

11/17/2022

A regular meeting of the Keene City Council was held on Thursday, November 17, 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, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Kris E. Roberts was absent. Councilor Ormerod led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel and the Council wished a Happy Birthday to Councilors Robert Williams (November 19) and Catherine Workman (November 23).

Mayor Hansel announced the following important calendar dates:

- The MSFI and FOP meetings are canceled on November 23 and 24
- The holiday party would be immediately following the City Council meeting on December 15 at Fireworks Restaurant
- The Annual Legislative Delegation meeting is January 4 at 6:30 PM – Mayor Hansel said this as an important annual tradition with the NHMA representatives

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the November 3, 2022 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

PRESENTATION – PROMOTING THE MONADNOCK REGION INITIATIVE – GREATER KEENE AND PETERBOROUGH CHAMBER

The presentation was postponed until the December 1 regular meeting.

NOMINATIONS

Mayor Hansel nominated the following individuals to serve as alternate members on City committees: Lisa Maxfield to serve as an alternate on the Energy and Climate Committee, with a term to expire December 31, 2023; Kenneth Swymer to serve as an alternate on the Energy and Climate Committee, with a term to expire December 31, 2025; and Lee Stanish to serve as an alternate on the Conservation Commission with a term to expire December 31, 2025. Mayor Hansel tabled the nominations until the next regular meeting.

Mayor Hansel mentioned that this is the time of year when he reviews the volunteer positions on advisory boards and commissions. He said it was a great opportunity for Councilors to get people they know involved with the City and government. The Mayor added if any Councilors knew of

anyone interested in volunteering in our community, they should be directed to fill out the form on the City's Boards and Commissions webpage.

COMMUNICATION – DOWNTOWN INFRASTRUCTURE PROJECT – INCLUSION OF PROTECTED BICYCLE FACILITIES – MONADNOCK ALLIANCE FOR SUSTAINABLE TRANSPORTATION

A communication was received from the Monadnock Alliance for Sustainable Transportation which strongly urged the inclusion of protected bicycle facilities in the Downtown Infrastructure Project as it represented an immense move towards achieving the vision for a more sustainable and multimodal transportation system in the region. Mayor Hansel referred the communication to the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee.

COMMUNICATION – EFFORTS TO REDUCE THE RISK OF LEAD POISONING FROM LEAD PAINT – COUNCILOR ROBERT WILLIAMS

A communication was received from Councilor Robert Williams, requesting that the City investigate steps that could be taken that would be appropriate and effective at reducing lead poisoning risks in the community. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

PLD REPORT – RULES OF ORDER AMENDMENT – QUORUM AND REMOTE PARTICIPATION – CITY ATTORNEY AND MORE TIME ITEM – COMMUNICATION FROM COUNCILOR GREENWALD REGARDING REMOTE ACCESS

A Planning, Licenses, and Development Committee report read, recommending that the City Attorney introduce amendments to Section 4 of the Rules of Order, Quorum and Remote Participation, as discussed by the Committee. The Committee further recommended that the communication from Councilor Greenwald relative to an amendment to the Rules of Order dealing with remote access be reported out of Committee. The Clerk noted that further on the agenda is the introduction of a Rules of Order change that would amend Section 4 as discussed by the PLD Committee. Mayor Hansel filed the report as informational.

FOP REPORT – TREES AT PATRICIA T. RUSSELL PARK – PARKS, RECREATION, AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept donations of money for the purchase of trees for the Patricia T. Russell Park project. 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 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – DONATION – TO BUILD THE KEENE SKATE PARK – PARKS, RECREATION, AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a donation of \$17,566.16 for the purpose of building a new skate park. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Councilor Jones said credit goes to all the skate park people, stating that Pathways for Keene was only the agent and now that they closed the account and notified the state that they are no longer serving as the agent for the skate park project, all further donations would come directly to the City. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – 12 GILBO AVE – LEASE – KEENE BARBER – PARKS, RECREATION AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with John Brown and John Destromp for the space located at 12 Gilbo Avenue. 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 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – ENGINEERING SERVICES FOR SLUDGE PUMP REPLACEMENT PROJECT – CHANGE ORDER 1 – ASSISTANT PUBLIC WORKS DIRECTOR/OPERATIONS MANAGER

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute Change Order 1 with Underwood Engineers to perform additional services for an amount not to exceed \$7,500 for Contract 02-21-11. 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 14 Councilors present and voting in favor. Councilor Roberts was absent.

CITY MANAGER COMMENTS

The City Manager began by wishing everyone a Happy Thanksgiving. There are holiday meals being offered to the less fortunate in our community on Thanksgiving at: The First Baptist Church at 105 Maple Avenue is serving the full holiday meal between noon and 2:00 PM, and The Independent Order of Odd Fellows at 181 Marlboro Street is serving dinner from 4:00 PM–6:00 PM.

Next, the City Manager announced that the City again has a part-time Animal Control Officer. Brenna Lougee who is a Keene High graduate and attended the VT Technical School and earned

an associate's degree in applied science and veterinary technology in May 2018. Ms. Lougee currently works for the Brattleboro Vet Clinic. The City Manager was excited to welcome her and her wealth of knowledge and experience working with animals.

