



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
September 1, 2022  
7:00 PM

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM PRECEDING MEETING**

- August 18, 2022

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Brand Design Presentation - Guide Studio
2. Public Hearing - O-2022-09-A: Amendments to Land Development Code

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

1. Nominations  
Energy and Climate Committee

**C. COMMUNICATIONS**

1. Cole Mills - In Opposition to Change in Minimum Lot Size - Rural Zone - Ordinance O-2022-09-A

**D. REPORTS - COUNCIL COMMITTEES**

1. In Support of a "Protect Our Police Bill" – Councilor Philip Jones
2. Comprehensive Housing Needs Analysis - Senior Planner
3. Cheshire Rail Trail Phase 3, Construction Engineering Change Order #2 - City Engineer
4. Municipal Services Agreement - Keene State College - City Manager

**E. CITY MANAGER COMMENTS**

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

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

1. Designating City Parks- Drug-Free and Smoke-Free Zones – Councilor Mitch Greenwald
2. Spectrum Service Issues - Councilor Randy Filiault
3. Relating to Water and Sewer Utility Charges - Ordinance O-2022-10

**I. ORDINANCES FOR FIRST READING**

1. Relating to Chapter 22 - Cemeteries  
Ordinance O-2022-12

**J. ORDINANCES FOR SECOND READING**

1. Relating to Parking Rates  
Ordinance O-2022-08

**K. RESOLUTIONS**

1. In Appreciation of Mary E. Alther Upon Her Retirement  
Resolution R-2022-29
2. In Appreciation of Steven Russo Upon His Retirement  
Resolution R-2022-31
3. Relating to Appropriation and Expenditure of Funds from the Sale of Property to Provide Funds for the Airport Fuel Farm Capital Project  
Resolution R-2022-32

**NON PUBLIC SESSION**

**ADJOURNMENT**

08/18/2022

A regular meeting of the Keene City Council was held on Thursday, August 18, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Bettina A. Chadbourne was absent. Councilor Johnsen led the Pledge of Allegiance.

#### ANNOUNCEMENTS

Mayor Hansel wished happy birthdays to Councilors Roberts, Powers, and Lake.

#### MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the July 21, 2022 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously.

#### CONFIRMATION

Referring to the Mayor's nomination of Doris McColleston to serve as a regular member of the Partner City Committee, a motion by Councilor Powers to confirm the nomination was seconded by Councilor Bosley. The motion carried on a unanimous roll call vote. Term to expire December 31, 2025.

#### COMMUNICATION – KEENE KIWANIS CLUB – REQUEST TO USE CITY PROPERTY – TREE LIGHTING CEREMONY

A communication was received from Peg Bruce on behalf of the Kiwanis Club, requesting to host the Tree Lighting Ceremony Friday, November 25, 2022, on Central Square. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

#### COMMUNICATION – COUNCILOR FILIAULT – SPECTRUM SERVICE ISSUES

A communication was received from Councilor Randy Filiault, requesting the City Council invite Spectrum to come before them to discuss concerns about the cable and internet services they provide to Keene residents. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

#### COMMUNICATION – COUNCILOR GREENWALD – DESIGNATING CITY PARKS – DRUG-FREE AND SMOKE-FREE ZONES

A communication was received from Councilor Greenwald requesting that the Patricia Russell Park be designated as a "drug-free zone" as well as a "smoke-free zone" and that if this made

sense for a new park, these restrictions should be instituted for all City parks. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

#### CITY MANAGER COMMENTS

The Assistant City Manager/HR Director, Beth Fox, spoke on behalf of the City Manager, Elizabeth Dragon.

The Assistant City Manager reported that the City held a Red Cross blood drive on August 12, which was a success, with 71 units of blood collected from staff and the public, which could result in saving 179 lives. 32 employees donated from departments and divisions across the City. 10 participants were first time donors. The goal is to have another blood drive in the spring.

The City pools closed on August 18 for the season. The Assistant City Manager thanked the staff and lifeguards who kept the pools running during a very busy and hot summer season to keep users safe. Playground programs ended on August 12 and participants reported it was a good season. Additionally, fall programs are opening with strong registrations. The Parks & Recreation Department has also been holding bike races with great success at Wheelock Park, with participants from five New England states. The final race would be the week after this meeting. The Parks and Recreation Department continues exploring new opportunities like these with program partners.

Finally, the Assistant City Manager recognized an anonymous donation of \$1,000 to the Human Rights Committee and annual International Festival that celebrates the rich diversity in Keene; the event is open to the public. A motion by Councilor Powers to suspend the Rules of Procedure to accept the donation was duly seconded by Councilor Bosley and the motion carried unanimously on a roll call vote. A motion by Councilor Powers to accept the donation to the Human Rights Committee was duly seconded by Councilor Remy and the motion carried unanimously. Mayor Hansel and the Council expressed their appreciation for the generous donation.

#### CITY OFFICER REPORT – PURCHASE AND SALE OF CITY-OWNED RAIL SPUR – CITY ATTORNEY

A memorandum was read from the City Attorney introducing this matter. A motion by Councilor Powers to suspend the Rules of Order to act on the purchase and sale of the Rail Spur at the corner of Ralston and Emerald Streets was duly seconded by Councilor Bosley. Discussion ensued. The motion carried unanimously on a roll call vote.

A motion by Councilor Powers to grant the City Manager to do all things necessary to negotiate and execute the purchase and sale of the Rail Spur at the Corner of Ralston and Emerald Streets. was duly seconded by Councilor Bosley and the motion carried unanimously.

08/18/2022

PB-PLD REPORT – RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE - ORDINANCE O-2022-09-A

A memorandum was received from Senior Planner, Mari Brunner, reporting the recommended motions from the Joint Planning Board-Planning, Licenses, and Development Committee. A motion was made by Chair Kate Bosley that the PLD Committee recommend that the Mayor set a public hearing on the amended Ordinance. The motion was seconded by Councilor Michael Giacomo and carried on a unanimous roll call vote..

Mayor Hansel set a public hearing on Thursday, September 1 at 7:15 PM.

ORDINANCE FOR FIRST READING – RELATING TO WATER AND SEWER UTILITY CHARGES – ORDINANCE O-2022-10

A memorandum was received from the Public Works Director, Kurt Blomquist, recommending the City Council have a first reading of Ordinance O-2022-10 Water and Sewer Rates and the Mayor refer the Ordinance to the Finance, Organization, and Personnel Committee. Mayor Hansel referred the Ordinance to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO AMENDMENTS TO THE BUSINESS, GROWTH AND REUSE DISTRICT – RECREATIONAL/ENTERTAINMENT FACILITY – INDOOR - ORDINANCE O-2022-11

A memorandum was received from Randall Walter of 310 Marlboro St., LLC., submitting an application and Ordinance that would amend the Land Development Code by permitting a "recreational/entertainment facility - indoor" as a permitted primary use for the Business Growth and Reuse District. Mayor Hansel referred the Ordinance to the Joint Planning Board-Planning, Licenses, and Development Committee.

CITY ATTORNEY COMMENTS

The City Attorney, Thomas Mullins, referred to the various Resolutions from the petitioner on the Magnolia Road layout and Matthews Road alteration. The Resolutions contain some technical issues, namely that the owners of the property over which the alterations are to pass. Unfortunately, that requires notice to those owners and waivers and damages, so the ownership status needs to be confirmed. Secondly, there is a utility easement with respect to Magnolia Road that will need to be extinguished in order for the City to move forward under its City Code to accept the layout. It was decided that the best course of action at this time is to withdraw the petitions and the previously scheduled September 1 public hearing, thereby giving the owner an opportunity to resolve those issues.

Hearing no objections, Mayor Hansel canceled the two public hearings that were scheduled with these layouts for September 1 and instructed that the Resolutions be withdrawn without prejudice

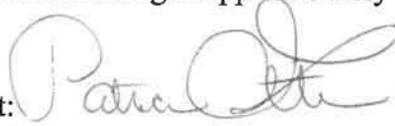
08/18/2022

and the petitioner be informed that they can submit new petitions and Resolutions at a future time.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at approximately 7:15 PM.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia A. O'Connell".

City Clerk



## PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider Ordinance O-2022-09-A which has been submitted by the City of Keene Community Development Department. The Ordinance proposes to amend several sections of Chapter 100 "Land Development Code" that would:

- Change the minimum lot size in the Rural District from 5 acres to 2 acres;
- Change the display uses that are permitted within the Conservation Residential Development subdivision regulations in Table 8-1 and the "Permitted Uses" sections of the Rural, Low Density, and Low Density-1 Districts in Article 3;
- Modify the density factor and minimum lot size for the Rural District within the CRD regulations to 2 acres per unit and 32,000 sf, respectively;
- Add density incentive options to the CRD regulations, including an open space density incentive, a solar incentive, and a workforce housing incentive;
- Modify the permitted uses with the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwellings with limitations;
- Remove the requirement to submit a "Yield Analysis Plan" and
- Add additional submittal and filing requirements for CRD applications in Article 25.

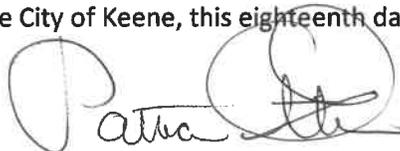
HEARING DATE: September 1, 2022

HEARING TIME: 7:15 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this eighteenth day of August, two thousand and twenty-two.

Attest;

  
City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Mayor George S. Hansel  
**Through:** Patricia Little, City Clerk  
**Subject:** **Nominations  
Energy and Climate Committee**

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**Council Action:**  
**In City Council September 1, 2022.**  
**Tabled until the next regular meeting.**

**Recommendation:**  
I hereby nominate the following individuals to serve on the designated Board or Commission:

Energy and Climate Committee  
Claire Oursler, slot 8 (alternate to regular membership)      Term to expire Dec. 31, 2022  
21 Roxbury Plaza

Charles Redfern, alternate slot 12      Term to expire Dec. 31, 2023  
9 Colby Street

**Attachments:**  
1. Redfern, Charles\_Redacted

**Background:**

**Heather Fitz-Simon**

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**Subject:** FW: Interested in serving on a City Board or Commission

**From:** helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>  
**Sent:** Wednesday, August 3, 2022 10:53 AM  
**To:** Helen Mattson <hmattson@keenenh.gov>  
**Cc:** Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>  
**Subject:** Interested in serving on a City Board or Commission

<p>Submitted on Wed, 08/03/2022 - 10:53</p>

<p>Submitted values are:</p>

**First Name:**

Charles

**Last Name:**

Redfern

**Address**

9 Colby Street,  
Keene, NH 03431

**How long have you resided in Keene?**

44 years

**Email:**

[REDACTED]

**Cell Phone:**

[REDACTED]

**Employer:**

Wife

**Occupation:**

Volunteer

**Retired**

Yes

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

Keene Public Board of Trustees  
Keene Bicycle & Pedestrian Path Committee  
Pathways for Keene, Inc.  
NH Rail Trails Coalition  
Monadnock Alliance for Sustainable Transportation

**Have you ever served on a public body before?**

Yes

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

Energy and Climate Committee

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

Based on review of the other entities I am associated with it seems apparent to me that I identify with organizations that have a common purpose...preserving our environment. As a result of my focus areas, I can envision using and transferring my skill sets collectively across the board.

**Why are you interested in serving on this committee**

I am interested in serving as an alternate for this committee, because I believe that energy and climate challenges can be used to foster new economic opportunities, while improving the general well being of our environment.

**Please provide 2 person al references:**

Raleigh Ormerod

[REDACTED]  
[REDACTED]

**References #2:**

Mitchell H. Greenwald

[REDACTED]  
[REDACTED]



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Cole Mills  
**Through:** Patricia Little, City Clerk  
**Subject:** **Cole Mills - In Opposition to Change in Minimum Lot Size - Rural Zone - Ordinance O-2022-09-A**

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**Council Action:**

In City Council September 1, 2022.  
Accept and file into the record.

**Recommendation:**

**Attachments:**

1. Communication\_Mills\_redacted

**Background:**

Mr. Mills has submitted a letter in opposition to amending minimum lot size in the Rural zone from 5 acres to two, as proposed in Ordinance O-2022-09.

Dear Mayor and City Council,

I write this letter in opposition to the proposed modification that would reduce building lot sizes in Keene's rural areas from five (5) acres to two (2) acres for the following reasons:

**1. *It is Absolutely a NIMBY Issue / 2 Acre Zoning Will Destroy Rural Neighborhoods***

When we moved to Keene in November 2008, my wife and I looked in surrounding towns and different parts of Keene. We chose Langley Road specifically because of the five-acre zoning. We felt that it gave us the best of several worlds – the convenience of Keene, privacy by not being on top of our neighbors, and the beauty of a scenic, wooded quiet neighborhood. Quintessential New Hampshire.

While we appreciated that several properties could be further developed, by reducing the lot size to two acres, you have now more than quadrupled the number of homes that can be put on West Hill. Add to this the ability to put accessory dwelling units (ADUs) on each of these properties and you have permanently destroyed the character of this scenic area of Keene.

We relied on the five-acre zoning when we selected where we wanted to live. Property owners should be able to depend on the stability zoning laws.

**2. *Permitting 2 Acre Zoning Creates Environmental Risks and Other Dangers***

Allowing a substantial build up of the rural areas is not environmentally friendly and creates safety issues.

Most of these areas are not on city water or city sewer meaning that numerous septic and wells will need to be installed placing tremendous stress on the underground acquirer and substantially increasing the human waste put into the ground.

