

10/07/2021

A regular meeting of the Keene City Council was held on Thursday, October 7, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Michael J. Remy, Janis O. Manwaring, Bryan J. Lake, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Declaring a quorum physically present in the Chambers, Mayor Hansel recognized Councilor Hooper who was joining the meeting via Zoom. Stephen L. Hooper stated he was recuperating from recent surgery. Raleigh C. Ormerod was absent. Councilor Madison led the Pledge of Allegiance.

#### ANNOUNCEMENTS

There will be a Council workshop on Tuesday, October 19 at 6:00 PM to continue the discussion on Council goals.

#### PROCLAMATIONS

Mayor Hansel presented three proclamations.

First he welcomed Luann Beauregard of the Friends of the Keene Public Library. Mayor Hansel recognized all of the Friends' support for the library over the years. In particular, the Friends hold the annual book sale, which this year is Friday, October 15 from 9:00 AM—6:00 PM, Saturday, October 16 from 9:00 AM—5:00 PM, and Sunday, October 17 from 9:00 AM—3:00 PM. Therefore, Mayor Hansel proclaimed October 15—17, 2021 as the Friends of Keene Public Library days and he encouraged all citizens to visit the sale and support the excellent library and facilities.

Second, Mayor Hansel welcomed Councilor Bryan Lake of the Energy and Climate Committee. The Mayor cited great strides that Keene residents and businesses had been making on energy uses and transitions to renewable energy. Mayor Hansel announced a week-long celebration of that work and increasing awareness and education. He noted that October is national energy awareness month. Therefore, the Mayor proclaimed October 18—24, 2021 as Keene Energy Week and he encouraged everyone to celebrate and take part in the educational activities. Councilor Lake extended thanks to the Keene Clean Energy Team and the Keene Energy and Climate Committee for their work.

Third, Mayor Hansel welcomed Jen Risley of the Monadnock Food Co-op. The Mayor said that co-op month had been celebrated nationally in October since 1964 and he cited the benefits of food co-ops, particularly the recent assistance to communities in building back from the pandemic. Therefore, Mayor Hansel proclaimed October 2021 as Co-op Month in Keene and he saluted the member owners of the Monadnock Food Co-op for the role they play in the community. Ms. Risley said that the Co-op's grand reopening is October 14—16 to celebrate the expansion and reentering into more community gatherings; there would be free bar-b-que tastings and music on Saturday, October 16.

MINUTES

A motion by Councilor Powers to adopt the minutes of September 16, 2021 was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 14 Councilors present and voting. Councilor Ormerod was absent.

PUBLIC HEARING – AMENDMENTS TO THE LAND DEVELOPMENT CODE –  
ORDINANCE O-2021-12-A

Upon the Mayor’s request, the City Clerk read the public hearing notice. Mayor Hansel called the public hearing to order at 7:13 PM and welcomed Senior Planner, Tara Kessler, and Community Development Director, Rhett Lamb.

The Community Development Director began by stating that this was about changes to the Land Development Code since it was adopted by the City Council in May. Staff built in a period from May—September 1, 2021, the effective date, for the staff to get used to the Code and field any remaining issues that arose. During that period, the old and new codes were applied to every project that came through the Community Development Department as a training exercise and for Staff to identify any necessary amendments in time for the effective date. So, the list of corrections before the Council were based on Staff’s lived experiences with the new Land Development Code. Ms. Kessler provided additional details on the changes proposed.

Ms. Kessler noted a correction to list a day cares as an “institutional” use. They were inadvertently classified as “commercial”, which would have limited the number of possible locations in the City.

She continued that changes to exempt all parking in the Downtown Core District, was the most significant change. What was formerly the Central Business District is now the Downtown Core, Downtown Limited, and Downtown Growth Districts. In the Land Development Code, the exemption for onsite parking was expanded for all three new downtown districts; though residential uses still had the required parking at one space per dwelling unit in those three districts. Ms. Kessler said there originally there was not enough thought about how this change would impact the conversion of an office to a residential use along Main Street, for example. Staff proposed an amendment specifically to the Downtown Core to remove all onsite parking requirements. She used a map to demonstrate. Mr. Lamb said that this just takes things back to the way they were in the old zoning where no onsite parking was required.

Ms. Kessler continued the Ordinance also includes a change in regards to self-storage facilities that were zoned in the Land Development Code with a new onsite parking requirement of one space for every 10 units. Staff had to rethink interior storage facilities with hundreds of units. Staff proposed returning the parking requirement for self-storage facilities back to what it was in the old code, which was one space per every 3,000 square feet of gross floor area.

Regarding residential driveway standards, the new Code tried to consolidate all those driveway standards in one location, but the standards were duplicated inadvertently elsewhere in the Code. The City Engineer thought the most important place to consolidate the standards would be in Article 22, which are the Public Improvement Standards related to the issuance of curb cut permits.

