



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
September 16, 2021  
7:00 PM

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM PRECEDING MEETING**

- September 16, 2021

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Presentation - Retirement Resolution - Bill Byrne
2. Presentation - Keene's 2021 Property Revaluation

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

1. Ward Three Council Vacancy
  - Bryan Lake

**C. COMMUNICATIONS**

1. Elm City Rotary Club - Amendments to Clarence DeMar Marathon Event License
2. Councilor Filiault - Charter Amendment Related to Municipal Primary

**D. REPORTS - COUNCIL COMMITTEES**

1. John & Louis Hilow – Flooding at 36 Wetmore Street
2. Renaming of the North Bridge – Recommendations from the Bicycle & Pedestrian Path Advisory Committee
3. Acceptance of Federal Forfeiture Monies – Police Chief

4. NH DOT Highway Safety Grant; Grant # 22-095 – Police Chief
5. Engineering Services - 1.5 Million Gallon Storage Tank Repair Project – Public Works Director
6. Engineering Services – Sludge Pump Replacement Project – Public Works Operations Manager

**E. CITY MANAGER COMMENTS**

**F. REPORTS - CITY OFFICERS AND DEPARTMENTS**

1. Acceptance of Donations - Several Departments

**G. REPORTS - BOARDS AND COMMISSIONS**

1. Joint Committee Recommendation on Ordinance O-2021-12A Related to Amendments to the City of Keene Land Development Code

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

**K. RESOLUTIONS**

1. **Relating to FY22 Fiscal Policies**
  - **Resolution R-2021-37**
  
2. **Relating to the Appropriation of Funds from the Solid Waste Fund Unassigned Fund Balance for the Repair of the Transfer Station from Fire Damage and Upgraded Fire Protection**
  - **Resolution R-2021-39**

**NON PUBLIC SESSION**

**ADJOURNMENT**

09/02/2021

A regular meeting of the Keene City Council was held on Thursday, September 2, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Kate M. Bosley, and Thomas F. Powers. Mitchell H. Greenwald arrived at 7:03 PM. Ward Three Council seat vacant. Councilor Chadbourne led the Pledge of Allegiance.

#### ANNOUNCEMENTS

There will be a Council workshop regarding Strategic Budgeting on Tuesday, September 14 at 6:00 PM in Council Chambers.

The filing period has begun for the elected offices on the Municipal Ballot. This will continue until Tuesday, September 7, 2021. It is a \$2.00 filing fee for all offices excluding the Mayoral race, which is \$5.00.

The filing period also has begun for the remaining term for the vacancy position of the Ward Three City Council. This filing should be done at the same time as the two-year filing for Ward Three. This is also a \$2.00 filing fee.

There were two items inadvertently included in this meeting's agenda packet that were acted upon at the last Council meeting and the Council will not be acting on items A1 and D1. Two items also did not make it on the agenda from the August 25 MSFI meeting, which will be taken-up at the next City Council meeting on September 16.

#### MINUTES

A motion by Councilor Powers to adopt the minutes of the August 19, 2021 meeting was duly seconded by Councilor Bosley. On a unanimous show of hands, the motion passed unanimously with 14 Councilors present and voting. Ward Three Council seat vacant.

#### PRESENTATION – DIGITAL MARKETING

Mayor Hansel welcomed IT Director/Assistant City Manager, Rebecca Landry, and Zach Luce from Paragon Digital Marketing. The IT Director said that Councilor Greenwald, among others, had been asking about the City's marketing efforts and that she was present this evening to review a recent digital marketing project of the City's before talking about future goals.

Ms. Landry said that in February, March, and April 2021, the City worked with Paragon Digital Marketing and Mr. Luce's team on a digital marketing project. She said there was a summary report delivered to the City that summarizes all the results. The objectives of the project were to introduce the City to potential new residents as they either consider places to live, consider moving their families, or to potentially start a business or move a business, which she said was exactly what Paragon did several years ago. Another objective was to deliver information to visitors about the benefits, attractions, and quality of life that we all know and enjoy. The final objective was to share key information for the consideration of potential residents or businesses consideration, so they know everything that the City has to offer.

The IT Director continued explaining the approach to digital advertising, which was targeted to different visitors who are considered in the market, meaning people who are currently in a large metro area, looking to move, and who show signs of interest in New England in general. The campaign used two main platforms: Facebook and Google. There are many other platforms available, but this is where staff decided to focus the temporary campaign. She said this was just a three month, first ever digital marketing effort and the goal was to see what would happen by just using the Facebook and Google search platforms. Users were targeted based on their geographic locations in the northeast and priority was given to New York City in Boston Metro regions. Behaviors were also targeted, focusing on individuals who were thinking about relocating, thinking about career changes, or thinking about options for living in New Hampshire and New England.

The ads ran from February 9—April 20, 2021. The IT Director referred to the project budget, stating that most funds were spent on advertising. The search ads were placed on Google search results when users were looking specifically for information about living in New Hampshire. Overall, the Facebook and Google advertising reached 1.5 million individuals with nearly 8 million ad impressions. On average, one user would have seen an ad 5.5 times during that three-month period. Nearly 40,000 visitors were brought to the Discover Keene web page (<https://discoverkeeneh.com>) that was created as a landing page, which says the most important things to know about Keene for those interested enough to navigate there. Facebook made significant impressions on 6.7 million people and Google made impressions on 847,000. The highest cost per visitor on these Google search results was \$2.10. The top searches all focused heavily on the best places to live. Therefore, when people search for the best place to live in New Hampshire, they search for cities in New Hampshire, or they search for living in New Hampshire then Keene's ads were popping up. The list of query ads were extensive and mostly covered topics including where to live, and the best communities in New Hampshire. There were three types of display ads used to target the various stages of interest. There was customer intent, which is people whose browsing behavior show signs of moving. There was also remarketing to previous site visitors, and offering ads to download the additional guide to Keene. The ads stating that Keene is one of the most unique and beautiful towns in New England performed the best. There were other ads regarding "make your move", "call Keene your home", and "small City with big hearted community". All performance results gathered on Facebook had two primary audiences: house hunting parents and small business owners/sole proprietors. There were 549,000 impressions and 287,000 with home shopping parents and with small business owners there were about 300,000 impressions and 184,000 reached.

The IT Director continued presenting further results. Fifty percent of all visitors scrolled two thirds of the page length, which made Staff very happy because they want to see that people are interested enough to scroll down and read more resources. On Keene's local resources page, the most activity resulted from the following sections: business, schools, real estate, City, and entertainment. Colleges, employment, and childcare also saw some activity. Google Analytics also helped to determine what services the visitors are in the market for, which helps us to define if the visitors coming from the ads are truly considering a move. From the list of topics, the IT Director said there were solid signals that the ads served our intended audiences, which included

real estate, employment, education/schools. People targeted by our ads were also interested in things like home and garden, real estate, auto and vehicles, and apparel and accessories. She said this is very interesting information. She displayed a detailed view of more categories, demonstrating again that we presented ads and captured visitors at the right stage of their life events, from which we can deduce that visitors are in a state of flux and potentially looking for what comes next, such as job changes, moving, and education. Finally, the IT Director discussed audience insights affinity, for which analytics were used to learn and gather general topics that this audience has an affinity towards; these are the other interests they are browsing online that are important to them. Understanding these affinities can help us build future campaign messaging by serving timely and relevant content and aligning ads that address areas that are most important to the audience, such as food and dining, family, outdoor lifestyle, arts, sports, and fitness. This is consistent with past work the City has done, which indicated that people most interested in Keene are family-focused.

The IT Director continued discussing next steps. She considered this project to be a success because it generated information the City needed to know in terms of who is interested in Keene and the campaign attracted more interest and investment from those people. Moving forward, she said there are some potential new objectives: 1) build on this successful program introducing families, professionals, and business owners to the opportunities Keene offers, and 2) offer more comprehensive and year-round messages to potential house seekers as they consider moving to NH and New England. She stressed that the three-month pilot program reached 15 million people, which is significant. Nearly 40,000 people visited the Discover Keene website for more information throughout those three months, with an additional 30,000 visits to the City of Keene website during August, with 60,000 page views. She said it was important to understand, though, that half of those visitors spend less than one minute on our website and 16,000 of those visitors spend less than 10 seconds. She said this shows that we cannot expect users to do more than just catch some quick highlights and so we have a unique opportunity, but we need to use it carefully and wisely. Strong market signals show us that the program could be expanded with minor changes to some audience demographics. The top interests of the audience reached were real estate, employment, and education. The landing page could be updated with additional information and could be kept populated throughout the year with seasonal imagery that would help potential movers to see the beauty of all four seasons. The IT Director said we could use what we learned to fine tune the campaign and run it year-round.

The City is also currently in the process of seeking consultant services for a branding and marketing project, for which nine proposals were submitted in response to an August 2021 request for proposals (RFP). She read the scope of that project: the purpose of the RFP for the marketing and branding project is to develop a City brand as well as a marketing and communications plan, capture Keene's authentic and uniquely special character and amenities in such a manner that builds community confidence and attracts and retains individuals, families, and businesses that are vital to Keene's long term community development. This includes authentic and unified messaging to audiences both in and outside of Keene, marketing Keene throughout New England and beyond as an ideal location for modern business and pleasure, promotion of what makes Keene appealing to investors, visitors, and residents, and ultimately the

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project will yield a message that is compelling and memorable to those who will thrive in our beautiful and resourceful community. The IT Director said that was not random blanket messaging, but rather direct marketing to people who would thrive here. Ideally, the project will require market research and stakeholder interviews, it will include creative elements like design of graphics and templates, will identify and document strategic objectives and brand guidelines. The project will also promote Keene's trail system and parks, which is a very important part of our messaging. The IT Director welcomed questions.

Mr. Luce said he thought this was a very successful exploratory campaign, through which we learned a lot. He thought the various data confirmed a lot of what was known and unveiled some new things, such as stronger interest from the Philadelphia versus Boston metro areas. He said this was a great starting point for future campaigns and that the engagement in this campaign was significant.

Councilor Ormerod asked what other metro areas were the most interesting. Mr. Luce said most of the traffic was from the New York City metro area and approximately equal parts from Boston and Philadelphia; these were areas the campaign targeted. The campaign also drew people from un-targeted geographic areas.