The revised zoning does not consider the adverse impact to hillsides, slopes and or water runoff as the buildings, driveways, decks and other impervious surfaces dominate the land.

Keene is not a walkable community and it does not have a comprehensive public transit system. So, by increasing housing density to the rural areas, you are increasing the number of vehicles on the local streets as two (or more) cars per household will be necessary. In addition, there will be increased traffic and noise from garbage trucks, delivery vans, service providers and guests.

Considering Langley, Daniels Hill and Whitcomb Mill roads that comprise West Hill are narrow, scenic roads, they will not be able to handle the increased traffic volume. In addition to the narrowness there are problems tight turns and the overflow street parking for the Horatio Colony Preserve restricting travel on Daniels Hill Road.

This increased traffic will also make the roads, which have no sidewalks and culverts on either side, unsafe for cyclists, joggers, walkers, and pets.

**3. *Reducing Lot Size is a Tax Increase on Those with Impacted Properties***

Thomas Lacey, a resident long-time resident of the neighborhood and native of the city, is correct that those of us who have properties where the undeveloped lot size between four (4) and ten (10) acres (over is eligible for current use tax benefits) will see our land assessment values arbitrarily increase because they will be valued as two building lots instead of one. This is a hidden tax increase on the city's middle class and people on fixed incomes.

#### ***4. Reducing Lot Sizes Will Increase Tax Costs for City Residents as Whole***

While it is true that new construction will generate a broader tax base for the City of Keene, it is overlooked is the increased tax costs associated with new homes. For example, it costs about \$15,000 a year to send child to an SAU 29 school, but a house assessed for \$300,000 only raises \$5,600 in school taxes. There is a \$9,400 shortfall that spirals out of control with more houses or if two school aged children live in that home.

Also, consider the need for more police, fire, public services and the buildings and infrastructure to support them.

More housing will put a greater tax burden on the already over-taxed Keene property owners.

#### ***5. Keene Has More Housing Than It Did in Its History***

Keene has more housing units available today than ever before. As you may recall, Stonewall Farm was protected to save the city's connection to farming (and, in particular, dairy farming) because of the build out of residential properties on old farmland.

Look at the number of condos that exist, conversions of the old Faulkner & Colony mill, Washington Street School and old Cracker Factory, and developments like Darling and Summit Roads. Also, multi-dwelling projects just approved to be built across from Landon Place, at the old Friendly's location and in several other areas that can support greater density. Yet, the census shows that between 1990 and 2020, Keene's population has only increased by just over 600 residents (and actually declined between 2010 and 2020 by 1.5%).

Currently, there are 75 homes listed for sale on the ReMax website ranging from about \$65,000 to \$1.4 million.

As Mayor Hansel has stated, housing is a regional issue and we are seeing building starts throughout the Monadnock area for single family homes, senior apartments and work force housing. Before we jump to permanently destroying our neighborhoods and what makes Keene special, let's see what the impact is on all of these new housing opportunities.

Worse than not having enough housing is the blight and problems created by overdevelopment and vacancies.

#### ***6. The Concept That Smaller Lots Will Create Workforce Housing is a Lie***

The idea that smaller lots will create more affordable homes is a lie. Builders are not going to build small single-family homes under \$250,000. For example, a new construction house on an old two-acre lot (21 Daniels Hill Road) directly across from the Colony Preserve just sold for \$483,000. This wooded lot was covered in crushed stone and asphalt because the new owners didn't want a lawn.

#### ***7. The Idea That Affordable Housing is Needed to Attract Workers is a Lie***

Having been an executive for one of the City's largest employers and currently with one of the state's largest companies, I can tell you the need to have "affordable housing" to attract workforce is a lie. If this statement was true, then no one who would be considered young or workforce would live in New York City, Philadelphia, Boston, Stamford, Connecticut or any other city with expensive cost of living.

New Hampshire has historically been a difficult state to attract out-of-state workforce or youth. Conveniences and amenities that exist in built up communities do not exist here. For example, there is no place to buy a descent men's suit in Keene with Miller Brothers out of business. Add to this that Keene does not have a major interstate closer than 20 miles away and commercial airport service is an hour away. I have had well-paying jobs turned down because we are "geographically undesirable," public school quality and distance to something that was important to the candidate.

If I was wrong, then Cheshire Medical and other local employers who need highly skilled employees would be at full employment capacity. More housing is not going to change the national need for a trained workforce.

For those who have local roots, they are smart enough to avoid living in Keene as the high property tax rate makes renting and owning more expensive compared to neighboring towns. How many city employees aren't city residents? One of the biggest obstacles to workforce housing in Keene is having one of the highest property tax rates in the state.

We saw how too many people destroyed PumpkinFest, too many homes will similarly destroy Keene.

Thus, I ask that we keep the City of Keene's zoning laws and regulations as they are with rural areas.

***Please keep 5-acre minimum zoning!***

Sincerely,



Cole Mills

68 Langley Road

Keene, NH 03431





# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Municipal Facilities, Services and Infrastructure Committee, Standing Committee  
**Through:**  
**Subject:** In Support of a “Protect Our Police Bill” – Councilor Philip Jones

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**Council Action:**

**In City Council September 1, 2022.**

**Voted 11 in favor and one opposed to carry out the intent of the report.**

**Recommendation:**

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends staff be directed to draft a communication in support of a “Protect our Police Bill” requesting that legislation be enacted and supported which would outlaw the owning, storing buying, selling, distributing, manufacturing, or custom making of any gun loading ammunition designed to penetrate bulletproof armor and that the communication be sent to the Keene Legislative Delegation and that the remainder of the General Court receive the communication electronically.

**Attachments:**

None

**Background:**

Chair Greenwald asked to hear from Councilor Jones.

Referring to his communication, Councilor Jones stated his intent is to ask the State to outlaw bullets that will pierce armor, the same armor that the City buys for the Keene Police Department (KPD). Councilor Jones continued that his recommendation is that the City Council authorize staff to draft a resolution in support of a “Protect Our Police Bill.” He continued this is not just a social resolution. The City Council is the steward of the KPD. They need to help their Police Officers, as well as every other police agency in the state. He does not see a reason why these type of bullets are available to the public. In a recent school shooting, the shooter used this type of bullet, and as a result, the children who were shot could not even be identified, because the bullet explodes on impact. He does not understand why outlawing body piercing bullets is not a law right now.

He branded the issue “protect our police bill” on purpose. He could have just said “Amend RSA 159-A,” but you get more attention when you brand it, and he did not want to make it sound like (Keene) was doing something about gun control. It is more about protecting Keene Police. The resolution would be sent to all State elected officials, requesting that legislation be enacted and supported, which would outlaw the owning, storing, buying, selling, distributing, manufacturing, or custom-

making of any gun-loading ammunition designed to penetrate bullet-proof armor. The Keene Sentinel had an article on this and he has already received replies from all over, 97% positive. NH Public Radio picked it up, too. He received a lot of positive feedback, but the negative feedback he received made him even more determined to do this. He is proud to be presenting this. It is the City Council's job, as the stewards of the Police, to protect the Police wherever they can. He does not understand why the RSA only calls for it to be unlawful for these body piercing bullets to be used in a crime. People want these bullets off the street; they do not want the bullets to only be confiscated after they have been used in a crime.

Chair Greenwald asked Thomas Mullins, City Attorney, for comments, followed by Police Chief Steve Russo.

The City Attorney stated that he spoke with Councilor Jones before he submitted this and told him it was something the City Council would need to think about. He continued that there are two statutes at play with respect to this. The one Councilor Jones referenced is RSA 159:18 Felonious Use of Teflon-Coated, Armor-Piercing and Exploding Bullets and Cartridges. As Councilor Jones pointed out, it is a Class B Felony if a person uses or attempts to use of these "Teflon-coated, armor-piercing and exploding bullets and cartridges" in the course of committing any misdemeanor or felony. It is not currently unlawful to possess these items, or transfer, buy, or sell them, as long as one is not doing that in commission of a felony or misdemeanor.

The other statute to point out, which is the reason Councilor Jones is suggesting that this happen by legislative action, is RSA 159:26. The State has preempted any local bylaw or ordinance with respect to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or "other matter" pertaining to firearms, which includes ammunition. The State has taken upon itself the sole right to regulate that in any manner, which is why Councilor Jones is suggesting this has to be through legislation (and not a City Ordinance). Whether or not the City Council as a group wants to support that request is up to the City Council.

Councilor Williams stated that the RSA talks about "Teflon-coated bullets," but Teflon is a brand name that refers to the same substance used on frying pans. Is that written into the RSA? Councilor Jones replied yes. Councilor Williams asked if some other non-stick solution that could be put on bullets would also be covered by the RSA. The City Attorney replied that that is a good question and he did some research about armor-piercing bullets. He continued that the statute specifically uses the phrase "Teflon-coated or armor piercing." The Bureau of Alcohol, Tobacco, and Firearms's special advisory in 2015 tried to better define "armor-piercing projectile," for purposes of the Gun Control Act of 1968. That definition says "a projectile which is constructed entirely from one or a combination of Tungsten alloy, steel, iron, brass, bronze, beryllium copper, or depleted uranium." Another definition deals with a jacket weight of more than 25%. Thus, the State's definition seems to be narrower than that, but apparently these types of projectiles are also covered by the Gun Control Act. The Police Chief could speak more about this, but the State recently adopted legislation which limits the ability of local law enforcement to enforce gun-related legislation or rules. He suspects that even if an individual were in violation of the Gun Control Act, that violation, if it did not trigger RSA 159:18, would have to be in connection with some other State-related offense. The short answer is he thinks the State would probably need to, if they were going to adopt legislation on this, look carefully at the definition of "armor-piercing round." The ATF has tried to provide a definition.

Councilor Filiault stated that he has a legal question for the City Attorney. The State was trying to enact legislation saying the State can ignore Federal law, but State law supersedes local law, and Federal law supersedes State law, so how would that work? Can the State actually say you can violate a Federal law? The City Attorney replied no, Federal law is still supreme. He continued that Federal law might incorporate State law, to some extent, so there could be a bleed over between the

two. Councilor Filiault replied that he read that the State was trying to say that if they disagree with Federal law (regarding guns), they are not going to follow it. Is it correct that no matter what they say, they are obligated to follow Federal law? The City Attorney replied yes, and the State action did not say you can violate Federal law. He continued that the State action said that local law enforcement should not assist Federal law enforcement agencies in the enforcement of Federal gun laws, unless it triggers an underlying State violation of some type.

Councilor Jones stated that the State law already is stricter than the Federal law, regarding the use of penetrating bullets. The City Attorney replied that again, the State law only applies in connection with the use of the bullets. He continued that his understanding, under the ATF rules and under the Gun Control Act, is that they are generally unlawful under Federal law and people are not supposed to possess them. He remembers when this debate was occurring many years ago. Councilor Jones replied that that is even better – they could then comply with Federal law. The City Attorney replied that they still have to have the State requirements in place.

Chair Greenwald asked to hear from the Police Chief.

Police Chief Steve Russo stated that he does not have the statute that was just enacted in front of him now, and he does not remember if it says “should not” or “shall not,” but his understanding is that cannot assist or enforce Federal laws. He continued that there are many Federal laws they cannot enforce anyway, whether they are Federal laws or not, such as immigration. The KPD has no interest in enforcing that. The KPD cannot arrest someone on a Federal law. If they have some other reason to hold the person, they can call the ATF and say . The problem with the statute that the City Attorney brought up is that it does affect Gun-Free School Zone and how the KPD interacts with the SAUs, and domestic violence cases, so that is problematic in another way. If someone has Teflon-coated bullets, the KPD cannot arrest him on that, just because it violates a Federal law. The KPD can gather the information, if they can get it, and forward it to the ATF. He is not familiar enough with that to know if it is outright . He did not think it was illegal. Chief Russo stated that ballistic vests are made at different levels. Some will stop up to X amount of handgun . None will stop rifle rounds of any caliber, unless you have plates. The armor-piercing may or may not help you. It is not one-size-fits-all. Some of these rounds, from high caliber weapons, will go right through the plates that the KPD has in its heavy vests. It is not a good idea to have them on the street, but he does not think, unless it is a State statute, that Keene could actually regulate any of those, based on Federal law.

Chair Greenwald asked if anyone had questions for Chief Russo.

Councilor Workman asked, in the Chief’s opinion, and in his Officers’ experiences, how much of a need is this? How often are they seeing this type of paraphernalia? Chief Russo replied that he cannot even remember the last time it has been brought to his attention. He continued that when he was a Patrol Officer and Supervisor, he helped confiscate many guns through narcotics investigations, regular investigations, and domestic violence cases, and he cannot recall ever coming across these rounds. They are very expensive. Unfortunately, the people who want them are going to get them. He cannot imagine how much they cost; ammunition in general is expensive. However, regarding the question of whether there is a need, it is only that one time when that need may be, but unfortunately with the way society is right now, will be available to the people who want to get them. It will cause many people to start saying it violates their Second Amendment rights and they should be able to buy this and that. He is not a hunter and is not very familiar with some of the rounds that are out there. He does not know why the public would need , but people are going to say it is their right.

Councilor Workman stated that Keene has the Bearcat. She continued that if they suspected there

was going to be an arrest, a search warrant, or some law enforcement activity where the alleged perpetrator may have these type of weapons and paraphernalia, the KPD would anticipate that. Chief Russo replied that is correct; the KPD's operations are not just thrown together. He continued that the KPD does a risk assessment for every operation, which tells them what level of people and equipment they need to bring. Definitely, if there were a person with long guns, and perhaps abnormal ammunition, the KPD would ramp up what they need to do. Some of these rounds will go through the Bearcat or any other armored vehicle in the state, through the windows.