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Regarding non-conforming lots, language was added in the Land Development Code that did not exist in the old Code to clarify how the lots could be developed. However, this inadvertently conflicted with other standards in the Code and therefore Staff is proposing the removal of the section for clarity and consistency with City policies prior to September 1.

Staff proposed adding definitions for two terms: awning and non-confirming lot. In addition, Staff proposed an amendment to the fee schedule for the Land Development Code for service connections because the new Code addresses greater specificity with service connections, and so the fee scheduled was updated to reflect that.

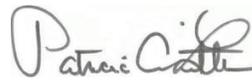
Finally, Staff proposed reinstating Chapter 18. There was an Ordinance earlier this year to remove language in Chapter 18, which are the Building Regulations related to the application of proposed changes to zoning ordinances to building permits submitted. The language was removed to allow more flexibility for the development community. Staff noticed that the language could delay development projects and earlier this year proposed removing the language, stating that it would be reinstated later, which this amendment would do.

Mayor Hansel requested comments from the Council, but there none. He continued for the viewing public they should not equate a lack of questions from Councilors to be disinterest. Rather, this Council had been working on the Land Development Code update for more than three years and so Councilors are very familiar. The Mayor expressed thanks to the Community Development Department for all their hard work and to the Joint Committee for their public workshop process. The final version of the Land Development Code would come before the PLD Committee hopefully next week.

As there were no public comments. Mayor Hansel thanked Mr. Lamb and Ms. Kessler for their presentation.

There being no further comments, Mayor Hansel closed the public hearing at 7:24 PM.

A true record, attest:



City Clerk

#### COMMUNICATION – REBECCA LANCASTER – DESIGNATION OF A SITE FOR A COMMUNITY DOG PARK

A communication was received from Rebecca Lancaster, representing a collective group of Keene citizens who wish to advocate for the City of Keene to designate the former Wheelock Park campground as the site for a community dog park. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

#### COMMUNICATION – COUNCILOR FILIAULT – ROOMS AND MEALS TAX DECREASE

A communication was received from Councilor Filiault, requesting that the City Council discuss the recent reduction in the Rooms and Meals tax from 9% to 8.5%. Mayor Hansel referred the communication to the Finance, Organization, & Personnel Committee.

Councilor Filiault encouraged those able to attend the FOP meeting this was referred to. County Administrator, Chris Coates, would attend because the County is also working on this issue. He said that in the last 10 years the State has owed the City \$8.8 million in revenue from this tax and the issue actually dated back to 1967. This results in higher property taxes and cut services. He said the City and County must be involved in getting this rectified. Councilor Madison agreed with Councilor Filiault and wondered if this should first be forwarded to the City Attorney. Mayor Hansel responded that he was inclined to send the communication to FOP and the City Attorney would be there as needed to comment if needed.

#### COMMUNICATION – CHELSEA KASPER – REQUESTING PERMISSION FOR THE DISCHARGE OF FIREWORKS

A communication was received from Chelsea Kasper, requesting permission for the discharge of a fireworks display for her parents' 40th wedding anniversary on Friday, October 8, 2021. Katherine Potts of Atlas Fireworks will serve as the licensed pyrotechnician. Fire Lieutenant, John Bates, has signed off on the State Display of Permissible Fireworks application.

As this was a time sensitive request, Mayor Hansel requested a suspension of the Rules of Order. A motion by Councilor Bosley to suspend Section 26 of the Rules of Order to hear the application for discharge of permissible fireworks was duly seconded by Councilor Greenwald. On roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

A motion by Councilor Bosley was duly seconded by Councilor Greenwald, recommending that Chelsea Casper be granted permission for the discharge of Class C fireworks at a private function at her home on 678 West Street on Friday October 8, 2021, and reserving a rain date of Saturday, October 9, 2021, subject to the following conditions:

1. The signing of a revocable license and indemnification agreement.
2. That the location is deemed compliant with all applicable New Hampshire fire safety codes and approved by the Fire Department.
3. That the petitioner obtains a Class C fireworks permit, that the fireworks vendor furnish a certificate of liability insurance in the amount of \$1 million naming the City of Keene and the petitioner as an additional insured and compliance with any recommendations of City Staff.
4. In addition, the petitioner agrees to absorb the cost of any City services provided.

Councilor Bosley pointed out that all conditions had been met despite the short timeframe and she was comfortable moving forward.

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Councilor Greenwald said this was an example of one Committee meeting monthly creating more time sensitive issues at Council. He commended City Staff for working with the petitioner to get all approvals in time for this vote. He thought this was a good way to run government, without dragging people into unnecessary Committee meetings.

