



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 15, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- September 1, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Sharing of Artifact from the September 11th Attack on World Trade Center
- Wesley Felix
2. Presentation of Retirement Resolution - Mary Alther, Revenue Collector

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination
Heritage Commission
2. Confirmations
Energy and Climate Committee
3. Appointment of Ad hoc Winchester Street Committee

C. COMMUNICATIONS

D. REPORTS - COUNCIL COMMITTEES

1. Relating to Amendments to the Land Development Code – Rural District
and Conservation Residential Development Subdivision Regulations
2. Councilor Mitchell Greenwald - Amendment to the City Council Rules of
Order - Remote Access

3. Spectrum Service Issues - Councilor Randy Filiault
4. Primex3 Contribution Assurance Program (CAP) - Property & Liability Program - ACM/Human Resources Director

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. 2022 Annual Fire Prevention Parade - Fire Chief

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation of Martha Curtis from the Congregate Living and Social Services License Board

H. REPORTS - MORE TIME

1. Keene Kiwanis Club – Request to Use City Property – Tree Lighting Ceremony

I. ORDINANCES FOR FIRST READING

1. Relating to Probationary Firefighters
Ordinance O-2022-13
2. Relating to the Use of Central Square Common and Railroad Square
Ordinance O-2022-14

J. ORDINANCES FOR SECOND READING

1. Relating to Water and Sewer Utility Charges
Ordinance O-2022-10
2. Relating to Chapter 22 - Cemeteries
Ordinance O-2022-12

K. RESOLUTIONS

1. In Appreciation of Diane C. Richards Stauder Upon Her Retirement
Resolution R-2022-28
2. 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

09/01/2022

A regular meeting of the Keene City Council was held on Thursday, September 1, 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, Bettina A. Chadbourne, Mitchell H. Greenwald, and Thomas F. Powers were present. Kate M. Bosley, Raleigh C. Ormerod, and Catherine I. Workman were absent. Councilor Giacomo led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel provided a reminder that the Public Hearing and Site Visit for the Magnolia Way and Matthews Road had been canceled for this evening and the petitions and various resolutions had been withdrawn.

MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the August 18, 2022, meeting minutes as printed was duly seconded by Councilor Giacomo. The motion carried unanimously with 12 Councilors present and voting in favor.

PRESENTATION – BRAND DESIGN PRESENTATION – GUIDE STUDIO

Mayor Hansel welcomed the Communications Director/Assistant City Manager, Rebecca Landry, who introduced consultants from Guide Studios, Allyson Watson-Brunette and Catherine Fromet.

Ms. Fromet began by describing what they mean by a “brand” as more than logo; it is more importantly about understanding how the brand can be the symbolic embodiment of all the information that is connected to Keene. The brand serves to help create and most importantly to manage the associations that people have with this City and community. A brand is an image management tool, but it is also an important decision-making tool for the City as to how to deliver on things. Ms. Fromet said that a lot of conversations the consultants had with Staff covered what it means to deliver the services to people that Keene does. Further, what are the things the City can do build trust and loyalty within the members of the community. They started this process by identifying specific objectives to work toward. During this process, what was identified by the Steering Committee and stakeholders’ committees was to create a brand that helps maintain the City’s status as a top sustainability City that is differentiated from the Chamber of Commerce’s regional brand. All the work that went into this brand was supported by a Communications Plan, meaning the consultants were not putting something forward and ending the process. Rather, they were truly trying to understand how Keene can move forward, including proactive communication that brings cohesiveness and uniformity of documents, so people always understand that a service is being delivered by the City of Keene, and portraying to users that Keene is a family friendly place.

Ms. Fromet continued that this process began with the consultants doing their own research on the City, including news articles, etc., that provided them a high-level understanding of the City. However, the biggest component was coming back to the City and spending time with the community, Staff, and Council, and taking tours of the City. All of this provided them the high-level understanding needed of how the various stakeholders view the City so they could help articulate them and build them into tools to help with communication and engagement. The consultants' jobs were to articulate this information back to the Council to ensure they have heard the community correctly and that they are representing Keene in the right way, which they do via a deliverable called a brand platform.

Ms. Fromet continued that the brand platform is one of many touch points discussed with the Steering Committee. What the consultants heard from those meetings was that this is the correct representation of what the City is, which is then transferred into very important story and messaging tools. Those interpretations were shared with the general public via a survey, which received 270 responses to the pieces of the brand platform presented. The consultants had a series of meetings on this day to share results with Staff and receive their input on how to move forward implementing this brand, what it will mean to communications, and what tools need to be implemented to ensure this is used appropriately moving forward.

Ms. Fromet continued highlighting the brand strategy. One of the first things consultants do is to help the Council and Staff to understand their particular audiences—businesses, residents, potential residents, and visitors. This required a deeper understanding of who the actual audiences are, what their motivations are, and what their expectations are of the relationship they have for their City and community. Part of the exercise with all stakeholders was identifying those target audiences, their motivations, and their attitudes about the City to help ensure communications are appropriately targeted moving forward. Another thing the consultants tried to do was to find the City's distinct advantages—the unique mix of advantages that make Keene special and different than other communities in the area. Ms. Fromet read the distinct advantages of Keene that arose through this process:

1. Enthusiastic Civic Engagement—Volunteerism and civic engagement are the way of life and people in Keene are good stewards of their community, taking it upon themselves to address and solve problems, rather than waxing poetic and waiting for the City to intervene. The City views their citizens as crucial partners in the careful and deliberate planning that makes Keene a progressive and well-run community.
2. Sustainability—Sustainability and environmental health are important to Keene citizens. Whether a business utilizes renewable energy sources or practices waste reduction through composting, sustainability is not a trend, it is simply the right thing to do. This conscientious approach to daily life is exemplified in local businesses like the Monadnock Food Co-Op and Country Living Bulk Food Store.
3. Built for an Active Lifestyle—Keene residents are active, starting with access to the mountain bike trails and hiking at Mount Monadnock, and a connective trail system that is well-maintained in well-outfitted parks. A robust recreational program is complementary to the whole City. The City's active lifestyle amenities include Keene's

beautiful and walkable downtown and Main Street set-up for exploration without the need for a car.

4. Arts & Cultural Hub—Keene’s beloved downtown Main Street is the cultural center, not only for the City but also for the regional residents. Keene takes pride in its Colonial Theater that hosts big name performers. A growing number of creative businesses have opened downtown, including a number of galleries. The cultural amenities extend to the culinary arts, including the Taste of Keene and a growing number of destination restaurants, breweries, and coffee shops that people are attracted to and love about Keene.

Ms. Fromet said the aforementioned statements were heard consistently across the stakeholder and Steering Committee groups, and through the online survey. The consultants also did work on the City’s personality and who Keene is as a community, because it is important to present that in communications and visuals. The words highlighted most by the various groups were: *friendly, visionary, creative, authentic, and relaxed*. Others included collaborative, innovative, welcoming, down to earth, and open-minded. These descriptors make-up how the City is viewed, and how it should behave and operate.

From the strategy standpoints reviewed, Ms. Fromet said comes the positioning statement, which is an internal statement mean for those stakeholders and Staff to read, understand, and emulate. It is aspirational but should be steeped in a realistic foundation of who the City really is. The positioning statement presented is as follows:

Keene is a progressive City with the heart of a town attracting people who seek to shape their community. We value and practice sustainability, innovative problem solving, and highly collaborative engagement with our residents and businesses, creating a resilient and self-reliant community nestled in southwestern NH's idyllic landscape. Keene features a strong business space, vibrant downtown, and amazing parks and trails, built to encourage active lifestyles and experiences. Advancing our City as the cultural and economic hub of the Monadnock region.

Ms. Fromet said the Steering Committee discussed this positioning statement extensively.

Ms. Fromet continued that all of this work culminated in a new logo and brand that is representative of the positioning set in place and how the City should be presented moving forward, which should be clear and consistent. The logo symbol is a K as a simple and recognizable icon. The positioning of Keene on its side as well as dimensional arrows formed by the point of the K speak to Keene as an activity hub in the Monadnock Region. The arrows represent the City’s progressive movement, nature, active lifestyle, and innovative spirit. The type is simple, bold, and friendly, with a color palette that is both vibrant and connected to the earth. Being so simple, it allows for creative executions. Beyond the main mark, the parks, trails, and sustainability are represented in the primary color iteration, but the full brand palette allows for additional colors to be used. The key words chosen were: active, creative, welcoming, collaborative, innovative, impact, and vibrant. Part of this is exploring how that main mark can be easily recognized, so there is color flexibility depending on how the logo needs to be

presented, especially in the most publicly oriented departments. Ms. Fromet noted that the brand is more than just a singular mark. It is also understanding the color palette and type face. She said it was important to note that this logo would not likely ever live on its own; it would be rare to see it by itself. It will always be incorporated into diverse uses and materials. Thus, it was important for the consultants to explore how the brand could be presented in a variety of ways, including how the City promotes itself as a destination, for example. They also considered how the community will see this logo in everyday life, such as on City vehicles, signage, and City promotional materials. Concluding her presentation, Ms. Fromet welcomed questions.

Councilor Johnsen said she appreciated all this work and asked how this logo was voted upon. Ms. Fromet replied that there were five initial logos presented to the Steering Committee, which went through a lengthy process on how they felt about it; they heard commentary from every member. This developed from what the Steering Committee thought and felt through a process of elimination. Ultimately, this was the logo they chose because they felt it was flexible, iconic, simple, bold, and progressive. Ms. Fromet said it was also simple enough to not compete with other identities it might have to coexist with. Ms. Watson-Burnett added the Steering Committee really stressed that they wanted something bold that would stand out in a landscape of other municipal brands, while still being friendly, approachable, and warm, with a sustainability focus. The Steering Committee thought this logo embodied the promise of who the City serves and embodies what the City wants to deliver to the community.

Councilor Roberts said he found the presentation really good but found something missing. He referred to all the wonderful events and festivals the City continues to have despite the bad Pumpkin Festival activities and press in 2013–2014. Before those events, parents wanted to send their kids to Keene outside of the college and now if we want to grow as a community we need to get back to having parents want to send their kids for college and hopefully those kids choose to then live and work in Keene. He asked how to communicate that. Ms. Fromet said right now they are telling the story and it will need to be determined how to implement, such as drawing people and children to Keene. Ms. Fromet said that is a huge part of the communication effort in the communication plan they are working on currently with the Steering Committee to build. She said there needs to be some very specific messaging that highlights a specific audience the City is trying to attract. Ms. Watson-Brunette said sometimes the brand comes down to just the message and logo. Still, she is a big believer in that the brand informs or reiterates the City's values and every element of customer service to the regional workforce, students that live here and their families that visit, etc. The consultants challenged Staff on this, stating that it should be more than a mark on a business card, they want it to have meaning when City employees display it. These are the values the City represents, and this is the service experience we want so that every person who interacts with the City understands it. She said that since 2013, there is a robust process to ensure safety and positive experiences at community events that are building blocks of memorable experiences. When people think of the City, they will think of those powerful memorable experiences and the human element. A brand cannot necessarily solve the challenges that have been years in the making, but it can be a powerful tool to help the City reach goals and be on the same page about values, and what that means to someone in Keene customer

service. Councilor Roberts followed-up discussing an upcoming event that would attract people from surrounding towns, stating that there must be a way to convince those people to come back to town when it is not busy.

Councilor Jones said that during these marketing exercises, like one at the Airport, the consultants asked about all the positives of Keene but not about the negatives. While he felt it was a great positioning statement, he added to Councilor Roberts' comments, stating that some negatives can be turned into positives. For example, while people say Keene is too far from airports, he argued that it is well situated 90 minutes from two airports. He thought those negatives could be turned into positives in the positioning statement. Ms. Fromet said that Councilor Jones was referring less to the positioning statement and more to what the consultants call key messaging around the brand. Some pieces were not shared in this presentation, but many of the negatives Councilor Jones mentioned were discussed as perception issues. The City has used key messaging around some of those perceptions so they all align. She does not believe a tag line is needed because she thinks cities are far too complex for one statement to address the variety of communication issues that the City needs to and the audiences they need to. Part of this presentation was to identify some of the key messages, including perception issues. Councilor Jones agreed about taglines and finding the right one. Ms. Fromet feels that taglines should happen organically, meaning that after some time when one of the specific messages the City uses resonates so much that people adopt it.

With no further comments or questions, Mayor Hansel thanked Ms. Fromet and Ms. Watson-Brunette for their presentation.

PUBLIC HEARING – O-2022-09-A: AMENDMENTS TO LAND DEVELOPMENT CODE

The City Clerk read the public hearing notice and Mayor Hansel called the hearing to order at 7:32 PM. Mayor Hansel welcomed Community Development Director, Jesse Rounds, and Senior Planner, Mari Brunner.

