



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 6, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- March 16, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Human Rights Committee
2. Confirmations - Bicycle Pedestrian Path Advisory Committee, Energy and Climate Committee, Planning Board
3. Appointment of ad hoc Charter Amendment Committee
4. Scrivener's Errors in the March 16th Confirmations - Conservation Commission, Partner City Committee

C. COMMUNICATIONS

1. Keene Family YMCA - Request for Road Closure - Summit Road - June 4, 2023
2. Keene SwampBats - Request to Discharge Fireworks - July 3, 2023
3. Pathways for Keene - Request for License - 4 on the 4th Road Race - July 4, 2023
4. Fireworks Restaurant - Request to Serve Alcohol - Sidewalk Cafe

D. REPORTS - COUNCIL COMMITTEES

1. Request for a Tree Removal – Marlboro St. – 310 Marlboro Street, LLC

2. Presentation - Infrastructure Planning and the CIP Process
3. George Street Bridge – Implement Proposed Design
4. Hazard Mitigation Assistance Grant - Updating the Hazard Mitigation Plan
5. Transportation Heritage Trail, Phase 1 – Project Agreement
6. Memorandum of Understanding with Keene Dog Park, Inc.
7. Memorandum of Understanding with Keene Disc Golf Club
8. Opioid Grant Application/ KPD Social Worker

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Resignation - Partner City Committee
2. Resignation - Human Rights Committee
3. 79E Community Revitalization Tax Relief Application for 310 Marlboro Street
4. Invest New Hampshire Municipal Demolition Grant - Building at 160 Water Street

G. REPORTS - BOARDS AND COMMISSIONS

1. Relating to Amendments to the Rural District Minimum Lot Size - Ordinance O-2023-02

H. REPORTS - MORE TIME

1. Proposed Public Art Piece – Historical Society of Cheshire County

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Planning Board Subdivision Regulations Ordinance O-2023-08
2. Relating to Class Allocation & Salary Schedule Ordinance O-2023-09
3. Relating to Personnel Systems & Procedures Ordinance O-2023-10

J. ORDINANCES FOR SECOND READING

1. Relating to Chapter 58 – Parks, Recreation, and City Unimproved Land Ordinance O-2023-04

K. RESOLUTIONS

1. In Appreciation of Susan M. Hansmeier Upon Her Retirement
Resolution R-2023-17
2. Relating to the Appropriation of Funds from the General Fund Unassigned
Fund Balance (Fire Department Staffing)
Resolution R-2023-18
3. Relating to the Acceptance and Appropriation of Unanticipated Highway
Revenue
Resolution R-2023-10

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, March 16, 2023. 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, 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. Randy L. Filiault and Andrew M. Madison were absent. Having declared that a quorum was physically present, Mayor Hansel recognized that Councilor Mitchell H. Greenwald requested to participate remotely due to business travel. Hearing no objections, Mayor Hansel granted the remote participation. Councilor Greenwald noted that he was traveling on a train and there were other passengers in the car. Councilor Lake led the Pledge of Allegiance.

ANNOUNCEMENTS

First, Mayor Hansel and the Council wished a happy birthday to both Councilor Filiault (March 5) and Councilor Chadbourne (March 9). Next, Mayor Hansel said that because of the recent snowstorm, the workshop on the Downtown Infrastructure Improvement and Renovation project was rescheduled to Wednesday, March 29 from 6:00 PM to 8:30 PM in the Council Chamber. At 7:30 PM, the workshop would be open for public comments. Mayor Hansel also announced that on Tuesday, April 4 there would be a special City Council meeting to continue with the evaluation process for the City's Charter employees. This meeting would start at 6:00 PM in the Council Chamber.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the March 2, 2023 regular meeting as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

NOMINATIONS – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE; ENERGY AND CLIMATE COMMITTEE; PLANNING BOARD

Mayor Hansel nominated Samantha Jackson and Autumn DelaCroix to serve as alternate members of the Bicycle/Pedestrian Path Advisory Committee, both with terms to expire December 31, 2025. The Mayor also nominated Rowland Russell to serve as an alternate member of the Energy and Climate Committee, with a term to expire December 31, 2025. Lastly, Mayor Hansel nominated Ryan Clancy to serve as a regular member of the Planning Board, with a term to expire December 31, 2025. Mayor Hansel tabled the nominations until the next regular meeting.

CONFIRMATIONS – CONSERVATION COMMISSION; BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE; PARTNER CITY COMMITTEE

Mayor Hansel nominated Deborah LeBlanc to serve as an alternate member of the Conservation Commission, with a term to expire December 31, 2025. Mayor Hansel also nominated Janelle Sartorio to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee, with a term to expire December 31, 2025. Lastly, the Mayor nominated Gerald Lins to serve as an alternate member of the Partner City Committee, with a term 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 13 Councilors present and voting in favor. Councilors Filaault and Madison were absent.

COMMUNICATIONS – JONATHAN LOVELAND, PE; MARY ARNOTT; AND DEBRA BOWIE – DOWNTOWN INFRASTRUCTURE AND RECONSTRUCTION PROJECT

Two communications were received from Jonathan Loveland, PE, expressing his concerns regarding various aspects of the downtown project, while praising the City’s focus on the infrastructure component of the project. A third communication was received from Mary Arnett, expressing what she would like to be included in the downtown project and what aspects she does not support. A final communication was received from Debra Bowie, asking the City to prepare and publish a written response to questions she raised in her communication regarding the downtown project. Mayor Hansel accepted all four communications as informational and said that Staff would be preparing responses to the questions raised.

COMMUNICATION – CABANA FALLS WINERY – PERMISSION TO SELL ALCOHOL AT FARMER’S MARKET

A communication was received from Cabana Falls Winery, submitting its annual request for permission to sell alcohol at the Keene Farmer’s Market. The Farmer’s Market has indicated their approval to have the winery join other vendors for the season. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

PLD REPORT – FARMER’S MARKET OF KEENE – REQUEST TO USE CITY PROPERTY

A Planning, Licenses, and Development Committee report read, recommending that the Farmers’ Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot from Saturday April 22, 2023 to Saturday, October 28, 2023. Said permission is subject to the following conditions:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- The receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- Access to City electrical shall also be provided at a fee of \$60.00 for the season;

- Obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.

It is further recommended that the Farmer’s Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

PLD REPORT – MEMORANDUM OR UNDERSTANDING WITH CIVIL AIR PATROL

A Planning, Licenses, and Development Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Memorandum of Understanding with the Civil Air Patrol to install communications equipment in the Airport Terminal Building. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

PLD REPORT – USE OF CITY PROPERTY – NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES INSTALLATION OF BEDROCK MONITORING WELL

A Planning, Licenses, and Development Committee report read, recommending that the City Manager be authorized to negotiate and execute a license with the New Hampshire Department of Environmental Services (NHDES) for the installation and maintenance of a bedrock monitoring well on City-owned property (102/ 001/000 000/000) located in the Greater Goose Pond Forest for the purpose of groundwater level monitoring, subject to the City’s standard licensing conditions and other conditions set by City staff. Further, Per Section 94-238 of the City Code of Ordinances, the New Hampshire Department of Environmental Services is authorized to use motorized vehicles on the Class VI portion of Old Gilsum Road for the installation, maintenance, and monitoring of the bedrock monitoring well. Access shall be coordinated with City Staff. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

PLD REPORT – TASTE OF KEENE FOOD FESTIVAL – REQUEST FOR LICENSE

A Planning, Licenses, and Development Committee report read, recommending that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 3, 2023, and reserving a “rain date” of Sunday, June 4, 2023 in the event of

inclement weather, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Railroad Street and Gilbo Avenue, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 2, 2023 to Monday June 5, 2023, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 2, 2023 to Monday June 5, 2023; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

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

Councilor Remy said this event developed from the Mayor's ad hoc committee on the re-opening of the City post-Covid-19, though he said that re-opening was a little early and did not officially happen until one year later. He said that delay allowed for needed extra planning for the festival. This year would be the third annual event. Councilor Remy said the event would have the same footprint as last year, but the whole area is larger than the first year, extending down to Gilbo Avenue. He said the event organizers collaborated with the Art Walk to ensure that events are scheduled with no conflicts. The beer area would be in the same location as last year, but the live music is being moved from that location to Central Square. The chef demonstrations and contests were less successful last year, so those activities have been eliminated this year. Councilor Remy said the event is always in need of sponsors and any interested vendors could email keeneypn@gmail.com to participate. Because this vote was not related to the financial aspects of this event, Councilor Remy would not recuse himself from this vote.