Councilor Jones said great job with the market segmentation and targeting that segment. He said this was simply awesome. Councilor Jones did this kind of work years ago before the digital age and this would have taken longer to accomplish, so he thought this was simply wonderful. He was happy to hear this news that he discussed with the past Mayor and City Manager. He thought the right segment was being targeted. He thanked Mr. Luce and the IT Director, stating that he looks forward to hearing more.

Councilor Workman expressed gratitude for the presentation. She asked whether there is a way to capture the diversity or demographics of the people who were going to our website; are we getting more people who are interested in diversity and inclusivity as well? Mr. Luce replied that there was a lot of demographic data available, but it was only one small piece of the puzzle, so the data is not exceptionally reliable. He said that Facebook has more of that data and a certain volume of data is needed to draw reliable conclusions.

Mayor Hansel imagined everything with marketing to be seasonal, with people moving in the spring or fall, and people looking to visit Keene in the summer, with some in the winter. He asked if there was insight from this campaign or Mr. Luce's other work that could help inform a broader City campaign. Mr. Luce said that there is some seasonal data, some of which showed that employment-based motivations are not very seasonal; people transfer jobs any time of the year. The real estate searches do pick-up in early spring, probably a little earlier than you would think in January and February, because people start to look then for a spring move.

Mayor Hansel concluded by thanking the IT Director and Mr. Luce for a great presentation.

#### CONFIRMATION

Mayor Hansel nominated Councilor Stephen Hooper to serve on the Ashuelot River Park Advisory, with a term to expire December 31, 2021. A motion by Councilor Powers to confirm

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the nomination was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Ward Three Council seat vacant.

**COMMUNICATION – CONCERNS REGARDING DRAINAGE – BARRETT AVENUE /INGALLS STREET NEIGHBORHOOD**

A communication was received from residents of the Barrett Avenue/Ingalls Street area expressing concerns related to drainage in the area and asking for installation of an asphalt berm to minimize flooding. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

**PLD REPORT – KEENE MUSIC FESTIVAL – REQUEST TO USE CITY PROPERTY – MUSIC FEST**

A Planning, Licenses, & Development Committee report read, recommending that The Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on September 4, 2021 from 9:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, and a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured, submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 22 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald. Councilor Greenwald requested that Staff contact this petitioner earlier next year so this is not discussed so close to the event date, should an issue arise last minute. On a show of hands, the motion passed unanimously with 14 Councilors present and voting. Ward Three Council seat vacant.

**PLD REPORT – KEENE ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – CLARENCE DEMAR MARATHON**

A Planning, Licenses, & Development Committee report read, recommending that the Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 26, 2021, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 22 Community Events Budget.

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Said payment shall be made within 30-days of the date of invoicing. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald and the motion passed unanimously with 14 Councilors present and voting. Ward Three Council seat vacant.

**PLD REPORT – NEGOTIATE LEASE OF AIRPORT PROPERTY – AIRPORT DIRECTOR**

A Planning, Licenses, & Development Committee report read on a vote of 5-0, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Avanru Development for the construction and use of a corporate aircraft hangar at the Keene Dillant-Hopkins Airport. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Greenwald.

Discussion ensued. Councilor Manwaring asked where this land would be. The City Manager replied that she could not state specifically but that it would be in the same area as the other Airport hangars. Councilor Jones said this was another big marketing effort, stating that anytime something is promoted at the Airport, the City earns money. He said that since he had been on the City Council, a priority had been to lower taxpayer subsidy of the Airport and this was a good step toward that. On a show of hands, the motion passed with 14 Councilors present and voting. Ward Three Council seat vacant.

**FOP REPORT – ACCEPTANCE OF DONATION – HUMAN RIGHTS COMMITTEE – PARKS, RECREATION & FACILITIES DIRECTOR**

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a donation of \$1,000.00 from Savings Bank of Walpole and that the money is used for the Human Rights Committee collaboration with the Keene International Festival. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and on a show of hands, the motion passed with 14 Councilors present and voting. Ward Three Council seat vacant. In response to Councilor Workman, Councilor Manwaring confirmed that the International Festival event is scheduled for September 18 at 11:00 AM.

**FOP REPORT – PAUL DUBRISKE – REQUEST TO ACQUIRE LAND ADJACENT TO PROPERTY AT 454 ELM STREET**

A Finance, Organization, & Personnel Committee report read, recommending that the communication from Mr. Dubriske be referred to the City Manager. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and the motion passed on a show of hands, with 14 Councilors present and voting. Ward Three Council seat vacant.

**FOP REPORT – WEST KEENE FIRE STATION FEASIBILITY STUDY REPORT – PARKS, RECREATION & FACILITIES DEPARTMENT**

A Finance, Organization, & Personnel Committee report read, recommending that the City Council accept the recommendations of the West Keene Station 2 Feasibility Study report as

informational, and that the staff move forward with the Capital Improvement Planning process. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and the motion passed on a show of hands with 14 Councilors present and voting. Ward Three Council seat vacant.

FOP REPORT – ACCEPTANCE OF THE 2020 ASSISTANCE TO FIREFIGHTERS GRANT  
– FIRE DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to accept and expend the FY 2020 Assistance to Firefighters Grant. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and the motion passed on a show of hands, with 14 Councilors present and voting. Ward Three Council seat vacant.

FOP REPORT – DRINKING WATER AND GROUND WATER TRUST FUND GRANT  
APPLICATION AUTHORIZATION – PUBLIC WORKS DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to submit funding applications to the New Hampshire Drinking Water and Groundwater Trust for all eligible water system infrastructure or groundwater projects. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and the motion passed on a show of hands, with 14 Councilors present and voting. Ward Three Council seat vacant.

FOP REPORT – EVALUATION PROCESS FOR CHARTER EMPLOYEES – COUNCILOR  
THOMAS F. POWERS

A Finance, Organization, & Personnel Committee report read, recommending that a standard, automated form be used for the evaluation of the three Charter Officers and that the annual evaluation process involve a meeting with the full City Council to discuss each Charter Officer's past and future goals and that the Mayor and Chairs of the three Standing Committees finalize the evaluation process with an informational copy of the final evaluation shared with the full City Council. Councilor Powers identified a Scribner's error in the report within their agenda packets and the report should only included the option to have a role for the Mayor and Standing Committee Chairs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Councilor Greenwald said that having struggled with this for eight years, he thought a few points need to be stressed. He said this evaluation process requires the input of the rest of the Council and that it was frustrating trying to get Council buy-in on this. He did not care as much as to the method chosen as long as Councilors participate. He added that this was not only an evaluation, but also feedback that the City Clerk, City Manager, and City Attorney want to help them understand how to fulfill the expectations of this group of 15. He said this was not negative but very positive. He urged participation.

The motion passed on a unanimous show of hands, with 14 Councilors present and voting. The Ward Three Council seat vacant.

## CITY MANAGER COMMENTS

The City Manager began by reporting that Congresswoman Kuster was here in Keene on September 1 due to several grant applications from the Federal Government that she put forward through the House. Several Staff met with her at the Stone Arch Bridge to discuss the Transportation Heritage Trail project (the City applied for a \$400,000 grant for the first phase), which has made it through the House and now goes onto the Senate. The City Manager also had her first meeting with the Cheshire County grant writer and administrator. The City had sought the grant writer's assistance for an Economic Development Administration grant for the transportation heritage trail. The \$2.5 million project involves three bridges. The first meeting was good, and Staff are grateful for the grant writer's organization. Still, the City Manager said something to overcome was the ownership issue related to the property, which was a question raised initially that she thought could be overcome through agreements with NH DOT similar to those in the past. This is a work in progress still yet to be determined.

Next, the City Manager shared a reminder from the IT Department. To protect ourselves from malicious attacks, the IT Department has asked everyone with access to our email system to complete "phishing" training. She asked anyone with City email to go back and look for emails from "KnowB4", which is official training from the City that will help you spot and report malicious phishing attempts. Those who have not completed or need help completing the training should contact the IT Department.

The City Manager shared some updates on the 2021 construction season. All Councilors should have received a construction season update on August 25. Annual paving work is now substantially complete. 75% of sewer main lining work is also complete along with planned guardrail replacements. Roxbury Street continues to be the biggest disruption of the season. The utility work on the eastern of the project is now mostly complete. On the western end near Central Square, water and sewer mains have been replaced. The contractor is now connecting individual building services to these new mains. Over the next two or three weeks, they will complete the drainage utilities between MoCo Arts and Central Square. The final step in the process will be replacing curbs and sidewalks as needed, as well as paving and clean up. Most of the work should be complete by mid-October; the rain caused delays to many projects.

The City Manager shared exciting news that it was Go Live day for Keene's new Land Use Code, which is NH's first true Unified Development Code and Keene's first form-based code for our downtown. The last time Keene did a comprehensive update to zoning, the Beatles "White Album" was at the top of the charts. So, September 1 marks a significant transition that deserves recognition. By improving our processes and prioritizing smarter development, while protecting the distinctive character that residents and visitors love, the new regulations will provide a simpler and more intuitive roadmap for permits. The project restructures these processes around three guiding principles: simple, efficient, and thoughtful. The City's regulations have helped us grow to where we are today, and this project was done to ensure that we can continue to benefit from new economic opportunities, while maintaining Keene's unique character. This is the culmination of many years' work, although it is not 100% complete.

In September, the Joint Committee will be considering a few minor corrections to the LDC (O-2021-12). These changes come from Staff's "trial run" of the new Code over the summer. The City Manager thanked members of the City Council and Planning Board, especially the Joint Committee who worked through the document in fine detail over many months and heard from many citizens and interest groups in the process. Please feel free to reach out to Tara Kessler, John Rogers, Med Kopczynski, and Rhett Lamb if you have questions about the LDC. If you want to view the LDC, navigate to the Community Development home page, where the entire document is online.

The City Manager introduced the new Assistant Library Director, Susan Bloom, who began her work on August 23. Ms. Bloom worked previously at Evansville Vanderburgh Public Library in Indiana as the manager of the Central Location and at Jackson County Library Services in Southern Oregon as the Assistant Director for Operations. Prior to becoming a librarian, Ms. Bloom worked for Hewlett-Packard Company for 24 years and accepted an early retirement package in 2012, when she decided to become a librarian to pursue her passion to make information accessible for people to enjoy and improve their lives. The City Manager was very excited to welcome Ms. Bloom to the community.