Ms. Brunner began by providing some history of the Land Development Code and high-level context for this proposed Ordinance. This Ordinance is a part of the larger initiative to modernize and streamline City regulations. This came from the Comprehensive Master Plan, in which the top strategy was to rewrite the City's Land Use and Zoning regulations to proactively achieve the community's goals. The first step in that effort was the Land Development Code project, which was a multi-year effort. The Land Development Code (LDC) went into effect one year before this meeting. As a part of streamlining the regulations into the LDC, a major focus was determining the boundaries of the downtown. Zoning downtown was completely overhauled and form-based codes were established to promote more development downtown—building heights increased to 93' or 7 stories and the area where no parking is required was expanded. However, the initial LDC effort largely overlooked zoning districts outside of the downtown, so Staff have been reviewing those opportunities to modernize the Code and promote the community's goals, particularly those related to the housing crisis.

Ms. Brunner continued with a high-level overview of what is proposed in this Ordinance:

1. Reduce the minimum lot size in the Rural District from five acres to two acres. That was the only dimensional change proposed—no changes to setbacks, percentage minimum lot size, etc.
2. In the Conservation Residential District (CRD) subdivision regulations, change the density factor to in the rural district to two acres per unit to be consistent with the proposed change in lot size in addition to changing the CRD minimum lot size to 32,000 square feet.
3. Add three density incentive actions to the CRD regulations:
 - a. An open space density incentive to promote more open space and more conservation.
 - b. A solar incentive to promote renewable energy.
 - c. A workforce housing incentive to promote housing development.
4. Modify the permitted uses within the CRD regulations specifically for the Rural District and Low-Density District to permit triplexes only in the instance where a workforce housing incentive is requested.
5. Additional submittal and filing requirements for the CRD applications that include a request for one of those density incentives.
6. In reviewing these regulations, Staff identified some unintentional errors that are proposed to be fixed in this Ordinance.
 - a. Amendment to Table 8 and the permitted uses section of the Rural, Low Density, Low Density 1 Districts, and Article 3: ensuring that any uses permitted in the CRD regulations are in the Zoning Ordinance as well.
 - b. Remove the requirement to submit a yield analysis as a part of the CRD application.

Ms. Brunner said the intent of the proposed changes is to expand opportunities for housing development within the Rural District, while maintaining and protecting environmentally sensitive areas like steep slopes and wetlands the community has identified for preservation. The proposed density incentive options within the CRD regulations are to promote community goals related to open space, preservation, renewable energy, and to provide a balanced and diverse housing stack.

Ms. Brunner recalled that when this Ordinance was first introduced, it went to City Council for first reading, before a July 20, 2022, public workshop, and extensive deliberations by the Planning Board, which determined that it was consistent with the Comprehensive Master Plan. The Planning, Licenses, and Development Committee voted to request that the Mayor set this public hearing.

Mayor Hansel heard no comments or questions from the Council. As such, the Mayor opened the floor to public comment.

Eloise Clark of 1185 Roxbury Road, which is in the Rural District, said she has served on the Keene Conservation Commission twice from 2005–2010 and 2017 to the present; she was Chair for much her first appointment and served as Vice Chair the second time until recently. She also served on the committee that developed the Hillside Protection Ordinance and was an active member of the Friends of Open Space in Keene for 12 years. She complemented the City Staff and Joint Committee for revisions to the CRD incentives; creative thinking and thoughtful problem solving went into the new incentives of land conservation solar applications and affordable housing. She was particularly pleased about the identification of primary and secondary conservation areas, although she really would like to see development have to abide by both primary and secondary standards, not just if it is convenient for the applicant. She wishes the same sort of safeguards would be adopted for new development in Rural and Low Density Districts. However, she was specifically very concerned with reduction of lot sizes in the Rural District from five acres to two acres. She said this momentous shift in the LDC will really change the character of Keene and bring the busyness of the valley floor onto the hillside surrounding the City. She said if you have ever been to a metropolitan area, you will notice houses and development has crept up the hillsides. She questioned whether we really want or need suburban sprawl in our rural areas? Do we really want to lose the wonderful mix of urban and rural areas we have now? She cited attending a session several years ago, seeking citizen input about our City-wide vision for how Keene should look in preparation for the 2010 Comprehensive Master Plan; the Rural District was much valued by participants and people really appreciated that Keene was not like other cities with suburban sprawl. Ms. Clark asked why we suddenly veered toward this, which she called a radical new vision for the City? Why can we not have a City-wide discussion about the Zoning Districts before these amendments are adopted? Ms. Clark reminded the Council of its goal and commitment to prevent flooding and Keene. She called forested hillsides and wetlands natural infrastructure. These are the best protections Keene has from flooding on the valley floor. She asked if we want development on our hillsides. She understood the urge to solve a pressing social problem, namely, affordable housing. Still, she did not think development on the hillsides was a rational idea. She said these amendments allow two acre lots to be prohibited from development only if the slopes are greater than 25%; less than 25% could be developed with up to 20% of each lot covered with impermeable surface. She said 50% remains open space and presumably the other 30% holds the septic system. It seemed to her that requirements for hook-up to City water and sewer have been eliminated altogether, unlike in the previous requirements. For those who did not know, Ms. Clark stated that impermeable surfaces in the form of driveways, parking areas, and buildings shed water when it rains, increasing the runoff that flows downhill. She said we know trees slow the flow, some percolates into the soil or accumulates in vernal pools or other wetlands; but in intense storm events the water gushes downhill, soil is eroded, and flood water accumulates at the bottom of the bowl, namely, the valley floor of populated Keene. Furthermore, parcels that are grandfathered in, as the expression goes, do not have to abide by the Hillside Protection Ordinance adopted in 2009 or the Surface Water Protection Ordinance of 2000. She asked, if the property was owned prior to those dates, what protections will be in place for that land? She asked how long it will be before new owners ask for exemptions, and how often are exemptions granted? She believes the environmental quality of Keene will suffer as the result of this

ambitious plan. Furthermore, she asked what this will mean to the taxpayers of the Rural District? Will they see an increase in taxes because we now have developable land? For example, if a property owner has 200 feet of road frontage, will they be taxed as having three developable lots, plus their own home? She said this was an extremely important question that needs to be answered before these amendments are adopted. She asked if one of the goals of these revisions is to force landowners in the Rural District to sell because of increased land value in taxes. Ms. Clark said this outcome would be a rude surprise to many in the Rural District. She asked the City Councilors to slow this process down and answer a few questions:

1. What would the changes in property valuations be should these amendments be adopted for property owners in a Rural District?
2. How many two-acre lots would actually be able to be developed given the modest environmental protections that are proposed?
3. Most importantly, how do we really want our City to be? What do we want our City to look like in 20 or 30 years?

Ms. Clark continued that the trumpet of affordable housing is strong right now, just as concerns with flooding have been, while affordable housing is a lot of the goal. She questioned whether this edict would achieve that. She cautioned the City Council to be careful what they wish for. She asserted that unintended consequences are a definite possibility if these amendments are adopted.

Ed Haas of Jordan Road spoke in opposition. Mr. Haas said he had no experience in planning but had great regard for the work that goes into these things. He said the Planning Board and City Planners had done a great job putting this all together; he could imagine how difficult it is. He also knew that there are always a lot of decisions along the way in developing any kind of plan like this. He said that his experience with two-acre lots is that kind of zoning invites the development of McMansions and he did not know how the City would control this spread out over the Rural District. Mr. Haas said the credits for solar and conservation areas are great, except that they create so much more pressure on a lot as we give credits for more units and more occupancy. He said it would increase the demands for the utilities for septic, for wells, and largely for runoff. He said runoff could be handled and designed well on one site, but the capabilities of handling runoff will decrease moving downstream. He complimented the incentives for solar, but he did not know how well they would work on two-acre lots in forested areas on hillsides without cutting trees. He said developing more affordable workforce housing is essential because the population in 20 years might double or triple, and there will be huge pressure on the Rural District to become more involved in growth in development, and we may have the houses up and down the hillsides. He said it is fine if our population grows that way, but in the meantime the City should focus on density development in the Central Business District and in the surrounding areas to grow the density out from there and make the interior of Keene a desirable place to be, live, and grow. He suggested creating affordable housing by creating market affordable units, not by artificially imposing income limitations that are full of complications. He said to keep it simple, and if anything, separate these things—affordable housing, rezoning, and incentives—now. He said there would be too many complications in how this is administered and what developers come looking to do.

Matthew Hall of 431 Hurricane Road said he would keep it simple. He said that this discussion was about quality of life; he said that is what keeps the “old timers” here and the people who were born here, and what attracts newcomers a lot. He said it would seem selfish if only the Rural District benefitted from this. However, he said he observes what happens on the road; he sees a lot of mountain bikers, road bikers, runners, and walkers. Now there are e-bikes and motorcycles that like to tour through, and Sunday divers enjoy the Rural District. In the presentation, he did not hear anything about the actual road frontage that would be permitted, which was confirmed to be 50'. He asked the Council to picture some of these areas with the sufficient acreage having a driveway every 50 feet long on Peg Shop Road, Jordan Road, and Langley Road, etc. He asked if anyone thought that additional traffic flow would be friendly to the pedestrians and some bicycles? He said traffic goes too fast. Already we used to average about one car off the road at his house per year, which eased with a new sign, but is creeping up again. Mr. Hall said the whole community benefits from the current regulations and the joggers will be shocked, especially if they are running like a lot of them do before or after work in the dark; there would be a stream of cars and bicyclists at the same time. He thought the whole community would benefit from safer roads. He noted dangers of pushing cyclists into the downtown with traffic. Ultimately, Mr. Hall thought this was shortsighted. He thought some of the older people and their heirs could cash out and walk away, and the people that stay could take care of the mess. He urged the Council to think long-term like other nations do and consider the next two or three generations when planning.

Peter Hansel of 61 Bradford Road spoke both as a former member of the Friends of Open Space and the Conservation Commission. He said that when formulating the Friends of Open Space less than 20 years ago, they had full support of the City. The City Manager was one of the members and initially the City Planner came to the meetings. It was established after a public meeting that said people in Keene are very interested in maintaining the value of open space. So, the group was formed to educate and advocate for open space. The group participated in passing some of the ordinances for hillside protection and they have had educational programs on what happens when our hillsides and our lands are overdeveloped, such as flood runoff. While the Friends of Open Space had disbanded, there are fortunately other groups in Keene that have taken the mantle, like the Conservation Commission, in addition to other local organizations like the Monadnock Conservancy. Mr. Hansel said these groups push daily to educate us and work towards maintaining the type of open space that we need in in our communities all around Keene. He said one of the key foundations is keeping our development in a core of the City and allowing the surrounding areas to be left undeveloped for the use of not only human populations, but the wildlife. Mr. Hansel continued that Keene has done a terrific job and that our whole region could be commended on keeping in mind the needs for open space. Next, Mr. Hansel spoke as a landowner, with 150 acres of land in the Rural District on Hurricane Road. While the City would profit from building a lot of houses there, he did not think it would be good for Keene in general to see that type of development. He was reminded of 2001, when the City Council and Planning Department created Low Density One, which was the former Ellis Farm, which he said opens a way to allow the type of increased growth sought without infringing on

the open space we value. He continued that Low Density One is a little less dense than Low Density, only allowing one-acre lot sizes with 100-foot frontages if it has no water or sewer, and if it has water and sewer, it is roughly 20,000 square foot lot size with 75' of frontage. He said using Low Density One would be a compromise. Mr. Hansel applauded the work of the Community Development Department to revise the LDC; they have done a commendable job. The only thing Mr. Hansel disagreed with was changing the minimum lot size from five acres to two acres in the Rural District. He was curious about the fact that frontage in the Low Density District would be larger (100') than in the Rural District (50' proposed). He suggested considering open space in Keene as a virtue and value to protect. There was a reason the Rural District was increased from two acres to five acres approximately 30 years ago and he did not think those reasons had changed. He thought it was shortsighted to just say we need more development. He thought more of the same objectives for intense affordable housing could be accomplished by developing the Low Density One District or others within the core of the City.

