



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
February 16, 2023  
7:00 PM

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM PRECEDING MEETING**

- February 2, 2023

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Branding - Promoting the Monadnock Region - Keene and Peterborough Chamber ([www.monadnocknh.com](http://www.monadnocknh.com))
2. Public Hearing - Ordinance O-2022-19-A

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

1. Confirmations - Energy and Climate Committee; Human Rights Committee

**C. COMMUNICATIONS**

**D. REPORTS - COUNCIL COMMITTEES**

1. Donations - Pathways for Keene and Monadnock Conservancy - Transportation Heritage Trail
2. Donation - Keene Rotary Club - Wayfinding for Trails and Parks
3. Acceptance of Federal Forfeiture Monies
4. Acceptance of Local Source Water Protection Grant
5. Discussion - City Charter Amendment regarding the Municipal Primary

**E. CITY MANAGER COMMENTS**

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

1. Acceptance of Donations - Finance Director/Treasurer

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

1. Relating to Personnel Systems & Procedures  
Ordinance O-2023-03

**K. RESOLUTIONS**

1. Relating to the Acceptance and Appropriation of Unanticipated Revenue  
Resolution R-2023-07
2. Relating to the Optional Veterans' Tax Credit *and* Relating to the All  
Veterans' Tax Credit  
Resolution R-2023-08  
Resolution R-2023-09

**NON PUBLIC SESSION**

**ADJOURNMENT**

A regular meeting of the Keene City Council was held on Thursday, February 2, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Having declared that a quorum was physically present, Mayor Hansel recognized that Councilor Michael J. Remy requested to participate remotely due to work travel. Councilor Remy was calling from an airport. Hearing no objections from the Council, Mayor Hansel granted the remote participation. Councilor Greenwald led the Pledge of Allegiance.

#### ANNOUNCEMENTS

First, Mayor Hansel thanked the citizens and Councilors who came to the public informational meeting on the downtown infrastructure and reconstruction project. He said it was a very nice turnout—more than 200 people—and he believed it successfully shared important information with the public. Next, Mayor Hansel said that on February 21, there would be a second informational meeting, which would be held at the Keene High School auditorium. He said the session would start at 6:00 PM, when City Staff and the City’s consultant would present on the project. Following the presentation, he said the public would be invited to approach microphones and provide their thoughts and comments. Mayor Hansel said he looked forward to seeing all the Councilors there. Mayor Hansel also announced that on Wednesday, March 1, our annual legislative delegation meeting would be held at 6:00 PM in the Council Chambers. Lastly, Mayor Hansel said that as required in the Council’s Rules of Order, the City Clerk had sent all Councilor’s the annual Statement of Interest form for their completion. This is a fillable PDF form and the City Clerk requested that Councilors complete it and submit it back to her electronically. The Mayor said that if Councilors need assistance, they should contact the City Clerk’s Office.

#### MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the January 19, 2023 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

#### JOINT PUBLIC HEARING WITH THE CONSERVATION COMMISSION – TREE TRIMMING ON SCENIC ROADS

Mayor Hansel opened the public hearing at 7:04 PM and the City Clerk read the public hearing notice. This was a statutorily required joint public hearing with the Conservation Commission. The Mayor welcomed the quorum of the Commission who were present. Mayor Hansel welcomed the applicant, Dane D’Arcangelo, the Regional Arborist for Eversource Energy, who provided a description of the scope of work.

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Mr. D’Arcangelo said this scenic road public hearing was required because Eversource performs regular maintenance trimming along high voltage power lines. He said that the scenic roads listed in the public hearing notice are ones that were trimmed in the last four-to-five years, but require more trimming due to regrowth. Mr. D’Arcangelo said this is standard maintenance trimming. He explained that Eversource measures from the topmost conductor on the electrical pole and trims 15 feet above the conductor, 10 feet below, and eight feet to each side of the conductor. This provides the trees enough space so they do not need maintenance trimming again for another four-to-five years. Eversource contracts with Asplundh Tree Expert for this trimming and Asplundh is required to contact each landowner via first class mail about the trimming. Individual landowners’ concerns are handled on a case-by-case basis. Mr. D’Arcangelo welcomed questions.

Councilor Giacomo asked for clarity on whether they were trimming around high voltage tension lines or standard power lines along the roadside. Mr. D’Arcangelo said the high voltage lines he referred to are those on regular utility poles that are 30–50 feet high and range from 1,000–24,000 volts.

Councilor Greenwald said he lives on Peg Shop Road and favors of this trimming. He did not believe he had a conflict of interest because this vote is about the public right-of-way.

Mayor Hansel opened the floor to public comments. Hearing no further comments or questions from the public or Council, Mayor Hansel closed the public hearing at 7:09 PM. Written public comments would be accepted until 1:00 PM on Tuesday, February 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This issue will be considered by the Conservation Commission at their meeting on February 21 at 4:30 PM and by the MSFI Committee at their meeting on February 22 at 6:00 PM.

A true record, attest:   
City Clerk

#### POWERPOINT PRESENTATION – A CELEBRATION OF KEENE DAMS – CITY ENGINEER

Mayor Hansel welcomed the City Engineer, Don Lussier, and Civil Engineer, Brett Rusnock, for a presentation on Keene’s dams. Mr. Lussier began by expressing his gratitude for the Council’s support over time for maintaining and upgrading the City’s dams. Mr. Lussier and Mr. Rusnock both began working for the City in 2016, when work had just completed on the Robin Hood Dam and design work was beginning on the Babbidge Dam. Mr. Lussier said it was rare for engineering professionals to participate in the rehabilitation of three hazard dams in just seven years. Mr. Lussier mentioned that Mr. Rusnock is a member of the NH Association of Dam Safety Officials and so he has given personal attention to Keene’s dams by reporting for Federal and State compliance.

Mr. Rusnock led a presentation celebrating Keene's dams and specifically all the efforts Keene has made to bring its dams to date with the NH dam safety rules. The City has spent more than \$5 million over the past decade to rebuild five of the City's high hazard dams. Most of these dams had not seen much investment since their construction over 100 years ago. Overall, the City is responsible for 12 dams, including eight within the City's limits and four in the neighboring town of Roxbury. These dams were built by the City and private groups for water supply, manufacturing, transportation, and flood control. Five of these dams are considered "high hazard," meaning that their failure could threaten public life or cause major damage. A dam failure in Alton, NH, caused one fatality and major damage, which prompted the City of Keene's 2005 major investment in the municipality's dams. Shortly after that tragedy in Alton, Congressperson Bill Zeliff sponsored the National Dam Safety Program Act. This act enabled states to implement dam safety programs for all dams within their borders, not just those owned by the State. The 2005 flooding and deaths from a culvert failure in Alstead, NH, renewed interest and revived pressure for regular inspection, maintenance, and enforcement.