The City Manager reported that the new Fire Department Deputy had been selected and was going through the process to begin work hopefully in October. We have also selected a new Assistant Finance Director who will begin in about three weeks. Additionally, a candidate was selected to fill Bill Byrnes' position in the Highway Department and the City Manager was eager to welcome her. The City Manager was happy to say we have made some good progress repopulating our team.

The City Manager provided her Covid-19 update. On this day, she had her meeting with regional partners. Keene State College had 18 positive cases (which includes 6 pre-arrival positives). Of those 18, 13 cases are active right now. On September 1 they conducted 1,100 tests and on September 2 they did another 500 as a part of their surveillance testing program. They expect an uptick in the next couple weeks. Dr. Caruso from Cheshire Medical shared that they expect to reach the peak of this most recent surge (or at least see increased numbers) through September and into October. 40% of the people hospitalized at Cheshire Medical were vaccinated, but Dr. Caruso put that into perspective by saying that if someone high risk got Covid-19 before the vaccination they might have died, whereas now those vaccinated high risk individuals who experience breakthroughs are now being hospitalized instead. The vaccinations are reducing the severity of Covid-19 in the cases where they see breakthroughs. Regarding hospitalizations, last year we saw NH's peak reach the 400 mark and right now we are at 200. The real challenge is that hospitals are facing lack of staffing and burnout.

**ORDINANCE FOR SECOND READING – RELATING TO THE RESTORATION OF INVOLUNTARY MERGED LOTS – ORDINANCE O-2021-11-A**

A Finance, Organization, & Personnel Committee report read on a vote of 4-0, recommending the amendment of Ordinance O-2021-11. Mayor Hansel filed the report as informational.

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A Finance, Organization, & Personnel Committee report read on a vote of 4-0, recommending adoption of Ordinance O-2021-11-A. A motion by Councilor Powers to carry out the intent of the Committee report and adopt Ordinance O-2021-11-A was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote with 14 Councilors present and voting. Ward Three Council seat vacant.

RELATING TO FY-22 FISCAL POLICIES – RESOLUTION R-2021-37

A memorandum from Finance Director, Merri Howe was read, recommending that Resolution R-2021-37 Relating to FY22 Fiscal Policies have a first reading in front of the City Council and be referred to the Finance, Organization, & Personnel Committee. Mayor Hansel referred Resolution R-2021-37 to the Finance, Organization, & Personnel Committee.

RELATING TO THE APPROPRIATION OF FUNDS FROM THE SEWER FUND UNASSIGNED FUND BALANCE FOR THE WASTEWATER TREATMENT PLANT SOLAR PROJECT – RESOLUTION R-2021-38

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Resolution R-2021-38. A motion by Councilor Powers to adopt Resolution R-2021-38 was duly seconded by Councilor Hooper.

Councilor Jones asked if this was coming from a closure fund. Discussion ensued. The City Manager said this was coming from the sewer fund unassigned balance, which is not the same as taking from a project with leftover funds and moving funds from one project account to another. Rather, this takes directly from the sewer fund unassigned balance that falls into the bottom line left after revenue and expenses. The motion to adopt Resolution R-2021-38 passed on a show of hands with 14 Councilors present and voting. Ward Three Council seat vacant.

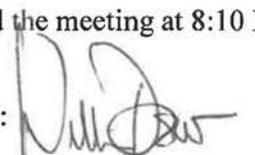
RELATING TO THE APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND UNASSIGNED FUND BALANCE FOR THE REPAIR FOR THE TRANSFER STATION FROM FIRE DAMAGE AND UPGRADED FIRE PROTECTION – RESOLUTION R-2021-39

A memorandum from Assistant Public Works Director, Duncan Watson was read, recommending the first reading of Resolution R-2021-39 Relating to the Appropriation of Funds from the Solid Waste Fund Unassigned Fund Balance for the Repair of the Transfer Station from Fire Damage and Upgraded Fire Protection, and to refer the Resolution to the Finance, Organization, & Personnel Committee. Mayor Hansel referred Resolution R-2021-39 to the Finance, Organization, & Personnel Committee.

ADJOURNMENT FOR LEGAL ADVICE

There being no further business, Mayor Hansel adjourned the meeting at 8:10 PM for legal advice.

A true record, attest:

  
Deputy City Clerk



# DECLARATION OF CANDIDACY WARD THREE CITY COUNCIL VACANCY

The filing period opens at 8:00 am on Tuesday, August 31, 2021 and continues through 5:00 pm on Monday, September 13, 2021.

Date: 8/31/2021

I, Bryan Lake, declare that I reside in the City of Keene, that I am a registered voter in Ward Three at the time of this filing and that I am a candidate for the office of Ward Three Councilor for an unexpired term ending December 31, 2021. I hereby request that my name be put before the City Council for the election to be held on September 16, 2021.

Signed: [Signature]

Address/Ward: 68 Timberlane Dr, Ward 3

Phone: 603 313 6774 Email: itsbryanlake@gmail.com

Social Media Handles: \_\_\_\_\_

State of New Hampshire  
County of Cheshire

The above named Bryan Lake personally known to me or satisfactorily proven appeared and subscribed to the above statement.

[Signature]  
HEATHER R. FITZ-SIMON, Justice of the Peace  
State of New Hampshire  
My Commission Expires August 28, 2024  
Justice of the Peace/Notary Public

Candidates may submit background information or a brief biography to accompany this declaration. This information will be provided to the City Council and posted to the public website. Please indicate below if you intend to provide additional information about yourself.

Yes, I will provide additional information about myself       No, I prefer not

There is a \$2.00 filing fee

Date Received: 8/31/21 Time Received: 9:23A

Voter Status Verified: City Ward Map  Charter Description  Voter Checklist Database

Any information provided on this document is a matter of public record. By signing above, candidate agrees to allow the City of Keene to share their contact information/social media handles/biographical information with members of the public.

Bryan Lake  
68 Timberlane Drive  
Keene, NH 03431

I'm a Keene native and longtime Ward 3 resident. I received a Bachelor of Science in Chemistry from Keene State and I now work as a Senior Analyst of Procurement Decision Science for C&S Wholesale Grocers. This summer I had the privilege of serving on the city's Energy & Climate Committee where I've been working on expanding the adoption of electric vehicles, particularly around infrastructure needs.

I look forward to the opportunity to work on the City Council to address a number of topics that are important to the citizens of Keene, including housing, taxes, sidewalks, outdoor recreation, and civic participation.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

**Meeting Date:** September 16, 2021

**To:** Mayor and Keene City Council

**From:** Alan Stroshine  
Race Director

**Through:** Patricia Little, City Clerk

**Subject:** Elm City Rotary Club - Amendments to Clarence DeMar Marathon Event License

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**Council Action:**

**In City Council September 16, 2021.**

**Voted unanimously to suspend the Rules of Order.**

**Voted unanimously** to amend the license to for the Clarence DeMar Marathon to hold the Kids DeMar event on September 25, 2021 at the Keene Family YMCA on Summit Road and grant permission to fully or partially close, Summit Road from the entrance of the Keene YMCA to Summit Ridge Road, Summit Ridge Road from Summit Road to Skyline Drive, Skyline Drive from Summit Ridge Road to Stone House Lane and Stone House Lane from Skyline Drive to the pedestrian entrance of the Keene YMCA.

**Recommendation:**

**Attachments:**

1. Stroshine\_Communication

**Background:**

The Rotary Club is requesting amendments to their event license that will allow for a safer event with smaller crowds due to the rapidly changing conditions related to COVID-19.

To: Mayor George Hansel and Keene City Council

From: Alan Stroshine, Race Director Clarence DeMar Marathon

Re: Request for addendum to our event plan for the DeMar race weekend

Due to rapidly changing COVID conditions in our community, we are making some adjustments to our regular schedule and logistics with the intention of reducing crowd sizes and better managing the risks of COVID transmission in our community.

To accomplish that, we are looking to split off 2 of the events that are usually included in the schedule that ends on the campus of Keene State College.

### **The Super Senior (participants 70+ yrs. old) New Event Plan**

Runners would still participate on Sunday morning, same start time of 8:00 am. However, instead of being crossed at the end of Baker to the west side of Main St, they would take a right onto the sidewalk on the east side of Main St. They would take a right into the parking lot of the Cheshire County Historical Society and finish in their parking lot. KPD would assign a single officer to the finish area for the duration of the event.

### **Kids DeMar New Event Plan**

**New Date:** Saturday September 25, 2021

**Location:** Keene Family YMCA

**Race Event Coordinator:** Kelly Fleurette

**# Volunteers:** About 50-60 volunteers

**Event Day Communications:** Walkie Talkies will be used for the event leaders to communicate throughout the event along with cell phones.

**Race Route:** Start at the Bus stop, run up Summit Road, left onto Summit Ridge Road, left onto Skyline, left onto Stone House lane and quick left to enter the path to the YMCA parking lot right after the guardrail. The kids will run along the side of the parking lot on the grass area. The finish line would be in on the lawn in front of the pond.