Thomas Lacey of 241 Daniels Hill Road was opposed to these proposals, especially changing the minimum lot size from five acres to two acres in the Rural District, based on the Master Plan. Keene's LDC was rewritten just last year, and a change of this magnitude was never even mentioned, which he found shocking. He did participate in the planning process for the Master Plan and had been on the Conservation Commission and Assessing Board. He said this proposal encourages sprawl he has seen around the City. He said one of the City's primary themes was always—right up until this moment—to avoid sprawl. This proposal encourages sprawl, saturating the Rural Zone with housing and ignoring open space, which is not in the spirit of the Master Plan, which clearly calls for a balance between open space and other land uses. Mr. Lacey continued that this proposal was creating suburbia, which he said was not an exaggeration, and mimics what used to be called planned unit development. He said two acres is not real open space, it is a big residential yard. Driving through the Rural zone currently, you see patches of open space, which is all vulnerable if all you need is 50' of frontage. Worse still, he said that in this proposal you can start stacking lots one behind the other. He noted that five-acre zoning is common in NH and is not a barrier to home ownership. He said City Staff and others had represented the fact that open space is often the attraction. It provides traditional farm-forest use, landscape cluster, open space, wildlife habitat and corridors, water infiltration and storage, as well as the backdrop of what people know this area to be and why people visit. Regarding taxes, Mr. Lacey said part of his profession was valuing and selling land. He said this zoning proposal would be the property tax hike of 2022. This proposal provides a new avenue for property taxes to increase for those with 4–10 acres, who cannot enroll in the current use program like properties over 10 acres can. Current Use provides an open space assessment rather than a development potential assessment. The Current Use Assessment was instituted in 1973 as a fair way to provide relief from exactly the pressures that this proposal will impose. If you have the potential for a house lot, your taxes are going up, period. Taxes go up due to increased demands for education, protection, law, enforcement, and emergency services. He said this would increase road maintenance, often four or five miles from the center of town. He stated that this is an unpredictable tool, and it is time to stick with the plan we have, "It is not up to the City to think it can jigger natural economic forces and serve up development on a silver platter." He continued

that there are subdivisions, both active and in the pipeline, and there is not a shortage of land suitable for housing in either the Low Density or Rural Zones. Workforce housing incentives should be inside the existing municipal infrastructure. Mr. Lacey continued that this proposal should not move forward. If recent house sales are any indication, accelerating the number of lots in the Rural zone will only add to the disparity between those who can afford new housing and those who unfortunately cannot. Also, open space runs at a profit and residential development runs at a deficit. He said people should think about that.

Paul Venezia of 75 Nims Road also voiced opposition. He thought the issues had been stated clearly already. He said this is a bad idea and the ramifications of this far outweigh any benefits. It struck him that when he flies into some metropolitan areas around the country, it is all cookie cutter McMansions; it is anonymous, and this would turn Keene into that. He does not want to fly over Keene and see that.

Gary Wehrmein of 411 Hurricane Road also spoke in opposition of reducing the minimum lot size in the Rural District to two acres. He felt compelled to speak on this issue, whereas he had not had to get involved with politics over the years. He echoed the previous speakers. He wanted to talk about vision. He said development would not solve the problem of funds for education, for example. He asked if anyone had considered climate change in relation to this proposed change; where will the water run in 25–50 years? He thinks the environmental impact would be significant and Keene is not immune to those threats. He questioned the bike paths, which he does not want to change. He cited the Troy Mall that brings the community together and his fantasy would be that those communities would benefit the regional trails and paths as well as Keene would benefit, and as well as the land that would benefit from each kind of these things. Regarding transportation, Mr. Wehrmein said there are many styles of electric vehicles that can drive between these communities without doing damage. He thinks those two things could be married together in a way that everybody benefits. He also stated that he was angry about the taxes for education in NH; we do not have enough taxes to pay for decent education here. He continued that we have very good teachers and a very good system, but we cannot maintain it. He suggested finding the money for education a different way than this increased development. Finally, he reminded himself and the audience that they sat on native land that we took it from them. He suggested that rather than taking more land from them, that we try to figure out some ways to give back. He concluded that the earth cannot sustain with the way we are currently treating it.

State Representative Sparky Von Plinsky, IV, of 18 Allen Court. He represents Keene's Ward Four for a few more weeks and he is Chair of the Keene Conservation Commission, though he did not speak on their behalf. He was a big fan of the CRD ideas. He voiced his opposition specifically to the five acres down to two acres. He said reducing a lot size is something like putting a band aid on somebody's cheek after they broke both their legs; it makes you look like you are doing something, but it does not really accomplish anything. He continued that it is worse than that though because it is like putting that band aid on with super glue. We are going to be stuck with the decisions that are made here for generations long past. He recalled moving to

Keene because of its character, without urban sprawl, and he would hate to see Keene lose that character that is several hundred years in the making, which he thinks this LDC change would do faster than we all think.

Nathaniel Stout of 446 Hurricane Road was a former City Councilor, Planning and Zoning Boards member, and a liaison to the Conservation Commission, among other boards. He is also a member of the New England Mountain Biking Association and has lived in Keene for 37 years. He expressed concern and asked the Council and Staff to consider five rhetorical questions, though he said they deserve answering:

1. How many CRDs have actually been implemented?
 - a. He stated that CRDs are difficult to implement they are no panacea; we have seen them go wrong. He said to keep that in mind when thinking about development as a percentage of the overall housing need.
2. How much would the reduction to two acres really relieve the housing crisis?
 - a. He did not think it would and questioned the impact on the tax rate. With increased population, more kids will need to go to school, there will be more need for emergency services, etc. We do not need to exacerbate the State's "archaic" tax system.
3. What is the method of change to two acres? How will it be implemented?
 - a. He recalled his participation on the Comprehensive Master Plan, and he said that many ordinances take years to implement. So, he was unsure why this 2-acre change was being proposed at such an accelerated rate. He did not recall hearing about other advanced meetings on this issue.
4. Why had there not been better notice of advanced meetings on this issue?
 - a. He noted that he and his wife are privileged and happy to live in the Rural District, which is a love he thinks is shared by those who drive through the Rural District. His neighborhood is full of joggers, cyclists, and walkers. He added that this would change the tax rate in unclear ways. He also saw the potential for someone with five acres now to decide to subdivide. He cited the increase of impermeable land that would result. He did not see how this would alleviate workforce housing.
5. What are the effects on the wildlife corridors?
 - a. He cited the privilege of experiencing wildlife from your home in the Rural District.

Mr. Stout concluded that this seemed like an accelerated decision that would have poor outcomes.

Gary Tochtermann of 74 Nims Road said this was not on his radar until he saw it in the paper. He imagined this change taking effect on Nims Road, which is a small road with only eight houses. He would continue thinking about what he learned at this meeting. Still, he hoped the Council would be very deliberative on this matter and not move forward too quickly, because it sounded like there could be many ramifications. He did not want to see this move too quickly.

Walter Lacey of 230 Daniels Hill Road questioned where this change came from and whose personal idea it was for this to be fast tracked. What is the statutory rush? Mayor Hansel commented that this did not come out of nowhere; there have been workshops before the Planning Board and Planning, Licenses, and Development Committees and so this was not the first time it was before the public. Mr. Lacey said those meetings had not been advertised well and it felt troubling to him that this was being pushed through so quickly. He continued that this matter should be scrutinized better. He said this was unrealistic and denies that people live in the Rural District currently who are in opposition to this. He suggested reconsidering whether this was an appropriate change toward affordable housing. Mr. Lacey said Keene is a special place and part of the appeal is its rural nature and hillsides surrounding the bustling downtown. The five-acre minimum lot size is essential and reducing it to two acres will destroy that rural appeal. He said this would also increase tax pressure on the Rural District for an opportunity to make quick money. He noted that conservation is a City goal. He accepted that development would change in the future, but he said it should be evolutionary not revolutionary. He said that pursuing individual targeted projects would be a far better development strategy. The Zoning Variance had accomplished value and preserved things that make Keene special. If the City follows the Comprehensive Master Plan and develop outwardly from the City core; he said a wholesale change to the Rural District like this throws the Master Plan out the window. The farming, energy, infrastructure, and transportation needs of Keene's future require more methodological, prudent development. He assumed this change would not benefit his family and would increase land values, which he does not want. He hopes his grandchildren and great grandchildren will continue to enjoy Keene and the quality of life that has been defined here. He provided his comments in writing.

Cole Mills of 68 Langley Road asserted that there was only one person in the audience in support of this Ordinance. He presented his comments in writing. He shared in the previous commentators' opposition on changing from five acres to two acres. He said this would be like putting a parking lot in paradise. He said this would cause his property value to increase by almost \$50,000, when he had done nothing to change it. This would cause an approximate \$1,500 increase in his taxes. He cited an example of subdividing five-acre lots. He knew when he moved to Keene that there would be some development in his neighborhood, but he pointed out examples of how crowded the neighborhood could become with this Ordinance; and it would be even more complicated if affordable duplexes and triplexes were constructed on those new subdivided parcels. He added that Nims Road, for example, is a very dark road and new services would be needed to keep the non-motor vehicle users safe with increased traffic; there is also no sewer service. Increased traffic would be significant. He said this would destroy the hill. He cited examples of other towns adding housing and losing land. Mr. Mills noted that increased housing will increase the number of kids in Keene schools and would raise the already high portion of the school's tax base. Where would the money come from to fund all the new children? It would fall on all the taxpayers in Keene. Increase services would be needed from the Police force, Fire Department, and the Public Works Department. Langley Road would have to be widened, for example. He cited an example to prove that smaller lot sizes would not increase workforce housing. He said this increased development would increase the number of impervious surfaces

in the area and that the beautiful appearances of the neighborhoods and destroy them. He said the five-acre zoning works and allows it to be a more environmental City. This Ordinance would create more environmental problems—water runoff, traffic, etc. He cited the great development that has occurred downtown over the last 20 years and cited various development projects. He suggested focusing on what had already been approved for development and then if there is still need, this Ordinance could be brought back to the table. He cited his opposition again to allowing developers to alter these rural areas. He thinks this is a mistake that would undo what the last group of individuals working for the City fought hard to protect. He hoped the Council would vote against this Ordinance.

Eileen Sarson of 36 Nims Road said she heard the branding presentation that mentioned all the unique qualities of Keene and the people that live and work here—the concerned engaged citizens the City considers as crucial partners. She said growth should be slow enough so that those who move here have time to fit in with the town’s collaborative, friendly ways. She posed a few rhetorical questions:

1. What is the number of lots that can be built under the new rules?
2. What would the impact be on the quality of life in the Rural District?
3. What will happen to the wildlife in the Rural District?

Ms. Sarson continued that she looked at this amendment before the meeting and found information missing and insufficient for a citizen looking for these things—where is Article 3, for example? Without such information, she could not form a full opinion. She said the public engagement for this was insufficient compared to something like the engagement for the Walldogs Festival. There should be more public engagement and solicitation and she urged caution until that occurs. She urged controlling how Keene implements housing for workers and not “just filling the bank account” of a developer from outside Keene.

Jim Phippard of Brickstone Land Consultants in Keene has been a professional for 46 years, since the 1970s, when two-acre minimum lot sizes were allowed in the Rural District. Even smaller lots were allowed depending on many factors. Developers had to think of what those properties could support for a septic system or well to allow a new single-family dwelling unit; that is how subdivisions were made at that time. Developers had to prove to NH Department of Environmental Services (DES) that the soils on site could support a septic system. He worked on a few of these lots in his early career, such as those that are less than two acres on West Surrey Road, for example. He said the NH DES requirements for soils to be able to support these systems are even stricter now than they were in the 1970s, and in such conditions where the soils cannot support systems, they cannot be developed. Mr. Phippard continued that he understood the fears he was hearing from landowners. He does not love being the only voice in the room supporting such an amendment. He said the speakers were expressing concern because they did not understand the bigger picture or limitations built into the system. Keene could not divide all the 14,000 acres of rural land into two-acre lots; it would not happen because NH would not allow it because so many lots would be too weak to support the development. He said it was extremely difficult for Staff to specify a number of lots that could be created but he said it would be nothing like the fears expressed at this meeting. He understood that areas of Keene have

become denser over time. He has seen and felt the changes like everyone else; he is also not in favor of losing significant open space. He said there is limited and non-traditional workforce housing in Keene, but when companies try to bring a workforce to Keene, most want to live downtown where there are many new apartments available, many of which are nearly full. There is certainly demand, which he thinks is broader than affordable and workforce housing. He said you have to look at the bigger demand and ordinances presented. He thought the Community Development Department did a wonderful job updating the Land Development Code; he served on that committee. He said this is a complicated matter and decision for the Council, which is forced to deal with the emotional frustration. He shared concerns of other landowners about increased traffic but said that not bringing companies to Keene and allowing them to have a workforce the City would be moving backwards. He hoped a balance would be struck. He agreed that it is best to develop the residential areas closer to town. He cited outcry that would come from neighbors when trying to develop an infill lot in a subdivision because they do not want to lose that green space, while that would be permitted by zoning. He said a subdivision does not substantially increase traffic or make a major impact. Mr. Phippard used examples of his past work to indicate the limitations of these developments, such as having to prove to the Planning Board that it would not increase runoff onto adjacent properties or that wetlands would not be impacted, for example. A two-acre lot would only be approved by NH DES if the developer proves the soils can support septic and safe drinking water. Just because zoning says two acres are allowed does not mean it would be possible on all two acres. He hoped the Council would recognize the balance that helps provide the housing needed.

Parker Hansel of 233 Hurricane Road has lived in Keene 40 years and wanted to be on the record expressing his objection to this zoning change. He asked if the goal was to develop any developable land. He asked the criteria. He did not see the need for this change. There had been a lot of great concentrated development, which is needed. He said he would like to see more affordable housing, but this change would not provide that. He loves the City and wants to see it succeed but getting rid of rural areas would not succeed. He hoped the Council would make the right decision.