Mr. Rusnock said that in 2009, the City of Keene received updated letters of deficiency for six dams. The letter outlined the technical and management needs of each structure, and recommendations for how to meet those standards. In response, the City of Keene completed a Dams Master Plan, which estimated the priorities and costs for all dams that needed work. Funds for this were allocated through the Capital Improvement Program (CIP).

Mr. Rusnock explained the work on each dam over the past decade based on their original construction date. First, he discussed the Goose Pond Dam, which the Town of Keene (it was not yet a City) began planning for a public water supply in 1860. A major fire in 1865 prompted the town to act. Within three years, the City raised funds, acquired land, and designed and built two dams at Sylvan Lake, which is now known as Goose Pond. The town also built eight miles of water pipeline and 48 fire hydrants. The total cost at that time was \$82,000. Mr. Lussier noted that one of the City's oldest known water mains that is still in service under Central Square was built in 1868 and it would be replaced as a part of the downtown reconstruction project. Mr. Rusnock continued describing the two Goose Pond dams in 2019 (the second dam is smaller and located along the southern border), when the dams were widened to stabilize them to meet State guidelines and the historic pipes within in the embankment were capped and plugged. The total cost of the 2019 improvements was approximately \$920,000.

Next, Mr. Rusnock discussed the Robin Hood Park Dam. In the 1870s and 1880s, Keene's growth strained the available water supply from Goose Pond. In 1872, the City built the dam at Beech Hill, which created the Beech Hill Reservoir. By 1890, the City had extended water mains throughout most of the City and the total cost of that work was not yet determined. Mr. Rusnock said the City rebuilt the Robin Hood Park Dam in 2014, using articulated concrete blocks that allow the dam to be overtopped safely during a flood event. This was the first innovative use of this technology in NH. The total cost of the 2014 work was \$820,000.

Mr. Rusnock also described the Woodward Pond Dam. In 1886, as the City continued to grow, the municipality began looking for more public water supply. In 1910, the City rebuilt the existing dam at Echo Lake— which is now known as Woodward Pond—in the neighboring town of Roxbury. The total cost of the work in 1910 was \$6,000. The City now owns over 3,000 acres of land in the towns of Roxbury and Nelson, which includes much of the tributary watershed to Woodward Pond. Woodward Pond replaced Goose Pond and the Beech Hill Reservoir as the City’s primary water supply at that time. Mr. Rusnock continued describing Woodward Pond today. In 2022, the City completed reconstruction of the Woodward Pond Dam to feature a new core wall, which is raised higher to store the “design storm,” features a new outlet works, and expanded spillway capacity. The total cost of the 2022 work was \$1.9 million.

Next, Mr. Rusnock discussed the Babbidge Reservoir Dam, which the City constructed in Roxbury in 1931. The dam and reservoir replaced a much smaller quarry dam that was located upstream at the time. This dam was connected to a sand filter on Beech Hill and then directly to the City’s water network. The total cost in 1931 was approximately \$52,000. The Babbidge Dam was reconstructed in 2018 to feature articulated concrete blocks, which allow it to be overtopped during a flooding event. The dam features a new outlet works and a new emergency spillway. The total cost in 2018 was approximately \$1.7 million.

Lastly, Mr. Rusnock discussed the Ashuelot River Dam, which is the final dam that needs work. In the mid- to late-1700s, a saw and gristmill was established on the Ashuelot River near West Street. In 1812, the Faulkner and Colony Woolen Mill was established on the same site. The land on which the Ashuelot River Park sits, including the dam, was gifted to the City of Keene in 1972. Unfortunately, the dam has a number of safety issues that must be addressed. In fiscal year 2024, the CIP contains funds to begin the public process for this project. Options for the dam include repairing it to State safety standards or removing the dam.

Mr. Rusnock concluded by explaining that in 2021, The American Society of State Dam Safety Officials presented Keene with the Northeast Regional Merit Award in recognition of the City’s efforts to bring these dams into compliance. Keene was nominated by the State Dam Safety Bureau and Mr. Rusnock said the City is grateful for their support. He hopes for continued support from the State, the City, and the City Council while moving forward meeting dam maintenance obligations. Mr. Rusnock presented the award to Mayor Hansel.

Mr. Lussier said he was most excited about this award because the City’s great work was recognized by the NH Department of Environmental Services regulators. He continued pointing out that the letters of deficiency on these dams could sound scary. However, he said the deficiencies noted were largely related to the changing safety standards versus the actual conditions of the dams. He said the actual problems with the dams were fairly innocuous because the safety standards have increased over the years. Most of what the City did was to increase capacity so the dams could either withstand a greater storm or hold back a larger volume of water. He said it was a testament to the fact that the City had taken care of this infrastructure for a long time.

Mayor Hansel congratulated Staff for working so hard to get this recognition.

Councilor Jones asked how many of these dams could be used potentially for hydropower. Mr. Lussier said that was a great question and said that was not within the Public Works Department's wheelhouse. Mr. Lussier said there was an organization that looked at the Ashuelot River Dam for micro-hydro. He added that there are low head hydro applications but whether these dams are feasible was not within Mr. Lussier's scope of work. He said that in a way, the City is currently using the Babbidge Reservoir for hydroelectric; specifically, there are hydroelectric generating turbines installed in the water treatment facility that use the raw water coming into the plant to generate electricity to run the plant.

Mayor Hansel suggested a dam tour for the Council in the future and expressed gratitude for this presentation.

#### CONFIRMATIONS – BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE; HISTORIC DISTRICT COMMISSION

Mayor Hansel nominated Andrew Madison to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee, with a term to expire December 31, 2025. The Mayor also nominated Gregory Kleiner and Anthony Ferrantello to serve as regular members of the Historic District Commission, both with terms to expire December 31, 2025. A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

#### NOMINATIONS – ENERGY AND CLIMATE COMMITTEE; HUMAN RIGHTS COMMITTEE

Mayor Hansel nominated Kenneth Swymer to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2023. Mayor Hansel also nominated Ted Benson to serve as an alternate member of the Human Rights Committee, with a term to expire December 31, 2024. Mayor Hansel tabled the nominations until the next regular meeting.

#### COMMUNICATION – ICE AND SNOW FESTIVAL – REQUEST TO POSTPONE EVENT DUE TO EXTREME WEATHER CONDITIONS – MARK REBILLARD

A communication read from Mark Rebillard, requesting to postpone the 2023 Ice and Snow Festival from Saturday, February 4 to Sunday, February 5 due to the extreme cold anticipated on Saturday.