### **Event Timeline:**

- Volunteers and set up Friday evening and Saturday Morning 630am-730am
- Volunteers arrive Saturday for Volunteer Meeting 7:15am
- Volunteers report to stations by 7:30-7:45am
  - The goal is volunteers from 730-1230 but will split shifts into 2.5 hour shifts if needed
- Event officially starts with 7:45 arrival check ins
- Proposed ending of event 1pm

**Parking: (5 volunteers total)** Waiting for confirmation from both churches

- Keene Family YMCA Parking Lot - families for the 8,830,9,930,10,1030,11 (2-4 volunteers)
- Next Level Church – All volunteers and Y staff(?)
- Nazarene Church – families for the 815, 845, 915, 945, 1015, 1045, 1115, 1145 (1 volunteer)

**Music and Announcements:** We can use the YMCA portable speaker and mic system (2-4 volunteers)

- Bull horn to announce the wave runners and ready set go! (2 volunteers)
- Portable speaker for music to keep everyone energized
  - Portable music with mic to announce possible runners as the finish (1 vol)

**Safety Protocols** – Masks will be required for all during the event regardless of vaccination status

**Communications prior to the event:**

- Emails to all school leads and principles with weekly follow ups prior to the event
- Emails to all registered families regarding possible changes and follow up with confirmed event information. (calls as needed)
- Set up Volunteers sign up genius
- Set up Kid DeMar sign up genius for families/schools to use to sign up for wave slots
- YMCA will use social media along with rotary to communicate to the community
- Work with DeMar website to update Kids DeMar changes, include all links for volunteers and runner registrations.
- Notice to neighbors behind the YMCA – Reaching out to the Housing Association about communications to the neighborhood. (KF)

**How to Day will work:**

- Kids to go off in waves of 20 each (if we need more slots, we will open 5 more per wave)
- We will set up time slots for families to register for a wave on sign up genius. Waves will go off every 15 minutes. 8, 8:15, 8:30, 8:45, 9, 9:15,9:30,9:45,10, 10:15, 10:30, 10:45, 11, 11:15,11:30,11:45 (this gives us enough slots for 380 runners, if we need to add more, we can, as 650 signed up)
- 2 parents/family members allowed per runner, 1 can run, 1 can cheer.
- Start line in front of the bus stop (2 volunteers)
- Finish line on the lawn to the right of the Y entrance when entering
  - Medals will be handed out by (3-4 volunteers)
- Podium and DeMar back drop located near the finish line. (2 volunteers)
- Families will be asked/reminded to not linger after the race both at the registration table and by announcements at the event.
- We will have at least 30-40 volunteers on the course
- We will cone off on the left-hand sides of the road for a running lane. 100 cones from DPW.
- 2 police officers will be provided from KPD (ideal locations)
  - Corner of Summit Road and Summit Ridge Road
  - Corner of Skyline Lane and Stone House Lane

### Upon Arrival.....

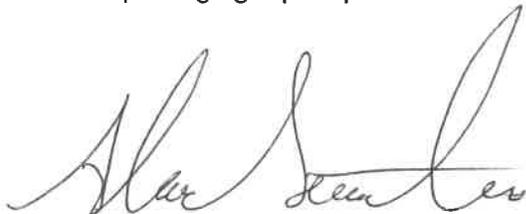
- Families will be asked to arrive 15 minutes before their wave time to check in
  - Check in area will be set up in front of the YMCA Pool, parking area (4 volunteers)
  - Kids will check in and receive their swag bag if not already picked up
  - Pick up water bottles and cow bells at the table
- On the YMCA front field wave areas will be set up with a sign and the wave time slot.
- After check in runners report to their wave assignment
- We will have 1-2 volunteers per wave time that assists with the group and getting them to the start line when announced. (4-8 volunteers as 1-2 volunteers would cover 8,9,10,11 as so on
- We will announce a wave to report to the start line with their volunteer leader.
- Wave race begins.... off they go

### Upon Finishing.....

- They will receive a medal from our volunteers
- They can have pictures on the podium

### Set up and needs (Friday night and Saturday morning 7am)

- Registration 2-3 Tables (Y has two tables) **Set up Saturday**
- Set up Finish line, delivered by rotary? - electrical cords lots of them (we may need more) **Set up Saturday**
- Set up podium and DeMar backdrop (we will need to have this delivery from rotary or picked up on Friday) **Set up Saturday**
- Set up wave time signs -- we have 4-yard signs made for this – Kelly will work with Colleen at the Y. **Set up Friday**
- Set up portable speaker and mic on the field. Will need extension cords (Y has speaker and mic to use) **Set up Saturday**
- Set up a tent with the speaker and mic as the “main information tent” and first aid tent. 1 volunteer with First aid at the tent always. The Y will provide a first aid kit. **Set up Saturday**
- Bull horn to announce the race start for the start line. (Borrowed from DeMar)
- Porta potties on site that are also used for DeMar race on Sunday
- No parking signs put up on the east side of Summit from the 4-way intersection to Summit Ridge

 9/9/21



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Councilor Randy L. Filiault  
**Through:** Patricia Little, City Clerk  
**Subject:** **Councilor Filiault - Charter Amendment Related to Municipal Primary**

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**Council Action:**

In City Council September 16, 2021.

Communication referred to the October 14, 2021 Finance, Organization and Personnel Committee.

**Recommendation:**

**Attachments:**

1. Filiault\_Communication

**Background:**

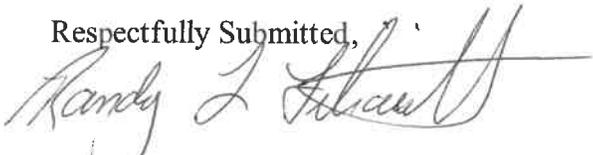
Councilor Filiault is requesting discussion regarding a potential question to voters that would amend the City Charter to eliminate or amend the parameters for holding a Municipal Primary Election.

**To:** Mayor George Hansel and Keene City Council  
**From:** Councilor Randy L. Filiault  
**Re:** Municipal Primary Elections  
**Date:** September 13, 2021

I respectfully request the Keene City Council and City Staff discuss eliminating or significantly change the Keene Municipal Primary. My reasoning is simple: The past several primaries have done nothing more than eliminate a single candidate from the ballot. Such a process is clearly a waste of taxpayer dollars, a waste of City Staff's time, and a waste of election volunteers' time.

Because such a change requires the approval of Keene voters, as it would require a Charter change and appear on a future ballot to do so, it is important we begin this conversation as soon as possible. I look forward to further discussing this matter.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Randy L. Filiault". The signature is written in black ink and is positioned above the printed name of the signatory.

Councilor Randy L. Filiault.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Municipal Facilities, Services and Infrastructure Committee  
**Through:**  
**Subject:** **John & Louis Hilow – Flooding at 36 Wetmore Street**

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**Council Action:**

**In City Council September 16, 2021.  
Report filed as informational.**

**Recommendation:**

On a vote of 4 - 0, the Municipal Services, Facilities, & Infrastructure Committee recommends the communication regarding flooding on Wetmore Street be accepted as informational.

**Attachments:**

None

**Background:**

Chair Manwaring welcomed Karen Hastings of 542 RT-10 in Gilsum, who is the daughter of and spoke on behalf of John and Louis Hilow of 36 Wetmore Street, who were also present. The City Council received a recent letter from the Hilows regarding re-occurring flooding at their residence. Ms. Hastings provided photos to the Committee. Ms. Hastings said the Hilows moved into their home in May 2013 and had their first flood during the summer 2014, when Ms. Hastings said former City employee Bill Byrne called Surry Mountain Dam because Wetmore Street was flooding and requested that they close the dam. The Hilow's basement flooded with four feet of water again in 2015 and 2017. During four floods, including the most recent in July 2017, the Hilows had to replace their furnace for \$900 each time because it was under water.

Ms. Hastings used photos to demonstrate the flooding conditions at 36 Wetmore Street, including this July 2021, when a canoe could be used in their yard. Ms. Hastings said a City employee told her parents that the water going into the yard and basement was a fluke; however, she said that the American Red Cross visited the property during the July 2021 flood and said it was true that the Army Corps of Engineers opens Surry Dam when there is a lot of water. Ms. Hastings cited another ongoing issue with water being piped from the adjacent Fairbanks Street through a temporary drainage system that also serves all the homes on Wetmore Street. She said that the temporary City solution is insufficient, it blocks a neighbor's driveway, and causes flooding with the littlest rain. She said the Public Works Department told her parents that they have been waiting on a piece of equipment for more than three months to fix that situation. Ms. Hastings said there is also an issue with the cleanliness of water at the Hilow's home, where they are unable to wash white laundry and

they have water stains in their toilet, for example. She said the primary concern is the continual furnace replacement.

Her parents wanted to know if anything could be done by the Army Corps of Engineers at the Surry Mountain Dam or by the City to help rectify the flooding on Wetmore Street. Mr. Hilow addressed the Committee, stating that this had been a constant headache for her parents. He and his wife are 90 and 87 years-old and they want to stay in their home, but the continued flooding is an issue. He said he calls Surry Dam, and they say the gate is closed.

The Director of Public Works/Emergency Management Director, Kürt Blomquist, addressed this concern by also sharing some photos. In particular, he showed an aerial image of the Wetmore Street area, which demonstrated that the street is within the 100-year floodplain, meaning that any time the Ashuelot River and Ash Swamp Brook fill with water, the area of Wetmore Street backfills with water. Even roadways and properties as far as Key Road are impacted due to a north-south flowing drainage system flowing from the Ash Swamp Brook are to the Ashuelot River eventually. The Director of Public Works said he has been aware of issues in this area since 2005, including the recent storms of July 17-19, 2021.

Next, the Director of Public Works discussed the Army Corps of Engineers, stating that the City has a long-time relationship with them. The Corps constructed Surry Mountain Dam in the mid-1950s for flood control in the Connecticut River Valley. Therefore, the Dam controls water on the various tributaries of the Connecticut River to manage flooding events. Another dam, Otter Brook, was constructed to control discharges into the Minnewawa and Branch Rivers. The Army Corps of Engineers operates these facilities with local staff in the area, but actual control orders come from the Corps headquarters in Waltham, MA/Concord MA. The Director of Public Works said the local Corps staff do their best to minimize impacts to the City, but ultimately, the Corps headquarters can preempt Keene's immediate needs in favor of minimizing overall impacts to the Connecticut River. The Corps has permits to discharge water from the dam that specify certain quantities of water that must be discharged continuously as required by the Environmental Protection Agency to maintain aqua life in the Ashuelot River. Therefore, the Surry Dam is never truly closed, but discharge levels may increase or decrease. The Public Works Department begins communicating with the Corps in advance of every storm event because it typically takes 8—10 hours for them to begin shutting gates at Surry Dam to achieve their lowest discharge level. In the case of the July 2021 storm, the Corps began closing gates at Surry Dam on July 16. Records for how these facilities are operating are available to the public on the Corps' website. There are also local river elevation stage gauges at Martell Court and one in Swanzey, which alert if the river approaches warning stages. The Director of Public Works and Fire Chief monitor these levels regularly.

