards asked if there was any more public comment. Hearing none, he asked for a motion.

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

On a vote of 4 to 0, the Planning, Licenses, and Development Committee recommended the Keene Kiwanis Club be authorized to maintain decorative lighting on the City-owned light poles on Main Street for a year and that the City Manager be authorized to negotiate and execute an agreement with the Keene Kiwanis for the maintenance and operations of the lights.



City of Keene, N.H.
Transmittal Form

December 11, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.3.

SUBJECT: Keene Solarize Campaign – Energy and Climate Committee

RECOMMENDATION:

On a vote of 4 to 0, the Planning, Licenses, and Development Committee recommended the City Council endorse the Keene Solarize Campaign.

BACKGROUND:

Dr. Ann Shedd, of 59 Greenwood Avenue, Chair of the Energy and Climate Committee (ECC), stated that she hopes there was enough information in the agenda packet about what Keene Solarize is. She continued that to speak to the ECC's support for the City partnering with the campaign, the ECC's mission statement includes the task of "promoting energy conservation and efficiency, and the use and production of renewable energy." The City's January 2019 100% renewable energy resolution certainly needs much action to achieve the goal of having 100% renewable electricity in ten years. Keene Solarize has the opportunity to contribute significantly to these goals. To give one the idea of the scale of the potential impact: over a three-year period in the Upper Valley, a series of Solarize campaigns were conducted in 24 towns, and during those three years there were 370 new residential solar installations, totaling 2.2 megawatts. To give some context: until a couple of Keene's large installations, like 350 Marlboro Street and some of the commercial installations, that exceeded Keene's total solar capacity. Now Keene has the Upper Valley beat. Solarize Kearsarge has run two campaigns, each adding about 40 residential installations, and this year the first Solarize Monadnock was conducted in Peterborough, Fitzwilliam, Sharon, Hancock, and Rindge, and resulted in about 40 residential installations. Records from communities around the country that have done Solarize campaigns suggest that in addition to what can be attributed directly to the campaigns, the public outreach and education also results in a bump in the number of installations done by other installers. Currently Keene has about 70-100 residential solar installations. Based on outcomes from past campaigns, particularly in NH, it is not unreasonable to expect Keene might double that number. This could contribute to the city's long term resilience, which is called for in the Climate Adaptation Plan, the sustainability emphasis in the Comprehensive Master Plan. As storage with small scale batteries becomes increasingly affordable they could see citizens with solar systems getting through extreme weather events much more readily. For example, in California this fall when they were having the public safety power stoppages, to decrease the risk of wildfires, homes with solar systems could keep functioning and help their neighbors get through the power outages.

Dr. Shedd continued that among the advantages for the City, of affiliating with Solarize Keene, the primary one is that the City would get credit without having to do any work or expend any moneys. In-kind donations of space, and promotion on the City's website, would benefit the outreach in the campaign. The campaign includes significant public outreach and education around not only the benefits of solar, how to access solar, and how to finance it, but will definitely be emphasizing the benefits of energy efficiency as well. The ECC knows that ideally they would have done the weatherize campaign first and then gone to Solarize, but the reality,

discovered by other communities that have done both simultaneously, is that more people sign up for solar than weatherization. This is the first year that the Federal tax credits for solar are starting to taper off. Those are scheduled to expire entirely in 2022. So there is a little extra incentive to do solar this year.

Dr. Shedd continued that in regards to how other municipalities have affiliated with Solarize campaigns, there are a couple examples: in Nashua, in 2018 there was a combination weatherize/solarize campaign run by the city and its equivalent to Keene's ECC. The Solarize Hanover campaign is being promoted on the Town's website. Portsmouth's City Council in 2017 adopted a resolution during the solarize/weatherize campaign. She read a portion of it, as an example of how cities have supported a solarize campaign: "Now be it resolved that the City of Portsmouth hereby supports the Energize 360 Seacoast NH program and any other similar organizations that encourage its residents to investigate how this program could help them take control of their energy future. Be it further resolved that the City will request appropriate personnel to assist Energize 360 program officials and city residents in navigating any City codes, ordinances, and permitting that will apply to building improvements made under this campaign."

She continued that when the ECC discussed supporting this staff advised them that they did not have to wordsmith whether they were asking the City Council to "participate," "support," "endorse," or so on and so forth. City staff could determine the wording. There is an installer selection team that is part of the volunteer team working on Solarize Monadnock. A request for proposals went out this Monday to a number of potentially interested partner installers and those proposals will be due back January 10, 2020. A few weeks later the team will be reviewing the proposals and interviewing people who applied and making a decision on who the installers will be. The target is March 4 for a kick off in Keene. All City Councilors are invited, and she hopes to see them there - there are no Council meetings that night.