Hearing no further comments, Mayor Hansel closed the public hearing at 9:04 PM. Written public comments would be accepted up until 1:00 PM on Tuesday, September 6. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record.

Discussion ensued about the process to divide this question and separate the rural portion from the Ordinance at hand for special consideration. The City Attorney said that would constitute a material change of the Ordinance and it would be sent back to the Joint Committee for a repeated public workshop; if they decided to remove that requirement, then it would move forward as a B version, with another public hearing. Mayor Hansel said it would be reviewed at the Planning, Licenses, and Development Committee meeting on September 7, which would not be another opportunity for the public to speak.

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Councilor Johnsen cited her respect of the Planners for this work over the last two years. She questioned where the public had been during this whole process of developing the Ordinance and urged further participation if there is another public comment.

A true record, attest:



City Clerk

NOMINATIONS

Mayor Hansel nominated Clair Oursler to change from an alternate to regular member of the Energy and Climate Committee, with a term to expire December 31, 2022. He also nominated Charles Redfern to serve as an alternate to the Energy and Climate Committee, with a term to expire December 31, 2023. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – COLE MILLS – IN OPPOSITION TO CHANGE IN MINIMUM LOT SIZE – RURAL ZONE – ORDINANCE O-2022-09-A

A communication was received from Cole Mills, stating his opposition to amending minimum lot size in the Rural zone from 5 acres to two, as proposed in Ordinance O-2022-09. Mayor Hansel accepted the communication and filed it into the record.

MSFI REPORT – IN SUPPORT OF A “PROTECT OUR POLICE BILL” – COUNCILOR PHILIP JONES

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 4–0, recommending that 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. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. Discussion ensued.

Councilor Jones said he read through the State codes and RSA159A-18, which say that the only time armor piercing ammunition is illegal is when it is used for a crime. It struck him as confusing that the public even be allowed to have this ammunition, questioning why it should be recreational and why it is needed. He said he was not asking for a social issue, but rather that the City Council is the steward of the Police Department and should do all they can to protect the Keene Police and all other agencies in the State. He wanted to see this move forward, though he would have preferred a Resolution so it was easier to find. He said there had been inquiries about this; the NH Association of Police Officers and NH Police Chiefs’ Association want to know the

result of this Council decision. He said this is waking people up across the State and it would be great if Keene initiated this discussion.

Councilor Remy was supportive of the concept that people do not need this ammunition. Still, he said he did not want to legislate for legislating's sake. He said these bullets are incredibly rare and that the Police Chief said he had never seen them. He did not like the idea of the City Council telling the State what to legislate on when they are already illegal to use. He supported the idea of protecting our Police, but not with sending a letter for a letter's sake.

The motion carried with 11 Councilors present and voting in favor and 1 voting in opposition. Councilor Remy voted in the minority.

FOP REPORT – COMPREHENSIVE HOUSING NEEDS ANALYSIS – SENIOR PLANNER

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a 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. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 12 Councilors present and voting in favor.

FOP REPORT – CHESHIRE RAIL TRAIL PHASE 3, CONSTRUCTION ENGINEERING CHANGE ORDER #2 – CITY ENGINEER

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a 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. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 12 Councilors present and voting in favor.

FOP REPORT – MUNICIPAL SERVICES AGREEMENT – KEENEE STATE COLLEGE – CITY MANAGER

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending 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. A motion by Councilor Powers to carry out the intent of

the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 12 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager reported that the Gilbo Avenue and Water Street property swap is complete. The closing was on Tuesday August 30. The former skate park location on Gilbo Avenue was closed the day before due to damage done by a vehicle. However, it would have closed the next day anyway when the property was transferred. The next step is to work with our consultant on the design for the skate park at the Water Street location. During the design phase there will be lots of opportunity for public input and outreach to the Water Street neighborhood. Right now, it is expected that the new skate park located adjacent to the Pat Russell Park will be open in the spring.

The City Manager continued reporting on the Highway Block grant additional onetime payment as a result of Senate Bill 401. The state distributed \$30 million to NH municipalities utilizing the same distribution methods of our annual Highway Block Grant Aid. Highway Block Grant Aid is distributed based on mileage of Class 4 and 5 highways in the community and our population. This additional aid to communities provided an additional payment to Keene in the amount of \$414,152.19. In accordance with fiscal policy, these unanticipated funds will be deposited in a reserve to offset debt. In particular, the Council recently authorized \$500,000 of unexpended funds to design the repair reconstruction necessary for Thompson road. These unanticipated dollars would go a long way toward those upcoming debt expenses.

The City Manager concluded sharing that Chief Russo's retirement luncheon was on August 31. Captain Todd Lawrence is the Interim Police Chief while the City Manager completes the process to select a replacement. She is currently completing an internal recruitment process. Captain Lawrence has not applied for the permanent position of Chief. Interview processes will take place during the week of Sept 16.

The City Attorney reported that there was a settlement with the State and Johnson & Johnson on one of the pieces of opioid litigation. The State of NH did not participate in the global settlement in connection with Johnson & Johnson; there is a trial on September 27. He knows there had been negotiations toward settlement, which was ultimately \$31.5 million, which will drop into the State's Opioid Trust Fund. He noted that the 23 municipalities that were initially on board take the first 15% of the settlement proceeds that go into the Trust based on the population formula.

The City Manager agreed to have the newest piece of City property mowed and cleaned.

MORE TIME – MSFI REPORT – DESIGNATING CITY PARKS – DRUG-FREE AND SMOKE-FREE ZONES – COUNCILOR MITCH GREENWALD; FOP REPORT –

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**SPECTRUM SERVICE ISSUES – COUNCILOR RANDY FILIAULT; FOP REPORT –
RELATING TO WATER AND SEWER UTILITY CHARGES – ORDINANCE O-2022-10**

A Municipal Service, Facilities, and Infrastructure Committee report read on a vote of 4–0, recommending that 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. Mayor Hansel granted more time.

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending that this item be put on more time until its next regularly scheduled meeting on September 8 at 6 pm. Mayor Hansel granted more time.

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending putting this item on more time. Mayor Hansel granted more time.

**ORDINANCE FOR FIRST READING – RELATING TO CHAPTER 22 – CEMETERIES –
ORDINANCE O-2022-12**

A memorandum read from the Director of Parks, Recreation, and Facilities Director, Andy Bohannon, recommending 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. Mayor Hansel referred Ordinance O-2022-12 to the Finance, Organization, and Personnel Committee.

**ORDINANCE FOR SECOND READING – RELATED TO PARKING RATES –
ORDINANCE O-2022-08**

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending the adoption of Ordinance O-2022-08. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Ordinance O-2022-08 with an effective date of January 1, 2023, was duly seconded by Councilor Remy.

Discussion ensued. Councilor Jones understood the increase in parking fees but felt the increase in ticket fees was too soon after they were just raised the previous year; he would vote in opposition. Councilor Filiault expressed opposition; he was not in favor of raising the ticket prices because he does not think it can be enforced. Councilor Filiault said Keene’s strength is the downtown, with people coming from all over New England for events, during which parking tickets will be handed out, which he was opposed to; this will push people out of Keene and there should be other options. Councilor Greenwald understood the need to be self-sustaining, but was thinking about the whole downtown, where businesses already face stressors. He added that the community is already affected by inflation and taxes. Councilor Greenwald would vote in opposition. Councilor Chadbourne suggested splitting the issue of ticket fees from the parking rates. The City Manager reminded that no one likes raising fees, but the parking fund must be

self-sustaining; this increase is needed to ensure the Capital and Operating Budgets are not in a deficit. She understood this would be hard for people to accept, which is why fees will be reviewed periodically. The City Manager added that the parking tickets are less about revenue and more about moving cars with the two-hour limit, which was not happening with \$10 tickets. Councilor Giacomo asked, and Mayor Hansel and the City Manager confirmed that this did not apply to permit parking, which was adjusted last year. The City Manager reiterated that these fees would be reassessed regularly, and these fees balance the CIP budget; rental fees would be reassessed in a few years as housing demand increases. Councilor Filiault understood balancing the budget but said it was a slippery slope with other increased rates and taxes in the City, while constituents are under pressure that the Council should try to offset. Councilor Roberts spoke in support of the increases, citing an example from when he last served on the Council. He said it is difficult to tell constituents he voted for an increase, but he agreed with the City Manager that the purpose of raising ticket fees is for turnover downtown to support businesses.

The motion carried on a roll call vote with 9 Councilors voting in favor and 3 voting in opposition. Councilors Jones, Greenwald, and Filiault voted in the minority. Councilors Workman, Bosley, and Ormerod were absent.

**RESOLUTION - IN APPRECIATION OF MARY E. ALTHER UPON HER RETIREMENT
RESOLUTION – R-2022-29**

A memorandum read from the Director of HR/Assistant City Manager, Elizabeth Fox, recommending the adoption of Resolution R-2022-29. A motion by Councilor Powers to adopt Resolution R-2022-29 was duly seconded by Councilor Giacomo. The motion carried unanimously with 12 Councilors present and voting in favor.

**RESOLUTION - IN APPRECIATION OF STEVEN RUSSO UPON HIS RETIREMENT
RESOLUTION – R-2022-31**

A memorandum read from the Director of HR/Assistant City Manager, Elizabeth Fox, recommending the adoption of Resolution R-2022-31. A motion by Councilor Powers to adopt Resolution R-2022-31 was duly seconded by Councilor Giacomo. The motion carried unanimously with 12 Councilors present and voting in favor.

**RESOLUTION - 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**

A memorandum read from the Airport Director, David Hickling, recommending 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

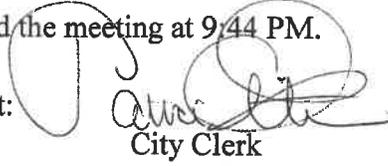
09/01/2022

recommendation. Mayor Hansel referred Resolution R-2022-32 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 9:44 PM.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nomination**
Heritage Commission

Council Action:
In City Council September 15, 2022.
Tabled until the next regular meeting.

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

Heritage Commission
Molly Ellis, slot 7
87 Cross Street
Term to expire Dec. 31, 2025

Attachments:
1. Ellis, Molly_Redacted

Background:

Heather Fitz-Simon

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

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, July 26, 2022 2:19 PM
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 Tue, 07/26/2022 - 14:18</p>

<p>Submitted values are:</p>

First Name:

Molly

Last Name:

Ellis

Address

87 Cross St
Keene NH 03431

How long have you resided in Keene?

4 years in September

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

I was a flight attendant with American Airlines for 9 years, and recently quit to stay home with my son

Occupation:

Homemaker

Retired

No

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

I am a ballot inspector for the New Hampshire Democratic Party, I am a CASA.

Have you ever served on a public body before?

No

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

Bicycle/Pedestrian Path Advisory Committee, Heritage Commission, Historic District Commission, Partner City Committee

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

I majored in International Studies and was a flight attendant for nine years. I am very interested in travel and in learning about other countries and cultures as a way to create understanding and broaden horizons. I have always loved historic architecture and I am very interested in historic preservation. Lastly, I love walking and frequently walk with my young son in a stroller, and we often go on family bike rides. I think that walking and biking are wonderful ways to get exercise and get where you're going and good for the environment.

Why are you interested in serving on this committee

My husband and I have grown to love Keene and after living here for four years, we would love to be more involved in the community.

Please provide 2 personal references:

Reid Solomon-Lane

[REDACTED]
[REDACTED]

References #2:

Margit Foster

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations**
Energy and Climate Committee

Council Action:

In City Council September 15, 2022.
Voted unanimously to confirm the nominations.

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)

21 Roxbury Plaza

Term to expire Dec. 31, 2022

Charles Redfern, alternate slot 12

9 Colby Street

Term to expire Dec. 31, 2023

Attachments:

1. Redfern, Charles_Redacted

Background:

Heather Fitz-Simon

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 #B.3.

Meeting Date: September 15, 2022

To: Mayor and Keene City Council

From: Mayor George S. Hansel

Through: Patricia Little, City Clerk

Subject: **Appointment of Ad hoc Winchester Street Committee**

Council Action:
In City Council September 15, 2022.
Voted unanimously to accept the appointments.

Recommendation:
 I hereby appoint the following individuals to serve on the ad hoc Winchester Street Committee that is charged with providing planning, guidance, and general direction for the Lower Winchester Street Reconstruction Project, in partnership with affected residents, local businesses, the City of Keene, and the Town of Swanzey staff, and the New Hampshire Department of Transportation. The Committee will specifically focus on balancing the needs of all the various project stakeholders and providing a conduit for the community to have their concerns addressed during the design process. The Committee will provide advice to the City’s consultants through the review of collected data and draft work products. Ultimately, the Committee will make a recommendation to the City Council with respect to the scope of improvements and the preferred alternative.