Chair Greenwald asked if there were any more questions for the Chief. Hearing none, he asked for comments or questions from the public or Councilors present. Hearing none, he stated that what he is wrestling with is that he does not think any Councilor is in support of armor-piercing ammunition, but he is not sure this is City Council business. He continued that the City Council is there to deal with basketballs and potholes, water, Public Works-type issues, and so on and so forth. This is State business, in his mind. He asked if Councilor Jones could outline why, and how. His first thought was that they should all write letters, individually, to their State representatives.

Councilor Jones replied that the issue already came before the City Council, about resolutions about State and Federal business, and the City Council said yes, they wanted to do it. He continued that secondly, Keene has a Police Department. This is City business. The City Council has a duty to help protect their own Police Officers. He also wants to add, for the background notes, that if the City Council does pass this resolution, he would ask that it be sent in writing to all local Keene legislators and electronically to all across the state, which is done by the push of a button. He has already contacted many legislators, who are in favor of this.

Chair Greenwald stated that Councilor Jones just answered a question he was thinking – surely, with the number of State Representatives there are, it would be quite a burden for the City Clerk's Office. However, as Councilor Jones said, if it could go electronically, that would work.

Chair Greenwald asked again if there was any public comment. Hearing none, he asked the Committee what they think.

Councilor Filiault stated that he agrees with Councilor Jones that this is City business, because as he has always said, if a constituent brings something forward, regardless of what the issue is, it is City business. If the Committee thinks that the issue is frivolous, it only takes a few minutes to determine that, and they vote the issue down. Thus, he does not mind issues of any kind coming forward from a constituent. If someone thinks it is important enough to bring to the City Council, he encourages it. Regarding this particular issue, he morally agrees completely with Councilor Jones. He is just struggling with the legality, with the State and Federal part of it. He is confused about where they go with this now, based on State law and Federal law, and comments the Chief made. If Councilor Jones wanted to approach staff and come up with a resolution, which is more of a moral resolution, he would be completely on board with that. He just does not want to write a legal resolution that would not hold up in the courts.

The City Attorney replied that to clarify, in fairness to Councilor Jones – he is not requesting that the City Council adopt an Ordinance or a Resolution prohibiting (armor-piercing bullets). He continued that Councilor Jones is requesting that the City Council communicate to the State legislature a request to enact legislation to deal with the issue. At this point, it is a purely legislative question and it would not be something that would bring (Keene) over to the Superior Court or something like that. It would purely be a request to enact legislation.

Councilor Filiault thanked him for the clarification. He continued that he does not think he would send a (request for legislation) to this current legislature in Concord, because they would probably (throw it

out), but maybe after the election there would be a majority who would listen to what Councilor Jones is asking for.

Councilor Williams stated that he supports this and thanks Councilor Jones for bringing it forward. He continued that he thinks it is important for the City Council to make a statement that says if the State is going to have one law and then refuse to enforce Federal laws, it would be much better if the State and Federal law were aligned, so the State can enforce the Federal law and it can be done at a local level.

Councilor Workman thanked Councilor Jones for bringing this forward. She continued that the questions she asked were more for the public knowledge and to clarify the need in Keene for the public safety aspects versus going State-wide and Federal-wide. She supports this and does not think (armor-piercing bullets) should be as available as they are. They have seen the destruction they have done. Her question about how much money and time it would cost the City to write and draft this was answered to her satisfaction, thus, she will support asking the State to do more about this issue.

Chair Greenwald stated that as a change to the potential (motion), changing the words “draft a Resolution” to “draft a communication” would be more appropriate. He asked Councilor Jones what he thinks. Councilor Jones replied that he is fine with that. Chair Greenwald asked, regarding Councilor Filiault’s comments, when Councilor Jones would want this to go out. Councilor Jones replied the sooner the better. He continued that sometimes it is better to get people to act on something before election time. In addition, legislators have deadlines for when they have to get bills on the table. It would be hard for a new legislature to get it there by December, or whenever the time is. It is somewhat time-sensitive.

Councilor Williams made the following motion, which was seconded by Councilor Filiault.

Move to recommend that the City Council authorize staff to draft a communication in support of a “Protect Our Police Bill”. The communication would be sent to all State Officials requesting that legislation be enacted and supported which would outlaw the owning, storing, buying, selling, distributing, manufacturing, or custom making of any gun loading ammunition designed to penetrate bulletproof armor.

The City Manager stated that she would like to request a slight change. She continued that sending to the communication to “all State Officials” is broad, and she wants to make sure she meets the City Council’s intent. She asked if they are speaking about members of the House and Senate. Chair Greenwald replied yes. Councilor Jones replied yes, and as he said, he only asks that the communication be sent in writing to the local legislators, and electronically to the rest of the remainder of the Legislature.

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends staff be directed to draft a communication in support of a “Protect our Police Bill” requesting that legislation be enacted and supported which would outlaw the owning, storing buying, selling, distributing, manufacturing, or custom making of any gun loading ammunition designed to penetrate bulletproof armor and that the communication be sent to the Keene Legislative Delegation and that the remainder of the General Court receive the communication electronically.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Comprehensive Housing Needs Analysis - Senior Planner**

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**Council Action:**

**In City Council September 1, 2022.**

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

**Recommendation:**

On 5-0 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 Camoin Associates for consulting services for an amount not to exceed \$45,000.00. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with Stantec Consulting Services, Inc. for an amount not to exceed \$45,000.00.

**Attachments:**

None

**Background:**

Community Development Director Jesse Rounds was the next speaker. Mr. Rounds stated staff's request is that the City Manager be authorized to negotiate and execute a contract with Camoin Associates to provide consulting services for a housing needs analysis.

City Manager Elizabeth Dragon stated this evening staff is looking for the Council's authorization so that she may be able to move forward and execute a contract on this very important project. The City is looking to do an analysis of its housing; the types of housing, affordability of housing, gaps in housing stock, so that it can make informed strategies from that data. She noted a couple of years ago there was a study done informally in the Community Development Department. However, this is taking it to a different level. This work will be timed well with the work that Southwest Regional Planning Commission will also be doing.

Councilor Remy asked what the City would receive as a product from this study and asked whether there was a \$20,000 version the City could obtain. The Manager explained this is the second time the City has gone out for proposals for this project. The first was with a budget of 30,000, and got no responses. The City reached out to several consultants to find out why they didn't get any proposals, and the reason was that the cost was not high enough. Hence, the budget needed to be increased.

The Manager stated the Committee has two choices; staff could significantly reduce the scope of work but if the City is looking to get this level of information, \$45,000 is required. Mr. Rounds added staff is seeking grant funding to support part of this cost.

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

On 5-0 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 Camoin Associates for consulting services for an amount not to exceed \$45,000.00. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with Stantec Consulting Services, Inc. for an amount not to exceed \$45,000.00.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Cheshire Rail Trail Phase 3, Construction Engineering Change Order #2 - City Engineer

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**Council Action:**

**In City Council September 1, 2022.**

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

**Recommendation:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract Change Order with Greenman, Pedersen Inc. for an amount not to exceed \$4,000 (Subject to NHDOT approval). Funding is to be provided by Project Cost Center 75J0004A-300-O-541020.

**Attachments:**

None

**Background:**

Civil Engineer Brett Rusnock stated that this request is for a change order for the Construction Engineering Consultant. This firm oversees the work the construction contractor is performing on the project. The project has been progressing well and is nearing completion. The projected end date is Friday, September 2. However, due to a contract time extension request from the contractor, which staff believes to be legitimate and valid, the consultant needs to be offered some extra funding to oversee the work properly.

Chair Powers stated he understands the issues the City is facing trying to get contractors and material, but felt this work has gone on a little bit too long. He stated he has had the opportunity to watch the work two or three times a day. The Chair stated the City has three days to get sidewalks ready before school opens and the contractor does a good job leaning against the truck all day. The Chair stated he was a little concerned the City is going to extend this contract to pay someone to watch them do nothing and the City is not going to have sidewalks for next Wednesday morning when kids are going to school. The Chair stated this is not acceptable because this is hard earned money and there are children who are going to have a hard time getting to school on Wednesday.

Mr. Rusnock asked for little more detail as to what was happening at this site. The Chair stated it is down West Street and down Park Avenue where sidewalks are going to be redone at every

intersection and they are all dug up and it is actually a safety issue. The Chair stated the contractor has issues hiring flaggers but felt the individual leaning against the truck could help flag. He indicated he is not telling people how to do their job, but as a citizen and as a taxpayer this does not look good. Mr. Rusnock stated he appreciates the Chair's comments and there is no excuse for a contractor wasting time on a job especially if the contractor is requesting more time. He stated this is an issue he will raise with the contractor and their subcontractor immediately.

School is starting and sidewalks are an important feature, and hence the reason for starting the sidewalk re-build program this year. He stated he will raise this issue and make them accountable.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract Change Order with Greenman, Pedersen Inc. for an amount not to exceed \$4,000 (Subject to NHDOT approval). Funding is to be provided by Project Cost Center 75J0004A-300-O-541020.

The Manager stated she has witnessed the engineering department holding contractors responsible. There is a project currently happening behind City Hall – the stairs were not built according to specification and they are being rebuilt right now.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Municipal Services Agreement - Keene State College - City Manager**

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**Council Action:**

**In City Council September 1, 2022.**

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

**Recommendation:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to execute the Fifth Amendment to the Municipal Services Agreement with Keene State College to extend the term of the agreement for one additional year.

**Attachments:**

None

**Background:**

The City Manager addressed this item regarding the Municipal Services Agreement the City has with Keene State College. She stated for a number of years the City has continued the same agreement. Initially the same agreement was continued because the college was going through a lot of restructuring related to their budget and were not prepared to negotiate a new agreement. Covid happened soon after and they continue to have changes. However, at the present time the Manager stated she is comfortable renewing the agreement, because she believes there is pressure to reduce the amount of money they are paying the City, although that has not been raised, it is something that would take a long time to negotiate.

In the meantime, the City is hoping to hold things steady, with the same agreement that has been in place for several years. That agreement provides significant payments to the City mostly for fire safety services as negotiated in the agreement (approximately \$497,000 for life safety services) and \$136,000 for a police officer that is funded by the college and that officer has duties that relate to the relationship and on campus activity; acting as liaison between the college and City.

The City also has the Social Host position, which is a part-time position (50/50 funded by the college and the City) at a cost of approximately \$14,500. In addition to that, the college pays \$10,000 towards prosecution. Lastly, there is an escrow account of just over \$7,000 that is held for any disturbances that might arise in the off-campus neighborhoods the City would have to address.

The Manager stated she and President Melinda Treadwell had many conversations about different things and have formed a great partnership. She added when there is substantial change with the next agreement, she expects there will be more innovative partnerships that they will be able to articulate in the agreement.

Councilor Madison asked whether the college falls under a regular ratepayer for water and sewer services. The Manager answered in the affirmative.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to execute the Fifth Amendment to the Municipal Services Agreement with Keene State College to extend the term of the agreement for one additional year.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Municipal Facilities, Services and Infrastructure Committee, Standing Committee  
**Through:**  
**Subject:** **Designating City Parks- Drug-Free and Smoke-Free Zones – Councilor Mitch Greenwald**

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**Council Action:**

**In City Council September 1, 2022.  
More time granted.**

**Recommendation:**

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication from Councilor Greenwald be placed on more time to allow the City Attorney to research the issues associated with Councilor Greenwald's request.

**Attachments:**

None

**Background:**

Chair Greenwald stated that he had a conversation with former Councilor Redfern about the new Pat Russell Park on Carpenter St., and they got to talking about all of the City parks, and the drug problem rampant in Keene. He has encountered a number of very bad situations. They need to protect at least the areas where children are at on a regular basis. He asked former Councilor Redfern to come forward and elaborate further. In conversation with the City Manager and the City Attorney, he knows there is conversation happening about designations of what is a City park, and what their rights and responsibilities are to enforce the rules in them. He anticipates that this topic can be discussed to an extent and then it would be placed on more time.

Charles "Chuck" Redfern of 9 Colby St. stated that Chair Greenwald gave a great background of how this came about, but for the benefit of the public, he wants to provide a brief explanation of these zones. He continued that while the City Attorney will have the final say on what the legal definition may be for the State of NH, he has a general understanding of a Drug-Free Zone as "a geographical area where the distribution or possession of controlled substances is penalized with a sentence or fine greater than is applicable elsewhere. Areas classified as Drug-Free Zones are generally specified in the State's drug offense laws. Ordinarily, these areas are within a certain distance from a school or other place where children are found, is classified as a Drug-Free Zone. If an individual is arrested for the possession or distribution of a controlled substance within the Drug-Free Zone, the penalties of the offences are enhanced." He continued that for example, State laws set the Drug-

Free Zone at 1,000 feet. That means that if you are arrested within 1,000 feet of a school or other place where children or students congregate. Another legal definition of “Drug-Free Zone” is “statutorily designated area or place, as a public park, beach, or school bus area, which within the distribution or possession with the intent to distribute a controlled substance is an aggravated felony.”

Mr. Redfern stated that Keene and its citizens have invested significant funds to keep Keene’s youth engaged in healthy, active lifestyles. Such examples include the Pat Russell Park, the bike park, and the skate park. Some of these facilities are or may soon be populated near neighborhoods. He applauds the City of Keene for being proactive in that area, and specifically applauds the Parks, Recreation, and Facilities Director, Andy Bohannon, for being a strong advocate for active, healthy lifestyles for youth and adults. He looks forward to hearing the City Attorney’s input in this conversation.