Councilor Jones agreed with Councilor Remy about how this event developed from the Keene Rebound Committee that formed during Covid-19. Councilor Remy served on that Committee. Councilor Jones expressed gratitude for the Keene Young Professionals Network taking the lead on this event. The Councilor said this was how government was supposed to work and he was grateful. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

FOP REPORT – GEORGE STREET BRIDGE REPLACEMENT – PROJECT AGREEMENT AND EASEMENT NEGOTIATION

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 project agreement with the New Hampshire Department of Transportation (NHDOT), as well as temporary access agreements for construction, permanent drainage and maintenance easements from affected property owners, to implement the George Street Bridge Replacement 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 on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

FOP REPORT – MUNICIPAL PRIMARY CHARTER AMENDMENTS

A Finance, Organization, and Personnel Committee report read, recommending that the City Clerk be authorized to investigate the feasibility of amendments to the Charter relative to a primary election. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones clarified that this matter could be on the November 2023, ballot but that the changes would not occur until two years later. The City Clerk and Mayor said that was correct. Mayor Hansel continued stating that the main issue is that if a primary was only required for one City ward, that it is unclear whether the City would still be obligated to have elections in all the other wards.

Councilor Giacomo asked, procedurally, whether a yes vote on this motion was authorizing the City Clerk to look into this issue and report back to the Council, which would then vote to authorize placing this on the November 2023 ballot. The City Clerk replied in the affirmative, noting that she hoped to have the new charter language drafted for the next Council meeting.

The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

ORDINANCE FOR SECOND READING –RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE – ORDINANCE O-2022-19-A

Mayor Hansel brought this agenda item forward from later on the agenda. A Planning, Licenses, and Development Committee report read, recommending that Ordinance O-2022-19-A be referred back to the Joint Committee for further review and recommendation to Council. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo.

A motion by Councilor Bosley was seconded by Councilor Giacomo to amend the motion to carry out the intent of the Committee report to refer Ordinance O-2022-19-A back to the Joint Committee to consider severing from the Ordinance the proposed amendment to add a waiver provision to Article 15: Congregate Living and Social Service Conditional Use Permits.

Mayor Hansel, who serves on the Planning Board, said he was the main voice of opposition to the Planning, Licenses, and Development Committee's preferences on this issue at the Joint Committee. He said this change would take some authority/responsibility away from the City Council. He continued stating that the Planning Board had been working really hard on the Land Development Code, which streamlined processes so that applicants have very efficient experiences. Mayor Hansel said he had changed his mind and would not vote against this at the next Joint Committee hearing. Ultimately, he said it was the City Council's prerogative to sever this amendment.

Councilor Giacomo said the Planning, Licenses, and Development Committee's concern was less about taking power from the Council and more about taking power from the Zoning Board of Adjustment. He said that severing this amendment would remove the requirement for a Conditional Use Permit for this application to be reviewed by the Zoning Board, and leaving the decision to the Planning Board. He referred to a comment from Councilor Ormerod relative to this would remove this from the quasi-judicial committee and give it to the Planning Board. Because the Planning Board would be the body gaining more power and responsibility with this amendment, the Councilor did not expect that many on the Planning Board to vote against this. By severing this amendment, the rest of the Ordinance could be accepted, and more time could be dedicated to this amendment by the Joint Committee.

Councilor Jones hoped the Council would send this amendment back to the Joint Committee. He recalled the Planning, Licenses, and Development Committee's discussion about a bureaucratic three-step process that applicants must go through: the Congregate Living and Social Services Licensing Board, the Zoning Board, and the Planning Board. He said that did not seem right. For this reason, Councilor Jones advocated for sending this amendment back to the Joint Committee.

Councilor Ormerod said that this amendment would have given the judiciary responsibility to a legislative body, and the Planning, Licenses, and Development Committee thought it was best to keep those two powers separate.

On a unanimous roll call vote with 13 Councilors present and voting in favor, the motion to amend carried. Councilors Filiault and Madison were absent. On a unanimous roll call vote with

13 Councilors present and voting in favor, the motion to carry out the intent of the Committee report as amended carried. Councilors Filiault and Madison were absent.

CITY MANAGER COMMENTS

The City Manager began her report on the severe winter storm, which began late in the evening of March 13 with a rain/snow mix. The storm lasted until approximately 7:00 PM on the 14th, for approximately 23 hours. At the most intense period from approximately 8:00 AM to 3:00 PM on Tuesday, snowfall rates were one-to-two inches per hour. Per the National Weather Service, the City received approximately 9.5 inches of snow, with higher amounts in the higher elevations. The snow was wet and heavy, resulting in downed trees/limbs and electrical/telecommunication wires. The City Manager said that at the height of the event, there were approximately 740 (5.5%) Eversource customers in the City without power. The City's Black Brook Water Lift Station and wastewater pump station, Water Treatment Plant, and Chapman Road Water Lift Station and Tank were without power and on backup generators. The City had three streets/roads closed, with another six streets/roads that were impacted, but still passable. The City Manager said that Public Works' initial response began at approximately midnight on March 14 and lasted until 7:00 AM on Wednesday, March 15, or approximately 31 hours. As of the morning of this meeting on March 16, approximately 200 tons of salt had been used for the event, all City sites were back on commercial power, City streets and roads had been re-opened, and approximately 50% of City sidewalks were complete. On March 17–19, the Public Works crews would continue clearing sidewalks and at night, they would be removing snow in the downtown and at City parking facilities. Clean-up during the day would continue within City rights-of-way with significant downed limbs and other debris. Sidewalk snow clearing would be impacted by the amount of tree limbs and other debris. Throughout the week following this meeting, Public Works Staff would be replacing damaged mailboxes and reviewing and documenting areas of plow damage for spring repair. According to the Public Works Department, because of the magnitude of snow atop unfrozen ground, there could be a lot of lawns damaged; anyone with such damage should contact the Public Works Department to document that for spring repair. Residents with damaged mailboxes or plow damage should also contact the Public Works Department Administration at 603-352-6550. While this was a major storm for the City that required a prolonged response from crews, the City Manager said that the communities around Keene received significantly more snow (between 2–3 feet) and many areas are still without power. She said this storm impacted City employees in almost every department. The City Manager was grateful to all employees who made it into work to keep offices open and maintain all city services.

Next, the City Manager reported on Green Up Keene scheduled for Saturday, April 23. She said there would be drive-thru supply pick-up on Saturday rather than the sign-up table at Railroad Square. Pre-registration was encouraged. Volunteers could also arrange for no contact pick-up of garbage bags and disposable gloves through the Public Works Department prior to the event. Public Works would place dumpsters prior to the event and would drive specific routes the following Monday to pick-up trash collected and placed in the blue NH the Beautiful bags. Public Works would post a map of participating groups and areas on the City's website. Anyone interested in helping could take a look at the map and choose a spot or just show-up on Saturday the 22nd.

The City Manager continued reporting that once again, Keene earned recognition as a Tree City. This 2022 recognition was the City's 43rd year as a Tree City. The City Manager extended thanks to the Public Works Department for keeping Keene's Tree City program alive.

Next, the City Manager announced that the City was hiring lifeguards at \$14–\$15 per hour, depending on experience. She asked anyone interested to contact the City.

The City Manager also announced that the City had provided space in the Blastos Room and the Police Department Call Room for the Crisis Intervention Team (CIT) program that would host approximately 30 students, police officers, firefighters, and EMTs from around the State of NH. Six (one sergeant, four police officers, and one dispatcher) of the participants—the maximum allowed—would be from the Keene Police Department and the City hopes to have many more employees attend the 40-hour training in the future. She noted that the Keene Police Department is always hiring and recruiting. The City Manager explained that National Alliance on Mental Illness (NAMI) of NH is presenting this CIT program to law enforcement and first responders as a part of a three-year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA).