A motion by Councilor Bosley to suspend Section 26 of the Rules of Order to allow action upon this time-sensitive request was duly seconded by Councilor Giacomo. Councilor Giacomo asked whether a rain date was a part of the protocol. Mayor Hansel said applicants would be

encouraged to include a rain date so this does not happen each time. The motion to suspend the Rules of Order carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Councilor Bosley made the following motion, which was duly seconded by Councilor Giacomo: move to grant the Keene Downtown Group to reschedule the Ice and Snow Festival from Saturday, February 4th to Sunday, February 5th, due to extreme cold weather conditions predicted for Saturday. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

#### MSFI REPORT – STAFF RESPONSE TO NO PARKING REQUEST – 191 WASHINGTON ST. – DELINEATION OF PARALLEL PARKING STALLS ON PUBLIC STREETS

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the presented guide from the Public Works Department for the delineation of parallel parking stalls on public streets be accepted. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

#### MSFI REPORT – COUNCILOR ROBERT WILLIAMS – CONCERNS WITH LITTERING – EAST KEENE

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the communication from Councilor Williams relative to littering be forwarded to the City Manager for further action. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Williams thanked the MSFI Committee for having a good conversation on this matter. Councilor Williams said he walked along North Lincoln Street earlier on this day and unfortunately, there were a few cans littering the area. In the long term, Councilor Williams thought one of the best hopes was to have a bottle facility so that people can return them instead of discarding them along roadways. Ultimately, though, he said that was something the State Legislature would need to consider.

Councilor Madison thanked the MSFI Committee and Councilor Williams for bringing this to the Council's attention. Councilor Madison noted that he helps with the annual clean-up of Beaver Brook, stating that there is a similar littering issue there. However, in that clean-up, the primary concern is for discarded hypodermic needles. When cleaning the waterway, he has to judge which parts to focus on based on the need to keep volunteers—especially children—away from those needles. He asked the City Manager to consider solutions to this issue, such as disposal boxes in certain locations so there is a safe place to discard them. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – TRANSFER STATION – INFORMATIONAL UPDATE – ASSISTANT PUBLIC WORKS DIRECTOR/SOLID WASTER COORDINATOR

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending accepting the Transfer Station Update presentation as informational. Mayor Hansel filed the report as informational.

MSFI REPORT – CHAPTER 58 – PARKS, RECREATION, AND CITY UNIMPROVED LAND – PARKS, RECREATION, AND FACILITIES DIRECTOR

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Attorney be instructed to introduce an Ordinance for first reading that would amend Chapter 58, as discussed by the Committee. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her report on the downtown infrastructure project. She said the next public meeting is February 21 at 6:00 PM in the Keene Highschool auditorium. This is an opportunity for the Council to hear from residents and stakeholders. There will be a brief overview of the project and then a comment and question period. The format will be similar to a public hearing but it is not posted as a public meeting or an official Council meeting. Instead, it is posted as a public information session. Therefore, it will be important that Council refrain from weighing-in during this meeting to avoid issues with the public meeting laws.

In addition, on the downtown infrastructure project, the City Manager reported that Luca Paris and other downtown business owners would be meeting starting on Friday, February 10, to discuss ways they can support each other throughout the construction period. The City Manager will be joining that group to discuss ways the City can help support our downtown economy during the infrastructure project. The City Manager plans to look at things put in place by Concord, NH, during their downtown project to see if Keene can replicate some or all the ways they were able to support businesses.

Next, the City Manager reported on the Lead Abatement Housing and Urban Development grant. She said Keene completed conversations with Cheshire County regarding a potential joint Housing and Urban Development abatement grant application between Cheshire and Sullivan Counties. There were too many roadblocks to overcome in a short period of time. Therefore, the City Manager said she is looking into another potential partnerships with Sullivan County in hopes of bringing this program to the Keene area.

The City Manager also reported that the Public Works Department was excited to announce the award of two grants. The City received a \$50,000 Drinking Water and Groundwater 2023

Strategic Planning Grant. This funding will be used in concert with the City's Water Supply Master Plan to perform additional review of the former Robertson Property—located off Arch Street/Bent Court—as a future drinking water well location. The second grant is a \$350,000 fiscal year 2022 Safe Streets and Roads for All Action Planning Grant from the Federal Highway Administration. This grant will allow the City to examine its streets and roads to identify safety concerns, accessibility lighting, health equity, and to perform a community engagement process, and develop policies and identify projects and strategies to address these concerns. This planning effort will make the City eligible for consideration for future implementation (including construction) grants. Future projects that could be funded include installing pedestrian safety enhancements, developing bikeway networks, public transit services, and transforming a roadway corridor. The City is one of four New Hampshire communities that received grants (Franklin, Rockingham Planning Commission, Haverhill). A 20% match is a part of the grant conditions.

The City Manager concluded her report with emergency management announcements. She noted that there would be a cold snap in NH and New England over the coming weekend. The greatest impact would be Friday night through Sunday morning, with temperatures below freezing and wind chills potentially reaching -30 degrees on Saturday. She reminded residents to check crawl and unheated spaces where they may have water lines, and to occasionally run water and open cabinet doors to allow heat to circulate. She urged everyone to check on their senior neighbors and others who may have mobility issues. She asked everyone to pay attention to seniors and young children because they can quickly develop frost bite on exposed skin. Residents should also keep track of pets because they can get frost bite even after a few minutes out in the cold. If residents must go out, she urged them to bundle-up and cover exposed skin. The City Manager said that Staff worked with social service partners to open temporary emergency overflow locations for the homeless. The City anticipated that some of our street homeless who typically do not use our shelters will come in over the next three days to escape this arctic blast.

#### REPORT – EXPENDITURE OF SOLID WASTE FUNDS – PUBLIC WORKS DIRECTOR

A memorandum read from the Public Works Director/Assistant City Manager, Kurt Blomquist, recommending that the City Council move that the City Manager be authorized to do all things necessary to expend up to \$21,574.26 from the Solid Waste Fund for the disposal of solid waste materials at the City's Transfer Station. Mayor Hansel said this was a time sensitive matter that needed the Council's attention.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to allow action on this time sensitive grant was duly seconded by Councilor Chadbourne.

Councilor Greenwald asked what the rush was for this matter. The City Manager replied that the City had some additional solid waste the City was not aware of that needed transport to the transfer station. The City is responsible for this solid waste, so that cost would be \$21,574.26.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Councilor Powers made the following motion, which was duly seconded by Councilor Chadbourne: move to authorize the City Manager to do all things necessary to expend up to \$21,574.26 from the Solid Waste Fund for the disposal of solid waste materials at the City's Transfer Station. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR FIRST READING - RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE, RURAL DISTRICT MINIMUM LOT SIZE – ORDINANCE O-2023-02

A memorandum read from the Community Development Director, Jesse Rounds, recommending that Ordinance O-2023-02 Relating to Amendments to the City of Keene Land Development Code, Rural District Minimum Lot Size be referred to the Joint Planning Board and Planning, Licenses, and Development Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2023-02 to the Joint Planning Board and Planning, Licenses, and Development Committee.