Chair Greenwald stated that questions for the City Attorney to consider include the question of who is involved in the enforcement of this. For example, could a citizen call in a complaint? He senses that this may walk into similar to what they were hearing before, the difference between State and Federal definitions.

The City Attorney replied that the very first question they have to ask and answer is whether Keene can do this with respect to the parks. He continued that as they have talked about, he wanted to hear what the conversation was this evening, and then look at this more closely. However, they should keep in mind that the State has already designated at least two, that he is aware of, authorities for Drug-Free Zones. One is in schools, as has been referenced. Statutory language under RSA 193-B: Drug-Free School Zones defines what happens in that context. The other area in which the City is empowered to act and create a Drug-Free Zone arises under RSA 47-17:7, which is about the general authority granted to cities to adopt ordinances and bylaws for many different things. In 1991, the State legislature created this authority to create Drug-Free Zones, but it is specific to public housing authority property. Thus, the fact that the State has chosen to provide specific authority in these two contexts makes him question whether the City has any authority to go beyond that.

The City Attorney continued that the reason why he is not prepared to give them a straight answer tonight is that he does have to consider this other statutory section, RSA 47:5, which deals with city property. City Councils have authority for “the care and superintendence of all City buildings and all City property.” Thus, they do have rights as a general property owner. He has to think about that a bit, but he is fairly sure he can tell them tonight that even if there is some ability to regulate the idea of unlawful drugs in the context of parks, the authority to enforce that would be very limited. They would not be able to use enhanced penalties, criminal penalties, civil fines, or anything like that. He does not want the public to take away from his comments that he is going to come back and say, “Yeah, I think you can do this,” only that he does need to think about it a little more, in the context of the rights of the City as a general property owner. Regarding the other question, of penalties, criminal enforcement, and so on and so forth, he thinks that is off the table right away.

Chair Greenwald stated that how the bike path would fit into this is another question to think about later. He continued that it is not exactly a park. The City Attorney replied that it is City-owned property and thus would be part of the thought process he was just talking about. Mr. Redfern replied that bike paths are sometimes referred to as “linear parks.”

Councilor Williams stated that he is concerned about increasing the penalties for anything. He asked if there is research showing that increasing the penalties in Drug-Free Zones has an effect. Is this an intervention that has been shown to work in other places?

Mr. Redfern replied that his understanding is that it is not so much about how it motivates the perpetrator of the sale of controlled substances, but the way in which it lets an Officer know that his/her time is best spent focusing on whatever has the higher fines or is regarded in the community as a greater offense. He thinks they would be dedicating more attention to the point of sale than what a lot of police departments focus on, trying to catch big fish at the source. The State Police handle the big picture, and he is sure that KPD are also using similar surveillance techniques. He thinks the increase of the penalty will serve as a deterrent. Some of the more libertarian people in the State legislature would be concerned about increasing fines for activities they consider "personal choices," or crimes that "do not affect others." However, he disagrees, and thinks society suffers greatly from the illicit use of controlled substances. For example, there was a time where the City's resources were greatly strained because of Narcan having to be administered throughout the city. He knows of one case where the user of the drug located himself in a park near the Fire Department so that if his life was in peril, the Fire Department could administer Narcan to him.

Chair Greenwald stated that he knows the City Attorney has many questions to look into already, but he would like to add one more: the question of Smoke-Free.

The City Attorney replied that before they go into that, it is important to point out, especially to the listening public, that the possession, sale, transfer, use or substances that are otherwise controlled and prohibited is still unlawful, even in the parks. They are not creating a special zone in that sense; it is already unlawful.

The City Manager stated that as much as they would like to think they can rely on the State Police to address the larger issues of drug addiction or sale in NH communities that is just not the case. She continued that the KPD is actively involved in drug investigations in the city. They work with State and Federal authorities, but those resources are very limited. She does not want to give anyone the impression that the City relies on the State Police to enforce these types of things.

Mr. Redfern stated that the City of Keene has an excellent relationship with the NH Municipal Association, so if there is a State law that needs to be looked at, or policy review or something of that sort, there are great avenues within the City of Keene to reach out to the NH Municipal Association and garner their support. He continued that he also came here tonight thinking this would be an easy issue, but if it is more complicated, he can assure everyone that there are resources available to be very persuasive on this matter. For example, Cheshire Medical Center has a Public Health Policy Department, and they were substantial in helping secure a No Smoking Ordinance or some controversial issue that they weighed in on, and it made a big difference. He did not come tonight with those details, because he thought this would be a simple thing to forward on either through the City Attorney or someone else.

Chief Russo stated that he wants to make sure he fully understands what they are doing. He continued that the City Attorney is looking into whether they can put signs up in the parks, because that is all they can do. He wants everyone to understand that the City cannot enact any laws, statutes, enhancements, or anything like that. That would be like the previous conversation – trying to get the legislature to include parks in the definition of Drug-Free Zones. They have not had huge luck in getting city attorneys or county attorneys to get the enhanced penalty for having sold drugs in school zones. It becomes a legal controversy and a difficult process. He agrees with , but thinks it has to be incorporated into the definition at the State level. Keene unfortunately cannot make up their own.

Kristen Petricola of 256 Beaver St. asked if alcohol is included, or if they are just talking about controlled drugs. She continued that there is frequent misuse of alcohol in this community, in places

where people should not be drinking it.

Chair Greenwald replied that that is another question for the City Attorney. He continued that already, people are not supposed to drink in City parks. The City Attorney replied that there are already limitations with respect to the consumption of alcohol. Some exceptions are allowed, but in general, the public consumption of alcohol in the city of Keene is already regulated. He added that the Parks and Recreation Director is here and would like to speak.

Monica Marshall of 81 Terrace St. stated that she has been to the City Council twice this year with proposals to make various parts of Main St. or areas in the city Smoke-Free. She continued that the last proposal she made – which was not to this committee, although some members overlapped – was to start with Railroad Square. In the more than 25 years that she has lived here, Railroad Square has become a place where people with young children, or older people, or people who do not want to be surrounded by cigarette smoke, no longer go to. Her topic has not come up, and today when she called the City Clerk to find out what happened to it, she told her about this meeting and suggested she attend. In between her visits to the City Council, she goes regularly to Railroad Square, and the space is always used by a very small sliver of the population.

Ms. Marshall continued that regarding her most recent proposal, she got some business owners who would be willing to put up a play structure between Railroad Square and the Monadnock Food Co-op. Initially, there were many supportive people, but since has not come back, they have faded away a bit. The Co-op would still be supportive, to make that area once again a place where families feel comfortable. It used to be such a lively place. There were benches and places to sit, and more people used it. What she has heard tonight really fits with what she has been saying.

Ms. Marshall continued that she feels like they are ceding their public spaces just because there are some State laws. She is politically active and firmly believes that if Keene has laws on the books from the State, if they cannot increase the quality of life in their city when they see things are not working, they should be willing to be sued by the State. Railroad Square right now is very minimally used by the vast majority of the population. When came the first time, it was stated that 85% of people in the county do not smoke. Basically, 15% of the people get to have all of the freedom of being in any space they want. Parks are filled with cigarette butts. As they talked about last time, they are not expecting Police to have to enforce that, but many places in the country, including Burlington, VT for their entire walking street, have put up signs, and then it becomes the norm as people get used to it. It could be the same with the Drug-Free Zone. She is not imagining Police will be wandering through the parks, but once something is posted, then people are empowered to help make changes in their own city. It is frustrating, as a citizen. Some State laws and Federal laws are great, and Keene should follow them, but she thinks the City should challenge the ones that they can see on the ground are not serving the Keene population and not furthering the increase in quality of life in Keene.

She continued that when she brought the possibility of having just Railroad Square and the bike path to the Co-op be Smoke-Free, she could not believe there are so many statutes. It seems like a no brainer, but then there are so many layers, with one piece owned by the State, and another piece owned by the City, and it seems like is not empowered to make its own city better. As they did before with the No Smoking in Restaurants, when Keene was one of the first in the state to do so at a time when it was illegal to do that, she encourages the City to really look at what is needed for our city. She often wants to use that little path next to Pat Russell Park, which she used to take her classes through as a shortcut, and they would clean it up. They are now doing something with Pat Russell Park, which they should be proud of. It will be beautiful, and they should be thinking proactively about who they want to use it. How can they make it the most friendly, to the most people in the community? They should not just say they cannot do it because of this law or that law. She is

here today to support Councilor Greenwald's request and to bring back the idea of making the city's parks Smoke-Free. She was part of the cleanup at Robin Hood Park on Earth Day, and when she went through the park, it looked good. Then she got to the parking lot, and picked up 500 cigarette butts, all within 10 feet of the garbage cans. It is almost as if people go there and empty their ashtrays on the ground. There is no sign. If there was a sign, and you saw someone doing that, you would have some recourse to point it out to them and say, this is not the way we want to treat our city. There are "Clean up after your dog" signs, and ones saying not to litter. She wants to see people be more proactive in allowing the largest portion of the population to be free to use every part of the city.

Chair Greenwald replied that he totally agrees with Ms. Marshall. He continued that to reassure her, her request did not go away. It is hanging in a category on the agenda called "More Time Items," so it is still alive. Regarding Railroad Square, he is aware of some complex title issues and questions of who owns what, about what the City has the rights to enforce. It is very frustrating, but they will get there.

Councilor Filiault asked if they have an idea of when the item will be coming off more time. The City Manager replied that they were hoping to incorporate Ms. Marshall's conversation in this potential ordinance change, and she thinks once Mr. Bohannon speaks to the Committee tonight, they can talk more about incorporating it in the parks conversation.

Chair Greenwald asked to hear from Parks, Recreation, and Facilities Director Andrew Bohannon.

Mr. Bohannon stated that Ms. Marshall's request was supposed to come back before the Committee. He continued that they looked at this in June, related to updating Chapter 58, which is related to Parks and Recreation. They were looking to define "park" and how the City uses parks, and looking at that definition is more about the spaces that the city calls parks, as opposed to what is in the parks. A lot of different language has been brought up tonight related to alcohol, smoking. To ensure that everyone understands, alcohol is not allowed in City parks, except within certain, L-shaped areas for the softball league and designated picnic areas within that space in Wheelock Park. That is the only space in the City parks where alcohol consumption is allowed. In all of the City parks, glass is not allowed. Glass is a dangerous element and also much alcohol is contained in glass, and they do not want those to mix.

Mr. Bohannon stated that regarding smoking, he cannot remember the specific time frame, but staff worked with Healthy Monadnock and the Coalition for Tobacco Free Communities to put signs up around the City's playgrounds that say not to smoke there. They made the Recreation Center a designated No Smoking area, and smoking is not allowed in front of the building. He thinks it is time that all City parks be smoke free. As Chair Greenwald brought forward related to Pat Russell Park, and with the skate park coming on board, and the potential dog park and disc golf, and the existence of the great bike park, all of these environments are attracting many people. They want those spaces to be friendly, healthy, and used, and designating all of those spaces as Smoke Free is the right direction.

Mr. Bohannon continued that Central Square and Railroad Square are both different spaces and are not parks. This is where it gets tricky. However, a City Resolution calls out specific language for those particular uses. They can update that Resolution at the same time they are doing the Ordinance, so everything aligns at the same time. He and the Assistant City Attorney have been talking about the trails. Even though the rail trails are on City property, the City has an agreement with the State, so they have to look at that combination. The new Cheshire Rail Trail Phase III is opening soon with designated trailheads. They were looking at some of those spaces earlier this week, and did a major cleanup at the trailhead of the Ashuelot Rail Trail and found some alarming

things. They need to keep the signage up and make it more educational.

Mr. Bohannon continued that regarding the timeframe, because of some of the things happening in September, they would like to bring this back for October 6. That would be the first reading, at the City Council level, for a new Ordinance change. Then they would come through the MSFI Committee meeting at the end of October. They would have the first adoption opportunity at the beginning of November.

Chair Greenwald asked if there would be no need for Committee input at the September MSFI Committee meeting. He continued that he is not asking for the Ordinance to be drafted at that point, but maybe they could just get an overview. Chair Greenwald replied that they need to keep in mind that the Committee only meets once a month now. Mr. Bohannon replied yes, he had forgotten that.

The City Attorney stated that he has not seen it yet, either. He continued that the Assistant City Attorney, Amanda Palmeira, and the Public Works Director, Kürt Blomquist, have been working on this diligently. He would like to review it as well. He suggests that, without introducing it as an Ordinance yet, staff could provide it to the MSFI Committee to review, so if the Committee has any comments or suggestions before staff actually introduces it as an Ordinance, they could do that. He would rather do that than introduce it as an Ordinance, have it come to the Committee, and have the Committee look at it and suggest changes, which leads to an A version or B version. That would give Mr. Bohannon and Ms. Palmeira an opportunity to consider the Committee's and public's comments before they hard code it into an Ordinance.

Chair Greenwald replied that is exactly what he was thinking. Mr. Bohannon stated that he checked his schedule, and unfortunately, he will not be present for the September MSFI Committee meeting. The City Attorney replied that that is all right, because staff would be looking for the Committee's input and public input. Mr. Bohannon replied yes, it will all be tuned up and ready for that.

Councilor Williams stated that he supports the idea of Smoke-Free parks, but he is concerned that people will create impromptu smoking zones on the edges of the parks. He continued that maybe it would be better if they built designated smoking zones, or at least the authority to create them as necessary, into the Ordinance. Chair Greenwald replied that of course, they would not want to create designated drinking zones or drug zones, but regarding smoking, he unfortunately agrees. The City Attorney replied that there is precedent for this at the Library campus; staff created a designated smoking area, with receptacles. Chair Greenwald stated that this might make it more successful. For example, if someone is smoking at a Little League game, people can direct them to the place to smoke.