The City Manager concluded her report on the Community Power Program. As discussed in the City's press release and social media posts (which reached more than 7,000 people), the City's rates are a 25% savings on the entire bill (supply and delivery). The savings on the electricity supply is even greater at 11.47 cents per kilowatt-hour (kWh) for the default rate versus Eversource's current supply rate, which is 20.22 cents per kWh, for a savings of over 40%. The City Manager explained that Eversource's supply rate would change again starting August 1, 2023, but that rate was not known yet. The City Manager recalled that early on, the City was approached to join a larger coalition (The Community Power Coalition of NH). She said the City decided to move forward on its own for a few different reasons. First, there was risk associated with joining the Coalition. Second, the City desired to maintain maximum flexibility to meet the community's needs. The City Manager said this proved to be the wise decision. She said the Coalition had just announced their first rates for 10 communities at a rate of 15.80 cents per kWh versus the City's basic option of 11.10 cents per kWh or default option of 11.47 cents per kWh, which adds 10% voluntary renewable energy. The City Manager expressed her excitement about this news, which is one way the City is working toward the Council's aggressive energy goals. Since the announcement, she said other communities had reached out, asking to join us in the future. The City Manager continued explaining that the City executed a 30-month agreement, that notices would be going out to the community soon, that there would be a 30-day opt out period, which would also allow for selecting a more green option or the basic option. The City Manager concluded noting that this project was a few years in the making and that the City should celebrate this success, which would make a real difference in the budget of every energy user in the community. The City Manager offered kudos to the Mayor and City Council for their leadership on the City's aggressive energy goals. The City Manager also recognized the work of the Community Development Department and specifically, Mari Brunner, Senior Planner. She also thanked the City Attorney, Tom Mullins, for his early morning/late night attention on bid day.

Councilor Giacomo said that the community power increased renewable option available is 100% renewable energy, which is the City's goal. So, he said that if anyone in the community has the room in their budget for this option, he encouraged them to select the option because there would be a lot of people in the community who could not do that, which would reduce the 10% down to the base rate of 23% or 25%. He said that having people sign-up for the 100% renewable option would be the only way the City could achieve being 100% off the grid.

Councilor Bosley asked what people who have selected alternative energy suppliers to combat the current electricity rates should do and what the 100% renewable rate is. Mayor Hansel said it was important to note that if someone had picked their own energy supplier, this would not affect them. Mayor Hansel noted that he has 100% renewable at his home for a low rate and anyone else who has done similarly would remain with their current program. He said that for people taking a more passive approach, who are getting stuck with what the utility company demands, this community power program guarantees that someone local is helping to ensure that community members get a good rate. Councilor Bosley said, as an example, that some of those direct energy rates are higher than what the City can offer through the Community Power Program, so she asked if people must opt in. The City Manager and Mayor said yes. The City Manager continued that if someone has signed a long-term energy agreement and there is no penalty for ending that contract, community members would have to opt into the Community Power Program. The City Manager added that the 100% local green option would be 13.90 cents per kWh.

ORDINANCE FOR FIRST READING – RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE – ORDINANCE O-2023-06

A memorandum read from Evan Clements, Planner, recommending that Ordinance O-2023-06 be referred to the Joint Committee of the Planning Board and the Planning, Licenses, and Development Committee for a public workshop. Mayor Hansel referred Ordinance O-2023-06 to the Joint Planning Board and Planning, Licenses, and Development Committee.

ORDINANCE FOR FIRST READING – RELATING TO THE SALE, POSSESSION, AND DISPLAY OF FIREWORKS –ORDINANCE O-2023-07

A memorandum read from the Fire Chief, Donald Farquhar, recommending that Ordinance O-2023-07 Relating to the Sale, Possession, and Display of Fireworks be referred to the Planning, Licenses, and Development Committee for their consideration and recommendation back to the full City Council. Mayor Hansel referred Ordinance O-2023-07 to the Planning, Licenses, and Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO THE LIBRARY BOARD OF TRUSTEES –ORDINANCE O-2023-05

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Ordinance O-2023-05. A motion by Councilor Powers to adopt Ordinance O-2023-05 was duly

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seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

RELATING TO THE ACCEPTANCE AND APPROPRIATION OF UNANTICIPATED HIGHWAY REVENUE – RESOLUTION R-2023-10

A memorandum read from the City Engineer, Don Lussier, recommending that Resolution R-2023-10 be referred to the Finance, Organization, and Personnel Committee for deliberation and a recommendation back to the Council. Mayor Hansel referred Resolution R-2023-10 to the Finance, Organization, and Personnel Committee.

RETIREMENT RESOLUTIONS – IN APPRECIATION OF CHRISTOPHER BATCHELDER; IN APPRECIATION OF MICHAEL JOSEPH AMATO; AND IN APPRECIATION OF ALBERT O. FISKE – RESOLUTIONS R-2023-01; R-2023-11; AND R-2023-12

A memorandum read from the Assistant City Manager/HR Director, Elizabeth Fox, recommending that Resolutions R-2023-01, R-2023-11, and R-2023-12 be adopted by the City Council. A motion by Councilor Powers to adopt Resolution R-2023-01 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. A motion by Councilor Powers to adopt Resolution R-2023-11 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. A motion by Councilor Powers to adopt Resolution R-2023-12 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

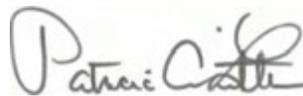
ADJOURNMENT FOR COLLECTIVE BARGAINING STRATEGY OR NEGOTIATIONS

There being no further business, Mayor Hansel adjourned the meeting for collective bargaining strategy or negotiations at 8:05 PM.

KEENE PROFESSIONAL FIREFIGHTERS AND KEENE FIRE SUPERVISORS EMPLOYMENT CONTRACTS

The following by Councilor Powers to authorize the City Manager to do all things necessary to execute the negotiated contracts and a Memorandum of Understanding (MOU) with Professional Firefighters of Keene and Keene Fire Supervisors to be effective July 1, 2022 through June 30, 2026 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Madison were absent.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through:
Subject: **Nominations - Human Rights Committee**

Council Action:

**In City Council April 6, 2023.
Nominations tabled until the next regular meeting.**

Recommendation:

I hereby appoint the following individuals to serve on the designated Board or Commission:

Human Rights Committee

Gina Burke, alternate - slot 12
249 Pako Avenue

Term to expire Dec. 31, 2025

Jennifer Nescimento, alternate - slot 13
27 Ivy Drive, #225

Term to expire Dec. 31, 2025

Attachments:

1. Nascimento, Jennifer_Redacted
2. Burke, Gina_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Wednesday, March 8, 2023 9:56:40 AM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, March 8, 2023 7:46 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@ci.keene.nh.us>; Terri Hood <thood@ci.keene.nh.us>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 03/08/2023 - 07:46</p>

<p>Submitted values are:</p>

First Name:

Jennifer

Last Name:

Nascimento

Address

27 Ivy Dr. #225
Keene, NH 03431

How long have you resided in Keene?

1 year in July

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

N/A

Occupation:

In School/ single parent

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.

Bicycle/Pedestrian Path Advisory Committee, 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:

Joshua Goldstein

[REDACTED]
[REDACTED]

References #2:

Angelyn Erinna

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Friday, March 3, 2023 2:06:21 PM

Copy and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Friday, March 3, 2023 9:05 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@ci.keene.nh.us>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 03/03/2023 - 09:05</p>

<p>Submitted values are:</p>

First Name:

Gina

Last Name:

Burke

Address

249 Pako Ave
Keene, NH 03431

How long have you resided in Keene?

14 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Red River

Occupation:

Corporate & Community Engagement

Retired

No

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

Monadnock Alliance of Trauma and Transformation
Advisory Council- Cedarcrest

Board Member- The Community Kitchen

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

I am about to complete my Masters at Merrimack College in Community Engagement. This degree is rooted in social justice with a strong focus on DEI. I am interested in continuing my education and supporting my community and local businesses in this effort.

Please provide 2 personal references:

Kim Vacca

[REDACTED]
[REDACTED]

References #2:

Heather Lessard

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through:
Subject: **Confirmations - Bicycle Pedestrian Path Advisory Committee, Energy and Climate Committee, Planning Board**

Council Action:

In City Council April 6, 2023.

Voted unanimously to confirm the nominations.

In City Council March 16, 2023.

Nominations tabled until the next regular meeting.

Recommendation:

Attachments:

1. Jackson, Samantha_Redacted
2. DelaCroix, Autumn_Redacted
3. Russell, Rowland_Redacted
4. Clancy, Ryan_Redacted

Background:

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

Bicycle Pedestrian Path Advisory Committee

Samantha Jackson, alternate - slot 11
618 Court Street

Term to expire Dec. 31, 2025

Autumn DelaCroix, alternate - slot 12
618 Court Street

Term to expire Dec. 31, 2025

Energy and Climate Committee

Rowland Russell, alternate - slot 14
77 High Street

Term to expire Dec. 31, 2025

Planning Board

Ryan Clancy, slot 3

Term to expire Dec. 31, 2025

51 Dover Street

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission - Samantha Jackson
Date: Thursday, March 9, 2023 11:03:40 AM

Save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, January 12, 2023 4:34 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 01/12/2023 - 16:34</p>

<p>Submitted values are:</p>

First Name:

Samantha

Last Name:

Jackson

Address

618 Court Street

How long have you resided in Keene?