Chair Richards stated that this is a great idea. He asked if Dr. Shedd could simplify it for him: is it correct to say that Solarize is a consortium of people to do solar installations, and increase public awareness, and that building the consortium will reduce prices, make people aware that the potential is out there, and inform people of the Federal credits they can still get, in order to get as much solar as possible in the city?

Dr. Shedd replied yes, with one correction. She continued that the model they are working with is a proven model that was formalized through the Upper Valley campaigns, which had a diligent, paid staff member who created an online tool kit for how to run a Solarize campaign. Any resident will have the choice of getting estimates and proposals from any installers they want. But part of what makes this process more streamlined for consumers is there has been a vetting process by the team to select a partner installer. There is a provision in the RFP that if smaller installers want to team up, they can do that, but to simplify matters there is one point of contact. It would be like subcontracting to other installers.

Chair Richards replied that it sounds awesome. He continued that the more solar panels there are the better.

Councilor Jones thanked Dr. Shedd. He continued that he knows she likes to see policies implemented, not just put on a paper. He has ideas for some more tools to consider adding to the campaign. A couple months ago the City adopted an ordinance saying that adding solar will not add to a home's assessed value. It will add to home's market value if you are selling your house, but not the assessed value, because it will not add to your taxes.

Dr. Shedd replied yes, the Renewable Energy Property Tax Exemption has been in place for a couple years, but this year the City removed the cap on that, which is good for the bigger installations. Most residential installations will be 3 to 8 kilowatts.

Councilor Jones asked if it is correct that there are rebates available from Eversource. Dr. Shedd replied yes, from the PUC. She continued that there is a finite reservoir of money for that every year, so not everyone who installs residential solar necessarily gets that rebate, but that is an issue at the Concord level.

Councilor Jones stated that he thinks right now they are at 40% they can sell back. He thinks that is the lowest in the nation. Dr. Shedd replied that it is an ever-changing landscape. Councilor Jones replied that he hopes there is a chance of that increasing.

Councilor Hansel asked if there is an opportunity to educate these new installers about the Renewable Energy Certificates (RECs) they would be generating, and he asked if part of the campaign is going to be consolidating and selling the RECs to an aggregator. Dr. Shedd replied that she does not think there has been a Solarize campaign that has aggregated the REC sales. That would be interesting to explore. Councilor Hansel replied that all of the RECs generated could just get swept up by Eversource, if people are not educated about that.

Dr. Shedd stated that she wanted to clarify one thing. She continued that there was a nice article about this topic in the Keene Sentinel on Monday. It was accurate in many ways but it made it seem like the ECC was going to be running the campaign. The ECC has its hands full helping with the development of the renewable energy plan by December 2020. A couple members of the ECC have volunteered to be on a non-governmental, ad hoc committee that will only exist to run the Solarize campaign. It is getting support from the Monadnock Energy Hub, which has a fiscal sponsor of the Monadnock Sustainability Network, which is a 501c3. In early 2020 they will be rebranding as the Monadnock Energy and Sustainability Hub (MESH).

Nancy Westrate, of 27 Gates Street, stated that she is a member of the Solarize Monadnock 2020 campaign. She continued that she is here to support the idea of the partnership with the City. She hopes they can help each other obtain the goals.

Chair Richards stated that their recommended motion tonight is to “endorse” this, and to him that sounds a little “light.” He asked if the Solarize groups have gotten together with anyone from the City’s IT Department to talk about putting the information on the City’s website. He continued that that is what needs to happen.

The City Manager replied no. She continued that the first step is to find out if the City Council wants to endorse the Solarize campaign, and then they would talk about marketing.

Chair Richards stated that they have heard a lot of information all at once tonight, which can be a lot for the people watching from home. He continued that a lot of information should be put onto the City’s website. The City should do everything they can. Solar panels reduce pollution and are the way of the future and the way to go. This should be on the front page of the City’s website so people have all the information they need.

Chair Richards asked for further comments from the public or committee. Hearing none, he asked for a motion.

Councilor O'Connor made the following motion, which was seconded by Councilor Hansel.

On a vote of 4 to 0, the Planning, Licenses, and Development Committee recommended the City Council endorse the Keene Solarize Campaign.



City of Keene, N.H.
Transmittal Form

December 11, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: H.2.

SUBJECT: Relating to Small Wireless Facility Deployments in the Public Right-of-Way Ordinance O-2019-18

RECOMMENDATION:

On a vote of 4 to 0, the Planning, Licenses, and Development Committee placed this item on more time.