Councilor Workman stated that one of her concerns when she read this was any increased fines for the drug-free aspect. She continued that in addition, as vilified as smoking tobacco is, it is not a criminal act. Yes, it can be annoying to non-smokers to be out in the community and go past a cloud of smoke, or encounter the litter of cigarette butts, but she hopes that when they are talking about designating any Smoke-Free Zones, they also include more receptacles for cigarette butts. She means specifically for cigarette butts, not just garbage receptacles, because they do not want to start fires, either.

Councilor Filiault stated that clearly, nothing they do will be perfect, but doing nothing is not an option. He continued that they should try to do the best they can and move forward. Like with many issues, they can correct it down the road if they find a flaw.

Councilor Jones stated that they can go a lot of different ways with this, but he asks that they at least make it a goal to have a No-Smoking zone, and let those groups who use that park know that one of the City goals is to not have smoking. He continued that he coached many years for what was then called the Allison Barden League, a girls' softball league. The League had its own rules, including no smoking at the games. He, as a coach, had to approach if there was a parent sitting in the stands and lit up a cigarette, and tell them to put it out. He would tell them that they were violating one of the Allison Barden League's policies. He likes Councilor Williams's idea of having designated areas for smoking, because they do attract tournaments, which are good economically for the city. Some of the softball tournaments bring people in from Rhode Island, New York, Connecticut, and all over. Part of the reason Keene does well is because they do have that little beer garden area that people can use. He thinks they might lose people if they restricted the smoking, but if, as Councilor Williams says, they had a designated area for people to smoke in away from the general public, it might work. They should let people who are using the spaces know that it is a City goal to restrict smoking in any way they can, so if they can make it part of their policy, that would be great.

Mr. Redfern stated that he wants to make sure he understands clearly. He asked if it is correct that the City is going to do an Ordinance on Smoke-Free Zones, or expand them, but they are not taking up an Ordinance for Drug-Free Zones. Chair Greenwald replied no, they are doing both. The City Attorney replied that the Drug-Free aspect of this is not now included in the changes to Chapter 58. He continued that as he said, he wants to take a closer look at the issue with respect to doing it at all. At a minimum, as the Chief pointed out, they may be able to put up a sign saying "Drug-Free Zone," but what they do with it after that is very open to question. He understands that as Mr. Redfern has pointed out, enhanced penalties, as discussed, are clearly off the table. At least now they know they can proceed with changes to Chapter 58 and include tobacco-free aspects of it. Five years ago he would have said that was questionable, but he thinks the consensus around the state at this point is that they can do exactly that with tobacco. Drugs are a different story.

The City Manager stated that if in fact they come back after the City Attorney has concluded his research, and that is the case, what they could do, if the Council is interested, is do something similar to the and request that parks be added to the statute that allows Drug-Free Zone enhanced penalties.

Chair Greenwald stated that he is glad they are having this clarification conversation, because what he was hoping to hear is that the City Attorney has research to do regarding what the City can and cannot do, regarding drugs and cigarettes, and at the next MSFI Committee meeting, they will find out. The City Attorney replied that they know they can do the tobacco, and they have incorporated the tobacco already, as far as he understands, because he has not yet seen the ordinance himself. He continued that the question is the drugs. He would rather keep those two conversations separate.

Chair Greenwald thanked staff and asked if anyone had any further comments. Hearing none, he asked if there was any public input. Hearing none, he asked for a motion.

Councilor Workman made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication from Councilor Greenwald' on more time to allow the City Attorney to research these issues.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #H.2.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Spectrum Service Issues - Councilor Randy Filiault**

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**Council Action:**  
**In City Council September 1, 2022.**  
**More time granted.**

**Recommendation:**  
On 5-0 vote, the Finance, Organization and Personnel Committee recommends that this item be put on more time until its next regularly scheduled meeting on September 8 at 6 pm.

**Attachments:**  
None

**Background:**  
Councilor Filiault addressed the Committee and stated per the letter he submitted he is looking for a representative from Spectrum Cable to explain to the Council as to why the cable service seems to be so poor. This is not because of storms or bad weather; it is happening all over Keene no matter what the weather is. The Councilor stated this is a service that people pay for and people expect a service. He added the only thing worse lately than Spectrum Cable Services has been Spectrum customer service. When anybody calls it is always “we don't see a problem in your area” or “unplug your box and plug it back in”.

Councilor Filiault stated since he submitted this letter he has also been contacted by three Spectrum employees who want to remain anonymous, who acknowledge Spectrum Cable is aware there is a problem in Keene and have ignored it. One of the problems, according to Spectrum Employees is their equipment on Beech Hill is not adequately ventilated. It overheats and causes some of the freezes. He indicated he has also heard from another employee, that they have outdated codes in their office, which causes a problem. The Councilor added he is not able to confirm or deny any of this, but the information came from Spectrum employees.

Communications and Marketing Director/Asst. City Manager Rebecca Landry was the next to address the Committee. She indicated the City has a Franchise Agreement with Charter Communications/Spectrum Cable. She indicated she does not know a lot about these complaints but when she has received complaints, she has been able to work with Charter Communications now

known as Spectrum Cable where the complaints are tracked, logged and resolved.

Ms. Landry referred to language from the current Franchise Agreement "...billing and complaint procedures for reporting and resolving subscriber complaints include address and telephone number of the local franchise authority". Once a year under the Charter, Keene is required to send notice to all of its subscribers, identifying Keene as the franchise authority, and also letting customers know that they can complain to the franchise authority with the name and telephone number of the contact. Charter Communication is required to keep a record of all complaints for two years. However, verbal complaints are not required to be kept in that history.

She noted people have asked about credit for any type of service outage; the Franchise Agreement says if there is an outage of 24 consecutive hours or more, subscribers are eligible for a credit, if they request it. Ms. Landry stated she has spoken with the Executive team of Spectrum; there is a V.P. for this region and a team of managers who are ready and willing to hear concerns, and they are hoping to have time to follow up after they learn more about what is going on.

Chair Powers asked for public comment next.

Mr. Bob Trudeau of 671 Park Avenue indicated he has experienced the same issues Councilor Filiault referenced. He indicated he has experienced with certain programs where individual's lips move faster than the show and everything starts to freeze. Mr. Trudeau stated they lost cable the other days for several hours. He stated he tried the "unplug plug back in" method but no resolve, they contacted customer service and they repeated the same fix after half an hour doing the same thing the call disconnected and there was no follow up call. He stated he does not understand why Spectrum cannot call customers back. Mr. Trudeau stated in the past he has seen Time Warner driving around checking distribution boards but that doesn't seem to happen anymore. He stated he hoped there could be a resolution soon.

Mr. Rod Parsons of 104 Hurricane Road stated he would echo some of the previous comments. He stated he has a complete package of spectrum equipment; router, modem etc. He also has the complete internet package and programming. Last night, between the hours of 7:30 pm to 8:00 pm there were four outages where the spectrum logo kept circling (there were no storms last night). Mr. Parson felt spectrum doesn't have enough signal strength to get a signal. He stated he performed a speed test last evening and is receiving 3.7 MB per second download, and 1.9 upload. Today it has improved to 5.7 download and around 4 upload. Hence, the speed varies. He stated without knowing the performance specification for delivery of their product to his house, he can't determine if he is getting what he is supposed to. Mr. Parsons added his monthly bill to Spectrum is \$238 per month and for that money he should receive appropriate service for what he is paying for.

Mr. Bill Arnott of 44 East Surry Road stated he agrees with everything that has been said by the other speakers and has the same experiences on East Surry Road as well. He stated he however, does not have a problem with Internet which leads him to believe after experiencing cable issues for the last 2 or 3 years Keene has antiquated equipment. Mr. Arnott stated he would like to suggest Keene hire a technology expert on cable and bill Spectrum for that cost because he does not trust the technologist at Spectrum because the answers he receives don't make any sense. He stated for example, he couldn't watch a Bruins game last year during the playoffs because the figures were pixelated on the screen and same with the Celtics. He had the same issue with the Redsox last night. Mr. Arnott relayed an issue his neighbor had experienced as an example of how customers are treated by Spectrum. His neighbor lost one of her cable boxes and called Spectrum and their first response was to have her bring the box into the store, which she refused and after a week of back and forth with Spectrum customer service, they finally arrived on the premises and found a grounded wire that did not exist, and the reason for the cable box malfunction. Mr. Arnott stated he has learned

never to speak to any in public relations at Spectrum but rather ask to speak to someone in the technology department. Mr. Arnott felt receiving a credit after 24 hours of outage might help a little. He stressed the need for the City to hire a cable expert to look into this issue.

Mr. Rich Collins of Armory Street stated he has been dealing with the same issues that have been addressed by the prior speakers for over two years. He stated cable issues don't seem to happen during regular TV and hence felt it could be an overload issue with Spectrum. He stated he has had his cable box replaced four times, Spectrum technicians have been at his house on ladders checking wires, checking telephone calls trying to rectify the situation and end up giving him a new box which does not help fix the problem because the issue happens again. Mr. Collins felt Keene is lacking support from Spectrum; it is as if Keene is inconsequential.

Mr. Chuck Berry of 31 Washington Street stated he works from home. His first issue was trying to get the internet working. The instructions online was not accurate and all customer service could say was to unplug and plug back in. He stated he finally requested a technician be sent to his house and it was indicated to him there could be a charge for a technician to come to his home. When they did arrive, it was realized his apartment was never hooked up. Since then there have been several outages. He stated when his internet goes out and he can't work this becomes a cost to him as he ends up having to work later in the day. He stated he needs his internet to work because he depends on reliable internet to make a living. Mr. Berry felt it was a mistake not to have these calls recorded because when there is an outage and he calls customer service he is not going to remember to write a letter. He felt the statistics would be a lot higher in the failure rate if calls were recorded. Mr. Berry stressed for an individual like him there is a cost for Spectrum internet to be out but Spectrum is getting paid their entire bill.

Mr. Tom Spinks of 34 Woodburn Street stated he has been a Keene resident since 2002. He talked about his internet, which was really slow today. When he called customer service he was asked to unplug the router and plugged it back in, after about 12 seconds Spectrum did a reset on the wireless and the speed test soon after was very high but as soon as he started doing a search the speed was down again. Another call was made to Spectrum and they agreed to send a technician over which required to him to rearrange the equipment so the technician could trouble shoot. Mr. Spinks stated this has been extremely frustrating for him – he stated he probably is speaking for everybody here the level of frustration customers have to endure with Spectrum services. Mr. Spinks went on to ask the difference buffering and streaming and whether there was a plan for Spectrum to connect people with fiber optic.

Mr. Jim Hogancamp at 90 Felt Road began by sharing with the Committee a conversation his wife had with Spectrum on August 4 at 5:25 pm: Spectrum indicated they would reboot and they should have cable back in 20 minutes. At that point, he checked the thermometer the weather was at 81 degrees, small breeze, sky was partly cloudy – hence that would indicate there are no weather issues. Same night 6 pm they still had no cable and had now gone beyond the 20 minutes they were originally told. The same screen message, unable to tune into this channel if you need further help with an error code was displayed. He continued that at 7:59 pm, 2.5 hours after the 20 minute promised time, there was still no cable. His wife called Spectrum again and was told they were working on the issue as many others in the area were also having the same issue. At 9:06 pm they got the cable back. Mr. Hogancamp stated he does not care about the 24 hour loss of cable as he doesn't watch TV 24 hours a day, but when he wants to watch TV he would like it to be available as this is what he is paying for. With respect to the financial aspect, they had full service starting on March 7, 2019, at a cost of \$109 per month. That cost has gone up 10 times since that time. As of April of this year their bill is at \$196 – an 85% increase.

Mr. Arnott addressed the committee again and stated with respect to the pixelated situation when he

turned on the Spectrum app, it did not pixelate. He felt this was an important point and encouraged the City to hire a cable expert to look into this issue.

Mr. Trudeau reiterated the pixilation issue.

Chair Powers stated it is not their expectation that the Committee will have a complete answer tonight. Spectrum has asked that they be able to come back with some other individuals. He asked the representative present this evening to comment on what has been said.

Mr. John Mahr Director of Government Affairs addressed the Committee for Charter Spectrum and stated he has listened to all the issues raised tonight. He stated they take every customer seriously and want all of their customers to be happy. He stated their V.P. is committed to come to the next meeting on September 8th and address what he is planning to do for the City of Keene to make the necessary improvements. He acknowledged people are frustrated with customer service, which is understandable. He asked that they be put back on the agenda for September 8th. He added he has taken copious notes tonight and will be passing that on to his V.P. who could not make it here tonight.

The Chair explained the way the City Council is able to deal with issues such as this; someone brings an item forward and it is assigned to particular committee. When it comes to this committee there are a number of things that might happen – do more research, act upon it, but the FOP Committee does not make a final decision as they are only one third of the City Council. Hence, the issue would likely go back to the City Council for final adjudication. The Chair continued that this evening the item is going to be put it on more time, which means it will be back on FOP's agenda at a future meeting. Two weeks from this evening the item will be back before the Committee at that meeting if the item needs to be sent to City Council it will be forwarded on to that Body.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that this item be put on more time until its next regularly scheduled meeting on September 8 at 6 pm.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #H.3.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Relating to Water and Sewer Utility Charges - Ordinance O-2022-10

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**Council Action:**  
In City Council September 1, 2022.  
More time granted.