Uniquely during this July 2021 storm event, the Swanzey river gauge reached warning levels before Martell Court, and it is typically the opposite. The reason for this difference is unknown. Throughout this 2021 storm, the Corps maintained essentially a minimum discharge from Surry Dam. The Director of Public Works recalled that before this storm, the City had received 12 inches of rain since November 2020. The July storm event brought the total close to 19 inches, leaving soils saturated and water with nowhere to go, particularly in areas of Wetmore Street, which is one of the lowest elevations in Keene. Keene is in a valley and therefore it takes longer for backwater overflowing streambanks to flow downstream and out of surrounding neighborhoods. Often, small ditches like Ash Swamp Brook fill with leaves and debris over time and water must find another route.

Most homes around Wetmore Street were built in the 1940s and 1950s and many are built higher-up with slopes down to the driveways, allowing water to flow around the homes during smaller storm events. The Director of Public Works mentioned that during the July 2021 storm event, the Fire Department pumped water out of 80 local basements. However, he cautioned that the Department

cannot do that for all basements, but only those with clean water not contaminated with things like paints or oils.

The Director of Public Works stated that at present, not much can be done to stop such river backwater flooding on Wetmore Street. However, he said there are some programs available to property owners, including:

- National Flood Insurance Program – sometimes required by mortgage companies for properties in the 100-year floodplain; does cover loss to possessions, which is not typical for normal home flood insurance.
- Federal Emergency Management Association (FEMA) Hazard Mitigation Grant program – money for elevation or removal of buildings, usually requires demonstration of loss and impact to a structure. Based on structural damage not possessions. Mr. Blomquist noted the City has had a past experience with this program and a property on Church Street.

The Director of Public Works continued stating that sometimes during a Disaster Declaration funding is available to both businesses and individuals up to approximately \$23,000. The brief from the state's Homeland Security for the July 2021 storm indicates that there would be Disaster Declaration for public properties, but it was unclear and unlikely that Keene would reach the threshold for private properties.

The Director of Public Works continued that he also wished to address the temporary water issue on Wetmore Street that Ms. Hastings mentioned. He stated that there was a water main failure on Winchester Street and at the last City Council meeting, the Council approved funding for those engineering repairs. The Engineering Division is working to find a contractor and the hope is for the work to be complete next month, which would remove Wetmore Street from the temporary water line. If there are issues with the temporary water line on Wetmore Street, residents should call the Public Works Department.

Councilor Filiault said the insurance options were interesting but asked, in laymen's terms, whether anything could be done to stop the flooding of this property, by the City or Corps of Engineers. He said that the 100-year floodplain feels more like an "every year floodplain." The Director of Public Works said there was nothing the Corps could do, and the City was pursuing several directions. For example, the day following this meeting, the Director of Public Works had a meeting scheduled with the Corps to discuss a planning grant to handle flooding on Beaver Brook. He added that since this July event, Staff have been looking at the City's Floodplain Ordinances, because a challenge is climatic, with more intense high frequency storm events. He said that the Council is familiar with much of Keene's aging water infrastructure being undersized for these large storm events and the City has been working toward correcting certain areas. The Director of Public Works reiterated that unfortunately this particular area is at the bottom of the City valley, where all the water goes and it cannot move out quickly. He suggested that individual property owners could elevate items in their basements, like furnaces, if there is overhead space. He suggested window sealants or glass blocks for when water reaches that high. He said that unfortunately this year, there was water everywhere and the soils were too saturated. He added that the area of Wetmore Street has high groundwater already. He said of course flood insurance can help provide resources for some losses. Still, there are unfortunately not many immediate actions the City can take right now.

Mr. Hilow spoke inaudibly away from a microphone. The Director of Public Works summarized what Mr. Hilow said: essentially that beaches are flooded at both Surry Mountain and Otter Brook Dams. The Director of Public Works said that the Corps of Engineers/Federal Government has ultimate control of the dam. The Corps issued a press release stating that those beaches are closed for the

rest of the season and reminding the public that recreation is allowed in these areas, but the primary purpose of the areas is to maintain and control water, which sometimes causes them to flood.

Councilor Madison referred to the area west and south of the Hilow's residence, between their home and Ash Swamp Brook, and asked if it is predominantly forest or also wetland. The Director of Public Works said it is mostly wetland with some scattered upland areas, which is why it is undeveloped. Councilor Madison asked whether there are beaver issues in Ash Swamp Brook. The Director of Public Works said there are public reports, but the NH Wetlands Bureau places certain restrictions on how to respond. If people notice beaver dams or activity, they are encouraged to alert the Public Works Department. On occasion, the Public Works Department does relocate beavers and address their dams, which sometimes upsets the public, but he ensured that it is done properly.

Councilor Williams noted that there are many parking lots and roofs in the area surrounding Wetmore Street that likely have a lot of run off. He referred to further up the watershed, where Monadnock Marketplace was built many years ago atop swamplands, which he said could be potentially holding back some of this water. He asked whether any information is available from projects like parking lots or the Monadnock Marketplace on the performance of their drainage systems to ensure they are functioning, or if the City needed to investigate it. The Director of Public Works said, to his knowledge, then the Monadnock Marketplace was constructed in 2013, they relocated an extensive amount of the City's old tax ditch systems. He said they do annual inspections that are reported to the Public Works Department and to his knowledge they were following the City's developmental rules. He would have to work with the Community Development Department to determine when other sites were developed and what rules were in place at the time regarding stormwater runoff. Primary regulations through the planning process are that a development cannot change the velocity of which water runs off a site from pre-construction conditions. To his knowledge, all sites followed the conditions of their original site plans. Councilor Williams was interested to know whether some evaluation process was possible to determine whether drainage at such developments could use improvements.

Councilor Williams also wanted to know about the agreement from the RT-10 construction project, which added a certain amount of fill to the floodplain to elevate the highway. NH DOT agreed to abide by Keene's restrictions and dig somewhere else in the floodplain to compensate for that lost flood storage. He thought there had been progress choosing a location for the dig, but asked the status. The Director of Public Works discussed the documented history of that 2000 bypass project, during which the State had funding issues and made interim improvements to the T-intersection with additional lanes. During the Winchester Street project in 2008, the State agreed to comply with the City's Floodplain Ordinance, which states that every amount of fill added in the floodplain must be compensated elsewhere. The Community Development Director, Rhett Lamb, confirmed and provided an update. He confirmed an area for the fill compensation was chosen between the T-intersection and Winchester Street in the proximity of the Best Western. The project is approaching the final design phase, but they will have to go through permitting processes for wetlands impacts to move forward, so construction would likely be one year away.

Chair Manwaring felt badly that the City could not do more to help the Hilow's flooding problem and ensured them that she would personally provide them the minutes of this meeting.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

**Meeting Date:** September 16, 2021

**To:** Mayor and Keene City Council

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

**Through:**

**Subject:** **Renaming of the North Bridge – Recommendations from the Bicycle & Pedestrian Path Advisory Committee**

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**Council Action:**

**In City Council September 16, 2021.  
Report filed as informational.**

**Recommendation:**

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee recommends the recommendation from the Bicycle Pedestrian Path Advisory Committee on the renaming of the North Bridge be accepted as informational.

**Attachments:**

None

**Background:**

The Community Development Director, Rhett Lamb, summarized the recommendations from the Bicycle & Pedestrian Path Advisory Committee's July meeting on this matter. He said there was lengthy discussion, for which the minutes were available. The discussion included past efforts to rename the North Bridge, recognizing the pitfalls of the naming process because a variety of people present different preferences. Hence, the BPPAC did recommend keeping the North Bridge name for the foreseeable future and instead suggesting to naming a section of the Cheshire Rail Trail after former Mayor Pregent.

Councilor Williams clarified that the BPPAC suggested naming a one-mile portion around the North Bridge after Mayor Pregent. Chair Manwaring confirmed stating the idea was from Island Street to Pitcher Street. Councilor Williams thanked the BPPAC for considering this, but stated that he did not sense excitement from the Pregent family about naming a section of the Trail instead, and mentioned concern for naming many sections of trails after many different people. He suggested returning to the drawing board on the idea. Councilor Williams also wanted to revisit the two other bridges planned for installation in the City, one with the designer's name and the bailey bridge that currently goes over Island Street that has no name attached, which is to be reconstructed over Swanzey Factory Road. He said the bailey bridge is an antique bridge and would be perhaps appropriate to name for Mayor Pregent because he was an antiques dealer; he suggested considering that option.

Councilor Filiault said he had no problem looking at anything, but he addressed the controversy that arises in trying to name a bridge after a person because it usually causes other people to bring forward many other preferred names, which is why the North Bridge name was chosen. He suggested a motion to accept this as informational or for more time so that honoring Mayor Pregent could be rethought. He warned again that naming a bridge after a person has been historically controversial in Keene.

Chair Manwaring welcomed public comment and recognized Chuck Redfern of 9 Colby Street, who is a member of BPPAC. He mentioned that it was a good discussion even if everything was not drawn out in the minutes. However, he said he was speaking before this Committee to correct an impression he might have given at the BPPAC meeting that was not accurately reflected in the minutes, which indicated Mr. Redfern saying that the City Engineer did not want the North Bridge named after Mayor Pregent. Mr. Redfern stated that what he said at the meeting might have sounded that way but clarified his consideration when making those remarks: that there was conversation of naming the Prowse Bridge after Mayor Pregent that was discouraged because it is named as such by State Law. The State likes the historical significance of the name, and historical grants could be potentially impacted by changing the name. Mr. Redfern stated that he wanted to clarify that no City Staff member indicated any preference and he regretted if it seemed otherwise. Mr. Redfern continued discussing the history of the North Bridge's naming in honor of the Cheshire Rail Trail continuing north after the bridge, which does actually go west. He thanked Mayor Pregent for his many years of service and agreed that he should be recognized in some way, including perhaps a plaque along the trail describing that service.

There were no further public comments.

Committee discussion ensued on whether to accept this report on behalf of the BPPAC as informational or place it on more time, given that the family was not pleased with naming a section of the trail in the former Mayor's honor. Chair Manwaring did like the idea of a plaque for the section of Rail Trail from Island Street to Pitcher Street, as Mr. Redfern mentioned, because it could be accomplished quickly, whereas naming the bailey bridge would be years out. The Chair added that many people use the Cheshire Rail Trail during the summer and the plaque would be seen. Councilor Madison agreed that he was one person using the Trail a lot this summer and he thought it would be great to find a way to honor Mayor Pregent, but since his family did not like the idea he suggested accepting the report as informational. Councilor Williams' preference was to keep the bailey bridge possibility open, to not lose momentum on this issue, and so he requested more time.