ORDINANCE FOR FIRST READING – RELATING TO PERSONNEL SYSTEMS & PROCEDURES – ORDINANCE O-2023-03

A memorandum was received from the HR Director/Assistant City Manager, Elizabeth Fox, recommending that the City Council refer Ordinance O-2023-03 to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Ordinance O-2023-03 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO CHAPTER 58 – PARKS, RECREATION AND CITY UNIMPROVED LAND – ORDINANCE O-2023-04

A memorandum was received from the City Attorney, Thomas Mullins, recommending that the attached Ordinance O-2023-04, Relating to Chapter 58: Parks, Recreation and City Unimproved Land, be referred to the Municipal Services, Facilities, and Infrastructure Committee for a first reading and recommendation back to City Council. Mayor Hansel referred Ordinance O-2023-04 to the Municipal Services, Facilities, and Infrastructure Committee.

ORDINANCE FOR SECOND READING – RELATING TO REMOVAL OF STOP SIGNS ON SUMMIT ROAD NEAR WYMAN ROAD – ORDINANCE O-2023-01

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending the adoption of Ordinance O-2023-01. A motion by Councilor Greenwald to adopt Ordinance O-2023-01 was duly seconded by Councilor Filiault. Councilor Jones was grateful for this action,

02/02/2023

noting that people in the neighborhood had been asking him for years to get rid of those signs. He said the stop has not been needed for 23 years since Wyman Road used to cross RT-12. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RELATING TO THE ACCEPTANCE AND APPROPRIATION OF UNANTICIPATED REVENUE – RESOLUTION R-2023-07

A memorandum was received from the City Engineer, Don Lussier, recommending that Resolution R-2023-07 be referred to the Finance, Organization, and Personnel Committee for deliberation and a recommendation back to the Council. Mayor Hansel referred Resolution R-2023-07 to the Finance, Organization, and Personnel Committee.

RELATING TO THE OPTIONAL VETERANS' TAX CREDIT AND RELATING TO THE ALL VETERANS' TAX CREDIT – RESOLUTION R-2023-08 AND RESOLUTION R-2023-09

A memorandum was received from the City Assessor, Dan Langille, recommending that Resolutions R-2023-08 and R-2023-09 be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Resolutions R-2023-08 and R-2023-09 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:50 PM.

A true record, attest:   
City Clerk



Notice of Public Hearing  
Zoning Ordinance Amendment

A Public Hearing will be held before the Keene City Council relative to Ordinance O-2022-19-A. The petitioner, the City of Keene Community Development Department, proposes to amend sections of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to clarify language within the zoning regulations in Articles 9, 11, and 13 of the LDC; to amend Article 15 “Congregate Living & Social Service Conditional Use Permit” to add a new section entitled “Conditional Use Permit Waiver,” and; to amend Section 25.4.3 of Article 25 “Application Procedures” to modify the process for amending the sections of the LDC that are outside the zoning regulations.

The full text of the Ordinance is available for public review during normal business hours in the office of the City Clerk located in City Hall between 8:00 AM to 4:30 PM or by visiting [keenenh.gov/public-notices](http://keenenh.gov/public-notices).

HEARING DATE: February 16, 2023  
HEARING TIME: 7:10 pm  
HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, New Hampshire, this nineteenth day of January, two thousand and twenty-three.

Attest:

City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Mayor George S. Hansel  
**Through:** Patricia Little, City Clerk  
**Subject:** **Confirmations - Energy and Climate Committee; Human Rights Committee**

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**Council Action:**

**In City Council February 16, 2023.  
Voted unanimously to confirm the nominations.**

**In City Council February 2, 2023.  
Tabled until the next regular meeting.**

**Recommendation:**

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

**Energy & Climate Committee**

Kenneth Swymer, slot 9

Term to expire Dec. 31, 2023

**Human Rights Committee**

Tedd Benson (alternate) - slot 11

Term to expire Dec. 31, 2024

**Attachments:**

1. Benson, Tedd\_Redacted

**Background:**

**From:** [Patty Little](#)  
**To:** [Heather Fitz-Simon](#)  
**Subject:** FW: Interested in serving on a City Board or Commission  
**Date:** Tuesday, January 31, 2023 10:41:46 AM

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[Save and redact](#)

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**From:** helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>  
**Sent:** Tuesday, January 31, 2023 10:40 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 Tue, 01/31/2023 - 10:39</p>

<p>Submitted values are:</p>

**First Name:**

Tedd

**Last Name:**

Benson

**Address**

317 Pratt Rd, Alstead

[REDACTED]

**Cell Phone:**

[REDACTED]

**Employer:**

Bensonwood

**Occupation:**

CEO

**Retired**

No

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

No

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

Human Rights Committee

**Please let us know the Board or Commission that you are most interested in serving on.**

Human Rights Committee

**Please provide 2 personal references:**

Sylvia McBeth



**References #2:**

Allen Mendelson





# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Donations - Pathways for Keene and Monadnock Conservancy -  
Transportation Heritage Trail**

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**Council Action:**

**In City Council February 16, 2023.**

**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 accept a donation of \$40,000.00 from Pathways for Keene, Inc. and \$12,000.00 from the Monadnock Conservancy and that the money be allocated for the Transportation Heritage Trail Phase 1 project.

**Attachments:**

None

**Background:**

Parks, Recreation and Facilities Director Andy Bohannon stated there are two donations he will be talking about this evening. A donation of \$40,000.00 from Pathways for Keene and a \$12,000.00 donation from the Monadnock Conservancy. Mr. Bohannon stated these two organizations have assisted the City with the last two Rail Trail projects and are continuing to make sure Keene's rail system remains vibrant. This particular rail system will go from Eastern Avenue to Route 101. A portion of this money will be used as a match for grants. This project won't start until FY25 but the funding needs to be in place to ensure that the City is in sync with the State needs when the grant is eventually awarded.

Mr. Ted McGreer on behalf for Pathways for Keene stated he is addressing the Committee on behalf of all the runners and walkers who come out on July 4th every year. He indicated many businesses assist with the 4 on the 4th event and between \$40,000 to \$50,000 is raised each year. He added Pathways for Keene is a 100% volunteer organization and added they are thrilled to participate with the City on this project.