The City Manager continued by announcing that tax bills went into the mail on this day and would likely arrive the next day. The overall tax rate dropped by \$0.25 largely due to the school and county rates, along with an increase in property valuations, which really drove this \$16.9 million valuation change. She said some bills were accidentally stuffed into envelopes with return labels for Motor Vehicles. She said this was no problem as it was the same return address as the tax office.

The City Manager concluded sharing the Parks and Recreation Light Up the City Tour, which was very popular last year. Anyone wishing to participate can go to the website and enter by December 4 to be listed on the tour map.

MEMORANDUM – FINANCE DIRECTOR – ACCEPTANCE OF DONATION

A memorandum was received from the Finance Director, recommending that the City Council accept the following donation and that she be authorized to use the donation in the manner specified by the donor. The memorandum continued that on October 19, the City hosted Spohn Ranch for the first design meeting on the skatepark with the public. Thirty-seven (37) interested park users attended and brought forward their ideas to the consultant. As a result of the meeting, a donation was made from Samuel Faller for \$50 toward the construction of the skate park.

A motion by Councilor Powers to accept the donation of \$50 was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

MEMORANDUM – CITY ATTORNEY – RULES OF ORDER AMENDMENT – REMOTE PARTICIPATION

A memorandum was received from the City Attorney, recommending that the City Council consider the attached proposed amendments to Section 4. Quorum and Remote Participation to the City Council Rules of Order. The Clerk noted that the Council's Rules of Order require that any amendments have two readings before the Council. Tonight was considered the first reading. Mayor Hansel referred the amendments to the Rules of Order to the Planning, Licenses, and Development Committee.

BPPAC REPORT – EMPHASIS ON WALKING AND CYCLING IN THE FINAL DESIGN OF DOWNTOWN INFRASTRUCTURE PROJECT

A Bicycle and Pedestrian Path Advisory Committee report was received recommending that the downtown infrastructure project emphasize walking and cycling in the final project design. The

Committee has identified several features, such as protected bike lanes at sidewalk grade, and increased sidewalk widths. Mayor Hansel referred the report to the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee.

ECC REPORT – INCORPORATION OF BICYCLIST INFRASTRUCTURE IN REDESIGN OF MAIN STREET

An Energy and Climate Committee report was received, recommending that bicyclist infrastructure, such as separated bicycle lanes, be incorporated into the redesign of Main Street. Mayor Hansel referred the report to the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee.

Councilor Greenwald stated he is on the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee. He said there was a great need for public input, with only approximately 45 responses so far to the possible designs, some of which would be very major changes to Main Street. He warned the community that this is about the future of downtown and now was the time to speak-up, not one year from now when construction begins. He hoped everyone would respond to the survey request in an upcoming mailing to all residents. Mayor Hansel was grateful for the reminder.

ORDINANCE FOR FIRST READING – RELATING TO PERSONAL LEAVE – ORDINANCE O-2022-17

A memorandum was received from the Human Resources Director/ACM, recommending that the City Council refer Ordinance O-2022-17 to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2022-17 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR SECOND READING – RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE – ZONING ORDINANCE – PROVIDING FOR AMENDMENTS TO THE CONSERVATION RESIDENTIAL DEVELOPMENT SUBDIVISIONS IN RURAL, LOW DENSITY, AND LOW DENSITY 1 ZONING DISTRICTS – ORDINANCE O-2022-09-B

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2022-09-B, and the revision of Section 19.3.6.C.1.b regarding workforce housing resale value, as discussed by the Committee. The City Clerk noted that this revision is considered a Scrivener's change and does not reflect a "C" version of the Ordinance. Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2022-09-B was duly seconded by Councilor Giacomo. Discussion ensued.

Councilor Giacomo agreed with Councilor Bosley that removing the change from five-to-two acres was key to this version of the Ordinance. He said that this is something the Planning,

Licenses, and Development Committee had largely been in favor of since the Joint Committee. He liked the new phrasing established by the Committee the previous week. There are options to improve density and verticality for the high and medium density districts, and he said now was the time for the low density and rural districts to get some incentives and hopefully increase development there. He said we do not just want development, but the right kind of development, which is why CRDs are particularly valuable. He said it was a good Ordinance with incentives in place.

Councilor Jones said he had been against this from the beginning. He thought this went against the goal in the 2010 Comprehensive Master Plan—in which 2,000 people took part—for Keene to become a walkable City. He cited locations that were already available for increased residences, like changes through the Marlboro Street Master Plan. He asked what the accessory dwelling units were for? He cited the 79-E zone and asked what that was for. He said it was not like the City was not working toward these goals. The Councilor counted 27 people who spoke on this issue at the public hearing and only two were in favor because they misunderstood this as being for homelessness, which it is not. He called this the “Nashua-izing” of Keene, and he thought everyone should take a step back and do something better to achieve City goals.

Councilor Filiault noted that although he was opposed to this Ordinance originally, now he supported it as a compromise due to the removal of the minimum lot size change from five-to-two acres. He agreed that housing is a major issue in Keene and said this was a start and a compromise. He applauded the PLD Committee and Councilor Bosley for their work on this and for listening to so many members of the public.