The City Manager, Elizabeth Dragon, questioned what task the Committee wanted to accomplish with more time if that were the choice, stating that she would need more direction. She added that the process of naming a different bridge would require a new communication to the Council. Councilor Williams wanted more time for public input to narrow down a name for the bailey bridge. The City Attorney understood the sentiment, but said the issue is public notice for that discussion when the initiative with the North Bridge was already started. So, the City Attorney recommended, if changing the focus of discussion, then the new matter should be presented separately to City Council. He said placing this on more time for this purpose would not be a clean process and therefore urged accepting this recommendation from BPPAC as informational and Councilor Williams could bring his new idea forward to the Council. Councilor Filiault agreed that accepting as informational was a way to start fresh with the idea.

Councilor Filiault made the following motion, which Councilor Madison seconded. Chair Manwaring stated that she was a little uncomfortable. Councilor Williams said he would bring his bailey bridge idea forward soon. Chair Manwaring agreed this was just about the BPPAC report.





# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee  
**Through:**  
**Subject:** **Acceptance of Federal Forfeiture Monies – Police Chief**

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**Council Action:**

**In City Council September 16, 2021.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept federal forfeiture monies in the amount \$54,781.26.

**Attachments:**

None

**Background:**

Police Captain Steve Stewart addressed the committee and stated this item is in reference to the acceptance of federal forfeiture monies that were associated with drug investigations, the Keene Police Department worked jointly with the US Homeland Security Investigations. The total amount is \$54,781.26 made up of three different amounts: The first, \$12,366.31 was a result of an investigation that took place in the months of October and November of 2019. The last two, \$32,133.90 and \$10,281.05 were from an investigation that began in October of 2019 and culminated in June of 2020.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept federal forfeiture monies in the amount \$54,781.26.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee  
**Through:**  
**Subject:** NH DOT Highway Safety Grant; Grant # 22-095 – Police Chief

---

**Council Action:**

In City Council September 16, 2021.

Voted unanimously to carry out the intent of the report.

**Recommendation:**

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund the Highway Safety Grant- Keene.

**Attachments:**

None

**Background:**

Captain Stewart stated this is a Highway Safety grants that come through the State, which allows for the City to do some proactive traffic work with regard to DWI's pedestrian safety, distracted driving etc. The total amount of the grant broken into three separate sub grants is \$18,832.

Councilor Hooper commended the Police Department for procuring these grants and asked whether there was any particular person who seeks out these grants for the department. Captain Stewart stated the grants come through Special Services Bureau and Lieutenant Shane Maxfield handles the coordination of the grant applications.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund the Highway Safety Grant- Keene.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee  
**Through:**  
**Subject:** **Engineering Services - 1.5 Million Gallon Storage Tank Repair Project – Public Works Director**

---

**Council Action:**

In City Council September 16, 2021.

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Weston & Sampson to perform engineering and technical services for an amount not to exceed \$85,280 for the 1.5 Million Gallon Storage Tank Repair Project. If a contract cannot be negotiated, the City Manager is authorized to negotiate and execute a contract with the next ranked firm.

**Attachments:**

None

**Background:**

Aaron Costa Operations Manager for PW Treatment Facilities addressed the committee next.

This item is an engineering contract for the repair of the 1.5 million gallon water storage tank. The tank is located outside the footprint of the water treatment facility. The 1.5 million gallon tank, which was constructed in 1924 is buried.

In 2013, Tighe & Bond Engineers performed water facilities evaluation and included in that evaluation was exterior inspection of this tank. The consultant had structural recommendations including the installation of an impermeable membrane roof cover. At present, because of its location during heavy rain or snowmelt, ponding on top of the roof cover occurs. The concern is the weight and the water on top of that cover. The consultant, In addition to a impermeable membrane roof cover the consultant also suggested pitching the roof.

Some other improvements include updating other structures that no longer meet current standards - specifically the overflow and tank vent. In addition, the tank is also equipped with a vault so electrical equipment and pumps are located underground, and the suggestion is to bring them above ground.

Mr. Costa stated in July the City sent out a Request for Proposals looking for consultants to assist the City with the design of the identified recommendations and to take this project right through design and construction. The City received four responses and they were reviewed by a team made up of City staff. After review of the proposals, staff recommends Western Samson be awarded the project based on their experience and approach. Funding for this work is available in the 1.5 million gallon storage tank repairs capital improvement project.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Weston & Sampson to perform engineering and technical services for an amount not to exceed \$85,280 for the 1.5 Million Gallon Storage Tank Repair Project. If a contract cannot be negotiated, the City Manager is authorized to negotiate and execute a contract with the next ranked firm.

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# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee  
**Through:**  
**Subject:** **Engineering Services – Sludge Pump Replacement Project – Public Works Operations Manager**

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**Council Action:**

In City Council September 16, 2021.  
Voted unanimously to carry out the intent of the report.

**Recommendation:**

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services with Underwood Engineers for engineering and technical services for an amount not to exceed \$58,200 for the Sludge Pump Replacement Project. If a contract cannot be negotiated, the City Manager is authorized to negotiate and execute with the next ranked firm.

**Attachments:**

None

**Background:**

Mr. Costa addressed the committee again and stated this request is for authorization for professional services contract with Underwood Engineers for the sludge pump replacement project for an amount not to exceed \$58,200.

Mr. Costa explained the City owns and operates a wastewater treatment plant on the Airport Road, which was constructed in the mid 1980's. The City has invested \$10 million in that facility over the past decade and there are many original components and equipment at the facility. These six sludge pumps that are scheduled to be replaced with the City's capital improvement program are original and have served the City well since the plant came online.

In July, a Request for Proposals was issued to procure the services of a qualified consultant to assist with selecting a new style of pump and assisting the City with the design and construction.

Three proposals were received which was reviewed by a team of city staff and for this project the team feels Underwood Engineers would be the best qualified. Wright Pierce was not considered due to their cost. Their price was \$176,000, which was more than three times the cost of the other two firms. He added funding is available in the sludge pump replacement capital improvement project.

The Chair clarified Underwood has worked for the City in the past. Mr. Costa agreed and added most recently they worked on the gate replacement project at the wastewater treatment plant and they are also working on a lab renovation project.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services with Underwood Engineers for engineering and technical services for an amount not to exceed \$58,200 for the Sludge Pump Replacement Project. If a contract cannot be negotiated, the City Manager is authorized to negotiate and execute with the next ranked firm.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

**Meeting Date:** September 16, 2021

**To:** Mayor and Keene City Council

**From:** Elizabeth Dragon, City Manager

**Through:** Merri Howe, Finance Director/Treasurer

**Subject:** **Acceptance of Donations - Several Departments**

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**Council Action:**

In City Council September 16, 2021.  
 Voted unanimously to Suspend the Rules of Order.  
 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:**

None

**Background:**

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

Keene Downtown Memorial Tree Fund in memory of Mr. James P. Finnegan, a longtime resident of the area and active member of the community.

Tim Finnegan	\$250
Ann Siegle-Drege & Marsh Drege	\$100

Keene Fire Department in memory of Larry Lanata, with acknowledgement to his widow Miriam Lanata.

Mary & Brian Gray	\$ 25
Carolyn Burson	\$ 25

Keene Fire Department in memory of Dan Snow.

Walter & Mary Anair	\$100
Sharon Helie	\$100
Patricia Sederstrom	\$ 50

Keene Recreation Center for the cleaning of the monument at the War Memorial.  
Rolling Thunder NH Chapter 2                      300

The mission of the Rolling Thunder NH Chapter 2 is *“To educate the public that many American Prisoners of War were left behind after all previous wars and to help correct the past and to protect future Veterans from being left behind should they become Prisoners of War-Missing In Action. We are also committed to helping American Veterans from all wars.”*

Library Renovation Project from the City of Keene Library Renovation Restricted Trust from March 3, 2021 to August 2, 2021.

Ann Henderson Interiors	\$ 500
Ann Henderson Interiors	\$1,500
Ray & Anne Anderson	\$ 800
Ray & Anne Anderson	\$ 700

Human Rights Committee for collaboration with the Keene International Festival for event logistics.  
Gallup Fund    \$3,000



# CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Tara Kessler, Senior Planner  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **Joint Committee Recommendation on Ordinance O-2021-12A Related to Amendments to the City of Keene Land Development Code**

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**Council Action:**

**In City Council September 16, 2021.**

**Mayor set the Public Hearing date for Thursday, October 7, 2021 at 7:00 pm.**

**Recommendation:**

That the Mayor set the public hearing date for Ordinance O-2021-12A.

**Attachments:**

1. Ordinance O-2021-12-A
2. O-2021-12A\_Proposed Amendments to Land Development Code\_redline version

**Background:**

On September 13, 2021, the Joint Committee of the Planning, Licenses and Development Committee and the Planning Board held a public workshop on Ordinance O-2021-12 related to amendments to the City of Keene Land Development Code, which became effective on September 1, 2021.

At this public workshop, the Committee reviewed the proposed amendments and voted to amend Ordinance O-2021-12 with the following motion. This motion was made by Mayor Hansel, seconded by Councilor Jone and approved unanimously.

*"To amend Ordinance O-2021-12 in accordance with the amendments discussed at the meeting including the removal of the proposal to amend the amendments related to the process for Major Site Plan review."*

Attached to this memorandum is a redlined version of Ordinance O-2021-12A (as well as a clean version), which shows the amendments made by the Committee.

The Committee voted in the following manner on Ordinance O-2021-12A:

- The Planning Board voted that Ordinance O-2021-12A is consistent with the City's Comprehensive Master Plan. *(Pamela Russell Slack made motion, which was seconded by Mayor Hansel and carried unanimously)*
  
- The Planning, Licenses and Development Committee voted that the Mayor set a public hearing date for Ordinance O-2021-12A. *(Councilor Bosley made the motion, which was seconded by Councilor Jones and carried unanimously)*



# CITY OF KEENE

Ordinance O-2021-12A

**Twenty-One**

In the Year of Our Lord Two Thousand and .....  
**Relating to City of Keene Land Development Code**

AN ORDINANCE .....