BACKGROUND:

Kürt Blomquist, Public Works Director, and Mari Brunner, Planner, stated that they are requesting to put this on more time again, so staff can look into an issue recently brought to their attention by someone in the industry. There has been a draft out for about a month now. Staff has heard feedback from people about that, including from the industry itself. They brought something to staff's attention that they need to look into more. There is a provision in State law that they need to understand better. They would bring a revised draft of the ordinance to the committee.

Chair Richards replied he knows this issue is complex. The committee will entertain public opinion but they will probably put this on more time and it would probably come back the second week of January if they can work out the legal issues. If anyone from the public has something to add or something to discuss, they should feel free. But it is no use getting into the weeds now because this is going to come up again.

Len Weldon of Lincoln Street stated that he is concerned about 5G technology and has handouts for the committee tonight.

Chair Richards asked that Mr. Weldon give the handouts to staff. He continued that the handouts will then be put into packets for the next PLD Committee meeting. That way, committee members will have time to review it. It is difficult to discuss materials they have just received.

Mr. Weldon gave the handouts to staff. He stated that he is not in favor of 5G technology because it has not had enough scientific research to prove that it is a good thing to do. He continued that he encourages people to look at the information on the Environmental Health Trust website. That is a non-profit organization and no money is given to it by the industry. He is really concerned that so much of this is being sold to young people, and that babies have wi-fi systems to entertain them. Some research shows that wi-fi in higher frequencies travel right to the brain. The World Health Organization says [radiofrequency radiation] is a class 2B potential carcinogen, just like jet fuel and DDT. Most people have 4G technology in their phones. When you put a phone on 'airplane mode' it cannot hurt you. It is not looking for signals and jumping. Phones receive and send signals. To go from 4G, which is about 700 megahertz to 1200 megahertz, to 5G, you will get up to about 5 gigahertz. When your waves go more quickly they do not have as much distance that they can go, so lots of positions of hardware are necessary to make all this work. There is research showing that if you live close to a

cell antenna now you will find cancer markers in your blood. Mr. Weldon continued that he is asking that this be looked at more, so they have good science.

Councilor Clark stated that it is wonderful that the recommendation is to put this on more time because that is what he was going to ask the committee to do. He continued that most of the comments that they will get from the public are going to be about the health effects of 5G. Unfortunately, the Federal Communications Commission (FCC) regulations do not give them a lot of room to talk about that, regarding this petition to approve licenses. Many people do not know that NH just created a commission, through HB 522, signed by the Governor in July, with almost unanimous consent in the House and Senate. The commission is tasked “to study the environment and health effects of evolving 5G technology; and asking why is the FCC ignoring thousands of peer reviewed studies, including a recent published, 16-year, \$30-million, US Toxicology Program study, that are showing a wide range of statistically significant DNA damage, brain and heart tumors, infertility, and so many other ailments; and why are the FCC-sanctioned guidelines for public exposure to wireless radiation based only on the thermal effects and not the non-thermal effects?”

Councilor Clark continued that the State of NH created this commission and these are their words, not his. Their report will probably not be out until next September. Thus, he thinks the City Council should put this more time until they get to read that report. He has a method here, through FCC rules, where they can do that, he believes. He wants the opportunity to talk to The City Attorney and the PLD Committee about this. They should expect a lot more discussion on this.

Mr. Weldon stated that the head of the FCC is Tom Wheeler, who worked for the telecommunications industry before. He continued that the FCC has lots of telecommunications folks. People want to say the thermal studies are the ones to look at with accurate readings for what damage can occur, and those studies say you cannot get hurt from phones. But it is the non-thermal effects that affect everything, like Councilor Clark says. There is an organization called the [International Commission] On Non-Ionizing Radiation Protection, and their information is in the handouts. That organization is loaded with people from the telecommunications industries. Mr. Weldon continued that he is not a Luddite. He wants good communications for all, but he thinks this needs more study.

Councilor Jones asked staff if other communities are acting on this. Mr. Lamb replied yes. There is a collaboration of communities right now, from which he has asked for legal assistance from, to prepare model ordinances, and discuss how communities can prepare for the deployment of small cell facilities for 4G or 5G in the right-of-way. He continued that with respect to the health issues, municipalities have taken the position that the FCC, like it has done since 1996's Federal Telecommunications Act, has precluded the authority of municipalities to regulate these things based on health-related topics. They have not seen any communities take up the question with respect to the health effects of 5G at this point.

Councilor Hansel made the following motion, which was seconded by Councilor O'Connor.

On a vote of 4 to 0, the Planning, Licenses, and Development Committee placed this item on more time.

Councilor Jacobs asked whether the City would need to come up with any funds for this item. Ms. Bray stated the Kitchen has to come up with 25% of the grant in cash and added they are looking at many sources for these funds.

Councilor Jacobs made the following motion, which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends to endorse the proposed application CDBG Funds for the Community Kitchen.