11 Years

Email:

[REDACTED]

[REDACTED]

[REDACTED]

Employer:

Fire Dog Breads

Occupation:

Baker

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.

Bicycle/Pedestrian Path Advisory Committee

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

The Bicycle/Pedestrian Path Advisory Committee

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

I am a commuting cyclist, and I rely on my bicycle to go just about anywhere in Keene. I use it to go to work, pick up groceries, visit friends and family, and I've even used the work bike to deliver bread to the Monadnock Food Co-op and Granita. To get my family more involved and more active, we started a small group on "Love to Ride," a website that tracks bike trips, CO2 reduction (very approximate as this is normally a fairly complicated equation), and miles traveled as well as offers online bicycle safety courses and articles. As a regular bicycle commuter, I have first-hand experience of the pros and cons of cycling across different regions of the city. I also have a strong interest in the ways we can use infrastructure to move people efficiently while also utilizing traffic calming and safety measures to great effect.

Suggest other public bodies of interest

The Agricultural Commission (though it looks like they haven' t seen activity in a while)

The Energy and Climate Committee

The Human Rights Committee

Please provide 2 personal references:

Sam Temple

firedogbreads@gmail.com

References #2:

Autumn DelaCroix

[Redacted]
[Redacted]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Thursday, March 9, 2023 9:36:33 AM

Save and redact, please.

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, February 14, 2023 3:46 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 02/14/2023 - 15:46</p>

<p>Submitted values are:</p>

First Name:

Autumn

Last Name:

DelaCroix

Address

618 Court St.

How long have you resided in Keene?

11 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

United Natural Foods Inc.

Occupation:

Forecaster

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.

Bicycle/Pedestrian Path Advisory Committee

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

BPPAC

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

I have served on other public outreach groups and organizations. I had worked previously extensively with mentors and violence prevention at Keene State college participating in programs that sought to improve the situation on campus as well as peer outreach to the athletic teams. I also have experience with DeMolay which results in useful public interaction, recruitment, and fundraising.

Suggest other public bodies of interest

I have yet to sit in on a meeting with the Human Rights Committee, but would appreciate doing so. I think I could be a good fit for that in the future, but at this time I am laser focused on BPAC.

Please provide 2 personal references:

Katelin Sukhram

[Redacted]
[Redacted]

References #2:

Forrest Seymour

[Redacted]
[Redacted]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Wednesday, March 1, 2023 12:40:52 PM

[Save and redact](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, March 1, 2023 12:17 PM
To: Helen Mattson <hmattson@ci.keene.nh.us>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 03/01/2023 - 12:16</p>

<p>Submitted values are:</p>

First Name:

Rowland

Last Name:

Russell

Address

77 High St., Apt. B

How long have you resided in Keene?

25 tyears

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Antioch University

Occupation:

IT Special Projects/Adjunct Faculty

Retired

No

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

Historical Society of Cheshire County (board of trustees); Friends of Public Art (board); Monadnock View Community Garden (volunteer/coordination); City of Keene Bicycle & Pedestrian Path Advisory Committee (member)

Have you ever served on a public body before?

Yes

Please select the Boards or Commissions you would be most interested in serving on.
Energy and Climate Committee

Please let us know the Board or Commission that you are most interested in serving on.
Energy and Climate Committee

Optional - Please select your second choice of which Board or Commission you would like to serve on.
already on another committee

Optional - Please select your third choice of which Board or Commission you would like to serve on.
already on another committee

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

Vis-a-vis the Energy & Climate Committee: I have a PhD in Environmental Studies from Antioch, with part of my dissertation focusing on climate change. I've also taught as an adjunct and advised internship students in Antioch's Environmental Studies Department. My volunteer coordination at the Monadnock View Community Garden and our 'Giving Garden' (which grows produce we donate to The Community Kitchen) has given me a hands on connection to addressing local food security issues (one of the goals of the Climate Change Adaption Plan adopted by the City in 2007. I am well positioned in the environmental/food advocacy community to help bring together diverse perspective to help future planning in this area.

Suggest other public bodies of interest

I was on the Walldogs Executive Committee that helped plan and execute the mural festival in 2019. I continue to support and enhance this kind of work through my board roles with the Historical Society and Friends of Public Art.

Please provide 2 personal references:

Rachel Brice

[REDACTED]

References #2:

Carolyn Sweet

[REDACTED]

From: [Heather Fitz-Simon](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, February 7, 2023 4:27:56 PM

From: Patty Little <plittle@keenenh.gov>
Sent: Monday, February 6, 2023 11:29 AM
To: Heather Fitz-Simon <hfitzsimon@keenenh.gov>
Subject: FW: Inteested in serving on a City Board or Commission

[Save and redact](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Friday, February 3, 2023 9:52 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 02/03/2023 - 21:52</p>

<p>Submitted values are:</p>

First Name:

Ryan

Last Name:

Clancy

Address

51 Dover Street

How long have you resided in Keene?

6 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Little Zoe's Pizza

Occupation:

Pizza Expert

Retired

No

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

Have you ever served on a public body before?
Yes

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

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

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

As someone who is starting a family, fixing up our house in East Keene, and working on starting up my own business I see the greatness Keene is and the potential the city has to boost its economic sector, housing sector, as well as our relationship with the environment around us. With the looming downtown infrastructure project upon us along with the other projects and opportunities we face as a city I bring an open mind wanting to hear every view and angle of the task/project at hand. With over a decade of working in the non-profit and hospitality sectors, to being a young homeowner starting a family, and on the journey to starting my own business in Keene I look to bring a perspective to the board that might not always be heard sometimes. Talking with peers my age there is a lack of interest or unknowingness of how our community functions. I hope my involvement on the board will help arbitrate the next generation of Keene leaders to be involved in the development of it.

Please provide 2 personal references:
Katie Folts

[REDACTED]

References #2:
Melanie Foster
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.3.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through:
Subject: **Appointment of ad hoc Charter Amendment Committee**

Council Action:

In City Council April 6, 2023.

Voted unanimously to confirm the appointments as presented.

Recommendation:

I hereby appoint the Finance, Organization and Personnel Committee as the ad hoc Charter Amendment Committee with the charge of reviewing Section 11 "Primaries" of the Keene City Charter in response to concerns from the City Clerk relative to the provisions of this Section.

Attachments:

None

Background:

The current language of Section 11 does not address a situation when there is no contest for the (city-wide) offices of Mayor or Councilor-at-Large - but there is a contest for the office of Ward Councilor in a single ward. Although Keene has not faced this situation since the current charter language was amended in 2011; it is important that the language be clarified to provide the necessary direction to the City Clerk if the situation were ever to arise.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.4.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: **Scrivener's Errors in the March 16th Confirmations - Conservation Commission, Partner City Committee**

Council Action:
In City Council April 6, 2023.
Memorandum accepted and filed as informational.

Recommendation:
File as informational

Attachments:
None

Background:
When updating the official roster of Board memberships from the March 16th City Council meeting, I noticed that I had mistakenly assigned an expiration date of December 31, 2025, to Deborah LeBlanc's term. Deborah is serving out an unexpired term that ends December 31, 2023.

In addition, I incorrectly showed the nomination of Gerald Lins to the Partner City Committee as being an alternate position. There is a current vacancy on the Committee with a term that expires Dec. 31, 2025. I have moved Mr. Lins to this regular membership slot.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Kelly Fleurette - Senior Program Director
Through: Patricia Little, City Clerk
Subject: **Keene Family YMCA - Request for Road Closure - Summit Road - June 4, 2023**

Council Action:

In City Council April 6, 2023.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_YMCA Triathlon

Background:

The Keene Family YMCA is requesting the full closure of Summit Road on Sunday, June 4, 2023, from 8 am to 12 pm for a Youth Triathlon Race.



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

the KEENE FAMILY YMCA

March 26, 2023

To Whom it may concern,

The Keene Family YMCA is requesting a full road closure of Summit Road in Keene NH on Sunday June 4, 2023 from 8:00am-12:00pm for a Youth Triathlon Race. The closure will start just past the Y entrance to the end of the road. We will be using Summit Road as a loop (up and Back) for the bike portion of the race and the remaining race will take place on the YMCA property.