<u>Name</u>	<u>Representing</u>
Douglas Hamshaw	Hamshaw Lumber, Inc.
Trevor Bonnette	Branch and Blade Brewing Co.
Jimmy Tempesta	Tempesta’s Restaurant
Christopher McCauley	Fairfield’s Auto Group
Douglas Fish	Neighborhood Resident
Sarah Bollinger	Town of Swanzey
Jim Lamp	Town of Swanzey

Attachments:
 None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to Amendments to the Land Development Code – Rural District and Conservation Residential Development Subdivision Regulations

Council Action:

In City Council September 16, 2022.

Voted 13 in favor and one opposed to carry out the intent of the report.

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Council refer Ordinance O-2022-09-A back to the Joint PB/PLD Committee for a discussion regarding separating the issues in the Ordinance.

Attachments:

None

Background:

Chair Bosley requested comments from the City Attorney, Thomas Mullins. The City Attorney reiterated that this was not another opportunity for further public comment. He continued explaining that subsequent to the public hearing on September 1, he discovered that the public hearing notice was defective per State statute. The notice did not include the statutory requirement for a specific statement to be included designating the place where the proposal is on file for public inspection. While there was a link in the notice with the Ordinance on the website, that was insufficient per RSA 675:7. II, which recognizes that not everyone has technology access and therefore it should be on file physically. He said the case law on the matter is clear, including a 1988 case where the court looked at provisions—despite amendments since—which has essentially the same restrictions today. The court says statutory needs must be complied with and in that 1988 case, the lack of appropriate public notice caused the subsequent zoning in that case to be void, which Keene wants to avoid.

The City Attorney stated there were two solutions to this matter: 1) re-notice the public hearing and hold it again, and 2) Staff recommended this options to recommend to the City Council to return the matter to the Joint Committee of the Planning Board and Planning, Licenses, and Development Committee for another public workshop that would allow more participation, with a subsequent public hearing on the Joint Committee’s decision—including whether to split this question. It is not possible to vote on this Ordinance at this time.

Chair Bosley did watch that public hearing live and said it was great to see the public participation. However, it was not a forum to discuss and ask questions, which another Joint Committee workshop would provide the opportunity for. She agreed with the Staff recommendation to send this back to the Joint Committee workshop phase to hopefully find a resolution.

Councilor Jones agreed with sending it back to the Joint Committee given that 15 people spoke in opposition at the public hearing. The Joint Committee workshop allows a less formal conversation, but an opportunity to discuss the various sections proposed that people have issues with, in the proper venue.

A motion by Vice Chair Giacomo was duly seconded by Councilor Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Council refer Ordinance O-2022-09-A back to the Joint PB/PLD Committee for a discussion regarding separating the issues in the Ordinance.

Chair Bosley invited those present for the matter to attend the public workshop. This would go to Council on September 15 to be referred to the Joint Committee meeting the second Monday of October.

Councilor Jones recalled that when this goes to Council, they could decide to move forward with the Ordinance. The City Attorney would strongly recommend that they do not; it is not the right option.

Councilor Johnsen apologized for comments she made at the public hearing questioning where the public had been throughout this process. Her comments were made in light of the two years of work that went into the matter.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: September 15, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Councilor Mitchell Greenwald - Amendment to the City Council Rules of Order - Remote Access**

Council Action:

In City Council September 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends placing the request for an amendment to the Rules of Order regarding remote access on more time to allow City Staff to develop proposed language to Section 4, considering Councilor Greenwald’s letter and the PLD discussion.

Attachments:

None

Background:

Chair Bosley requested comments from Councilor Mitch Greenwald, who presented his position. The Councilor recalled a recent situation when he tried to attend the budget vote via Zoom, but despite several emails sent to the Mayor, he was denied by lack of response and therefore unable to vote on behalf of Ward Two. Upon return, it was clear to him that there is much confusion for himself and others as to who should be noticed when remote participation is requested. He said the more correct answer seems to be the City Clerk, but he did not see that written anywhere. He said this issue must be uniform and there should be communication about this. He cited the last Council meeting when Councilor Workman was intending to join remotely, but due to a technical issue with her internet there was no discussion or committee vote. He said the language identifying a reason for remote participation is unclear. He said it was also unclear whether the requests should be made in writing and what the deadline is. He understood that they must follow State laws for Zoom participation but he said that some of the reasons accepted could compromise someone’s privacy when they must disclose, which concerns him. Councilor Greenwald continued asking for clarification as to whether participation is at the discretion of the Chair or the public body; he did not see a mechanism for that. While he hopes it would never happen, he could imagine a future Chair using this ability as a political tool to dissuade certain participation. He knew there was originally a limit on Zoom access because it could lead to “non-present” Councilor; he did not see that as an issue but said the public body could deny such request if abused. He suggested that perhaps Councilors should be allowed two

opportunities for Zoom access for any reason that cannot be denied by the presiding officer, but the public body must vote on the matter. He spoke with County Administrator, Chris Coates, who said they follow State law for their meetings but overall, participation in any format is encouraged. Overall, Councilor Greenwald requested clarity and consistency in how these requests for remote participation should be delivered—to whom and by what deadline. He also asked that those remote Councilors be able to speak during deliberation. He thanked the Committee for hearing this matter a second time this calendar year.

Chair Bosley appreciated this issue because anytime something is added to the Rules of Order, it takes time for it to become clear how to use it practically and to find holes in how it is managed effectively. As Chair, she has had situations where a Councilor was approved by Council for long-term Zoom participation, but it was unclear what protocol she was supposed to follow in allowing them into a meeting—does the body still vote? She said fine tuning and clarifications from Staff would provide great guidance to Chairs. She stated that Section Four of the Rules of Order does state that requesters must notify the City Clerk 24 hours prior to the meeting, which she thinks is a workable time frame. She said that notifying Chairs seems to be less effective.

The City Attorney, Thomas Mullins, said Staff would continue working to clarify this section. He said the notification to the City Clerk was intended to ensure the technology is available in time and he suspected the Clerk did not want to be in the position of deciding who most meets the requirements for remote participation. He said to keep in mind that if language is added to permit extra reasons for absence, the matter would still go before the City Council, which could vote those changes down; this would require suspension of the Rules of Order and there would need to be consensus by 2/3 vote.

Chair Bosley said the matter becomes fuzzy in that the Council already approved two specific reasons to allow remote participation and one very unspecific reason. The City Attorney said that suspension of the Rules assumes that the term “reasonably practical” is removed because it gives the Council leeway to make decisions about why they need to be away. There could be a rabbit hole of adding reasons to the list without consensus. It is difficult to list every single item the Council might agree to. He said that if a Councilor feels their participation is important and they are willing to present the reason, then the Committee should vote yes or no. According to the current Rule, the Chair or Clerk alone could not deny participation. He continued that the problem is with the process Councilors have been using and that Staff on the fringes do not know what to do. Here is what should happen: if Councilor Greenwald notified the City Clerk 24 hours in advance, he would be automatically brought into the meeting via Zoom to make his case, which the public body would then vote to approve or deny. The Chair is simply allowed to ask for any objections, and hearing none can permit the participation. Chair Bosley asked how the requests get to the Chair and the City Attorney replied that is a part of the internal discussion needed. Chair Bosley thinks that is where they are losing people.

Vice Chair Giacomo thought Councilor Greenwald's proposal was reasonable. The Vice Chair was one of the proponents of loosening these Rules for as much interpretation as possible, so he fully supported these changes. He thought Councilor Greenwald stated it perfectly—to allow two absences outside medical, disability, or out-of-town work. The Vice Chair agreed that Staff should be provided the time to better develop this framework.

Councilor Johnsen thanked Councilor Greenwald for bringing this forward, citing a past incident of a snowstorm when she would have liked to be able to participate via Zoom. She thinks it should be allowed for matters of safety. She does not think the tools would be abused.

Councilor Jones asked the City Attorney whether the Chair asking for objections from the Committee also happens at the Standing Committee meetings. The City Attorney replied that the Rules apply at

the Standing Committee level. Councilor Jones could see this becoming a political tool. The City Attorney said there had been recent discussions on how everything is political, and nothing can be 100% foolproof; this depends upon people acting reasonably. Councilor Jones was thinking of abuse by future Councils, not the present.

The Chair said that anytime a presiding Chair allows or disallows participation based on their interpretation of the Rules, the Committee can object. The City Attorney confirmed. So, Chair Bosley said there had been situations where the presiding Chair did not allow Zoom, but the Committee was not notified or allowed to object. The City Attorney agreed that is where issues have arisen. Chair Bosley agreed that the opportunity for objection was the missing priority. She needed Staff to craft language stating that regardless of the Chair's opinion, the Councilor must be able to attend, and the Committee must be provided an opportunity to object.

Vice Chair Giacomo agreed there is the future possibility for this to be used politically. He asked, if this is a City Clerk issue, whether the remote participation is then added to the pre-agenda materials/meeting preface asking for a vote. The City Attorney said that was not discussed internally but it is a possibility, depending on the City Clerk's willingness. The City Manager, Elizabeth Dragon, saw a problem with that timing because the agendas go out more than 24 hours before the meeting and this would tighten that process. The City Manager asked if there should be changes to the language on allowed reasons for remote participation because she sees ambiguity in how they are written currently, which got them in this current predicament. She recalled the challenge of ensuring there will be a physical quorum present, especially for Committee meetings. Her concern is balance that provides the option but ensures people attend when they reasonably can. The Vice Chair expressed disagreement, stating that remote participation is not an alternative to attending a meeting, it is an alternative to not attending a meeting. It provides people who would normally be absent the chance to still participate. He is not sure that is how the Council viewed the original language. He thinks cleaning up the processual issues is necessary with clarifying language on who should be notified.

Chair Bosley recalled the challenges in amending these Rules originally. It was a tough conversation to arrive at the present Rule. She does not want to open a can of worms and is concerned with trying to give the full Council another opportunity to amend this Rule. If the Council refuses to adopt the amendments, it will take away the policy and revert to this Rule. If allowed to start changing the reasons already listed, she saw it open to Council amendments.

Councilor Ormerod did not think it was necessary to specify the number of times and all the reasons. Rather, he said it was more important to specify the process for the Chair as the facilitator and that they must hear the reasons and allow a vote. He thinks if that is clarified, the reasons would not need to be debated at full Council.

Councilor Greenwald appreciated the discussion and freethinking. He added that he chose the two absences because Councilors still get paid after missing two meetings. But he asked if those absences would apply at the Committee level too. He agreed with Councilor Ormerod to not make this too narrow and list all reasons or even a number of times allowed because if people abuse it, they will be denied by vote. He said they were thinking of future Councils that could tighten the Rules on their own. If someone abuses this, there is a process built in to correct it, and voters would likely take notice and act accordingly. He thought there was already a Rule that allows recalling a Councilor if they miss too many meetings. Councilor Greenwald suggested this as opposed to eliminating all Zoom participation.

Councilor Johnsen said that when this was brought up before there were three Councilors that were very didactic and while it is a respectful Council, sometimes people got their feet stepped on. She

thinks that if Councilor Greenwald is traveling with his family and notifies the City Clerk in advance, he should be allowed to be brought into the meeting. She did not think it was necessary to think about future Councils that could take care of themselves. She said the Council had something at its fingertips and she cited how well remote participation works for other City Committees. She asked if remote participants could vote and the Chair replied in the affirmative. Councilor Johnsen was in full support of Councilor Greenwald's proposals.

Councilor Greenwald asked if this would apply to other City Committees. The City Attorney said no, this only applies to the Council and its Standing Committees. For the Joint Committee, he suggested that because the two boards have different rules, the PLD Committee would have to vote to make a decision to allow remote participation of its members separate from the Planning Board, which this Rule does not apply to.

Chair Bosley welcomed public comment.

City Councilor Michael Remy was one of the Councilors who initially brought this forward as a great way to encourage participation and representation of those who might not be able to attend. He could agree with some limitations on the reasons allowed but he agreed with Councilor Greenwald that it should be self-managed. He thinks using the term "reasonably able" would suffice. The Council should not be the judge and jury of whether a person is reasonably able.

The City Attorney recapped. Councilor Greenwald made a specific request, and the City Attorney will work to incorporate those changes into the Rules for Council review and further discussion if needed. The underlying issue from the City Attorney's perspective is the assumption made in the process because this is not an individual Chair's or Mayor's decision, and that aspect got lost in the language. When the City Attorney rewrites this, he will spell that out in more detail. He knew it was difficult to open these permissible reasons issues, but that is what Councilor Greenwald requested and the Council can decide whether it wants these changes.

Chair Bosley recalled that the Committee has the authority to make specific requests from Staff and she did not hear anyone from the Committee state that they wanted to remove the two reasons that would always be primarily allowed—medical and work travel. She asked if the Committee wanted to maintain "at the reasonable discretion of the body" and then the Council could authorize or vote to add a preauthorized number of Zoom uses. Councilor Greenwald recalled that his communication called for only two permitted remote participations when they are not reasonably available, but he was not demanding that be incorporated. He preferred a compromise and liked Councilor Ormerod's suggestion to let the body make the decision without a preauthorized number of times allowed. Councilor Greenwald suggested massaging the language for reasonable discretion.