Regarding the \$12,000 donation, Mr. Ryan Owens, Executive Director of Monadnock Conservancy stated they are a Land Conservation Trust that seeks to preserve the natural landscape of the greater Monadnock Region. He indicated they are looking forward to many more projects especially with the Transportation Heritage Trail.

Councilor Lake clarified in the Committee's Memorandum the donation amount from Pathways for Keene is indicated as \$30,000 in one spot and \$40,000 in another section and asked for clarification. Mr. McGreer clarified the amount should be \$40,000 – Mr. Bohannon agreed.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$40,000.00 from Pathways for Keene, Inc. and \$12,000.00 from the Monadnock Conservancy and that the money be allocated for the Transportation Heritage Trail Phase 1 project.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Donation - Keene Rotary Club - Wayfinding for Trails and Parks

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**Council Action:**

**In City Council February 16, 2023.**

**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 accept a donation of up to \$35,000.00 from the Keene Rotary Club and that the money is allocated for wayfinding for the trails and parks.

**Attachments:**

None

**Background:**

Mr. Bohannon stated this item was in reference to a donation of \$35,000 from the Rotary Club that will be used for wayfinding signage for Keene's trails and parks. Mr. Bohannon stated the study done by UNH last year recommended wayfinding along the trails which was a prominent piece of that study. He noted this is Rotary Club's 100th anniversary and they see this donation as a great opportunity.

Councilor Madison noted between the first item and this item combined for nearly \$87,000 going into Keene's trail system. As a new member of the Bicycle, Pedestrian Path Advisory Committee, he felt this was a great amount to be donated to the trail system which will help improve the quality of life in Keene.

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 accept a donation of up to \$35,000.00 from the Keene Rotary Club and that the money is allocated for wayfinding for the trails and parks.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Acceptance of Federal Forfeiture Monies**

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**Council Action:**

**In City Council February 16, 2023.**

**Voted with 12 in favor and one opposed 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 accept Federal forfeiture monies in the amount of \$13,396.97.

**Attachments:**

None

**Background:**

Police Captain Steve Tenney was the next to address the Committee. Captain Tenney stated this item is for acceptance of Federal forfeiture monies resulting from two cases the City worked on jointly with Homeland Security.

The first case dates back to 2015 for which the City's portion was \$4,129.17. The second case was from 2022 for \$9,267.80 for a total of \$13,396.97 for both cases.

David Crawford of Marlboro Street Keene addressed the Committee and asked them to reject this money as they are spoils of a failed war on drugs. He felt it was a small amount of money compared to the message that it will send to the community. Councilor Chadbourne asked what Mr. Crawford suggests should be done with the money if it is rejected. Mr. Crawford stated he it would be returned to the agency that gave the City the forfeiture funds.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept Federal forfeiture monies in the amount of \$13,396.97.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Acceptance of Local Source Water Protection Grant**

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**Council Action:**

**In City Council February 16, 2023.**

**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 accept, execute, and expend a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$14,200 to perform a property survey around the West Street wellfield.

**Attachments:**

None

**Background:**

Asst. Public Works Director/Operations Manager Aaron Costa stated he was before the Committee to discuss acceptance of a Source Water Protection grant from the New Hampshire Department of Environmental Services in the amount of \$14,200 to perform a property survey around the West Street wellfield.

Mr. Costa stated the City has utilized this grant in the past to install security fencing around the Court Street well facility as well as the surface water location in Roxbury.

Mr. Costa noted the West Street well is a valuable water source located on approximately five acres of city-owned property that abuts a horse farm. Recent farm activities in the area are of concern within the 400 foot sanitary protective radius of the well. These funds will be used to perform a detailed property survey of the City-owned parcel. Once a detailed land survey is completed, the City may want to pursue the installation of a fence along the property boundary in an effort to protect the water source and comply with the New Hampshire Rules as it pertains to Sanitary Protective Area.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Local Source

Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$14,200 to perform a property survey around the West Street wellfield.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Discussion - City Charter Amendment regarding the Municipal Primary

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## **Council Action:**

**In City Council February 16, 2023.**

**Report filed into the record. Mayor Hansel noted the City Clerk would be preparing a follow-up memorandum for the next Council agenda concerning how Keene conducts its municipal primaries.**

## **Recommendation:**

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication from Councilor Filiault as informational.

## **Attachments:**

None

## **Background:**

Councilor Filiault addressed the Committee and stated his request is to ask Council to look at the municipal primary to see if it needs to be changed in any way or perhaps even eliminated. Regardless of what is decided it would ultimately go to the voters as a City Charter amendment.

City Attorney Tom Mullins explained the City Charter should be viewed as the constitution of the City. It lays out a lot of responsibilities as to how the City operates. Changes to the Charter are not something that can be done easily and are not something that should not be done lightly. He stated what is being discussed tonight is a change to the Charter provision in Section 11, which deals with Primaries.

City Clerk Patty Little was the next to address the Committee. Ms. Little stated she surveyed 13 cities, of which nine do not have primaries at all. Of the four cities with primaries, their charter language is similar language to Keene; with language in their charters that say a primary may be triggered by a particular number of candidates for a particular office.

She continued that in the City of Nashua, there is only a primary held if more than two candidates file for the Office of Mayor. In Manchester, a primary is held if more than two candidates file for any elected office, or if more than four candidates file for any at-large office. She noted that if a primary was needed for a Ward Council position, the primary is only held in the specific ward which has the contest. If the primary was needed for the at-large positions or the Mayor's position, then the primary

is city wide. The Clerk added that – unlike Keene that has all candidates for all offices on the primary ballot, in Manchester the primary ballot only contains the offices where the number of candidates has triggered the primary.

Ms. Little continued that in Laconia a primary is held if more than two candidates file for the office of Mayor or Ward Councilor. If the primary was for the office of Mayor then the primary was held citywide. In the case of Ward Councilor, the primary election is only in that ward and only for that office. All other elected offices, such as moderators, selectmen, checklist supervisors, automatically bypass a primary and go right to the general election.

Keene's Charter was amended in 2011 and it provided that if more than two candidates file for the office of Mayor, or two candidates file for the office of Ward Councilor or if more than 10 candidates file for at-large, a primary would be held. Unlike other cities, traditionally Keene has placed all candidates for all offices on the primary ballot. Ms. Little felt this practice should be reviewed. She felt that limiting the number of offices on the primary ballot to only the office that has the contest would save money and would reduce the amount of record keeping, which needs to occur after the election.

Ms. Little went on to say that since the amendment in 2011, the City has held a primary every two years. She went on to identify which offices triggered the primary from 2013 to 2021. She noted that the primary has never been triggered solely by a contest for a Ward Councilor.