On a roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

**COMMUNICATION – KEENE SNORIDERS – REQUEST TO USE CITY PROPERTY – 2021/2022 SNOWMOBILE SEASON**

A communication was received from the Keene Snoriders, submitting their annual request for use of City rights-of-way to the 2021/2022 snowmobiling season. Mayor Hansel referred the communication to the Planning, Licenses, & Development Committee.

**COMMUNICATION – ATTORNEY JAMES CALLAHAN – ASSIGNMENT OF LICENSE – 43—45 ROXBURY STREET – ACCESS TO CITY PROPERTY**

A communication was received from Attorney James Callahan, representing Fieldstone Land Consultants, LLC, which is purchasing land and buildings located at 43—45 Roxbury Street, currently owned by Roxbury Realty Partnership. In 2001, the City gave Roxbury Realty Partnership a license to access a 2 foot by 185-foot strip of land along the property line. Attorney Callahan is requesting confirmation from the City that the 2001 license is assignable and that the City will recognize the new owner as the Licensee. Mayor Hansel referred the communication to the Planning, Licenses, & Development Committee.

**MSFI REPORT – PETITION – CONCERNS REGARDING DRAINAGE – BARRETT AVE./INGALLS ST.**

A Municipal Services, Facilities, & Infrastructure Committee report read, recommending acceptance of the communication as informational. Mayor Hansel filed the report as informational.

**FOP REPORT – ACCEPTANCE OF STATE OF NH GRANT FUNDING FOR YOUTH SERVICES' JUVENILE COURT DIVERSION PROGRAMMING – YOUTH SERVICES**

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and administer funds provided by the State of New Hampshire for Juvenile Court Diversion programming. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. On a roll call vote, with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

**FOP REPORT – TAX DEEDS FOR UNPAID 2018 PROPERTY TAXES – REVENUE COLLECTION**

A Finance, Organization, & Personnel Committee report read, recommending a waiver to tax deeding for the following properties with staff returning after March 31, 2022, with additional

recommendations after a review of the status of their accounts: 26 Oriole Avenue, 71 Oriole Avenue, 42 Starling Street, 55 Starling Street, 27 Minerva Lane, 14 Schult Street, and 493 Elm Street.

A Finance, Organization, & Personnel Committee report read, recommending a waiver to tax deeding for the following properties with staff returning after November 1, 2021 with additional recommendations after review of the status of the accounts: 18 Algonquin Drive, 792 Court Street, 888 Marlboro Road, 50 Hilltop Drive, 399 Elm Street, 25 Charles Street, 139 Carroll Street, 35 Forest Street, 23 Park Avenue, 163 Island Street, and 30 Dartmouth Street.

A Finance, Organization, & Personnel Committee report read, recommending issuance of a tax deed for the following properties: 329 Park Avenue and 92 Beaver Street.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

A motion by Councilor Powers was duly seconded by Councilor Remy to amend the Committee report to remove the issuance of a tax deed for 329 Park Avenue and 92 Beaver Street as arrangements had since been made for those properties. The motion to amend passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

Councilor Williams commented on the derelict condition of the property at 92 Beaver Street and wanted to know whether the City could take any other action. He hoped some Keene property owners would look after their properties better. Mayor Hansel addressed the City Manager, stating that if the property were in that bad of condition, there should be other actions the City could take.

The motion to carry out the intent of the Committee report as amended passed unanimously with 14 Councilors present and voting. Councilor Ormerod was absent.

#### CITY MANAGER COMMENTS

The City Manager said that October 3—9 was Fire Prevention Week. The City of Keene Fire Department teamed up with the National Fire Protection Association to promote this year's Fire Prevention Week campaign to help educate everyone about the simple but important actions they can take to keep themselves and those around them safe. Smoke alarms must be replaced every 10 years. This year's theme is all about understanding the sounds of fire safety: a continuous set of three loud beeps means smoke or fire, whereas a single chirp every 30 or 60 seconds means the battery is low, and chirping that continues after the battery is replaced means the alarm has reached the end of its life and must be replaced.

The City Manager reported that there was hearing held here in Keene on Tuesday, October 5. The State's ten-year plan for transportation improvements is updated every two years. The plan allows NH to participate fully in Federally supported transportation improvement projects as well as to outline projects and programs funded with state transportation dollars. Projects are submitted by communities and reviewed by a committee through a process facilitated by Southwest Regional Planning Commission (the Transportation Advisory Committee). This year

we were fortunate to gain the support and additional dollars \$525,000 to the project to reconstruct NH-101 from the Stone Arch Bridge to Branch Road, and for the first time, include a project for corridor improvements to West Street, which is estimated to cost more than \$7 million as 80/20 starting in 2032. This is just the draft plan, and it will be several more months before we know whether there will be any changes in the final plan that is ultimately approved by the Governor.