Regarding the Rules of Order, the Vice Chair asked the City Attorney if any discussion was allowed on these votes to allow remote participation. The City Attorney replied that is something the body could determine itself. Robert's Rules of Law apply in the absence of a Rule, so he could draft debate or discussion into the proposed change. The Vice Chair thinks the opportunity for debate and discussion would help to dissuade abuse of this privilege. The City Attorney confirmed there is space for Committee discussion and deliberation but said there is the law of unintended consequences from debating every personal reason for remote participation, which he suspected fell under the reasonable discretion standard. He imagined the Council would never debate a disability or medical issue, but he still offered caution. The Vice Chair said people should be trusted and extra language was not needed.

Councilor Johnsen said the Council is full of 15 adults who want to be present. She noted that it is foolish to abide entirely by 200-year-old rules because this is today. She was unsure whether additional reasons should be added, but she did not want people to abuse it. She thanked Councilor Greenwald for bringing this forward.

Chair Bosley thought Councilor Johnsen was like a lot of Councilors who thought that was the appropriate process, but it sounded to the Chair like someone who had the authority and Staff could come up with something processual, perhaps via the City Clerk.

The City Manager said the Council or Committee had the full authority and the requester would automatically be brought into the meeting once a request has been made to the City Clerk.

The City Attorney confirmed he was not changing the language of any numbers or reasons, which the Council could choose to do. Rather he would be clarifying the question of these items needing full Committee vote to allow remote participation.

While he suspects that most of these votes on participation would be 14–0, Councilor Remy suggested requiring a 2/3 majority vote to dissuade any abuse for political reasons. If that majority of the Council thinks the request is reasonable, then it likely is. This would eliminate the issue of close votes. The Chair asked the City Attorney whether the Council has the power to impose that 2/3 majority requirement. The City Attorney said that the Council has control over its Rules, besides those that require a majority by State law. A super majority action for denial could be written into these Rules. Councilor Ormerod supported the 2/3 majority suggestion because it is biased toward acceptance. It is a reasonable approach.

Councilor Jones asked if a Committee vote was split between four people, what would happen. The City Attorney replied that the requester would automatically be allowed to participate in such an instance.

Councilor Greenwald asked the City Attorney to better document if and when the requester can vote.

Hearing no more discussion, Chair Bosley entertained a motion from Vice Chair Giacomo, which was duly seconded by Councilor Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends placing the request for an amendment to the Rules of Order regarding remote access on more time to allow City Staff to develop proposed language to Section 4, considering Councilor Greenwald's letter and the PLD discussion.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Spectrum Service Issues - Councilor Randy Filiault**

Council Action:
In City Council September 16, 2022.
Filed as informational.

Recommendation:
On a 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.

Attachments:
None

Background:
Michael Liccione, Area Vice-President for Charter Communications Field Operations and Engineering for Southern New England, addressed the Committee. Mr. Liccione thanked those who have submitted their concerns and for being invited to address the Committee. He indicated the biggest issue they have heard comments about is connectivity; video freezing, channel freezing and people losing services. He indicated they have done research on these issues specifically around hub sites where they have added additional cooling units and powering units. He continued that confirmed that one of the larger spanned outages that happened in Keene was directly related to cooling failure. Mr. Liccione stated they are also looking at starting a monitoring program throughout the footprint to identify smaller pocket outages. This new program will continue through the first quarter of 2023.

Mr. Liccione stated another item they are working on is with their hub sites to make sure overnight engineers are addressing any items they have seen on the network. He added he is also working with customer service to get a record of all calls that have come in and are focusing on areas that have high ticket counts. He stated he feels comfortable moving forward with this plan. He added however, he is looking for a better path of communication rather than having to go through the Council process and when work is being done on their network they will like to communicate that to the City.

The Chair asked for Committee and public comment next.

Mr. Bob Trudeau of 671 Park Avenue, Keene addressed the Committee stated two weeks ago the

Redsox game was off for three hours, during the weekend there was no audio and last night the channels were frozen. He stated Spectrum needs to address these issues, if someone calls customer service and the connection is lost there is no way to reach that individual again. Customer Service never calls back if a call is lost. Mr. Trudeau felt for the money customers are paying something needs to be done.

Mr. Liccione in response stated they are not here tonight to make excuses, they are here to listen and added he will look at Mr. Trudeau's property individually and try to address the issues he is having. He added he has worked in this industry for 19 years and has expertise in addressing such issues.

County Commissioner Terry Clark stated he wanted to address his experiences serving on the Cable Commission in 2009. He indicated as he recalls the City dissolved the Cable Commission in 2015 to save staff time and money and the duties of the Cable Commission were passed on the Planning Licenses and Development (PLD) Committee and since then there was nothing heard with reference to oversight of the Cable Franchise. The Commissioner added the Cable Commission used to be able to ask for complaints Spectrum had received and added the last year the Cable Commission was part of the City they had asked for a list of complaints and were told by Spectrum, complaints made over the phone are not documented.

After 2015 there was nothing heard about the Cable Franchise even though the Agreement was renewed and felt the Agreement was very weak because Spectrum had no standards it could be held to. He added he Mayor at that time used a false narrative to dissolve the Cable Commission leaving the City with less oversight over Spectrum. The Commissioner felt it was obvious the City did not want to have anything to do with regulating cable and this is not how this issue should have been handled. He felt this meeting might be inconsequential because when the Commission was dissolved it was given to the PLD Committee and questioned which Committee of the City Council actually has the authority to act on cable TV issues and asked when that authority was given to the Finance Committee. He felt it was time for the Council to gain control of this issue and start representing the citizens of Keene. He also felt there needs to be a complaint system but not only one that people put in writing, it also has to be when people call and those complaints need to be taken seriously.

Mr. Liccione in response stated Charter Communication does log and record each complaint, regardless of the nature of the complaint.

City Manager Elizabeth Dragon stated she does not have the history of the Cable Commission, but knows how it is supposed to be working now. Rebecca Landry Communications and Marketing Director is the contact person and the City is listed on the bill as the franchisee. Ms. Landry mediates the calls she receives and has had good luck in resolving issues. However, what is happening now is that not enough people are calling the City. Ms. Dragon stated any of the items the City needs to make sure the Franchise Agreement is upheld, it can be requested and the City has a path to resolve issues. She added the issues seem to be more wide spread outages and this is a bigger issue. She added it is encouraging to hear that improvements are going to be made and Charter's willingness to come back before this Committee and take additional comments and concerns. She encouraged people to call Charter and if the issues are not resolved to reach out to the City.

Mitch Greenwald Ward 2 City Councilor was the next speaker. Mr. Greenwald stated this past weekend his internet and phone went out. He asked for clarification for the path to complaint. The Manager clarified Charter Communication needs to be contacted first and if there is no resolution, then the City should be contacted.

Mr. Rod Parsons of 104 Hurricane Road stated since the last meeting he is still questioning what

speed he is supposed be getting; he is subscribed for 300 megabytes per second. He indicated he has been keeping track of how he is doing and for the past week he is averaging a download speed of 16 and an upload speed of 10. Mr. Parsons stated he does not like 2023 as the benchmark for time to start measuring and asked why that was not happening today. Mr. Parsons noted the franchise agreement provides for Spectrum sole use of poles located in the City and added competition is a good thing and suggested the City bring in Comcast and let the better man win. He encouraged the Committee to consider competition for the product we are seeing today.

Mr. Liccione responded to Mr. Parsons comments by saying he wanted to clarify the timetable for work; the work on infrastructure upgrade has already started in Keene. Measurements of speed, measurement of how the data performs has never stopped. The projects he referred to have already started and will be completed by the first quarter of 2023. Mr. Liccione stated they will look at Mr. Parsons' home and see if there are specific issues related to his home. With respect, to pole ownership, pole owners own the pole not the City. Spectrum pays monthly fees to locate on the poles.

The Manager noted with respect to the franchise agreement, if customers are not getting what they have subscribed for and Spectrum is not responding, those customers can always reach out to the City. She also added if there is a franchise agreement, it does not preclude the City from having competition. The City does not get competition because it is expensive to place lines in rights of way, get access to poles etc. It is a matter of economics.

Mr. Eric Garr, resident of Fidium Fiber, stated they are the competition. They offer fiber optic services to Keene residents. He indicated they take customer service seriously; they write down all complaints, they have a score system they use and their score system is three times better than the industry average.

Councilor Filiault stated most of the people who have had issues and have contacted him are elderly – he indicated that generation does not like to call and complain and the last place they want to call is City Hall; they just want their systems to be fixed. The Councilor went on to say these issues are wide spread and as of last night the problem has not been fixed.

Ms. Janet Lincoln of 21 Kelleher Street, Keene stated she is tired of calling and tired of waiting to re-boot the system. She stated she understands Charter purchased an old system and asked if the lines have been checked. Mr. Liccione stated they do check the entire infrastructure, but what they are not able to do is to check each person's independent home unless they have access to it. He stated he will take Ms. Lincoln's address to perform an individual assessment of her property as well. Ms. Lincoln asked what the lifetime of a box was. Mr. Liccione stated there is no specific timeframe for a box; there are ones that have lasted ten years versus a year. Mr. Liccione assured Ms. Lincoln he will work closely with her to get her issues resolved. Ms. Lincoln stated she was told by one representative her issue cannot be solved until they know what is causing it. Mr. Liccione stated there are no issues that they could not resolve. He also added they have confirmed provider issues but have ownership of channel issues.

Commissioner Clark stated the City Government exists to provide assistance to the public on things they cannot do for themselves and felt this is one of those areas. The City has a franchise agreement with this entity and it should not be up to the public to resolve these issues. He stated over the last 15 years he has seen City Government have a reluctance to take a stand on cable TV and he felt it was time for City Government to address this issue. The Commissioner asked again which City Committee has the authority to handle this issue. Chair Powers reminded the Commissioner that not one committee has control over a particular issue the authority is vested in the Council as a whole. The item will be brought to the Council and staff manages those items for the Council. Councilor

Madison stated per a conversation he had with City Attorney Tom Mullins, per Council Rule 23, Cable Franchise issues are assigned to the FOP Committee.

Ms. Lincoln stated she is speaking on behalf of seniors in this community – she pays \$152 per month and did receive a \$62.61 credit and noted that is how many problems Spectrum is having. She added when she called and received the \$62.61 credit it did not take the representative too much time to calculate the credit. She stated there is a record on the account, but Spectrum does not pay it forward with a credit.

Chair Powers asked Mr. Liccione how soon the City can expect an answer from Spectrum. Mr. Liccione stated they will deal with any complaints that come in, in real time. In terms of updates, that can be done once a month to the City. However, if there has been a larger outage communication will be provided to the City in real time. Chair Powers indicated there are at least three customers who would hear from Mr. Liccione personally.

Councilor Filiault stated he would like to have a representative come back in 30 days. Mr. Liccione assured the Committee he will be back once a month and in the event he can't make it, a senior member of his team will be in attendance.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Primex3 Contribution Assurance Program (CAP) - Property & Liability Program - ACM/Human Resources Director**

Council Action:

**In City Council September 15, 2022.
Voted unanimously to carry out the intent of the report.**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex3 in a multi-year Contribution Assurance Program (CAP) through FY26 that has provided predictable contributions and stable property and liability insurance coverage.

Attachments:

None

Background:

Asst. City Manager/Human Resource Director Beth Fox addressed the Committee next. Ms. Fox stated the City has for a long period of time had an arrangement where it participates in a risk pool to provide property and liability as well as workers comp insurance. Through that arrangement, the City has participated in the CAP program, which guarantees the City of rate renewal increases in the event there are adverse claim experience. Primex has asked the City to see if it would like to commit to the CAP Program offering a no greater than 7% increase. Ms. Fox added the insurance market is at a hardened state currently, which is driving costs. The biggest impact seems to be in cyber security claims and Primex has launched a new program to help communities with cyber security. Ms. Fox felt the rate guaranty seems appropriate and recommends another three year extension with Primex.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex3 in a multi-year Contribution Assurance Program (CAP) through FY26 that has provided predictable contributions and stable property and liability insurance coverage.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Donald Farquhar, Fire Chief
Through: Elizabeth Dragon, City Manager
Subject: 2022 Annual Fire Prevention Parade - Fire Chief

Council Action:

In City Council September 15, 2022.

Voted unanimously to Suspend the Rules of Order to allow the 2022 Annual Fire Prevention Parade to be granted permission to Use City Property. Voted unanimously to grant permission to use City property for the 2022 Annual Fire Prevention Parade to be held on Sunday, October 9, 2022.

Recommendation:

Move that the City Council grant the Fire Department permission to use City property for the 2022 Annual Fire Prevention Parade to be held on Sunday, October 9, 2022.