We will work with the City Protocol team to use city barriers to close off Summit Road just after the Y entrance and Summit Ridge off Summit Road. We will work with the police department regarding a police detail for the hours they are racing (9-1030am). We will have about 30 volunteers assisting as course marshals.

The YMCA will communicate with our neighbors regarding the road closure and will have volunteers ready to assist with cars to and from their homes as needed.

Kelly Fleurette
Senior Program Director
Keene Family YMCA
200 Summit Rd
Keene, NH 03431

kfleurette@keene-ymca.org
603-283-5240



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Kevin Watterson - Keene SwampBats President
Through: Patricia Little, City Clerk
Subject: Keene SwampBats - Request to Discharge Fireworks - July 3, 2023

Council Action:

In City Council April 6, 2023.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Keene SwampBats

Background:

Annual request for the Independence Eve Fireworks display at Alumni Field, occurring immediately after the Swampbats game scheduled for that evening.



January 18, 2023

Keene City Council

Mayor Hansel

Dear City Councilors and Mayor Hansel,

The Keene SwampBats request your approval to host a Class B fireworks display on Monday July 3rd 2023. This event is part of Keene's Annual Fireworks Celebration, also known as Independence Eve.

The fireworks will take place at Alumni Field on Arch Street, immediately following the regularly scheduled SwampBats game. The fireworks display will begin at approximately 9:45pm. We will supply a Letter of Approval from the SAU29 and an insurance rider naming the City of Keene as a co-insured.

Thank you in advance for your consideration.

Respectfully,

Kevin D. Watterson, President

Keene SwampBats



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Sarah Greene - Pathways for Keene President
Through: Patricia Little, City Clerk
Subject: Pathways for Keene - Request for License - 4 on the 4th Road Race - July 4, 2023

Council Action:

In City Council April 6, 2023.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Pathways for Keene

Background:

Pathways for Keene is requesting license approval to conduct the 21st annual 4 on the 4th Road Race on July 4, 2023.

Pathways for Keene, Inc
P. O. Box 226
Keene, New Hampshire 03431

Mayor George Hansel
Keene City Council
City Of Keene
3 Washington Street
Keene, New Hampshire 03431

To the Honorable Mayor Hansel and City Councilors,

Pathways for Keene requests a license to hold our 21st Annual 4 on the 4th Road Race on July 4, 2023. The course will be the same as in previous years with walkers beginning at 7:30AM and the runners leaving at 8:00AM. It is a fun morning for all. The money raised returns to the City's trail system, and this year to the Cheshire Transportation Trail and work towards the installation of the Prowse Bridge over Route #101.

Thank you for your consideration.

Sincerely

A handwritten signature in cursive script that reads "Sarah Greene". The signature is written in black ink and is positioned above the printed name and title.

Sarah Greene
President



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Adam Berube - Owner
Through: Patricia Little, City Clerk
Subject: **Fireworks Restaurant - Request to Serve Alcohol - Sidewalk Cafe**

Council Action:

In City Council April 6, 2023.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Fireworks Restaurant

Background:

Mr. Berube, the new owner of Fireworks Restaurant, is requesting permission to serve alcohol at their Sidewalk Cafe.

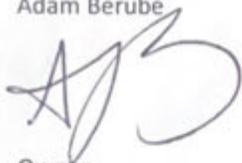
April 4, 2023

To whom it may concern,

I am writing today to request permission to serve alcohol to our guests on our sidewalk patio.

Thank you,

Adam Berube

A handwritten signature in black ink, appearing to be 'AB', written over a faint, illegible stamp or watermark.

Owner
Fireworks Restaurant



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Request for a Tree Removal – Marlboro St. – 310 Marlboro Street, LLC

Council Action:

In City Council April 6, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends granting the request of Randall Walter to remove the tree in front of 310 Marlboro St. at the expense of the requestor.

Attachments:

None

Background:

Chair Greenwald asked to hear from the Petitioner.

Randall Walter of 310 Marlboro St. stated that he is before the MSFI Committee to clear up a matter in regard to a tree, which is depicted on the screen. He continued that the tree is in the centerline of a new, proposed curb cut that was approved by the Planning Board and Zoning Board of Adjustment last fall, and deemed safer and more efficient for everything on the 310 Marlboro St. site.

Mr. Walter continued that his background with trees is well established. He worked long and hard a couple years ago to preserve a tree on Roxbury St. that was slated for cutting as part of the bridge project. Thanks to City staff, they were able to save that tree. Wanting to take down a tree is not a casual occurrence, but as you can see in the drawings, in this case it is necessary. He/310 Marlboro St. intends to replace it with a tree in the location of the curb cut that they are abandoning. This tree is not healthy. It is the smallest of the trees on the property. The center stem indicates some decay, which may or may not travel down the trunk. That might explain why it is smaller than the other trees.

Mr. Walter continued that a site plan is in the agenda packet. The site plan last fall was developed with aerial topography and the property lines indicated that this tree was on 310 Marlboro St.'s property. In fact, it is not. Therefore, it was not discussed last year because it was anticipated that this tree was on 310 Marlboro St., when in fact, it is in the City's right-of-way. They have now had a proper survey done and submit that with their building plans, and that is when City staff noticed that

the tree is not on 310 Marlboro St.'s property. The site plan also shows the new layout. It is unavoidable to remove this tree, because it is on the centerline of the new right-of-way.

Chair Greenwald asked if there were any questions from the Committee.

Councilor Williams stated that he noticed in the application that Mr. Walter plans to replace the tree with a pin oak, which he has concerns about, as it is not a tree native to this area. He continued that it is native to Indiana and Ohio. Other trees could go there, such as red oak, sugar maple, hackberry, scarlet oak, and hophornbeam. These are some trees he heard from Michele Chalice, an expert on such matters. Several street trees might be better options than a pin oak. He asked what Mr. Walter's thoughts are.

Mr. Walter replied that he followed the City staff's recommendation regarding that species selection. He continued that 310 Marlboro St. would prefer a tree of a species consistent with the others, which is the sugar maple, but the City does not want that. They are completely open to other species. Pin oaks are very stable trees, which is certainly suitable. He does not have a strong opinion one way or the other; they are simply following staff recommendations. The list he was given, of species the City likes to see planted, was considerably shorter than the (list Councilor Williams gave).

Don Lussier, City Engineer, stated that staff has reviewed this as part of the site plan approval process. He continued that staff has no objection to removing this tree, given that the applicant has already stated his intention to replace it with a street tree. In terms of the specific species, the Transportation and Stormwater Manager (formerly known as Highway Superintendent) has a list of pre-approved species of street trees that considers the size of the mature tree, and growth patterns in terms of whether the roots tend to heave sidewalks and that sort of thing. This is far outside his (Mr. Lussier's) comfort zone, so he defers to the Transportation and Stormwater Manager. If other species are more appropriate, staff can certainly look at that, and he is sure the Petitioner would be happy to put in whatever species they are looking for. He confirmed that the maple present today is not considered a desirable species, although he is not sure why; maybe it has to do with mature size or the propensity to heave sidewalks.

Chair Greenwald asked if it is appropriate to let City staff and the Petitioner decide what kind of tree is going in, so long as the tree is going in. Councilor Williams replied that that is fine with him, noting that he has a strong preference for a native tree, and in that space a sugar maple would be appropriate.

Chair Greenwald asked for public input.

Michele Chalice of 25 Beech St. stated that she is a former licensed landscape architect and currently an environmentally-friendly landscape designer, and she encourages the City to give consideration to native species. She continued that the reason for not wanting to put in an additional maple is that the area is experiencing an increased number of diseases, and they do not want to have all of the street trees be of a limited type because when a disease happens, they lose hundreds of trees. This has been happening with the autumn purple ash. Having greater diversity in the street trees, instead of having all one species, stacks the odds in their favor so they do not lose as many trees when a new disease comes up. In addition, native species are most adapted to the unique local weather circumstances, so it is their best investment in terms of return for money spent.

Councilor Workman said she wants to thank the Petitioner for his foresight in adding a tree even though they are taking one down. She continued that every time she sees the site plans for this space, she is excited. She cannot wait to see the final product, and thinks 310 Marlboro St. is doing

a great job revitalizing Marlboro St.

Councilor Roberts stated that he supports putting in a different species because downtown, they put in the same trees, of the exact same age, and it looks nice, but there is a good chance the trees will all die together at the same time. He continued that, as Ms. Chalice said, it is important to have trees of different species and different ages so they can continue to have the trees.