Ms. Little went on to explain the statutory process to amend the Charter and noted it was very time sensitive. The Mayor would need to designate a committee to review this item. The Attorney would have to draft language for the ballot question, and she noted there are seven references to the primary in the Charter right now. The Charter amendment language would need to be reviewed by the Secretary of State, Department of Revenue and the Attorney General's Office. Once approval is received from the State, the City Council will need to direct her to place the ballot question before the voters. The General Election would occur on November 7 and the changes – if the ballot question was adopted - will be effective January 1. Ms. Little noted the City has until April 6 to schedule a Public Hearing which is one of the statutory steps. The end of the Council's process would conclude on July 23 which is when the Council would direct the question be placed on the ballot.

Ms. Little stated while preparing for this evening's meeting, she focused on the provision for a Ward Councilor seat triggering a Primary and questioned exactly how that would occur. She reiterated that this office singularly had never triggered a Primary. She reviewed the final report of the ad hoc Committee to see if they addressed this situation. Their final report does have language indicating the Committee's belief that a contest in a single ward for a Ward Council seat would trigger a City-wide Primary – even though the contest was only in the single ward. Ms. Little stated she was not certain that this reference in the ad hoc Committee's final report could be interpreted as a directive from the Council that this should occur. She added she had reached out to the City Clerks with Primary and the general practice in those communities is to hold the Primary in the ward where the contest exists. She noted that she believed that would be the proper practice for Keene to follow as well. Ms. Little stated she had also reached out to Bud Fitch, former Attorney General and currently the legal counsel for the Secretary of State for advice regarding this question as well as others.

Ms. Little noted she reviewed election results since the 2011 charter amendment and noted the top five at large candidates from the primary election are identical to the top five candidates in the General Election.

Ms. Little stated there are benefits to a primary; the main benefit comes from the nomination process through acceptance of write-ins. A noteworthy example of this is was in 1999, when former At Large

Councilor Mike Blastos accepted a write-in nomination for Mayor and become Keene's next Mayor.

She added for the last primary the cost was over \$10,600. Ms. Little added what would become problematic is if primaries become inconsistent – with a Primary being held one year and not the following year. She felt consistency was important especially for Keene's partners such as the School District whose school's calendar includes the dates when the City will be using their facilities. If the City starts skipping years to the point that host polling locations and even election workers haven't reserved the date that Keene may find itself without the resources to effectively run the Primary. She also added election laws and processes are very detailed with many steps for election workers responsible for. Having Primary elections give election staff the opportunity to refresh their knowledge of very detailed election procedures.

Acknowledging the practice in other cities in terms of holding primaries in a single ward, she noted that since Keene has always held its Primary elections City-wide it might start off be confusing to voters in Keene who are used to City-wide Primaries. Finally, Ms. Little stated the City is looking at significant changes to election laws and processes over the next few years – perhaps even before the next Presidential election and to the extent that elections can remain consistent, the better.

Attorney Mullins addressed the Committee next. Attorney Mullins referred to case law that came out in 1969 which indicate that there is some basic understanding of the process cities have control over. State law gives cities control over how they want to conduct their election. State law however, requires cities to follow statutes as it relates to pre-election processes (how a polling location is set up, how you let voters in and out). Otherwise, State Statute is fairly silent on the question of what a city wants to do with the primary process. The Attorney noted the amendment process is easier than a Charter revision.

Attorney Mullins then talked about majority and plurality voting. With the majority contest you are required to receive 50 % plus one to be elected. In a plurality contest for example with three candidates – the one who gets the highest number of votes gets elected. Another question that came up if the City conducted an election without a primary – and there were three candidates for Mayor and no one received a majority, could there be a runoff. To that question, the Secretary of State and Attorney General's Office stated this was not an option. Attorney Mullins stated if a primary was eliminated for the Office of Mayor, and there was the situation where there were three or more candidates, you might have a Mayor in the City that does not have the majority support.

The Attorney stated the City Clerk and he would like to have the sense of the Council if this is a process they would like to pursue.

Councilor Chadbourne asked whether the cost of \$10,600 was a high cost to conduct a primary. Ms. Little stated she was surprised at that number as well, and recalls the number being at around \$6,000 but noted this is what inflation does. She added the types of expenses have remained the same – other than a nominal rental fee for one of the facilities. The Councilor asked whether it would be safe to assume this would be the same price for the general election as well. Ms. Little answered in the affirmative.

Councilor Remy stated his position would be to not make a change. He noted Councilor Giacomo got on Council through the write-in process and felt this happens a lot and would like the process to remain as is. He added he likes the Mayor's position to have a mandate and having 50 % plus one vote. He stated he would like to accept the communication from Councilor Filiault as informational.

Councilor Filiault stated the reason he brought this item forward is because there are many unanswered questions. He added Keene has the best City Clerk and he agrees to anything

recommended by her and whether anything is changed tonight or not, he felt the City should revisit this issue periodically.

Councilor Chadbourne stated she too would recommend the communication be accepted as informational and wait for the new changes that are coming from the State to see if the City wanted to re-visit the item in the future.

Councilor Madison agreed with Councilors Remy and Chadbourne. He indicated he does not say no but just not at this time due to the current workload of city staff. He stated with all the efforts nationally and statewide to restrict voting rights, he was reluctant to remove any opportunities of citizens in Keene to be able to vote.

Councilor Lake stated he too was leaning the same way. He felt a level of consistency was important. The Councilor also thanked city staff for all their work on this item.

Councilor Powers thanked Councilor Filiault for bringing this item forward and added the price of democracy at times is worth the price.

Councilor Madison stated he is too is very impressed with the City Clerk and also added we are coming up on one year of Russia's invasion of Ukraine and felt \$10,000 seems like a small price to pay for the right to vote.

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 the communication from Councilor Filiault as informational.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Merri Howe, Finance Director/Treasurer  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **Acceptance of Donations - Finance Director/Treasurer**

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**Council Action:**

**In City Council February 16, 2023.**

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

**Recommendation:**

Move that the City Council accept the donation below and the City Manager be authorized to use the donations in the manner specified by the donor.

**Attachments:**

None

**Background:**

The Human Rights Committee has collaborated with the Monadnock DEIB Coalition to show the movie TILL at the Colonial Showroom on February 15 and 16. The movie TILL is a true story about the story of Mamie Till-Mobley's relentless pursuit of justice for her 14-year-old son, Emmett Till, who was brutally lynched in 1955 while visiting his cousins in Mississippi.

Savings Bank of Walpole and Bensonwood each generously donated \$775 (\$1,550.00 total) for the purpose of covering the costs of the theater rental for the night.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to Personnel Systems & Procedures  
Ordinance O-2023-03**

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**Council Action:**

**In City Council February 16, 2023.**

**Report filed as informational. Voted unanimously for the adoption of Ordinance O-2023-03, with 62-501 "Family and medical leave" effective upon adoption, Section 62-611 "Insurances" effective as of July 1, 2023.**

**Recommendation:**

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2023-03.