**Recommendation:**  
On 5-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.

**Attachments:**  
None

**Background:**  
Councilor Madison made the following motion, which was seconded by Councilor Remy.  
On 5-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Andrew Bohannon, Parks, Recreation and Facilities Director  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **Relating to Chapter 22 - Cemeteries  
Ordinance O-2022-12**

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**Council Action:**

**In City Council September 1, 2022.**

**Referred to the Finance, Organization and Personnel Committee.**

**Recommendation:**

That Ordinance O-2022-12, which would revise the fee structure for the Cemetery Division, be referred to the Finance, Organization and Personnel Committee for review and recommendation.

**Attachments:**

1. Ordinance O-2022-12

**Background:**

The present fee schedule for cemeteries was set in 2016; a recent review from the 2019 NH Cemetery Association was conducted to align with other comparable cemeteries within the state. Maintenance, staffing costs and level of service have increased and are not expected to decrease to any previous levels. Comparable cemeteries in the state are located in Exeter, Portsmouth (Calvary), Dover (Pine Hill) and, locally, St. Joseph's Cemetery. In a comparison study with those rates, staff also performed an analysis of costs to determine new prices that cover the true costs of services and recent requests for weekend burials. It was found that the rates needed increased adjustments.

The rate increase is 20% for a weekday burial during normal business operations. However, the weekend burial rates, which now include Sunday, with limited hours from 9:00am to 12:00pm, have increased 100%, and staffing rates in addition have increased 50% related to the weekend responsibilities.

The new fee schedule will be implemented on October 1, 2022.



# CITY OF KEENE

Ordinance O-2022-12

Twenty-two

In the Year of Our Lord Two Thousand and .....

AN ORDINANCE .....**Relating to Cemeteries**.....

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

**That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text in Chapter 22, entitled “Cemeteries.”**

## **Chapter 22 - CEMETERIES**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 22-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* means the parks, recreation and facilities director.

#### **Sec. 22-2. - Entry by director.**

The director may enter upon any cemetery lot and remove any shrubs or trees that are deemed detrimental to the cemetery or adjoining lots or unsightly or inconvenient to the public. He may enter upon any lot and make improvements needed for the advantage of the grounds.

#### **Sec. 22-3. - Records.**

(a) The director shall keep records for each cemetery consisting of the following:

- (1) A lot burial record;
- (2) An index of lot owners;
- (3) An interment register; and
- (4) A burial record.

(b) In addition to the records required in subsection (a) of this section, the director shall keep any and all necessary records for the proper administration of the municipal cemeteries.

## ARTICLE II. - REGULATIONS

### Sec. 22-31. - General restrictions.

The following shall apply in all municipal cemeteries:

- (1) No person shall enter or leave except through the gates. No person except cemetery employees or police officers shall be within the cemetery except during daylight hours.
- (2) No dog shall be allowed in any cemetery.
- (3) No vehicle shall be driven except on roads designated for that purpose, and no vehicle shall be driven faster than ~~15~~ 10 miles per hour upon the roads of any municipal cemetery.
- (4) The director shall maintain order and shall require any person whose conduct is objectionable or who violates this Code to leave the cemetery.
- (5) No person shall discharge a firearm or any other weapon, including but not necessarily limited to bows and arrows, in or adjacent to any cemetery. This prohibition shall not apply to authorized **military** volleys at burial services.
- (6) No person through fault or neglect shall allow any livestock, **including horses**, to trespass upon any public burial place or private graveyard. ~~protected by fencing.~~
- (7) Glass containers of any kind are prohibited in any of the city cemeteries and may not be brought into any cemetery for any purpose whatsoever. City employees working in cemeteries may use glass beverage containers in conjunction with their meals consumed in the cemeteries, provided there is proper disposition of the containers.

### Sec. 22-32. - Specific restrictions.

(a) *Scope.* Cemetery sections have been designed to meet various needs and provide the parks, recreation and facilities department with controls as deemed necessary by the city council. Lot owners must abide by the restrictions as set forth for their section by ordinance. Cremains ~~may be~~ **are** allowed in graves in all sections of city cemeteries. ~~at the discretion of the director.~~

(b) *Monadnock View Cemetery.* Restrictions for sections of Monadnock View Cemetery are as follows:

(1) Sections A, C, D, E, H, I, J, K, N:

a. Upright monuments are permitted when two or more adjacent graves are owned.

b. Only one upright central or family memorial shall be allowed on a lot, and that shall be set on the space designated by the director at least three inches from the lot line. Single graves may not have any pot or urn that cannot be lifted with one hand.

c. Graves may be sold in any combination.

(2) Section B:

a. Flush markers only are permitted.

b. Markers are to be placed at the head of the grave.

c. Graves may be sold in any combination.

~~(3) Section F:~~

~~a. Infants up to six months are permitted.~~

~~b. Assistance cases are permitted.~~

~~e. Flush markers only are permitted.~~

~~d. Lots are sold by single grave.~~

(4)(3) Section G:

a. Mausoleums only are permitted.

b. Mausoleums are sold by square footage.

(5)(4) Jewish and American Legion/VFW Section:

a. Upright monuments are permitted in the Jewish section only.

b. The American Legion/VFW section is sold by single grave.

c. Jewish section graves may be sold in any combination.

(c) *Woodland Northeast Division Cemetery*, Specific restrictions for ~~section XII-C~~ **Section 12C**, of in the Woodland Northeast Division Cemetery ~~are as follows:~~ **and Sections MC and Q in Monadnock View Cemetery are as follows:**

(1) Cremains only are permitted.

(2) Upright monuments are allowed within size restrictions as put forth in the cemetery rules and regulations

(d) *All other cemeteries*. Specific restrictions for all other cemeteries are as follows:

(1) Upright monuments are permitted when two or more adjacent graves are owned.

(2) Only one upright central or family memorial shall be allowed on a lot, and that shall be set on the space designated by the director at least three inches from the lot line.

(3) Single graves may not have any pot or urn that cannot be lifted with one hand.

(4) Graves may be sold in any combination.

(5) Graves restricted for cremains only may have an upright monument within the size restrictions as put forth in article 91 of the cemetery rules and regulations.

(6) No person shall cause the surface of the ground to be raised above the existing height on the surrounding surface. All grading shall be done by the cemetery division or under the directions of the cemetery division.

(7) No curbs or any type of fencing shall be permitted around any individual lot or multiple of lots.

## **ARTICLE III. - LOTS**

### **DIVISION 1. - GENERALLY**

#### **Sec. 22-61. - Development and use of lots; platting.**

Before any new block of a municipal cemetery is opened for the sale of lots, the director shall cause it to be platted and recorded in the city clerk's office, after the approval of the city council.

#### **Sec. 22-62. - Sale of lots.**

The sale of lots in the municipal cemeteries shall be under control of the director, subject to the sections of this Code or city ordinances pertaining thereto. Anyone desiring to buy a lot shall apply to the director and select a lot from those available for sale. ~~The buyer shall then present to the city accounting office a memorandum from the director showing selected lots, together with payment in full.~~ Upon presentation of a proper receipt, ~~the director shall issue payment in full, the Purchaser will be issued~~ a deed to the lot. The deed shall be signed by the director and the mayor and shall be recorded in the city clerk's office.

#### **Sec. 22-63. - Cemetery funds.**

All funds raised and appropriated by the city for the care and maintenance of cemeteries shall be held by and expended under the direction of the trustees of trust funds, after receiving the recommendations of the director, and soliciting any advice from him that the trustees of trust funds may desire. It shall be their duty to supervise all public cemeteries to the end that such funds may be so expended as best to serve the purposes for which they are raised and appropriated.

#### **Sec. 22-64. - Price of graves.**

The price of graves in city cemeteries shall be as set forth in the schedule of fees in appendix B to this Code.

#### **Sec. 22-65. - Miscellaneous charges.**

Miscellaneous charges for the city cemeteries shall be as set forth in the schedule of fees in appendix B to this Code.

**Sec. 22-66. - Transfer of lots.**

The transfer of cemetery lots previously sold shall be registered with the city clerk by presentation of the original deed on the back of which is written, "hereby transfer to (name of the new owner) (portion of lot)" and the endorsement of the original lot owner, his heirs or assigns. No person shall be recognized as the owner or part owner unless so recorded in the office of the city clerk. All transfers must be approved by the director.

**DIVISION 2. - PERPETUAL CARE**

**Sec. 22-96. - Services provided.**

All cemetery lots sold shall be provided with the perpetual care services, the expense of which shall be included in the price of the lot. Perpetual care shall include the cutting of grass upon the lot at reasonable intervals and the raking and cleaning of the lot, but shall not include maintenance or repair of any monument or wall. ~~It may include arranging for the planting and care of flowers if adequate funds are provided for that purpose.~~

**DIVISION 3. - INTERMENT**

**Sec. 22-126. - Charges.**

Cemetery interment and entombment charges shall be billed to the next of kin **or other designated party**, and shall be paid ~~in the office of revenue collection.~~ **in full on or before the day of interment.**

**Sec. 22-127. - Notice.**

Notice of interment in the cemetery must be given to the director at least ~~12~~ **48** working hours in advance. The director shall have full charge of the opening, closing and sodding of all graves.

**Sec. 22-128. - Times permitted.**

No person shall bury or cause to be buried or interred any dead body at any other time of day than between sunrise and sunset, except when otherwise permitted by the director. Burials may take place on Saturday **or Sunday** up to 12:00 noon. ~~Only in exceptional cases will burials be allowed, excluding Saturday mornings, on weekends or recognized city holidays.~~

**Times of interment are as follows:**

**Monday – Friday: 9:00 AM – 3:00 PM\***

**Saturday or Sunday: 9:00 AM – NOON\*\***

**\*Overtime fees:** *Overtime fees shall be charged for proceedings that extend beyond 3pm on weekdays and Noon on weekends.*

<b>Overtime/Weekday:</b>	<b>\$90/hour per person; 1-hour minimum</b>
<b>Overtime/Weekend:</b>	<b>\$130/hour per person; 3-hour minimum</b>

**Sec. 22-129. - Entombment.**

No body shall be entombed before November 15. All entombed bodies must be removed from the tomb on or before May 10.

**Sec. 22-130. - Vaults.**

A concrete vault, cement liner, or ~~equal~~ **equivalent** approved by the director, shall be required for all burials in all cemeteries.

**Sec. 22-131. - Depth of grave.**

No full body burial shall be made less than two feet deep, from the surface of the ground surrounding the grave to the top of the coffin.

**Sec. 22-132. - Disinterments.**

No disinterments shall be made between the dates of November 15 and May 10, except in an emergency as called for by the city and/or state authorities.

**DIVISION 4. - MONUMENTS, PLANTINGS, DECORATIONS**

**Sec. 22-161. - Monuments and markers.**

All municipal cemeteries shall be permitted to have monuments, markers and cornerstones of such dimensions, placement and materials as shall be permitted by regulation. All markers and cornerstones shall be set flush with the lawn surface so that no part of such marker or cornerstone shall protrude above the surface of the ground. No monument, marker, cornerstone or memorial shall be placed on any lot until the lot is paid for in full.

**Sec. 22-162. - Hours of work.**

All work on cemetery monuments, markers, foundations and lettering shall be done during the working hours of the parks, recreation and facilities department. Such work during nonworking hours of the parks, recreation and facilities department may be performed by permission of the director given in writing in advance.

**Sec. 22-163. - Lot plantings, decorations and alterations.**

No trees or bushes shall be planted in any lot or cemetery by any individual. Only dwarf rosebushes, dwarf lilacs and dwarf evergreen shrubbery permitted by regulation are allowed. Bushes and shrubbery are permitted in upright monument sections only.

**Sec. 22-164. - Dwarf rosebushes and dwarf lilacs.**

Dwarf rosebushes and dwarf lilacs may not be planted in the cemetery until a permit is purchased from the cemetery division. ~~A listing of permissible species is available at the cemetery office.~~ **All species of lilacs and rosebushes must be approved by the Director prior to planting.** All rosebushes and lilacs must be kept trimmed and attended for disease and insects. No rosebush or lilac may exceed the height of the monument and may only be planted at the ends of the monument. If any rosebush or lilac becomes unsightly or infested, one warning shall be directed to the permit holder. If there is no response to the warning or no correction of the problem noted within the time prescribed, the cemetery division shall remove the bush. Fees for rosebushes and lilac permits shall be as set forth in section 22-65 of the schedule of fees in appendix B to this Code.

**Sec. 22-165. - Dwarf evergreen shrubbery.**

Dwarf evergreen shrubs may not be planted in the cemetery until a permit is purchased from the cemetery division. ~~A listing of permissible species is available at the cemetery office.~~ **All species of dwarf evergreens must be approved by the Director prior to planting.** Shrubs may not exceed the height of the monument by more than six inches and may be planted only at the ends of the monument. Replacements of previously planted shrubs must conform to regulations. If a shrub becomes unsightly or infested, one warning shall be directed to the permit holder. If there is no response to the warning or no correction of the problem within the time prescribed, the cemetery division shall remove the shrub. Fees for dwarf evergreen shrubs shall be as set forth in section 22-65 of the schedule of fees in appendix B to this Code.

**Sec. 22-166. - Flowers, pots and urns.**

Vases, urns or potted plants may be placed against cemetery monuments or on markers for Memorial Day, but must be removed by September 30 of that year. The director may, at his discretion, have pots and urns which contain mostly dead flowers removed at any time. Flowers may be planted and must be placed against the front of the headstone and bedded the exact length of the headstone and may not come out from the headstone more than eight inches. Artificial flowers are prohibited from April 1 through October 31.