Mr. Walter stated that it does not seem like this topic is relevant to him. He continued that he/310 Marlboro St. picked from a list of recommended species. If the broader group does not like the list, he suggests they solve that issue somewhere else, and future applicants can just pick from it. He does not think this has to be a maple, and he agrees with diversity in species, but this (conversation tonight) is a bit painful because he and his team picked from the list (that City staff gave them). He and his team are experienced professionals who know what they are doing, and if they are permitted to remove this tree and plant another one, the process should have a more direct list of preferred species. Or, the letter should just say, “[City staff] will pick from the list.” He assumes they would decide based on market pricing.

Councilor Williams stated that he thinks what they have learned tonight is that the list needs to be revised. He continued that thus, Mr. Walter coming here is helpful in the sense that now they know that the list is a problem and can look at it, and he appreciates that. To reiterate what Councilor Workman said, he is very happy with what Mr. Walter is doing at 310 Marlboro St. and is very excited to see a whole lot of housing going into that space.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends granting the request of Randall Walter to remove the tree in front of 310 Marlboro St. at the expense of the requestor.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Presentation - Infrastructure Planning and the CIP Process**

Council Action:

**In City Council April 6, 2023.
Report filed as informational.**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the Infrastructure Planning and the CIP Process presentation be accepted as informational.

Attachments:

None

Background:

Chair Greenwald stated that they will hear from the City Engineer about infrastructure planning and the CIP process. He continued that to give a bit of background, originally when he suggested this idea, it was at the beginning of the discussion regarding the Main St. project and how that got into the CIP. He thought it was appropriate, as they were getting into the discussion of the Main St. project, to talk about how they begin it. The process on the downtown project is different, but nonetheless, he thinks it is worthwhile to spend some time discussing what the Capital Improvement Program (CIP) is about. Typically, this is a Finance, Organization, and Personnel Committee issue, but the value for the public is worth spending the time (in an MSFI Committee meeting).

Mr. Lussier stated that he is excited to talk with them tonight about the “sausage-making” of developing the CIP. He continued that regarding asset management planning, step one is inventorying what the City has, and the condition of it. The inventory is maintained through the GIS system. The condition comes from a few different spots. Much of the information staff uses in developing the CIP has to do with the condition of the assets. A lot of that comes from City staff doing normal maintenance activities. For example, the Water/Sewer crew flushes the water mains bi-annually, which includes operating all of the valves and touching all the hydrants. If the crew finds problems with those assets, they make note of it, and it goes into the data management system, going on the radar for future improvement. They also do sewer video inspections, periodically and routinely, or in response to a problem. The Highway crew does bridge inspections twice a year. They do a quick check in the fall to make sure there is no debris (branches, trees, and so on and so forth) hung up on the bridge with the potential to cause ice dams. In the spring or early summer, they do a more comprehensive inspection of the bridges, identifying issues that might need

more attention. When they flag those issues, Engineering looks to see if they are issues staff can address in-house, or if they are something they need to put on the radar for a contract. Another example is that Engineering inspects the dams based on regulatory compliance. Since the three-mile reservoir was built by the Army Corps, they must inspect it four times a year, which Mr. Rusnock does. Other dams are inspected annually. Those are all examples of data generated by City staff, which goes into the asset management software so they can query that system for which assets need more maintenance than others, which are showing distress or poor condition, and so on and so forth.

Mr. Lussier continued that another data source is all of the reports, studies, and documentation prepared by the City's consultants. They tend to be long-lived reports. For example, the Water Infrastructure Plan and Wastewater Infrastructure Plan are still being used as sources of projects for the future. For example, right now in the CIP, Hastings Ave. is proposed to be upgraded from its current size of 8 inches to a 12-inch main, because a Water Infrastructure Plan recommendation was to increase that size to provide better fire flow in the western side of the city. These holistic and comprehensive reports tend to be a source of ideas and needs for the long term. Decades (after they were issued), staff is still working off those recommendations.

Mr. Lussier continued that last but not least, (information comes from) Keene's residents themselves. He showed a screenshot of the "See-Click-Fix" logo, and continued that as of this morning, just over 900 resident complaints or reports have been addressed by City staff because of citizens and residents telling them what was needed. He is excited about and proud of how "See-Click-Fix" has been a great tool for the City. They also get information from phone calls to the City Manager's Office, Public Works, emails people send, and so on and so forth. Many eyes and ears on the street let them know what is going on.

Mr. Lussier continued that all of the data staff collects goes into the asset management software, and staff begins to pull that information back out. Essentially, they are looking at the history of assets' maintenance needs and conditions to figure out what assets need what improvements over the next one to seven years, which is the planning horizon for the CIP. They are trying to prioritize work on these assets so the assets can continue to meet the community's expectations for the level of service. They will not be able to keep the roads at perfect condition, because that would be too expensive. They know they will not replace 100 miles of water main in a short period of time, because that is a huge expense. However, they can try to prioritize the most critical water mains to get done when they need to get done, so they do not create problems for the community such as not being able to deliver water in an emergency.

Mr. Lussier stated that that is how staff comes up with ideas and prioritizes the work that needs to be done. Now he will get a bit more granular and look at a case study of how a project is developed and evolves over time. Typically, an identified need is the impetus for the bigger infrastructure projects, such as Washington St. and Court St. Using the downtown project as the case study, what drove that project in the first instance was stormwater. The first demonstrated need for work on the stormwater system in Central Square, or at least the first reference he found, came from the 2008 plans for Court St. When staff was developing the plans for that project, the designer said, *"We know we need to upsize these drain pipes in order to accommodate the storms we are getting these days, but we also know that downstream of this project's limits, there are other constrictions in the site that you are going to need to address."* The City had a Drainage Master Plan prepared in 2012, in response to some specific flooding issues. They were looking system-wide to determine which areas needed to be addressed to mitigate some of the repetitive floodings in different neighborhoods. That report mentioned the constriction on Central Square down Roxbury St. as being one of the areas that were causing repetitive flooding along Court St. In 2013, as part of a contract for cleaning and video inspection of drain lines, they cleaned the drain line that crosses Central Square. Mr. Lussier

showed a photo, stating that it shows the partial collapse of the 15-inch clay line, which was actively failing. That got the staff's attention, and they realized this needed to get into the CIP.

Mr. Lussier continued that staff develops the CIP about nine months before its start date, and the date on it is 12 months before that. Thus, they were developing the FY16 CIP in the fall of 2014. In 2013, they got the inspection report with that photo of the actively failing pipe, and in the fall of 2014, they added it to the CIP. In February 2015, the committees reviewed it, and it became an active CIP in July 2015. In FY16, they added it to the program. At the time, it was scheduled for 2019. That same CIP also included another program, another request, to do an initial Downtown Revitalization study. It was a smaller program, \$75,000, to do community engagement/outreach, asking the community what they want to see changed and what needs to be improved downtown while the City is doing the anticipated utility work. The drainage was the initial need that made staff focus on this area, but while they plan to work in a particular area, the staff looks to see what other work needs to be done. The Council had once adopted a "dig once" policy, which staff still tries to follow to the maximum extent possible, so that if they are going to be disturbing a neighborhood or tearing up the streets, they do not want to keep coming back to the same area, so they try to do work comprehensively. That is part of the evolution of the CIP.

Mr. Lussier continued that in the first year, it just included the drain line. In 2018, they rescheduled the drainage improvements to coincide with what they thought, at the time, would be some streetscape improvements. That same year, they also added funds into the program to do the streetscape improvements, such as sidewalk widening and landscaping features. Those were scheduled for FY22 or FY23. The following year, they looked at the other utility systems and added funds to replace some undersized water mains. As part of that, there was a proposal to do some structural lining of water mains. In 2017, they experimented with structural water main lining, an epoxy spray applied to the inside of a pipe. They hoped it would solve some of the structural issues with water mains. Applying a cement lining, which they have done for years, does not really address those structural concerns, but would be a lot less expensive than replacing the water mains. The experiment was successful but did not save much money, compared to replacement, and was very disruptive for customers. There was a 24-hour shutdown with no water, followed by a "boil water" notice because they turned the water back on without having the normal bacterial disinfection results. Staff was not impressed, and decided not to move forward with (the structural lining).

Mr. Lussier continued that although that was in FY19, that was included in the CIP as a proposal for structural lining, and later that would be revised. That same year, they added sewer replacement and upgrades, as required in the CIP. They said, "*We don't know yet what sewer replacements are going to be required, but we expect we will do some as part of this utility project.*" That was also the first year they introduced the traffic signal program. They timed the signal replacement in Central Square to coincide with the planned utility work.