The City Manager noted that WMUR was doing segments in their business section about downtowns and this week contacted Staff about doing one on Keene's downtown. Staff would be conducting the interview the next day via Zoom. They are short five-minute segments, which will air twice that Sunday morning in NH, VT, ME, and MA, and be posted on the [www.wmur.com](http://www.wmur.com) website all the following week.

In conclusion, the City Manager provided her Covid-19 updated. Covid numbers continue to be on a slow decline for our area (Cheshire Medical reported a drop in positivity rates from 8.3% to 7.3% in this week's report). We will need to wait to see where the numbers level off. In the meantime, we have changed our Emergency Management Team meetings to every other week instead of every week.

#### REPORT – PROPOSED CHARTER AMENDMENT ON GENERAL ELECTION BALLOT – CITY CLERK

A report from the City Clerk read requesting that the City Council move to direct the placement of the charter amendment in question on the November 2, 2021 General Election Ballot, with an effective date of January 1, 2022.

Mayor Hansel recognized the City Clerk, Patty Little, to address her memorandum and the timeline that requires action by the City Council this evening. Since the last time the City Clerk presented on this matter, the state of New Hampshire and specifically three State agencies – the Department of Revenue Administration, the Attorney General's Office, and the Secretary of State's office – were provided with the City's actual wording of our ballot question. Those State agencies did review the ballot question and they provided the City a letter indicating no objection. This leaves one final step before November 2 and that is for the City Council to direct the City Clerk to actually place this ballot question on the November ballot. Time was growing short, and she requested a suspension the rules so the Council could give her that direction.

A motion by Councilor Powers to suspend the Rules of Order to act upon the proposed charter amendment to be on the on the November 2, 2021 General Election Ballot from the City Clerk was duly seconded by Councilor Remy. On a roll call vote 14 Councilors were present and voting. Councilor Ormerod was absent.

Councilor Powers made the following motion, which was duly seconded by Councilor Remy, recommending that the Keene City Council directed the City Clerk to place the following question on the November 2, 2021, Municipal General Election ballot: "SECTION 2. WARDS. The City of Keene is hereby divided into five wards. If necessary to comply with any Constitutional requirement to equalize populations, the City Council shall review the ward

boundaries and, shall, by ordinance, re-divide the City into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the City Council, at such time and place as the City Council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the term for which they were elected” the purpose of which is to amend the City Charter by removing the ward line descriptions from Section 2, and inserting language that would authorize the City Council to redistrict the City's wards as required by the Constitution and the decennial US Census.

Councilor Johnsen asked if there was a prior time when there were five wards. The City Clerk said there were currently five wards, and this was just a modification of the ward lines.

Councilor Greenwald asked the plan for explaining these changes to the public and that fast tracking this to the ballot did not feel good. The City Clerk replied that there is a statutory requirement to post a “warrant” by October 18 that will have this full ballot question, along with the offices that will be electing. For more public notice, Staff discussed a letter to the Sentinel editor from her office or the Mayor’s. The City Clerk said that this went before the FOP Committee for the last several months and this was the fourth time the Council spoke about this issue. Mayor Hansel thought it was a good reminder that Councilors would likely get calls from constituents about this change.

Councilor Jones said all Wards start at Central Square and move outward. He asked if that was tradition or by law. The City Clerk replied that it was more than tradition but rather the criteria the redistricting committee chooses each year (as they were appointed this year) and this year they adopted that guideline. Referring to Councilor Powers previous motion, the motion passed on a roll call vote 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

#### REPORT – STRATEGIC PARKING PLAN – ECONOMIC DEVELOPMENT AND SPECIAL PROJECTS

A memorandum from Economic Development Director/Special Projects, Med Kopczynski, was received requesting that the Strategic Parking Plan be referred to the Finance, Organization, & Personnel Committee for their review and recommendation. Mayor Hansel referred the Strategic Parking Plan to the Finance, Organization, & Personnel Committee.

#### FIRST READING – AN ORDINANCE RELATING TO AUTHORITY TO USE ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS – ORDINANCE O-2021-13

A memorandum from the Assistant City Manager/IT Director, Rebecca Landry, was received requesting that Ordinance O-2021-13 be referred to the Finance, Organization, & Personnel

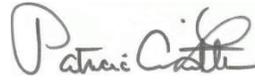
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Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2021-13 to the Finance, Organization, & Personnel Committee.

NON PUBLIC

At 7:52 PM a motion by Councilor Powers to go into non-public session to discuss a land matter under RSA 91-A (II) d was duly seconded by Councilor Bosley. On a roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent. A brief recess was called to allow the Chambers to clear and to end the Zoom meeting. Councilor Hooper joined the meeting via telephone. Parks, Recreation and Facilities Director, Andy Bohannon was invited to remain. Discussion was limited to the subject matter. At 8:29 PM the session concluded. A motion by Councilor Powers to keep the minutes in non-public session was duly seconded. On a roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

A true record, attest:



City Clerk