Councilor Johnson said there was a lot of time spent getting this prepared and the PLD Committee had an excellent Chair in Councilor Bosley. Councilor Johnson said it was important to listen to some of the voices that spoke, even though they might have misunderstood. She was in support of the Ordinance.

Councilor Ormerod applauded the City Staff and Committee members who worked through the CRD regulations. He said these regulations allow the City to have greater density, protect the environment, and incentivize solar, which is a goal in the Master Plan. There are also good long-term provisions for workforce housing. He said these represent the best practices from across NH and the nation. He continued that there were several vocal people in support of the Ordinance and perhaps more that were not in support. Still, he said 27–2 is not a scientific poll. He said that often people who need the most help are the working families, nurses, small business owners, and more who are not able to come speak before the Council. Councilor Ormerod would support the Ordinance and urged his fellow Councilors to do the same.

Councilor Madison repeated that there is a housing crisis in Keene. He cited his personal situation of trying to find a house in Keene since 2020, noting that every time he had found a single-family home in his price range, it is usually bought quickly by someone from out of state. Additionally, houses are double what they were two years ago, and the interest rate is 7%. He

said it was next to impossible for working class families in this town to find a place to live, even for someone like him, who earns above the median income and has a good State job. Councilor Madison concluded that we need more housing in Keene and that is why we need this Ordinance.

Councilor Greenwald spoke in opposition to the Ordinance. He said all Councilors are faced with a conflict when voting—whether to vote based on what they think or what the constituents tell them. He thought he had been around long enough to know this Ordinance would be adopted, and he was not upset about that. However, he wanted to speak on behalf of all the people who showed up to public hearings to speak against this. He said Councilors should listen to their constituents, which was how he would vote on this matter.

On a roll call vote of 12–2, Ordinance O-2022-09-B was declared adopted. Councilors Jones and Greenwald voted in opposition. Councilor Roberts was absent.

ORDINANCE FOR SECOND READING – RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE – ZONING ORDINANCE – BUSINESS, GROWTH, AND REUSE DISTRICT – RECREATIONAL/ENTERTAINMENT FACILITY – INDOOR ORDINANCE O-2022-11

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2022-11. Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2022-11, was duly seconded by Councilor Giacomo.

Councilor Jones said that when creating the Land Development Code and the specific provisions for each district, this provision was missed, and so the Council should support this.

On a roll call vote of 14–0, Ordinance O-2022-09-B was declared adopted. Councilor Roberts was absent.

ORDINANCE FOR SECOND READING – RELATING TO THE USE OF CENTRAL SQUARE COMMON AND RAILROAD SQUARE ORDINANCE O-2022-14-A

A Planning, Licenses, and Development Committee report, recommending the adoption of Ordinance O-2022-14 that would incorporate the proposed amendments as discussed by the Committee. Mayor Hansel filed the report.

A motion by Councilor Bosley to adopt Ordinance O-2022-14 was duly seconded by Councilor Giacomo. On a roll call vote of 14–0, Ordinance O-2022-14 was declared adopted. Councilor Roberts was absent.

ORDINANCE FOR SECOND READING – RELATING TO NOTICE REQUIREMENTS FOR SMALL CELL WIRELESS FACILITY DEPLOYMENTS AND MORE TIME ITEM –

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COMMUNICATIONS RELATIVE TO PUBLIC HEALTH CONCERNS OF SMALL CELL WIRELESS FACILITIES ORDINANCE – O-2022-16-A

A Planning, Licenses, and Development Committee report read, recommending the adoption of O-2022-16-A to include the 750-foot notification radius in Section 82-208.5 and specifically that the applicant must pay the cost of the notice in Chapter 82-208.5. The Planning, Licenses, and Development Committee further recommended that communications from Councilor Filiault and Terry Clark that had been on more time relative to public health concerns of small cell wireless facilities be reported out.

Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2022-16-A was duly seconded by Councilor Giacomo.

Councilor Filiault thanked the PLD Committee for bringing this to the full Council. He said this was the very minimum the Council could do with the 5G controversy. He cited both sides of this issue and reiterated that this was the least the City Council could do. He would be bringing forward another communication about this matter at a future date.

Councilor Jones said there was some confusion amongst the public, many of whom thought the Committee was trying to pass an Ordinance. He said that when those members of the public did not understand was that if the Council had not passed this Ordinance when they did, the City would currently be subject to the Federal law and would have no control of the notification process or distances the public wanted.

Councilor Johnsen said she values and appreciates the letters from community members. Still, she thought that sometimes there was miscommunication in the public's thinking. She cited one letter suggesting that this was a Democrat vs. Republican issue. The Councilor wanted to be clear that this was not the case and that this is a Council who really listen to their constituents.

Mayor Hansel said he heard very passionate people about this from both sides of the political spectrum. He did not think politics had anything to do with this Ordinance.

On a roll call vote of 14–0, Ordinance O-2022-16-A was declared adopted. Councilor Roberts was absent.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:39 PM.

A true record, attest:



City Clerk