Mr. Lussier continued that for the FY21 CIP, they updated the flood control cost estimate. They looked closely at the scope, added some work on Main St., and updated the cost estimates based on what they were seeing for bid pricing at that time. By this time, the scope of the sewer main had been defined, and having a better definition and scope for that work gave a better cost estimate. This was also when staff realized that the structural water main lining was not going to be the silver bullet they had hoped. Thus, the work scheduled for a water main lining became a water main replacement, and the cost of the water main work went up a little.

Mr. Lussier continued that at this point, also, the Arts & Culture Corridor proposal was introduced. In the 2021-2027 CIP, the Department added a budget for work on Gilbo Ave., to replace and repair utilities before this proposed Arts & Culture Corridor got developed. That Arts & Culture Corridor has fallen by the wayside, but the utility work needed under Gilbo Ave. is still relevant and has been

folded into the downtown project. From Main St. to St. James Place, that scope of work for water, sewer, and drainage is part of what they are now considering the downtown project.

Mr. Lussier continued that finally, with the CIP they are currently working off, 2023 to 2029, that Gilbo Ave. scope was merged into the downtown project. They also added some scope on Church St. Lamson St. was part of it originally, but Church St. was new. As they get closer, they want to make sure their numbers are right, so all of the cost estimates for the water, sewer, and drainage were updated based on the bid prices they were getting in the spring of 2022. Those numbers were used to adjust the pricing, and some of the pricing went up as a result. There was additional inflation in 2022 and 2023, but, the pricing was updated at that time.

He continued that that brings them to what everyone now knows as the Downtown Utility Improvement and Reconstruction Project. That is how the utilities have evolved over the course of the last several years. The other components of the project, in terms of streetscape, widening sidewalks and bike lanes and so on and so forth, are in that “other improvements” piece. The map shown tonight and at the informational session in January is a well-defined scope of work for the utilities, and staff is comfortable with what they have to do now.

Chair Greenwald thanked Mr. Lussier and said he would back up a bit and toss some of this to the City Manager. He continued that the CIP is a planning document, not an actual expenditure of money until it hits the current year, and then it is rolled into the budget. He thinks it is important to know that as this planning document is moving forward if they do not do something (in it), no money is spent. No tax money is being spent. Depending on what they will do, it can be adjusted one way or another. Many changes may go on with this, and it was interesting to see that traffic signals were added, drainage was added, and other things were added, but it is still a planning document. The Council still has the position of actually committing the funds. It is important for this to be repeated to the taxpayers as they are talking about the downtown project, but it is not just the downtown project – it is all manner of things. The CIP is for major projects and is a valuable tool. He hears rumors that the School District is starting to pick up on this concept, too, which is great.

The City Manager stated that Chair Greenwald is absolutely right that the CIP is a planning document that they revise every time they update it, and it does not become an appropriation or any number in the budget until the year when they begin the project. She continued that the first year that money was appropriated for the downtown project was last year, she believes. Mr. Lussier replied that the first time that money was spent was for that early study in 2018.

The City Manager continued that they then paused it, and last year, they appropriated about half a million dollars to begin this project. The CIP is important because – and she is glad Chair Greenwald mentioned the School District – the capital plan is a way for the City to try to level the amount of money funded in infrastructure each year. Some of these projects, if they were to wait until the year it was time to start construction, could impact the tax rate. However, if they are investing in infrastructure in a somewhat level way, year after year, it does not have that same effect in terms of a spike in the tax rate. She did receive that question a lot, and that is why the planning document is such an important tool because it helps the City to forecast and to level any sort of impact of a project on the tax rate.

Chair Greenwald asked if it is correct that they are now on a two-year cycle of reviewing the capital plan. The City Manager replied yes. Chair Greenwald stated that to his fellow Councilors, this is the year. If Councilors desire, now is the time to speak with the City Manager. Mr. Lussier said they will begin developing the FY25 through FY31 CIP late this summer or early this fall. Chair Greenwald replied that this probably the time to speak up, to the public, if there is some major project, to the Councilors, and the Councilors speak to the City Manager.

Councilor Williams replied that speaking to that, he has all sorts of ideas. He asked what the process is for getting ideas into the pipeline, and what support the City Manager wants to see for those ideas that would help them become part of the plan. The City Manager replied that they can let her know what ideas they are thinking of, and it is very important for the public to know that the document is available online so they can look at it. Staff often gets (feedback) such as, "My road is scheduled to be fixed this year," and if another project bumps it out, they get discouraged when it is bumped out in the future. In order to make sure they are balancing all that, the starting point is looking at the document in terms of needs that the City currently has, and how much they are currently investing in all of the different categories. Then, the Council as a whole decides how to shift it or where they might want to add more money, and how to reprioritize it. If there are ideas they want staff to look at, they should feel free to reach out. Then, when they have the overall capital planning conversations and workshops, they can talk about it. It is important to realize that if they want to add a new project in, they probably have to move an existing one out. And when you move an existing one out, you are probably impacting another one in that year; thus, it is a bit of a puzzle. They are going through that "sausage-making" right now, because of how the cost estimates have increased over the last couple of years, which means they cannot do as much as they have done in the past with the same amount of money and they will need to juggle it out.

Mr. Lussier stated that regarding the CIP book, it is also worth pointing out that one of the appendixes in the back has a list of projects that are not funded in the CIP but are on staff's radar and on the horizon. They are projects that are a little further out, that they would like to get to and need to be done, but because of the restrictions of financial realities, they are not funded in the current program.

Chair Greenwald stated that his experience with the whole budgeting process is that now is the time to communicate to the City Manager, because once something is in the book, it is hard to move.

Councilor Workman stated that a slide in Mr. Lussier's presentation listed many of the studies that have been done. She asked if those are available to the public, and if so, how one would access those. Mr. Lussier replied that most of those exist as hard copies on the bookshelf in the Public Works library, and anyone who wants to come look at them can make an appointment to do so. He continued that many of them are quite technical, "not exactly page-turners," but they are all public documents. Councilor Workman replied that she was asking because she knows many people have asked about public access. Mr. Lussier replied that some studies and documents are ones they have been using for 20 years, but more recent ones such as the Water Supply Master Plan are delivered to the City electronically. They are able to make those electronic documents available to the public on the Public Works Department's website, so it is a bit easier. The older documents, unfortunately only exist as paper hard copies. Councilor Workman replied that again, it is for the sake of transparency so that the public knows they are not keeping any secrets, and knows that these are available to the public.

Councilor Filiault asked if Mr. Lussier since he is here talking about projects, could update the community about the two Winchester St. roundabouts and the Island St. Bridge. Mr. Lussier replied that he should apologize to the community; the signs all over town show that work will begin on 3/20/23. He continued that that was true when those signs were put out, and then the snowstorm last week slowed them down a bit - the contractor lost about a week of prep time. They are scheduled to be back on site on 3/27/23. This is a great opportunity for him to get the word out. One of the first tasks the community will see out there is the contractors will be putting the Key Rd./Riverside Plaza intersection into a roundabout configuration. They will do that initially with barricades and temporary barriers, which will allow them to do a couple things. The traffic signals will be taken out of service, and it will clear up the inner part of that roundabout so they can start

removing the temporary asphalt, building the truck aprons and the curbing and whatnot. Then the truck aprons/concrete needs to cure for 30 days before they can start narrowing down the temporary pavement, because the trucks cannot use it until it is set up and has achieved enough strength. Thus, they have to keep all of this extra, temporary pavement on the outside of the intersection while they build that and let it cure, and once it is strengthened enough, they will start cordoning off the corners of the intersection while they put in the curbing and sidewalks around the perimeter. It is scheduled to get back to work on Monday morning.

Councilor Filiault replied that Sunday's forecast is for sloppy weather. He asked if that could have an impact. Mr. Lussier replied that he will have Project Manager Brett Rusnock speak to this. Mr. Rusnock stated that he expects the contractor will mobilize on Monday. He continued that right now they are planning to implement the rectangular flashing beacons crossing Winchester St. for the Riverside Plaza crosswalk. That has to happen before the roundabout can be implemented, so pedestrians can cross safely. He thinks that work is not extremely weather-dependent; it is relatively small areas that they will be working on.