## **APPENDIX B - FEE SCHEDULE**

## Article III. Lots

### Division 1. Generally

#### § 22-64. Price of graves:

All graves excepting those below, per grave .....~~\$750.00~~ **\$900.00**

Cremains grave, three feet by five feet, per grave .....~~\$500.00~~ **\$600.00**

#### § 22-65. Miscellaneous charges:

Disinterments .....~~\$1,200.00~~ **\$1,400** full body  
~~\$300.00~~ **\$360.00** cremation

Interments: including openings, greenery, closing, reseeding and official recording

Standard four feet by ten feet .....~~\$600.00~~ **\$720**

Standard interment—weekend/holiday .....~~\$900.00~~ **\$1800.00**

Children up to six months .....\$112.00

Children six months up to 12 years .....\$250.00

Ground inurnment (cremains) .....~~\$250.00~~ **\$300.00**

Ground inurnment (cremains)—weekend/holiday .....~~\$400.00~~ **\$800.00**

Winter interment fee increases are between December 1 and March 31

Standard four feet by ten feet .....~~\$750.00~~ **\$900**

Winter standard interment—weekend/holiday .....~~\$1,050.00~~ **\$2100.00**

Ground inurnment (cremains) .....~~\$350.00~~ **\$420.00**

Winter ground inurnment (cremains)—weekend/holiday .....~~\$500.00~~ **\$1000.00**

When two individuals are interred at the same time in the same grave, there will be a recording fee for the second interment. This would apply to cremains included in a casket or a double urn .....\$75.00

Tomb service: flat rate for bodies to be buried outside of the city .....\$25.00  
plus \$20.00 per month entombed

Overtime fee for funerals and closing extending beyond 3:00 p.m. on regular workdays or funerals on weekends, as permitted, per hour .....~~\$65.00~~ **\$90.00** per hour, per person  
One hour minimum weekdays,  
three hour minimum weekends

Overtime fee for funerals on recognized city holidays, as permitted, per hour ~~\$65.00~~ **\$130.00** per hour; three hour minimum, per person

Evergreen shrub permit fee ~~\$20.00~~ **\$25.00**

Shrub permit fee with planting service ~~\$50.00~~ **\$70.00**

Flush marker installation ~~\$100.00~~ **\$140.00**

Flush marker installation—Veteran ~~\$0.00~~

Tent for graveside service ~~\$150.00~~

Memorial stone permit—flat marker ~~\$25.00~~

Memorial stone permit—upright marker ~~\$50.00~~

Memorial stone permit—corner marker ~~\$40.00~~

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George S. Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Relating to Parking Rates  
Ordinance O-2022-08

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## **Council Action:**

In City Council September 1, 2022. File the report.  
Voted 9 in favor and three opposed to adopt Ordinance O-2022-08.

## **Recommendation:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2022-08.

## **Attachments:**

1. Ordinance O-2022-08\_Adopted

## **Background:**

Economic Development Director Med Kopczynski and Parking Services Manager Chelsea North were the next two presenters. Mr. Kopczynski stated the proposed Ordinance before the Committee tonight calls for modest increases with no planned increases beyond meter fees and tickets. Mr. Kopczynski stated the suggested changes are consistent with the City Council goal to diversify revenue and improve fiscal stability, as well as the adopted fiscal policy.

Parking Services tends to revisit fees with some review and if needed, adjustment for some part of the system on a bi-annual basis. The last time the City had conversation about fees it was related to the rental fees for parking structures. Mr. Kopczynski added evaluation of fees on a bi-annual basis allows for the adjustment without greater increases. When fees are reviewed every five years they are much higher than if you are looking at it on a on a regular basis. The need to have balance of fees is to ensure that revenue can match expenses and adopted City policy. Fees are used to preserve the operating system, as well as the maintenance of the downtown and parking infrastructure. Mr. Kopczynski noted with the development of the land development code, downtown has actually expanded which adds to the services being provided.

With that, he turned the presentation over to Chelsea North. Ms. North stated the parking budget is projected to be in a negative balance by FY 24 if the rates stay the same. The last negative balance was in 2020, although each year it becomes more difficult to balance because of the various losses in revenue and increase in costs. Major revenue losses include debt service for TIF Districts and the

Courthouse tax payments amounting to about \$370,000. If the parking budget did not pay for downtown services that include maintenance, lighting landscaping, snow removal, etc the cost would have to be passed on to Keene taxpayers. This is contrary to City Council goals of minimizing the burden of the Keene taxpayer leading to an increase in property taxes or suspension of the services.

Ms. North indicated regular evaluation of fees is in line with City Council fiscal policy in making rate increases predictable and manageable, limiting sharp jumps in rates. Sharp increases are the result of not regularly evaluating rates on a consistent schedule. She further stated operational and material expenses are increasing due to rapidly rising costs. Expanded downtown core district and downtown growth district, means there is more area to upkeep, which may result in some work not being completed because of limited resources and personnel.

The addition of expenses such as replacement and maintenance of EV Chargers, also influences increased operating costs and raising ticket fees has been part of the strategic plan written in 2021. Fees and rates have not been increased in nearly four years, and even then, the amount was nominal. Ms. North stated City Council historically has asked staff to show what other communities charge for fees. Other New Hampshire cities and towns have long exceeded the amount that Keene charges for parking. As stated in the strategic parking plan, parking services is routinely evaluating the parking system to determine what operational direction and parking demand is needed, and how it is used. Also included in the strategic parking plan is the further expansion of pay stations, which allow for the use of credit cards and coins, as traditional meters are no longer available and irreplaceable. She added pay stations have been quite successful in front of City Hall and at the library, and have been recently expanded to other areas on Main Street and Railroad Square, and the City expects that the success will continue to trend that way. The City is also working on adding another mobile app, which will increase the options to pay for parking. These technologies open up far more possibilities and options for system management than a meter-only system. These upgraded technologies allow for white listing further allowing the possibility to offer a different meter rate to taxpayers which parking services is researching.

Ms. North stated staff's proposal is to increase on street and off street meter rates by .15 cents an hour. Ticket fees are proposed to be raised by \$5. Schedules will also be adjusted to double twice on a 30 day schedule, making the fee schedule consistent and easy to understand. If these proposals are adopted, staff anticipate the rate change would go into effective as of January 1.

Finance Director, Merri Howe was the next speaker. Ms. Howe stated she would like to briefly review the finances of the parking fund. So with future projects coming down the pike with the parking garage and bond funding, it is necessary to have a strong fund balance retained earnings in order to move it forward to get the best rate.

Ms. Howe stated now the fund balance for the start of this fiscal year is approximately \$395,000. Cash funded CIP projects over the next seven years is anticipated to be \$1,050,000, leaving a fund balance shortfall if you break even of \$655,000. In order not to be in the negative, the income needs to be raised each year to nearly \$100,000. The City has been averaging between \$40,000 and \$60,000 a year in profit on good years. These numbers do not account for any increase in debt service or operations.

Ms. Howe stated in order to support moving forward the numbers staff has put forward in their projections of the anticipated increases in the meter fees will help support the funding necessary over the next seven years to meet the City's needs and plans in the CIP.

Chair Powers asked whether the parking fund does not have any debt service right now. Ms. Howe stated there is a small debt service for Norway Avenue and 93rd Street but the City will be issuing

another bond in a couple of years for the design - \$555,000 bond for FY23 as well for the repair and maintenance of the decks.

Councilor Remy asked what is the actual dollar impact of this .15 cents increase and the \$5 ticket fees. Ms. North stated she did not have that information tonight but will provide it to the Committee at its next meeting.

Councilor Remy stated he is very hesitant especially on the fee side, because there are areas of town where there are no meters and no stations. As a result, drivers need to know how to use the app and added he has paid nearly six tickets for drivers as they didn't know what to do and how to pay the meters. Also, because the Park Mobile fees are very high and there is still a lot of confusion as to how to use these devices especially in areas with no stations. He stated he appreciates the City using the stations in certain areas, and agreed they work well but wasn't sure how the City was defining success of them rolling out. He stated he wasn't sure about the customer feedback side as he gets mixed feedback from people.

Councilor Chadbourne felt the proposed increases are reasonable but would like to know the number that would bring it close to fixing the deficit. With reference to changing the times; currently it is 8 am to 5 pm and changing that to Monday through Saturday 10 am to 7 pm, she felt that was not a bad idea at all because it is so busy at night, when people are downtown and enjoying dinner out etc., but could see this as being potentially confusing for people. Mr. Kopczynski stated staff recognized the changing landscape of downtown and are in constant communication with downtown businesses and they are receptive to pay stations. He stated they also talk to people and do the best they can to keep everyone well informed. He indicated Keene downtown has changed and the changes being proposed are to keep up with those changes. He added staff is also looking at the confusion that could occur with change to hours. He stated he is also looking at how the parking officers are going to handle being out after dark. Mr. Kopczynski added Main Street hours need to be changed if we want to maintain flow. He stated he doesn't have a clear answer how these changes are going to be handled.

Councilor Lake felt it was important to address the rate issue in front of the Committee and would like to address the pay station issue at a different time. He felt the rates being proposed were reasonable.

The Manager indicated the difference in the meter budget would be \$62,000 per year. That is changing from 85 cents an hour to a dollar an hour. The difference in the lot budget is \$35,000 a year. This would result in \$97,000 of increase in revenue.

Councilor Remy clarified this would pay for the shortfall. The Manager agreed it would but it would not take away from the need to continually adjust rates, because the operational budget will continue. The gap staff is trying to meet right now is to make sure there is a model that will fund capital projects into the future, but the cost of doing business is not going to decrease. Hence, staff felt looking at some incremental changes is a good suggestion, because it would prevent having to make these larger adjustments later.

Councilor Remy stated is supportive of the meter rate increases and the reason he bring up things like how the pay stations are working is that there are people getting tickets right now that just don't realize how it works and get frustrated with it. He referred to the area near Brew Bakers where there is no location to pay and is it only pay by app.

Chair Powers felt there is nothing more emotional than a parking ticket. It is a tough discussion for the Committee. Part of the reason the City is almost in a deficit situation is because it neglected

maintenance for too many years for the purpose of saving money and some past Councils were hesitant to raise rates. However, he felt we are in a different world and something needs to be done as the City is going to be facing a lot of expenses due to cost of doing business. He stated the .15 cents doesn't seem like a lot to him and it is a fact the old meters are now gone. He felt .15 cents was not enough.

The Manager stated she agrees with Councilor Remy in that the change in the meter rates and the lot rates are definitely needed to offset the deficit, which the City will be facing in terms of how much we are funding in the capital plan from deferred maintenance. She added parking tickets are really meant to change behavior they are not a revenue generator and felt the parking ticket fee could be looked at separately in the future.

Ms. North stated people who are from bigger cities actually think that \$10 a day for parking and getting a ticket is a great deal which people are taking advantage of. With the \$15 ticket increase the late fee schedule has not been increased it is being kept where it is. Ms. North stated they have had a lot of success with the pay stations as they open up a lot of options for people who do not want to use the apps as they allow credit cards. The location on Emerald Street Councilor Remy was referring to, the City did not have a choice to put meters back as they were stolen. The meters, cannot be replaced and this is the situation the City currently is in right now. She stated staff is aware this area is not suitable for pay by app only, but the City's hands are a little bit tied in that area.

Mr. Kopczynski stated the parking office regularly forgives tickets and provides help to learn the new system and asked Councilor Remy to send individuals to the parking office rather than pay the tickets.

Councilor Chadbourne felt Park Mobile was a more expensive app and asked whether there were any other options. Mr. Kopczynski there are other that have different cost options and are more reasonable which staff is looking into. The new app doesn't collect the fee until someone is ready to pay for the time which is not the same with Park Mobile. It is about the same cost structure. The City is going to continue to add more apps as is being done with other bigger cities.

Councilor Chadbourne felt these increases were reasonable, even the ticket prices. She added the last increase caused a lot of pushback from the public, but she hasn't heard anything this time. She indicated she heard staff say this proposal will help the City reach its current goal but staff had suggested an increase on an annual basis and asked whether staff will come back with those proposals. The Manager stated what staff will be looking at is a change in the fiscal policy that talks about bi-annual adjustments to the rates; something on a more regular basis. However, there is work to be done on that issue – a more automated effort.

The Manager asked Ms. North if someone get a ticket is that the only one they get for the rest of the day. Ms. North stated there is always the expired meter or nonpayment of the meter and also the overtime which could potentially lead to two or more tickets. She added even those, she has heard people say \$20 was just fine as long as they can park exactly where they want to and not have to move.

Councilor Remy felt with that scenario, the City is actually making more than they would off the meters from a budgetary perspective. The Chair felt that scenario ties up space. Mr. Kopczynski stated this is why Portsmouth is experimenting with demand parking; the longer you stay the higher the ticket price goes up.

Chair Powers noted the rest of the Council does not have the same information the Finance Committee was presented with today and asked if the rest of the Council say they wanted meters

back it would then have to be a new type of meter. Mr. Kopczynski stated pay stations are technically multi-meters. The way technology is progressing pay stations are likely to disappear but probably not for another 10 to 15 years. He stated it is the intention in the downtown, where it makes sense, because it is not suitable for every place to replace the meters with pay stations. There will be an opportunity to pay on two apps and the possibility to use a pay station - to pay with a credit card, coins, prepaid card etc. There are some areas that will only have meters. When a meter is replaced with pay stations, the City will potentially have meters in stock and those meters can be kept in stock until the technology catches up entirely. This concluded the discussion on this item.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2022-08.