Attachments:

None

Background:

Annually, the fire department requests permission for the use of city streets for the Fire Prevention Parade. The parade kicks off Fire Prevention Week activities. This year's parade line-up will occur in the parking lot of C&S Wholesale Grocers on Optical Avenue. The parade will start at 1:00 pm from the parking lot on Optical Avenue and proceed westerly along Marlboro Street North on Main Street to Washington Street where it will disperse at Vernon Street. Following the parade, there will be an awards ceremony at the Parks & Recreation Center. This parade will be held rain or shine.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Corinne Marcou, Administrative Assistant
Through: Patricia Little, City Clerk
Subject: **Resignation of Martha Curtis from the Congregate Living and Social Services License Board**

Council Action:

In City Council September 15, 2022.

Voted unanimously to accept the resignation with regret and appreciation for service.

Recommendation:

Attachments:

1. Resignation_Curtis

Background:

Martha Curtis has submitted her resignation as a member of the Congregate Living and Social Services Licensing Board due to personal reasons. She has been a member since the Board's inception.

From: [M. Curtis](#)
To: [Corinne Marcou](#)
Subject: Board Membership
Date: Tuesday, September 6, 2022 2:01:57 PM

Hi Corinne

I am writing to resign from the Congregate Living and Social Services Licensing Board for personal reasons. I have enjoyed the opportunity to serve the city and working with the city staff and fellow board members.

Best wishes to everyone,

Martha Curtis



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Keene Kiwanis Club – Request to Use City Property – Tree Lighting Ceremony

Council Action:

In City Council September 15, 2022.
More time granted.

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the request for use of City property for the tree lighting ceremony be placed on more time to allow the protocol meetings with City staff to occur.

Attachments:

None

Background:

The applicant was not present, so Chair Bosley requested comments from Staff. The City Manager, Elizabeth Dragon, reported that there had not been a chance for the appropriate protocol meetings to occur, so she recommended placing this on more time to allow those meetings.

A motion by Vice Chair Giacomo was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the request for use of City property for the tree lighting ceremony be placed on more time to allow the protocol meetings with City staff to occur.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Probationary Firefighters
Ordinance O-2022-13**

Council Action:

**In City Council September 15, 2022.
Referred to the Finance, Organization and Personnel Committee.**

Recommendation:

That the City Council refer Ordinance O-2022-13 to the Finance, Organization, and Personnel Committee for their review and recommendation.

Attachments:

1. Ordinance O-2022-13_referral

Background:

As part of a hiring process that recently concluded with external hires subject to a probationary period filling staff officer vacancies, City Code related specifically to probationary firefighters was reviewed. Modifications are advanced to align to the work schedule anticipated during the probationary period for these staff officer positions as well as current practice for probationary operational response personnel.



CITY OF KEENE

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

Relating to Probationary firefighters

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 amended by removing the stricken text and inserting the bold text in Article V, "Policies, Procedures and Conditions of Employment", Division II "Hours of work", Subdivision II "Overtime", Section 62-303 "Probationary firefighters" as follows:

Sec. 62-303. Probationary firefighters.

- (a) **Notwithstanding any other provisions of City Code to the contrary related to overtime and holidays, probationary full-time firefighters/EMTs shall be governed by this Section 62-303.** Full-time firefighters/EMTs, who have not yet successfully completed 12 months of employment, will be compensated for overtime **when required to work in excess of the established work schedule. Whenever such fire department personnel work in excess of the established work schedule, such time shall be compensated in minimum increments of ¼ hour.** ~~beyond the normal 42-hour workweek if they voluntarily respond to first alarm and special call on still alarm calls while off duty.~~ On such occasions, **when work is an off-duty call back,** fire department personnel will receive a minimum of one hour compensation for each response and, in addition, will be compensated in minimum increments of ¼ hour ~~½ hour~~ for time worked over the first hour or portions of ¼ hour ~~½ hour~~. Compensation for this overtime will be at a rate of 1½ times the regular pay rate. ~~as further set forth in this section. The overtime rate for regular full-time employees classified in the fire/ambulance pay schedule will be based on the annualized base rate divided by 2,184 hours.~~
- ~~(b) Response to second alarms while off duty will be mandatory, unless excused by the chief, and overtime for this will be compensated on actual time spent, with the rate compensated in the same manner as for first alarms and still alarms as mentioned in this section.~~
- (b)e) Such **operational response** personnel, **typically working under a 24 hour shift schedule,** will work their assigned shifts without regard to holidays. ~~These~~ **Each** employee will receive additional pay in November of each year for the number of holidays designated by section 62-246 that occurred since their employment in the same manner holiday pay is provided to full-time firefighters who have successfully completed the probationary period. In the event such personnel work on Independence Day, Labor Day, Thanksgiving Day or Christmas Day, they shall be paid at 1½ times the regular rate for all hours worked on such holiday.
- (c) **Personnel serving in staff officer positions, typically subject to a 5 day shift schedule, will be assigned a schedule that provides for holidays with pay as prescribed by Section 62-246. In the event such personnel work on Independence Day, Labor Day, Thanksgiving Day or Christmas Day, they shall be paid at 1½ times the regular rate for all hours worked on such holiday.**
- (d) If fire department personnel are paid by another fire department, other municipalities, the state, or other agencies, hours spent on overtime will not be calculated or reimbursed by the city to more than the overtime rate.

In City Council September 15, 2022.
Referred to the Finance, Organization
and Personnel Committee.

Patricia Castle
City Clerk

George S. Hansel, Mayor

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Thomas Mullins, City Attorney
Through:
Subject: Relating to the Use of Central Square Common and Railroad Square Ordinance O-2022-14

Council Action:

In City Council September 15, 2022.
Referred to the Planning, Licenses and Development Committee.

Recommendation:

That the attached Ordinance O-2204-14, relative to the use of Central Square Common and Railroad Square, be referred to the Planning, Licenses and Development Committee for review and recommendation.

Attachments:

1. Ordinance O-2022-14_referral

Background:

As a result of a review of the City Code in another matter, it was determined that there was a conflict between two sections of Chapter 46, Licenses and Permits, relative to the exclusive use of Central Square Common and Railroad Square with respect to a license holder for a street fair or community event. The attached Ordinance amendment provides clarification.



CITY OF KEENE

O-2022-14

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

AN ORDINANCE Relating to the Use of Central Square Common and Railroad Square

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 46, Licenses and Permits; Article XVIII, Street Fairs or Community Events; Division 2, Permits; and, Article XXI, Use of Central Square Common and Railroad Square; Division 2, Permits, as follows:

ARTICLE XVIII. STREET FAIRS OR COMMUNITY EVENTS

DIVISION 2. ~~PERMIT LICENSE~~

Sec. 46-1006. Criteria for issuance.

The city council may grant a street fair or community event permit for a period not to exceed three days for the purpose of conducting street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers or by community associations.

Sec. 46-1007. Approval of uses.

Under the provisions of such street fair or community event ~~permit license~~, **the license holder shall have control and supervision within the licensed event area, and all uses, including but not limited to, by** vendors, groups or sidewalk obstruction license holders shall be approved by the ~~person receiving the permit license holder~~.

Sec. 46-1008. Registration.

Hawkers and peddlers and other such vendors will be required to register with the holder of the street fair or community event ~~permit license~~ and shall be exempt from division 2 of article VIII of this chapter pertaining to hawkers and peddlers, except those organizations requiring registration by the charitable trust division of the office of the attorney general.

Sec. 46-1009. Participation fee.

The holder of the street fair or community event ~~permit license~~ shall assess no more than one-half the normal participation fee for hawkers and peddlers or sidewalk obstruction license holders currently licensed by the city clerk who ~~wish to participate~~ **are permitted by the license holder to participate** in the street fair or community event.

Sec. 46-1010. Fee.

The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.

ARTICLE XXI. USE OF CENTRAL SQUARE COMMON AND RAILROAD SQUARE

DIVISION 2. PERMIT

Sec. 46-1161. Scope.

Except as provided in ARTICLE XVIII, authorizing a license for Street Fairs or Community Events, Central Square Common and Railroad Square are public areas that are intended for public use. Accordingly, no person or group shall claim any kind of exclusive right to use or occupy either of these public areas.

Sec. 46-1162. Required; application; rules; standard fees for use.

- (a) Exclusive use of any of the public facilities (e.g., bandstand, electricity) located on Central Square Common or Railroad Square may be granted for a time period of definite duration.
- (b) Application for such a permit shall be made at the parks, recreation and facilities department during normal business hours, Monday through Friday.
- (c) The parks, recreation and facilities director may develop rules for the use of such public facilities on the Central Square Common and Railroad Square.
- (d) The director will establish standard fees for the use of these facilities which must be paid in advance.

Sec. 46-1163. Limitations on issuance.

The issuance of a permit by the parks, recreation and facilities director for the use of any of the public facilities located on the Central Square Common or Railroad Square shall in no way be construed as a license for any person or group to:

- (1) Claim exclusive use of the remainder of either public area, **except as provided in ARTICLE XVIII;**
- (2) Expect extra or special police protection or traffic control;
- (3) Alter any public facility;
- (4) Use any sign other than a handheld sign as defined in chapter 74 containing the sign code;
- (5) Block pedestrian or vehicle traffic;
- (6) Become disorderly; or
- (7) In any other way violate the law.

Sec. 46-1164. Payment of costs.

Any person or organized group which sponsors a gathering of people in the Central Square Common or at Railroad Square which results in significant cleanup costs or damage to public property or extra police protection or traffic control shall be billed the total of such costs, and such group shall be responsible for paying such costs to the city. Accordingly, any person or group contemplating such a gathering at Railroad Square or the Central Square Common is encouraged to contact the parks, recreation and facilities department well in advance of any such gathering so that the person or group can have an idea in advance of the potential costs that may be involved and so that the parks, recreation and facilities department can begin to alert other city departments to be prepared for the gathering to the extent necessary.

George S. Hansel, Mayor

In City Council September 15, 2022.
Referred to the Planning, Licenses and
Development Committee.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: September 15, 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

Council Action:

In City Council September 15, 2022. Filed the report.

Voted 13 in favor and one opposed to adopt Ordinance O-2022-10 with an effective date of November 1, 2022.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2022-10 with an effective date of November 1, 2022.

Attachments:

1. Ordinance O-2022-10_adopted

Background:

Public Works Director Kurt Blomquist stated he was before the Committee regarding water and sewer rate changes. He indicated water and sewer are enterprise funds, which means they require an expenditure and revenue budget and the requirement is that these budgets are equal or that the revenue budget is slightly higher than the expense side.

These budgets are developed in December and January. As the budget is built, Public Works staff works closely with the Finance Department and during this time period staff is also building the water and sewer rates. Mr. Blomquist stated during his presentation at the FOP budget he had talked about staff's suggestion of holding the sewer rates at the current level but increasing the overall water rates by approximately 6%. He added the budgets are based on the minimum of the CPI (fiscal policies – three-year rolling average).

Mr. Blomquist stated for the FY23 budget they have been receiving bids, for instance on the waste water side, for sodium bicarbonate (used to adjust the ph level of water) the City was paying .26 cents per pound, the current bid that came in the price is at .32 cents per pound. Another product used to be .09 cents per pound came in at .19 cents per pound. This can be tens of thousands of dollar increases based on the amount the City uses.

Mr. Blomquist stated the sewer fund has a healthier unassigned fund balance, but the water fund is

less healthy. He referred to the replacement of the Drummer Hill tank which had to be replaced and was moved up in the CIP two years ago (cost of over a million dollars) but at that time the water fund was at a point that allowed the City to be able to do this work.

At the present time the sewer fund has an unassigned fund balance of close to 2.2 million and the water fund has little over a million dollars. The industry standard calls for 270 days of having unassigned balance. At the present time the City is at 110 days for the water fund and 210 days for the sewer fund.

Mr. Blomquist noted there is some concern about the fire service charges. He explained this is a charge that helps recover expenses related to infrastructure on the water side, particularly for the capacity that is required for fire protection. It is to cover for commercial sprinkler system protection.

Mr. Blomquist then went over the water bill and how that is broken up. There is a fixed charge, a volumetric charge, and for commercial – things like fire services, industrial fees, etc. 90% of Keene customers are residential – 5,900 accounts, of which 5,400 are 5/8th inch meters. For a residential customer using 600 cubic feet (4,500 gallons) of water in a quarter. This customer will pay \$143.99 per quarter for water usage. With staff's proposal to raise the volumetric rate up to \$5.35 .03 cent drop to the fixed rate – that customer with the new rate will pay \$145.10 which is a difference of \$1.71 per quarter.

A customer who uses 1,200 cubic feet of water in a quarter, currently will be paying about \$211 with the new rate will be paying \$214. A customer who uses 1,800 cubic feet of water in a quarter, currently will be paying about \$279 with the new rate will be paying \$285.