**Attachments:**

1. O-2023-03\_Personnel Systems and Procedures\_adopted

**Background:**

Asst. City Manager/HR Director Beth Fox was the next speaker. Ms. Fox stated she was before the Committee with amendments to a couple of sections of City Code. The first amendment is to the City Code relative to the family and medical leave policy. Currently City Code only allows for family and medical leave for the purposes of birth, placement, or bonding of a child to be taken in a continuous period which is the minimum requirement of Federal Law. Federal law does allow the employer to grant it on a reduced leave or a non-continuous period. However, City procedures do not.

Ms. Fox stated the proposal before the Committee will allow that process, giving consideration to reduced leave, or non-continuous leave for a period of time following the birth of a child. It is expected to give employees more flexibility as they deal with balancing new obligations in their household.

The next two amendments has to do with medical insurance provisions. The first relates to payment in lieu of taking the City's health benefit which is provided to nonunion employees. Ms. Fox noted this has not been adjusted in at least 10 years.

The final amendment has to do with the formula the City uses to calculate premium for employees entitled to insurance under the Affordable Care Act. The Affordable Care Act has variety of provisions; it has a different methodology for calculating employee insurance share. The City is

looking to retain the attractiveness of its qualified part-time employee positions and proposing to reduce slightly the employee contribution towards premium (qualified part-time employees).

Councilor Remy asked what the cost was for going from nine percent to seven percent for qualified part-time employees. Ms. Fox stated it ranges as it is based on the employee's income and can be between \$12 - \$20 for five employees and is likely around \$5,000 annually.

Councilor Chadbourne noted to use of the more gender neutral term "employee" versus "his/her" and felt this was forward thinking.

Councilor Remy referred to the medical insurance and felt it was unusual to encourage someone to not carry medical insurance. Ms. Fox stated this was not unusual in the public sector and added the City's priority is for all employees to be covered by insurance. However, to the extent they might have another option and is fiscally beneficial to them – it also is beneficial to the City. Ms. Fox added the employee does have to prove they have other coverage before they can opt out.

Councilor Remy asked for the cost to the City for an employee to be covered by insurance. Ms. Fox stated for a single plan coverage it is approximately \$9,500 annually.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2023-03.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Personnel Systems & Procedures

*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 various sections below of Subdivision VI. Family and medical leave and Division 4. – Benefits of Chapter 62, entitled “Personnel Systems and Procedures” as follows:**

**Sec. 62-501. Family and medical leave. Effective upon adoption**

Insert new Section (e) and relabel letter designations for subsequent sections as required.

**(e) Non-consecutive or reduce leave schedule for the purposes of birth, placement or bonding with a son(s), daughter(s), adopted or foster child. In the place of the consecutive twelve (12) week period of leave provided by federal law, the employer may agree to a FMLA leave request that includes a schedule of non-consecutive work weeks or a reduced leave schedule during the 18 weeks following birth of a newborn or placement of an adoptive or foster child. Documentation of medical necessity shall be required for sick leave to provide wage replacement for any FMLA period more than eighteen 18 weeks following the birth of a newborn or placement of an adoptive or foster child.**

Add to Section (p) *Definitions* the following additional definitions in alphabetical order.

***Continuous leave* means one continuous period of leave extending up to the full leave period allowed.**

***Non-consecutive leave* means leave taken in separate blocks of time comprised of at least one full work week.**

***Workweek*, as defined by the United States Department of Labor’s Wage and Hour Division, means a period of 168 hours during 7 consecutive 24-hour periods. The City of Keene workweek is Sunday through Saturday.**

**Sec. 62-611. Insurances. Effective 7/1/2023**

(a) *Medical insurance for non-bargaining unit employees:*

(3) If a regular full-time employee so chooses, the employee may elect, upon receipt by the city of written verification that the benefit is received by some other means, to receive taxable income in the amount of ~~\$1,500.00~~ **\$3,500.00** in lieu of the city health insurance benefit. To qualify for such payment, the election must be such that it will not subject the city to penalty or assessment and is compliant under the Affordable Care Act, Tricare or any other legislative requirements. This amount shall be distributed in a lump sum payment in December for the prior year (December 1 to November 30), or a pro-rated amount shall be distributed to the employee if employment ends or insurance election changes at some point during that time period. If both spouses are employed by the city and covered by the city medical plan benefit, this shall not apply.

(e) *Insurances for qualified part-time employees:*

(1) In accordance with the Affordable Care Act, qualified part-time employees will be offered coverage under the city's group health insurance plan. The cost to each eligible part-time employee electing coverage will be ~~nine~~ **seven** percent of ~~the employee's~~ **the employee's** wages up to a maximum of 40 percent of the premium cost for individual coverage. If

the qualified part-time employee chooses to insure any legal dependents, **the employee** ~~he~~ must pay 100 percent of the dependent coverage in addition to the share of the individual coverage. The premium amount calculated at enrollment will be in effect for the remainder of the plan year unless the employee's pay rate changes, in which case an adjustment may be made accordingly but not to exceed the maximum dollar contribution allowed by law or by applicable federal or state regulation.



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George S. Hansel, Mayor

Sec. 62-501. Family and medical leave. Effective February 16, 2023

Sec. 62-611. Insurances. Effective July 1, 2023



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to the Acceptance and Appropriation of Unanticipated Revenue Resolution R-2023-07**

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**Council Action:**

**In City Council February 16, 2023.**

**Report filed as informational. Voted unanimously for the adoption of Resolution R-2023-07.**

**Recommendation:**

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-07.

**Attachments:**

1. Resolution R-2023-07\_Adopted

**Background:**

City Engineer Don Lussier addressed the Committee next and stated this item is regarding Senate Bill 401 that was passed last year by the State Legislature where 36 million dollars was appropriated to the State for additional bridge aid to municipalities. The City has received \$724,612. Mr. Lussier noted the City of Keene owns the largest numbers of bridges in the State next to the Department of Transportation (DOT). The funds are for the purpose of maintenance, construction or reconstruction of municipally owned bridges.

Mr. Lussier stated the Resolution before the Committee requests acceptance of these funds and provides recommendation of where the funds should be utilized. The first recommendation is for the George Street Bridge construction scheduled for FY24. The funds set aside for this bridge is based on an estimate done by DOT staff in 2009 and did include a factor for inflation. However, based on the cost expended for the Roxbury Street Bridge, this estimate has not kept up with inflation and the estimate seems underfunded. As a result staff is suggesting appropriation of an additional \$175,000 into the George Street Bridge project.