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.

A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states “Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.”

B. Relocate “Day Care Center” and its associated definition from Section 8.3.2.J “Commercial Uses” to Section 8.3.3.C “Institutional Uses” in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.

- Downtown Zoning Districts (Table 4-1)
- Commerce District (Section 5.1.5)
- Commerce Limited District (Section 5.2.5)
- Neighborhood Business District (Section 5.3.5)
- Business Growth & Reuse District (Section 5.4.5)
- Office District (Section 5.5.5)
- Corporate Park District (Section 6.1.6)
- Industrial District (Section 6.2.5)
- Industrial Park District (Section 6.3.5)
- Regional Health Care District (Section 7.1.5)

C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: “One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts.”

D. Amend the minimum onsite parking requirements for “Self-Storage Facility Exterior Access” and “Self-Storage Facility Interior Access” in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.

E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 “Driveway Design Standards” as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.

PASSED

### “9.3.1. Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22.~~ **Section 22.5 of this LDC.**

### 9.3.2. Driveway Placement

~~A. For single and two-family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.~~

~~B. No more than 2 single family dwelling can share a common driveway.~~

~~C. New driveways shall be placed so as not to conflict with existing driveways.~~

~~D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.~~

### 9.3.2~~3~~ Driveway Dimensions

~~A. Residential Driveways. Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,~~ **The following standards shall apply to driveways for single- and two-family dwellings.**

~~1. Driveways shall be a maximum of 20 ft wide at the property line and 30 ft wide at the curbline.~~

~~A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.~~

~~B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.~~

~~B. Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12 ft wide and a maximum of 25 ft wide at the property line and 50 ft wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.~~

### 9.3.8 Removal of Trees or Stone Walls

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right of way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

### 9.3.9 Temporary Driveways

~~Temporary driveways used for earth-disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed.”~~

- F. Remove Section 18.4 “Nonconforming Lots,” which is displayed below as stricken text, from Article 18 - Nonconformities.

~~“18.4 Nonconforming Lots~~

~~18.4.1 Description~~

~~A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”~~

~~18.4.2 Alteration~~

~~No nonconforming lot may be subdivided in such a way that increases the nonconformity.~~

~~18.4.3 Permitted Development~~

~~Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”~~

- G. Add the following definitions to Article 28. Defined Terms.

**“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”**

**“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”**

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

~~“§22.4 Service Connection Permit~~

~~Engineering Inspection Fees.....\$55.00 per hour  
Residential, Institutional or Commercial Building Service Connection Permit.....\$15.00  
Industrial Building Service Connection Permit.....\$30.00~~

<b><u>Connection Type</u></b>	<b><u>Fee</u></b>	<b><u>Basis</u></b>
<b><u>Water, &lt; 2”</u></b>	<b><u>\$100</u></b>	<ul style="list-style-type: none"> <li>• <b><u>15 minutes of review/approval by the City Engineer</u></b></li> <li>• <b><u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></b></li> </ul>
<b><u>Water, &gt; 2”</u></b>	<b><u>\$200</u></b>	<ul style="list-style-type: none"> <li>• <b><u>30 minutes of review / approval by the City Engineer</u></b></li> <li>• <b><u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u></b></li> <li>• <b><u>2 visits to observe disinfection testing procedure and review lab results</u></b></li> </ul>

<u>Sewer, design flow &lt; 5000 GPD</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Sewer, design flow &gt; 5000 GPD</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>1 hour of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Storm Drain, &lt;6"</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Storm Drain &gt;6"</u>	<u>As determined by the Public Works Director</u>	<ul style="list-style-type: none"> <li>• <u>Storm drain connections to the City's system over 6" in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u></li> </ul>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

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George S. Hansel, Mayor

## Twenty-One

### Relating to City of Keene Land Development Code

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.
  - A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states “Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.”
  - B. Relocate “Day Care Center” and its associated definition from Section 8.3.2.J “Commercial Uses” to Section 8.3.3.C “Institutional Uses” in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.
 

<ul style="list-style-type: none"> <li>• Downtown Zoning Districts (Table 4-1)</li> <li>• Commerce District (Section 5.1.5)</li> <li>• Commerce Limited District (Section 5.2.5)</li> <li>• Neighborhood Business District (Section 5.3.5)</li> <li>• Business Growth &amp; Reuse District (Section 5.4.5)</li> </ul>	<ul style="list-style-type: none"> <li>• Office District (Section 5.5.5)</li> <li>• Corporate Park District (Section 6.1.6)</li> <li>• Industrial District (Section 6.2.5)</li> <li>• Industrial Park District (Section 6.3.5)</li> <li>• Regional Health Care District (Section 7.1.5)</li> </ul>
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  - C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: “One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts.”
  - D. Amend the minimum onsite parking requirements for “Self-Storage Facility Exterior Access” and “Self-Storage Facility Interior Access” in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.
  - E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 “Driveway Design Standards” as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.
 

“9.3.1. Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22~~. **Section 22.5 of this LDC.**

~~9.3.2. Driveway Placement~~

~~A. For single and two family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.~~

~~B. No more than 2 single family dwelling can share a common driveway.~~

~~C. New driveways shall be placed so as not to conflict with existing driveways.~~

~~D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.~~

~~9.3.2<sup>3</sup> Driveway Dimensions~~

~~A. Residential Driveways. **Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,** ~~t~~The following standards shall apply to driveways for single- and two-family dwellings.~~

~~1. Driveways shall be a maximum of 20-ft wide at the property line and 30-ft wide at the curblines.~~

~~A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.~~

~~B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.~~

~~B. Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12-ft wide and a maximum of 25-ft wide at the property line and 50-ft wide at the curblines, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.~~

~~9.3.8 Removal of Trees or Stone Walls~~

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right-of-way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

~~9.3.9 Temporary Driveways~~

~~Temporary driveways used for earth disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed."~~

F. Remove Section 18.4 "Nonconforming Lots," which is displayed below as stricken text, from Article 18 - Nonconformities.

~~"18.4 Nonconforming Lots~~

#### 18.4.1 Description

A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”

#### 18.4.2 Alteration

No nonconforming lot may be subdivided in such a way that increases the nonconformity.

#### 18.4.3 Permitted Development

Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”

~~G. Add the bolded underlined text to Section 25.1.10 “Historic District Commission” of Article 25— Application Procedures as follows:~~

#### ~~“25.1.10 Historic District Commission~~

~~In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC:~~

- ~~A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.~~
- ~~B. To hear and decide on major project applications for a certificate of appropriateness.~~
- ~~C. To hear and grant waivers from the Historic District Regulations.~~
- ~~D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.~~
- ~~E. To hear and decide on requests for extensions to certificates of appropriateness.~~

~~**F. To provide comments and recommendations to the Planning Board on Major Site Plan applications for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District.”**~~

~~H. Add the bolded underlined text to Section 25.12.8.B “Major Site Plan Procedure” of Article 25— Application Procedures, and amend Table 25-1: Development Applications Decision Authority to reflect this change.~~

~~**“7. Historic District Commission Review. Applications proposing to build new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District shall be referred to the Historic District Commission for comments and a recommendation to the Planning Board before the public hearing on the application is closed.”**~~

~~I.G. Add the following definitions to Article 28. Defined Terms.~~

**“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”**

**“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”**

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

“§22.4 Service Connection Permit  
 Engineering Inspection Fees.....\$55.00 per hour  
~~Residential, Institutional or Commercial Building Service Connection Permit.....\$15.00~~  
~~Industrial Building Service Connection Permit.....\$30.00~~

<u>Connection Type</u>	<u>Fee</u>	<u>Basis</u>
<u>Water, ≤ 2”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Water, &gt; 2”</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>30 minutes of review / approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u></li> <li>• <u>2 visits to observe disinfection testing procedure and review lab results</u></li> </ul>
<u>Sewer, design flow ≤ 5000 GPD</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Sewer, design flow &gt; 5000 GPD</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>1 hour of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Storm Drain, ≤6”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Storm Drain &gt;6”</u>	<u>As determined by the Public Works Director</u>	<ul style="list-style-type: none"> <li>• <u>Storm drain connections to the City’s system over 6” in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u></li> </ul>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

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George Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

**Meeting Date:** September 16, 2021  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee  
**Through:**  
**Subject:** **Relating to FY22 Fiscal Policies**

- **Resolution R-2021-37**

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## **Council Action:**

**In City Council September 16, 2021.**

**Report filed as informational. Voted unanimously to adopt Resolution R-2021-37.**

## **Recommendation:**

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-37.

## **Attachments:**

1. Resolution R-2021-37\_Adopted

## **Background:**

Finance Director Merri Howe addressed the committee with reference to Resolution R-2021-37 relating to the FY22 fiscal policies. Ms. Howe indicated this is the beginning of the City's budgeting and fiscal cycle for the next fiscal year.

Updating policies is the first step in the budget process. At the City Council workshop on August 17 updates to the FY 22 fiscal policies were reviewed. Ms. Howe went over the changes that were discussed: The updates for FY 22 included the incorporation of the newly adopted City Council goals and strategic governance.

A new section was added this year that provides guidance for outside agencies and their funding request. Another section was added under the capital improvements program that had wording and definitions that clarified when staff should use a memorandum for project transfer vs. a Resolution. Minor wording changes for clarification that came out of the workshop were also added into the policy.

Councilor Ormerod referred to Item 1. L. 1. – City's property taxes being based on Boston Cambridge Newton cpi. He noted there has been some concern raise that if the City keeps raising its property tax rate, it is going to have a negative impact on those who are on fixed income and who have lived in Keene their entire life. Added to that the City is entering an inflationary period and there will be a

need for a larger budget to provide the same services. He questioned if there was another way to deal with fixed income older residents. He asked for Ms. Howe's recommendation.