Mr. Blomquist then referred to a medium commercial customer (large apartment complex) which uses about 1,500 cubic of water – this customer will typically have a three-inch meter and a six-inch fire line. Today this customer will pay for water and sewer \$18,415 per quarter, (fire line increase will be approximately \$282). Mr. Blomquist noted the last time the fire line was adjusted was in 2009. Their new bill will be \$19,142 - \$581 differential (3% higher than what the current bill is). Mr. Blomquist stated one of Keene's largest customer – this customer uses nearly 7,100 cubic feet of water per quarter. They also have a six-inch fire line. Today their bill is nearly \$77,000 per quarter (water and sewer), under the new rates this customer will pay nearly \$78,672 per quarter. This represents a 2.6% increase in cost.

Mr. Blomquist stated staff feels they have met the Council goals with respect to expense and revenue. They are meeting customer needs and can feel proud of the services being provided to Keene's customers. This concluded Mr. Blomquist's comments.

Chair Powers clarified the fire service fee outlined in the ordinance is an annual fee – Mr. Blomquist agreed.

Councilor Remy noted to a scrivener's error – spelling of "fire protection". The Councilor referred to those fire lines that were larger in size than the six-inch – Mr. Blomquist noted the these larger lines also mean larger volume of services, but added the majority are six-inch lines. The councilor noted there is a 1.5 inch that is going down in price while a 10-inch is tripling in price.

Finance Director Merri Howe addressed the Committee next. Ms. Howe stated as she has previously stated when she talked about the parking fund – the water fund currently has one million in unrestricted fund balance. Over the next seven years in the CIP, the Council has approved 7.37 million in cash funded projects. The sewer fund has 2.7 million and 9.2 million has been approved in cash funded projects. She added one million in unrestricted fund balance is not strong when it also

comes to bonding for good rates.

Councilor Greenwald addressed the Committee and stated he is downtown property owner and taxpayer. The Councilor stated what he has an issue is with the fire portion; he felt the rate for water and sewer should be based on volume of water used. He stated it is a fact that in the budget there is a sum that needs to be raised. He noted 4 inch line is going up 51%, 6 inch line is going up 51%. 8 inch 134% and 10 inch 169%. Councilor Greenwald stated he does not understand why there should be a difference, he felt it should be the same increase for all users.

He went on to say for instance he paid to install his fire line in 1986 and it has sat in the ground since that time and no water has gone through it. However, every year he is paying this fee and agrees he has to have sprinklers for insurance purposes and life safety. He stated this is an annual charge for a dead pipe that sits in the ground. He felt, perhaps it should be charged if it is used by the hour. He felt what would be more fair it to add cost of living rate for the increase. Mr. Blomquist stated unfortunately, the expenses don't go away, if the fire line rate was to be dropped those rates will shift over to the volumetric rate. Ms. Howe added for the 15% increase in the fire line based on the current rates, the City will have to make up for \$203,000, so the volumetric will go up another 30 cents, so the increase from the current rate to this proposed rate (15% increase in the hydrant) will be a .59 cent increase.

Mr. Blomquist added 92 % of users are residential do not utilize the fire line services, the hydrant on the street is for that purpose for residential users – they pay for that in the volumetric rate. By changing the fire line increase, the shift would then be placed on residential users. He stated he appreciates Councilor Greenwald's concerns, but felt staff has distributed the increases fairly.

Councilor Remy stated he would like to see what the rates would be if the fixed rate was eliminated. Mr. Blomquist stated he would recommend strongly against that as there needs to be a fixed rate for someone for instance a plant sitting on a hill – if no one uses a single drop of water it needs to be paid for; there has to be a minimum amount of money coming in and the fixed rate represents 20% of the total operating budget and 80% is covered by the volumetric fee.

Councilor Chadbourne stated she has heard from citizens about the rate increase; electricity just went up over 100%, parking is going up, gas prices have increased and stated she is not too happy about this increase and hoped people could be given a break somewhere. Mr. Blomquist stated he appreciates those comments, but the Council needs to decide what services it wants to cut. The capital program is impacted by these rates. He added the City is also paying those increased electric and gas prices. The Councilor stated she has to give voice to those who elected her, but that does not mean she will vote against staff's recommendation.

Councilor Madison stated he used to work for the drinking water industry in rural parts of the state. He stated Keene has decent rates compared to other communities. However, he felt Keene is at a disadvantage in that it is too big to take advantage of rural development grants and funding. He stated everyone is feeling the squeeze, but this is something that is needed to provide the high quality of service.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2022-10 with an effective date of November 1, 2022.



CITY OF KEENE

O-2022-10

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

AN ORDINANCE**Relating to Water and Sewer Utility Charges**.....

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

That Appendix B Fee Schedule of the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text effective 11/1/2022 in the accompanying rate schedule in Section 98-511 of Appendix B so that Section 98-511 (a) and Section 98-511 (g), and the accompanying rates in Appendix B, would read as follows:

Appendix B

	effective <u>11/1/2021</u>	effective <u>11/1/2022</u>
<u>Section 98-511 (a). Water Meter Rates</u>		
Volume Rate (\$ per hcf)	5.06	5.35
 Fixed Quarterly Charge (meter size in inches)		
5/8 inches	24.36	24.33
3/4 inches	36.53	36.50
1 inch	60.89	60.83
1 1/2 inches	121.78	121.65
2 inches	194.84	194.64
3 inches	365.33	364.96
4 inches	608.88	608.26
6 inches	1,217.76	1,216.52
 <u>Section 98-511 (g). Public and private fire protection service charges:</u> Private Fire Protection (per connection , per year)	effective <u>1/1/2009</u>	effective <u>11/1/2022</u>
Private Fireline 1 1/2"	36.13	29.42
Private Fireline 2"	64.22	62.70
Private Fireline 4"	256.89	388.14
Private Fireline 6"	578.00	1,127.46
Private Fireline 8"	1,027.56	2,402.66
Private Fireline 10"	1,605.57	4,320.81
Private Fireline 12"	N/A	6,979.30
 Private Hydrant (per hydrant, per year)	578.00	1,127.46

In City Council August 18, 2022.
 Referred to the Finance, Organization and
 Personnel Committee. *William S. Dow*

Deputy City Clerk

September 15, 2022

Effective November 1, 2022

George S. Hansel, Mayor

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to Chapter 22 - Cemeteries
Ordinance O-2022-12

Council Action:

In City Council September 15, 2022. Filed the report.
Voted 13 in favor and one opposed to adopt Ordinance O-2022-12.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2022-12.

Attachments:

1. Ordinance O-2022-12_adopted

Background:

Parks, Recreation and Facilities and Director Andy Bohannon stated he was before the Committee regarding an update to Chapter 22 – Cemeteries. The Ordinance contained some language changes in certain sections, but the primary focus was the schedule of fees. Mr. Bohannon stated annually staff looks at what other communities are charging for cemetery services. He indicated what the City has done over the past three years has been rather significant. Mr. Bohannon stated families currently don't seem to be working through funeral homes and are working directly with the City. Since Covid, families have started looking at purchasing lots and burials and over the past few years this activity has increased.

In 2020, the City was averaging 75 burials a year, but this year to day the City has had 107 burials. There have also been requests for weekend burials and hence staff felt it was time to re-visit the issue of fees. After having looked at other communities, the City has now moved from Saturday only burials to weekend burials with this Ordinance update. The hours for a Saturday burial was from 9 am to 12 pm, this same timeslot is being retained and that same time period is being moved to Sunday as well. The weekend burial charges would be significantly higher.

Councilor Remy referred to Section 22-127, Notice – moves the notice time from 12-hour notice to 48-hour notice and added there are some faiths that require rapid burial. Mr. Bohannon stated there is always an exception that can be accommodated and added the reason for the change, is at times there are funeral homes that require accommodation the next day which at times could be difficult to

accommodate and he felt hopefully with this change there could be proper planning by all sources. The City also has to work with vault companies but stressed adjustments can always be made.

Chair Powers referred to Article III. Lots - Tomb service: flat rate for bodies to be buried outside of the city and asked for clarification. Mr. Bohannon stated the City only has limited space for tomb service and hence they work with other communities.

Councilor Chadbourne referred to Section F – 22-32, noted there are items that have been stricken and asked whether those items don't exist anymore. Mr. Bohannon agreed. The Councilor asked if an indigent person was to pass and had no relative, whether the City would be responsible for those persons and how that is handled. Mr. Bohannon explained there is dedicated space within cemeteries to take care of those services. The Councilor referred to the item regarding an item that talks about a pot or urn that cannot be lifted with one hand – Mr. Bohannon stated this is for maintenance needs.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2022-12.



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.

PASSED

(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.~~

~~c. 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.*

Overtime/Weekday: \$90/hour per person; 1-hour minimum

Overtime/Weekend: \$130/hour per person; 3-hour minimum

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~~



George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Diane C. Richards Stauder Upon Her Retirement
Resolution R-2022-28**

Council Action:

In City Council September 15, 2022.
Voted unanimously to adopt Resolution R-2022-28.

Recommendation:

That Resolution R-2022-28 be adopted by the City Council.

Attachments:

1. Resolution R-2022-28_adopted

Background:

Ms. Stauder retired from the Assessment Department effective July 7, 2022, with just over 34 years of service.



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and
In Appreciation of Diane C. Richards Stauder Upon Her Retirement

A RESOLUTION

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

WHEREAS: Diane C. Richards Stauder began her career with the City of Keene May 2, 1988, as Assessment Department Secretary but, within two months had been promoted to Assessment Technician effective July 6, 1988; and

WHEREAS: Being extremely capable, organized, ethical, and relentless in her pursuit of an answer so she could accomplish a goal—as well as willing to embrace opportunities for change that improved service to her customers and increase the department’s efficiency—Diane used her significant knowledge, good judgment, and high ethical standards to pay dividends to both the department and the city as a whole; and she was relied on for her high quality and quantity of work, for ensuring the department stayed on top of its many deadline-driven projects, and for identifying high-priority items and seeing them through—especially helpful as the department of five evolved into three; and

WHEREAS: Great at problem solving and with a caring nature, Diane is well known for her empathy, listening skills, handling of confidential and sensitive information, ability to explain complex information, and respectful communication with disgruntled or confused taxpayers—always welcoming and striving to offer solutions to those in need; and

WHEREAS: Just a few of the accomplishments attributed to her dedication and work ethic include supporting a previous Assistant City Manager with special projects such as an Airport Obstruction Clearance Project, the Mission Committee’s resident survey, Boston and Maine Railroad land, Friendly Bus and Friendly Express transportation planning, managing multiple state-mandated certification and recertification processes, revaluation projects, mapping projects, database conversions, and training and managing student interns that served from a variety of program sources; and

WHEREAS: Stemming from a desire to be part of the entire organization and to assist where she can, and being the ultimate team player with a tremendous knowledge of the entire community, Diane has contributed to the success of both the Health Insurance Research and Review Committees, employee health and benefits fairs, the Personnel Advisory Board and its annual elections, the Spirit Team’s many years of employee newsletters, the new-employee Buddy Program, state and federal election night audits, the Y2K Committee, United Way campaign drives, the Business-to-Business Expo, Citizens’ and Community Nights, Holiday Luncheons, the VOICE initiative, Speak Up! meetings, employee Safety Committee, an Administrative Task Force, employee search panels, survey committees, the Peer Review Group, a telephone service seminar, and provided support in Human Resources as part of City’s COVID-19 emergency response—and she earned a well-deserved Employee Achievement Award in 2002; and

WHEREAS: Diane retired from the City of Keene July 8, 2022, with just over 34 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 Diane C. Richards Stauder 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 Diane in appreciation of her many years of service to the residents of Keene.

PASSED September 15, 2022


George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: September 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
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**

Council Action:

**In City Council September 15, 2022. Filed the report.
Voted unanimously to adopt Resolution R-2022-32.**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-32.

Attachments:

1. Resolution R-2022-32_adopted

Background:

City Manager Elizabeth Dragon stated she is before the Committee on behalf of the Airport Director requesting the Committee approve Resolution R-2022-32 to appropriate additional funds for the fuel project at the Airport. She indicated this is a bonded project but as staff moved through the project there are some additional requirements that DES has placed on the project. Specifically, installing a transfer a pad, and installing bollards and barriers to protect the tanks from being damaged by vehicles and aircraft. The funding source identified to pay for these additional expenses will be from property sales, for a total sale of \$441,916.32; Sale of city owned hangar ("The Green Hangar"): \$ 11,931.42 and Sale of parcels 32 & 32-1 (Formally Alps property): \$429,984.90. The Manager explained 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 FAA mandates.

The Manager indicated staff as a result is asking 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.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-32.



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;

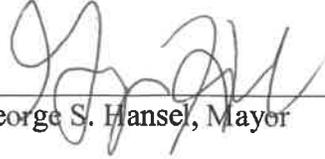
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keene:

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


George S. Hansel, Mayor

PASSED September 15, 2022