The next item is the Sullivan Road Bridge over Ferry Brook (10 foot span), which is a small bridge and does not meet the State definition of bridges. It was damaged in 2021 during a rain storm. It was included in the State's damage assessment submitted to FEMA for reimbursement which is usually a 25/75 split between the State and City. However, for this emergency it was estimated to be reimbursed at 90%. Hence, staff's recommendation is to appropriate \$125,000 for repair and reconstruction of that bridge. The balance of the funds in the amount of \$424,612 – staff is

recommending this amount be appropriated into the bridge capital reserve for future bridge maintenance.

Attorney Mullins referred to the Sullivan Road Bridge and clarified even though by definition this bridge does not meet the State's definition for a bridge, because it is a municipally owned bridge it would qualify for these funds. Mr. Lussier stated the reconstructed bridge will be more than ten foot span and hence would meet the bridge definition.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-07.

Mr. Lussier stated on February 14 there will be a neighborhood meeting for the George Street Bridge replacement at the Recreation Center at 6 pm.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Acceptance and Appropriation of Unanticipated Revenue

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

WHEREAS, the New Hampshire State Legislature passed and the Governor signed Senate Bill 401 (SB 401) as part of the 2022 legislative session; and,

WHEREAS, SB 401 provides for a total of \$36 Million in payments to municipalities, to be distributed based upon the communities inventory of municipally-owned bridges and percentage of the State’s population; and,

WHEREAS, SB 401 restricts the use of this one-time payment for “maintenance, construction, or reconstruction of municipally owned bridges.”

NOW, THEREFORE, BE IT RESOLVED that the Sum of \$724,612.47 be accepted as a one-time payment from the State of New Hampshire pursuant to Senate Bill 401; and further,

That the Sum of \$175,000.00 be appropriated to the George Street Bridge Replacement Project (75J0032); and further,

That the Sum of \$125,000.00 be appropriated for the repair/replacement of the Sullivan Road Bridge over Ferry Brook (Proj. No. TBD); and further

That the remaining balance of said one-time payment be appropriated to the Bridge Capital Reserve (806K002).

George S. Hansel, Mayor

In City Council February 2, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk

PASSED February 16, 2023



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

**Meeting Date:** February 16, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to the Optional Veterans' Tax Credit *and* Relating to the All Veterans' Tax Credit  
Resolution R-2023-08  
Resolution R-2023-09**

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**Council Action:**

**In City Council February 16, 2023.**

**Report filed as informational. Voted unanimously for the adoption of Resolution R-2023-08 and to repeal Resolution R-2021-27. Voted unanimously for the adoption of Resolution R-2023-09 and to repeal Resolutions R-2018-06.**

**Recommendation:**

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-08.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-09.

**Attachments:**

1. Resolution R-2023-08\_Adopted
2. Resolution R-2023-09\_Adopted

**Background:**

City Assessor Dan Langille stated the two Resolutions deal with veterans credits. Mr. Langille explained a credit is a direct reduction in a tax bill. These Resolution are for \$300 each and a veteran can qualify for one or the other, but not both. Mr. Langille explained the difference. The optional veteran's credit is for veterans who served during wartime. All veterans' tax credit are for veterans who didn't serve during a wartime.

Mr. Langille stated tax credits are reviewed every five years to keep with the Council's fiscal policies. The reason this credit is being reviewed today is because there has been a change in State Law. The change is to the definition. In the past a veteran was someone who has served and has been honorably discharged. The new definition is being expanded to someone who has served a minimum of four years and continues to serve. If the City does not adopt the proposed Resolution the credit would drop down to \$50 and added staff does not recommend that.

Councilor Madison asked about medically discharged veterans before the minimum timeframe of four years. Mr. Langille stated it is four years, but if someone is honorably discharged prior to that, they would qualify.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-08.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-09.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION RELATING TO THE OPTIONAL VETERANS' TAX CREDIT

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

**Whereas,** RSA 72:28, was established for the purpose of allowing Veterans' Tax Credits and

**Whereas,** the City Council wishes to readopt the amount of the Optional Veterans' Tax Credit.

**Now Therefore Be it Resolved** by the Council of the City of Keene that Resolution R-2021-27, adopted June 3, 2021, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the procedure for modification of the Optional Veterans' Tax Credit set forth in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene readopt the Optional Veterans’ Tax Credit of **\$300**” in order to adopt the amended language of RSA 72:28 IV approved by the New Hampshire legislation on May 27, 2022, which now includes members of the armed services of the United States continuing to serve. This act shall take effect as of April 1, 2023.

In City Council February 2, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk



George S. Hansel, Mayor

PASSED February 16, 2023



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION RELATING TO THE ALL VETERANS' TAX CREDIT

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

**Whereas**, RSA 72:28-b was established for the purpose of granting the All Veterans' Tax Credit to veterans who do not qualify for the Veteran Credit (RSA 72:28); and

**Whereas**, the City Council wishes to readopt the amount of the All Veterans' Tax Credit.

**Now Therefore Be it Resolved** by the Council of the City of Keene that Resolution R-2018-06, adopted April 1, 2018, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the procedure for modification of the All Veterans' Tax Credit set forth in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene readopt the All Veterans' Tax Credit of **\$300**” in order to adopt the amended language of RSA 72:28-b IV approved by the New Hampshire legislation on May 27, 2022, which now includes members of the armed services of the United States continuing to serve. This act shall take effect as of April 1, 2023.

In City Council February 2, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

City Clerk

George S. Hansel, Mayor

PASSED February 16, 2023.

City of Keene  
New Hampshire

February 16, 2023

TO: File

FROM: Patricia A. Little, City Clerk

SUBJECT: Collective Bargaining – Keene Police Department Supervisors

At a regular meeting of the Keene City Council held on February 16, 2023, the following action occurred following an adjournment for collective bargaining:

Voted unanimously that the City Manager be authorized to do all things necessary to execute the negotiated contract with Keene Police Department Supervisors, Teamsters Local 603 to be effective July 1, 2022 through June 30, 2026.

Attest:

  
City Clerk

City of Keene  
New Hampshire

February 16, 2023

TO: File

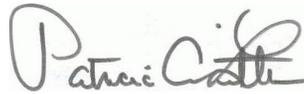
FROM: Patricia A. Little, City Clerk

SUBJECT: Collective Bargaining – AFSCME Council #93, Local 2973

At a regular meeting of the Keene City Council held on February 16, 2023, the following action occurred following an adjournment for collective bargaining:

Voted unanimously that the City Manager be authorized to do all things necessary to execute the negotiated contract with AFSCME Council #93, Local 2973 to be effective July 1, 2022 through June 30, 2025.

Attest:

  
City Clerk