# CITY OF KEENE

O-2022-08

## Twenty-two

In the Year of Our Lord Two Thousand and .....  
Regarding Parking Rates

AN ORDINANCE .....

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

That the ordinances of the City of Keene, as amended, are hereby further amending by removing the stricken text and inserting the bolded text in Article III, section 94-181 entitled "Established" and section 94-211 entitled "Meter Rates," of Chapter 94, entitled "Traffic, Parking and Public Ways" as follows:

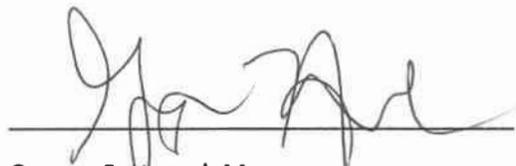
**Sec. 94-181. Established.**

- (a) *Penalty.* Unless a penalty for the violation is otherwise specified, any person violating the provisions of this chapter shall be subject to a fine of not more than \$100.00 for each offense, which shall be collected under the following procedures, and may also be subject to the towing or immobilization of the motor vehicle as provided in section 94-183.
- (b) *Fine schedule and summons.*
  - (1) Within 30 days of the time when a notice of violation of parking regulations was attached to the vehicle, the registered owner of any vehicle parked in violation of this chapter, or the registered owner's designated agent, shall pay to the city by mail or by depositing in the appropriate receptacles a fine payment according to the following schedule:
    - a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$10.00~~**15.00**.
    - b. For each fire lane parking violation of subsection 94-66(11), \$75.00
    - c. For each handicap parking violation of subsection 94-66(21), \$250.00.
    - d. For each violation of all other sections, ~~\$15.00~~ **20.00**
  - (2) If payment has not been made within 30 days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:
    - a. For each violation of subsections 94-94(a) through (c) and (e), \$30.00.
    - b. For each violation of all other sections, ~~\$35.00~~ **40.00**.
  - (3) If payment has not been made within 60 days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:
    - a. For each violation of subsections 94-94(a) through (c) and (e), \$60.00.
    - b. For each violation of all other sections, ~~\$75.00~~ **80.00**.
  - (4) If the registered owner of the vehicle fails to make payment within an additional five working days, a summons may be issued to the owner who shall be charged with a violation under RSA 625:9 and shall be subject to a fine of not more than \$100.00 plus court fees, costs and penalty assessment.
  - (5) Multiple violations. Any operator or registered owner who parks in violation of subsection 94-94(a) pertaining to two-hour zones in excess of six consecutive hours shall pay to the city a fine of \$25.00. This fine is in addition to the fine for the underlying violations.

PASSED

**Sec. 94-211. Meter rates.**

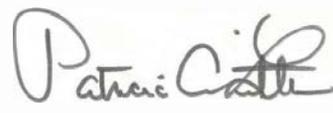
- (a) The meter rates set forth in this chapter pertain to all single space parking meters, multi-space meters and any other payment technologies.
- (b) Parking rates.
  - (1) On street parking is defined as any metered space directly accessed from the roadway, except for Roxbury Plaza and Library Annex Lot.
    - a. Rate of parking is ~~\$0.85 cents~~ 1.00 for one hour of time.
  - (2) Off street parking includes Elm Street, Commercial Street, Wells Street lot, Gilbo East and West parking lots, City Hall ~~and Wells Street Parking Garages~~ and any other assigned location.
    - b. Rate of parking is ~~\$0.35~~ 50 cents for one hour of time.



George S. Hansel, Mayor

PASSED September 1, 2022  
EFFECTIVE January 1, 2023

A true copy;



Attest:  
City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Elizabeth Fox, ACM/Human Resources Director  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **In Appreciation of Mary E. Alther Upon Her Retirement  
Resolution R-2022-29**

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**Council Action:**

**In City Council September 1, 2022.  
Voted unanimously to adopted Resolution R-2022-29.**

**Recommendation:**

That Resolution R-2022-29 be adopted by the City Council.

**Attachments:**

1. Resolution R-2022-29\_Adopted

**Background:**

Ms. Alther retired from the Finance Department effective July 22, 2022, with over 29 years of service.



# CITY OF KEENE

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

A RESOLUTION ..... In Appreciation of Mary E. Alther Upon Her Retirement.....

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

WHEREAS: Mary E. Alther’s career has spanned every position in the Revenue Collection Office of the Finance Department, from Account Clerk I starting July 6, 1993; to Account Clerk II on July 1, 1998; to Deputy Tax Collector as of September 6, 1999; to Revenue Collector effective December 29, 2003; and

WHEREAS: Successful at dealing with unforeseen circumstances with hard work, patience, and good humor, she balanced the fast-paced, high-volume, customer-driven, unpredictable environment with courteous and professional service, keeping abreast of legislative changes, regulation updates, procedural improvements, and technology enhancements to plan for the future; and

WHEREAS: Having joined the organization at a time when some things were calculated manually on worksheets, Mary saw great transformation and welcomed it, tackling the most challenging situations head-on with an open mind, positive attitude, thoughtful approach, and no complaint—going well out of her way to ensure that changes were implemented successfully to improve efficiency and to tighten up internal controls; and

WHEREAS: Her ethical, impartial, and respectful approach to dealing with customers helped her balance empathy with a customer’s circumstances with the firmness necessary to remain focused on resolving the matter at hand, give extra effort to problem solve on a customer’s behalf, be sensitive to what is personal financial information versus what is public record—and bear in mind that the Revenue Collection Office might be a person’s only interaction with “City Hall” for a year; and

WHEREAS: Never hesitating to take charge of a situation and carry it through to full completion—even when it would present difficulties—Mary took an active role in issues that were financial in nature and that crossed over departmental or divisional lines in a collaborative way and contributed to implementing new software and significant upgrades with little to no disruption in service; putting in place the municipal agent program; improving processes related to payment arrangements, tax deeding, and the vehicle registration process; using technology to reduce costs and expand communications; expanding payment methods; assisting Assessment with its software implementation; helping to align department services and objectives with the Comprehensive Master Plan; ensuring staff were cross-trained to enhance service; participating in the VOICE initiative; serving as a Monadnock United Way Loaned Employee; and documenting all processes; and

WHEREAS: Mary retired from the City of Keene July 22, 2022, with just over 29 years of dedicated and honorable service;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Mary E. Alther and wishes her the very best through all her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Mary in appreciation for her many years of service to the residents of Keene.

September 1, 2022

PASSED

A true copy;

Attest:

City Clerk

  
George S. Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

**Meeting Date:** September 1, 2022  
**To:** Mayor and Keene City Council  
**From:** Elizabeth Fox, ACM/Human Resources Director  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **In Appreciation of Steven Russo Upon His Retirement  
Resolution R-2022-31**

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**Council Action:**

**In City Council September 1, 2022.  
Voted unanimously to adopt Resolution R-2022-31.**

**Recommendation:**

That Resolution R-2022-31 be adopted by the City Council.

**Attachments:**

1. Resolution R-2022-31\_adopted

**Background:**

Chief Russo retired from the Finance Department effective August 31, 2022, with over 23 years of service.



# CITY OF KEENE

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

A RESOLUTION ..... In Appreciation of Steven Russo Upon His Retirement.....

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

WHEREAS: Steven Russo begin his career with the Keene Police Department 28 June 1999 as Probationary Police Officer and succeeded to Police Officer 28 June 2000; was promoted to the former Police Corporal level 12 September 2004 and elevated to Police Lieutenant 31 May 2009; was raised to Police Captain 17 January 2010 and became Acting Police Chief 10 March 2017; and was appointed Police Chief of the City of Keene 6 April 2017; and

WHEREAS: He has played a critical role in setting a course through our evolving society with his leadership, Jack-of-all-trades expertise, excellent initiative, ability to juggle multiple demands, solution-focused approach, and positive public interaction—working to get everyone going in the same direction; and

WHEREAS: He has advanced the department’s vision to provide community-based law enforcement services by getting officers out in the public eye as much as possible and dealing with people in favorable environments through a variety of programs and services to continue our enhanced quality of life and our low overall crime rate; and

WHEREAS: His unwavering efforts to ensure the department’s policies, procedures, and training remain in line with industry best practices led to renewal status from the Commission on the Accreditation of Law Enforcement Agencies (CALEA)—among the few in New Hampshire to achieve this standard; and

WHEREAS: Focused on continual department development—recently including planning to implement and gain grant funding for body-worn cameras—he worked diligently to meet the recommendations of the Commission on Law Enforcement Accountability, Community and Transparency (LEACT), established in New Hampshire in 2020; and he was appointed to the New Hampshire Police Standards and Training Council in 2021; and

WHEREAS: Having supervised the Field Training Officer Program, he has focused on continual improvement in the department’s already stringent recruitment efforts and helped develop strategies to obtain a more diversified pool of qualified candidates to better reflect our evolving community; and

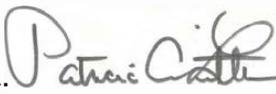
WHEREAS: A big-picture thinker, he has carried out his roles in a manner consistent with his commitment to Keene, always responsive to changing needs and trusting in and advocating for his smart, knowledgeable, and skilled officers so they can continue their excellent track record of solving crimes—yet knowing that “we’re not going to arrest our way out of a problem;” and

WHEREAS: Steve retires from the City of Keene 31 August 2022, with over 23 years of dedicated and honorable service;

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

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

PASSED September 1, 2022

A true copy;  
Attest:   
City Clerk

  
George S. Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

**Meeting Date:** September 1, 2022

**To:** Mayor and Keene City Council

**From:** David Hickling, Airport Director

**Through:** Elizabeth Dragon, City Manager

**Subject:** **Relating to Appropriation and Expenditure of Funds from the Sale of Property to Provide Funds for the Airport Fuel Farm Capital Project Resolution R-2022-32**

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**Council Action:**  
**In City Council September 1, 2022.**  
**Referred to the Finance, Organization and Personnel Committee.**

**Recommendation:**  
 That Resolution R-2022-32 relating to the Appropriation and Expenditure of Funds from the Sale of Property to Provide Funds for the Airport Fuel Farm Capital Project have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee for their recommendation.

**Attachments:**  
 1. Resolution R-2022-32

**Background:**  
 The City has acquired funds from the sale of several properties at the airport. They are as follows:

Sale of city owned hangar ("The Green Hangar"):	\$ 11,931.42
Sale of parcels 32 & 32-1 (Formally Alps property):	\$429,984.90
Total funds from sales:	\$441,916.32

As the property formally known as the Alps property was originally purchased with federal funds through the F.A.A., 90% of the proceeds from the sale of parcels 32 & 32-1 must be used to offset the federal share of future F.A.A. funded capital projects at the airport per F.A.A. mandates. As such, we ask the City Council to approve that \$386,986.41 of these funds, along with accumulated interest, be used toward an airport capital project to be determined by the F.A.A.

We ask that the City Council also approve the use of the remaining \$42,998.49 from the sale of Parcels 32 & 32-1 and the \$11,931.42 from the hangar sale, along with accumulated interest, up to \$54,929.91 be used to cover unanticipated cost increases related to the airport fuel farm project.



# CITY OF KEENE

R-2022-32

Twenty-two

In the Year of Our Lord Two Thousand and .....

Relating to the Appropriation and Expenditure of Funds from the Sale of  
A RESOLUTION .....Property to Provide Funds for the Airport Fuel Farm Capital Project:.....

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

WHEREAS: The City is in possession of funds received from the previous sale of the former "ALPS" property in the amount of Four Hundred Twenty-nine Thousand Nine Hundred Eighty Four Dollars and Ninety Cents (\$429,984.90), and the former "Green Hanger" in the amount of Eleven Thousand Nine Hundred Thirty-one Dollars and Forty-two Cents (\$11,931.42) located at the Keene Dillant-Hopkins Airport, for a total amount (including accumulated interest) of Four Hundred Forty-one Thousand Nine Hundred Sixteen Dollars and Thirty-two cents (\$441,916.32); and

WHEREAS: The ALPS property was originally purchased with federal funds provided to the City through the FAA; and

WHEREAS: FAA regulations require that 90% of the proceeds from the sale of the ALPS property currently in the amount of Three Hundred Eighty-six thousand Nine Hundred Eighty Six Dollars and Forty-one cents (\$386,986.41), together with accumulated interest, be reserved to offset the federal share of future FAA funded capital projects at the Keene Dillant-Hopkins Airport; and

WHEREAS: The remaining 10% of the proceeds from the sale of the ALPS property in the amount of Forty Two Thousand Nine Hundred Ninety-eight Dollars and Forty-nine Cents (\$42,998.49) (along with accumulated interest), are available for use by the City for unanticipated cost increases relating to the Keene Dillant-Hopkins Airport fuel farm project; and

WHEREAS: The proceeds from the sale of the Green Hanger in the amount of \$11,931.42 are also available for use by the City for unanticipated cost increases relating to the Keene Dillant-Hopkins Airport fuel farm project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keene:

That the City Manager be authorized to all things necessary to appropriate up to Fifty-four Thousand Nine Hundred Twenty-nine Dollars and Ninety-one Cents (\$54,929.91) consisting of 10% of the sale proceeds from the ALPS property including accumulated interest earnings, and the proceeds from the sale of the Green Hanger including accumulated interest earning, to fund unanticipated cost increases relating to the Keene Dillant-Hopkins Airport fuel farm project and

PASSED

BE IT FURTHER RESOLVED:

That the City Manager be, and hereby is, authorized to do all things necessary to expend the funds in accordance with resolution R-2022-32

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George S. Hansel, Mayor