Ms. Howe agreed at the present time there is a large increase in the CPI nationwide. She noted for 2019 the rates for Boston Cambridge Newton cpi were 2.0, for 2020 is was .8 and currently for 2021 the rate stands at 4.3. Ms. Howe explained that the .8 increase from last year helps to offset some of the fast increases going on for this year. She indicated staff is open to suggestions. Councilor Ormerod noted there were special tax abatements provided in the past for disabled veterans and felt there could be a way the City can address the concerns with the fixed income retirees who lived in Keene all their life and want to continue but may not be able to sustain this rate. He asked the Council to bring this item up for discussion again.

Chair Powers stated the question is how the City comes up with some kind of formula – for years the City operated with no formula. There have been different geographical areas used for CPI and this is the latest. He noted the fiscal policy is a guide and for many years the City did not make the rate; the City was below the rate when the budget was put together.

He further stated New Hampshire law does not allow for abatements except for certain categories. Hence, this is something the Council would need to look at closely.

Rebecca Landry, IT Director/Assistant City Manager noted the language does not say the City will increase its revenue to this amount but says *it will limit*. She added the concerns the Councilor has raised would probably be best addressed as part of the budget process and not necessarily in the fiscal policy; this will provide flexibility to address it on a year-to-year basis through the budget process rather than the fiscal policy that stays in place over time.

Human Resources Director/Asst. City Manager, Beth Fox noted there is the elderly abatement and exemption process and those limits were recently updated as part of the process, which could mitigate some of the increases.

Chair Powers felt this is a message that would go forward as department heads and the manager put their budgets together. The Chair added he is more concerned about that fixed income person not being able to pay for food and felt this is going to be a difficult year for many.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-37.



# CITY OF KEENE

R-2021-37

In the Year of Our Lord Two Thousand and ..... Twenty-one .....

A RESOLUTION ..... Relating to FISCAL POLICIES .....

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

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible.

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior fiscal policies and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

### **PART 1 – Budgetary Policies**

Strategic Governance links both operational and capital budgets to long term goals established by the City's Master Plan and prioritized through the City Council goal's process. Departments prepare budgets with proposed strategies to advance the goals of the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget. This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high level goals and ensures budget dollars are tied to community and council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

#### **I. Budget**

- A. The City shall annually adopt and appropriate budgets for the following funds
  - 1) General Fund
  - 2) Parking Fund
  - 3) PC Replacement Fund
  - 4) Solid Waste Fund
  - 5) Sewer Fund
  - 6) Water Fund

PASSED

## 7) Equipment Fund

- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30<sup>th</sup> of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of October each year.
- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Outside Agencies seeking funding from the City shall complete an application substantiating their request, the necessity of the services provided, and financial impact on the City if services were not provided. All applicants shall meet eligibility criteria set by the City and eligible applications shall be reviewed by a committee consisting of at least 2 City Councilors, and representation from Human Services, Finance, Community Development, and Police Departments. The committee shall put forth a list of Outside Agencies to the City Manager with recommended funding to be included in the budget.
- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- G. A periodic budget status report for each fund will be provided to the City Council.
- H. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- I. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- J. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- K. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- L. Property Taxes.
  - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston-Cambridge-Newton, (MA-NH) CPI net of expenditures required by law, and excluding debt service payments and capital leases. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.

- 2) Property Tax Credits and Exemptions.  
All exemptions and credits will be reviewed with the City Council at least every five (5) years in conjunction with the City revaluation unless there are legislative changes that cause a review to occur on a more frequent basis.
- 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.
- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$35,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$35,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than \$35,000.
- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
  - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
  - 2) Appropriate uses of debt include projects such as:
    - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.

- b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
    - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.
- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:
  - 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
    - a) Within the same fund and
    - b) Not funded with bond proceeds/debt and/or
    - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
  - 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
    - a) Within the same fund and
    - b) Funded with bond/debt proceeds and/or
    - c) Funded with a new capital reserve appropriation.

**PART 2 - Financial Policies**

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
  - 1) Governmental Funds.
    - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
    - b) Special Revenue Funds.
      - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
      - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.

- iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
  - c) Capital Projects Fund – shall be used to account for the capital projects funded by any of the governmental funds.
- 2) Proprietary Funds.
  - a) Enterprise Funds.
    - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
    - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
- 3) Internal Service Funds.
  - a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
  - b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

## II. Revenues

### A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

### B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

### C. Designation of Revenues.

- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
- 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
- 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

### III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.
- 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
  - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.
- B. Cost Recovery Standard for Fees and Charges.  
Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).
- C. Exceptions to Cost Recovery Standard for Fees and Charges:
- 1) Fees and Charges may be set at something less than full cost recovery when:
    - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
    - b) Collecting the fees and charges is not cost effective.
    - c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
    - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
    - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
  - 2) Fees and Charges will be set at, or above, full cost recovery when:
    - a) The service is also provided, or could be provided, by the private sector.
    - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
    - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
    - d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.
  - 3) Ambulance:
    - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
    - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.

- c) There will be no charge for responses determined by the Fire Department to be “public assists.”
- D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- G. Fees and charges shall be adopted by the City Council when required.
- H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.

#### IV. Bonded Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
- G. The City of Keene issues bonds including but not limited to:
  - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
  - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
  - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.

- H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
  - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
  - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.

V. Other Sources

- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
  - 1) Capital leases.
  - 2) State programs (e.g. State Revolving Fund Loan programs).
- B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
  - 1) Grants that reduce the City's initial investment in project/improvement.
  - 2) Grants that contribute to the on-going debt service for city project(s).
  - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.
  - 4) Public-private partnerships.
  - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset-Management Programs

- A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:
  - 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
  - 2) Establishment of condition and functional standards for various types of asset.
  - 3) Criteria to evaluate infrastructure and facility assets and set priorities.
  - 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
  - 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

A. Fund Balance.

Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:

- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
- 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
- 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
- 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
- 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.

B. Spending Prioritization.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and ten percent (10%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.

- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year, and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

A. Objectives (in priority order):

- 1) Safety – the safety of principal is the foremost objective.
- 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
- 3) Yield – taking into account the priority objectives of safety of principal and liquidity, a market rate of return.

B. Authorized Investments:

- 1) US Treasury obligations.
- 2) US government agency and instrumentality obligations.
- 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
- 4) Certificates of Deposits in New Hampshire Banks (collateralized).
- 5) New Hampshire Public Deposit Investment Pool.
- 6) Certificate of Deposit Account Registry Service (CDARS).



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George S. Hansel, Mayor

In City Council September 2, 2021.  
Referred to the Finance, Organization  
and Personnel Committee.



Deputy City Clerk

PASSED September 16, 2021



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

**Meeting Date:** September 16, 2021

**To:** Mayor and Keene City Council

**From:** Finance, Organization and Personnel Committee

**Through:**

**Subject:** **Relating to the Appropriation of Funds from the Solid Waste Fund  
Unassigned Fund Balance for the Repair of the Transfer Station from Fire  
Damage and Upgraded Fire Protection**

- **Resolution R-2021-39**

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**Council Action:**

**In City Council September 16, 2021.**

**Report filed as informational and Voted unanimously to adopt Resolution R-2021-39.**

**Recommendation:**

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-39.

**Attachments:**

1. Resolution R-2021-39\_Adopted

**Background:**

Mr. Watson addressed the committee next and stated this was the next phase for the repair of the transfer station that suffered a fire back in April of 2020. An RFP was issued in the fall 2020, but no bids were received. After consultation with the insurance company, a small change order was put in place; the insurance company and fire department added a little bit of scope to this, and upon the development of the scope of the project, they discovered there were some issues that needed to be addressed from a structural standpoint to deal with snow load.

There is also the proposal for an installation of a dry pipe system (installing piping connected to a tanker truck) from which water would be moved onto any fires that happened at the transfer station. Mr. Watson explained fires generally happen when people dispose of incompatible waste, which is what they believed, happened in the fire of April 2020. Due to Covid many people were confined to their homes and they started cleaning out their basements and garages. When this happens, it is not uncommon to have a fire.

Councilor Hooper asked for clarification on what was changed with this RFP. Mr. Watson stated the department was originally going to complete this repair in two separate pieces; repair the transfer

station damage – this was what the bid was for and there were no responses. What is happening now is to combine the other project, which was the installation of dry pipe system, and during the evaluation by structural engineer, it was determined there were issues with snow load, which required support of the roof structure.

Councilor Hooper asked why the first bid was not successful. Mr. Watson stated the City was facing the realities of the pandemic at that particular point; contractors were trying to get through work issues surrounding the pandemic. He indicated he doesn't know why exactly bids were not received as the scope of work would have been something a small contractor could have taken on. He indicated this is a pattern the City is seeing with smaller projects. Mr. Watson stated staff is pleased to be recommending Project Resource Group who have done work for the City in the past.

Public Works Director Kurt Blomquist added for the past 18 months the City has had difficulty getting contractors due to numerous factors. Over the last several years the City has lost some of its contractors. With the pandemic, projects did shut down and when they started back up the workforce issue that exists for many of our industries is affecting this industry as well.

He encouraged individuals who are thinking about getting into the construction industry and added there is opportunity for many good paying jobs. Mr. Blomquist added they are expecting this trend to continue for a while. He encouraged parents who have children who are mechanically inclined and enjoy working outside, to think about carpentry, HVAC, plumbing work etc.

Chair Powers clarified this was the entire project and includes the insurance settlement.

Mr. Watson stated some of the scope of work will include insurance work; siding, installation on the roof. He added the City has repaired small portions of the facility. The fire alarm system is back online. He indicated any insurance proceeds would go to the unassigned fund balance.

Councilor Chadbourne made the following motion, which was seconded by Councilor Hooper. On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2021-39.

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# CITY OF KEENE

R-2021-39

Twenty-one

In the Year of Our Lord Two Thousand and .....  
Relating to the Appropriation of funds from the Solid Waste Fund Unassigned  
Fund Balance for the Repair of the Fire Damaged Transfer Station and Upgraded  
A RESOLUTION ..... Fire Protection:.....

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

That up to the sum of three hundred thousand, one hundred and eighty three dollars (\$395,183) be appropriated from the Solid Waste Fund Unassigned Fund Balance to repair the fire damaged transfer station and upgrade fire protection.

  
\_\_\_\_\_  
George S. Hansel, Mayor

In City Council September 2, 2021.  
Referred to the Finance, Organization  
and Personnel Committee.

  
Deputy City Clerk

PASSED September 16, 2021