Councilor Filiault asked if, for the benefit of those businesses and everyone who is used to the current traffic pattern in this location, staff can tell them what to expect for initial detours while they have this temporary roundabout. He asked if Key Rd. will be closed to traffic going in or out. Mr. Rusnock replied that initially there will not be any detours, only lane restrictions through the corridor. He continued that the contractor will begin work on Monday, and initially the traffic will be shifted to the western side of Winchester St. The Island St. Bridge will remain open, and traffic will be available to flow in all directions. It will be merely lane reduction versus direction and closures.

Councilor Filiault asked when the Island St. Bridge is scheduled to be taken out. Mr. Rusnock replied that beginning in the end of April, approximately one month after work begins, the contractor plans to close the Island St. Bridge to vehicles only, mainly to reduce traffic flow coming into the Island St./Pearl St. intersection. It will remain open to pedestrians until about one month following that. Right now, the initial planned closure time for the entire bridge, for vehicles and pedestrians, is the middle of May.

Councilor Filiault asked what the schedule is for replacement. Mr. Rusnock replied that currently, the projected schedule is putting the bridge back into service toward the middle to end of December this year.

Chair Greenwald asked for an update on the Marlboro St. project. Mr. Lussier replied that Marlboro St. is currently scheduled for construction in 2024. He continued that has not gone as well as it did in his mind. When they did the utility work, they had money in the budget to do some minimal streetscape improvements, such as sidewalk repairs. While they were bidding the project, they were awarded a Transportation Alternatives Program (TAP) grant, so they used the money they were going to spend on these additional sidewalks to be the match for the TAP grant. They pulled that work out. They knew they were going to be doing this TAP project, and thought it did not make sense to repave all of Marlboro St., because they knew they were going to be doing some lane reductions, traffic calming, chicanes to slow traffic, and so on and so forth. They thought they would save that money and wait until they did the TAP grant-funded project. They were thinking it would be a year, maybe two, and it has been more like three or four. The NH Department of Transportation (NH DOT) always had that TAP grant in their schedule for 2024, but they said that if the City could get through all of the permitting and environmental hurdles, they would try to move the funding up. Unfortunately, the City has been unable to get through all of those steps in the review and permitting process until now. It did not go as swimmingly as he would have hoped.

Chair Greenwald stated that these are all CIP projects, and regarding the Main St. project, just listen

to the chaos and all of the steps of getting all the permitting, all the money, all the design, and how two years turns into four years. He continued that this is something to be aware of. It is not a firm number. When the program is saying the work will occur, say, in 2024, it can be (pushed) out. Mr. Lussier replied that it is a plan.

Mr. Lussier stated that regarding the specific schedule for the bridge closure and closing it for pedestrians versus vehicles, he recommends interested folks stay informed by going to the City's website and subscribing to the press release function, being sure to click on "Public Works." He continued that the Department will be issuing many press releases, pushing information out to the community before they close the bridge, at least a couple weeks in advance once they have the date nailed down.

Chair Greenwald stated that that is a great segue into the next agenda item. He asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Infrastructure Planning and the CIP Process presentation as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **George Street Bridge – Implement Proposed Design**

Council Action:

In City Council April 6, 2023.

Voted unanimously to amend the Committee recommendation to add the following language: "if such alternate design is approved by the New Hampshire Department of Transportation".

Voted unanimously to carry out the intent of the report, as amended.

Recommendation:

On a vote of 5 - 0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to implement the George St. Bridge Replacement Project, with an alternative bridge rail design, to maintain the rural character of the neighborhood.

Attachments:

None

Background:

Chair Greenwald asked to hear from staff.

Brett Rusnock, Civil Engineer, stated that with him tonight is the Project Manager, Sam White from McFarland Johnson. He continued that McFarland Johnson is the City's design consultant for the George Street Bridge Replacement Project. The primary reason they are here tonight is that the NHDOT, as part of the funding requirements they impose on cities and towns, requires the City to demonstrate that the governing body has endorsed the proposed design of the bridge to be implemented. He and Mr. White are here tonight to present the proposed project and make sure the Committee and potentially the public are comfortable before it moves through the next design stages. He asked Mr. White to talk about the project.

Mr. White stated that he will begin with an overview of the site, and showed and explained the bridge's location on George St. He stated that People's Linen Service is to the northwest and Beaver Brook flows up along the parking lot of People's Linen to Giffin St. and crosses just to the north there. Key to the traffic control will be Giffin St., Sullivan St., George St., and Washington St. All of that will be used as part of the detour. Regarding the project limits, they are going about 200 to 250 feet to the west and about 100 feet to the east from the bridge location, and a yellow line on the photo shows where they anticipate working along the stream, upstream and downstream. An area of

erosion on the upstream side has a temporary fix on it with some concrete barricades. On the downstream side, some stonewalls are starting to tip, and they want to put in a more durable, long-term solution that will not require future maintenance. A lot of utility work is involved with widening the bridge, some slope work and wall work on the upstream side, and stream bank stabilization. Some guardrail needs to go in with the bridge.

Mr. White continued that they held a neighborhood meeting on February 14, with about 18 attendees, some of whom are here tonight. Some of the major customer concerns that were identified were speed along George St., and as a bridge replacement project, they are limited as to what they can do to help remedy that problem, but it is a consideration as they look at alternatives and what work will be done as part of the bridge. Water service outages were discussed, too. A water line that goes under/around the existing bridge and under the stream bed is proposed to be relocated. They are looking at outages involved as part of that as well. Proper notification will be given. (Another topic was) flooding along Beaver Brook, and he will get into what McFarland Johnson is doing about that as well.

Mr. White continued that the existing bridge was built in 1923, and now it is 100 years later. The goal for bridges is to have about 100 to 120 years of service, so this bridge did its job. It is on the municipal red list, which is based on two criteria: the superstructure being rated as "poor" and the substructure being rate as "serious." The superstructure is the top slab seen in the picture, the horizontal bridge element that spans along the road. The substructure is the vertical walls the slab sits on. The ratings of "poor" and "serious" are correlated to the National Bridge Inspection standards. Each element is rated on a scale of 1-9, with 9 being perfect/just built, and 1 being "failure imminent." A "poor" rating is 4 out of 9. That is usually when the NHDOT starts to look at it, and sees the need to do something so the rating does not drift lower. That is usually when action starts being taken for rehabilitation or replacement. A "serious" rating is a 3 out of 9. That is not to say that the bridge is unsafe in its current condition; it is merely a measure of the deterioration they are seeing. It has no merit on the bridge's load carrying capacity. The existing span is about 14 feet from vertical face to vertical face. The transverse width, perpendicular to the road, is 40 feet. Mr. White showed photos of the bank erosion and a temporary measure the City put in due to bank erosion that was experienced during a high water event, and a gabion wall placed as part of that. He continued that a gabion wall is essentially a steel mesh basket filled with stone.

Mr. White continued that as they are looking at the bridge, (design considerations are) that erosion and putting in a permanent measure for it; the hydraulic capacity, water passing through the opening of the bridge; and then, stream crossing compatibility with the NH Department of Environmental Services (NHDES)'s Stream Crossing Guidelines. The term those guidelines use is "geomorphic compatibility," which means looking at the stream's parameters, i.e. its width, and putting in a bridge structure wide enough to accommodate the stream without restricting it. Wildlife accommodation is part of that. A wetland scientist noted many wildlife tracks along the brook. One of the requirements of the wetlands permitting process and those guidelines is accommodation of terrestrial wildlife passage.

Mr. White showed a drawing of the proposed bridge and stated that the top shows the footprint of the existing bridge is 14 feet. He continued that for the new bridge, they are looking at opening it to a 22-foot span. That is compliant with the NHDES requirements. It meets the compatibility rules for the stream width. Inside, it slopes up to a plateau, a wildlife bench, which ties in upstream and downstream. It gives a place above ordinary high water for terrestrial wildlife to traverse.

Mr. White continued that the design's hydraulic opening is not compliant with the NHDES's requirements for wetlands permitting, which puts it into an Alternative Design. The wetlands rules require it to pass a 100-year flood event, and based on this project being located within a FEMA

map's 100-year floodway, the channel is just not big enough to house that flood event already. It is already accessing the floodplain. Thus, it is difficult and very costly to put in a bridge that would (comply). Essentially, they would have to span it, which is a much larger structure than is feasible.

Mr. White continued that moving on to hydraulic considerations, he just touched on the fact that the project is within a FEMA floodway. The project limits are kind of in line with the floodway limits. McFarland Johnson looked at maximizing the hydraulic opening as much as is practical, putting in the thinnest superstructure possible, getting the vertical opening as big as possible, and putting in a span width that can be accommodated without significant impacts to abutments. They are trying to minimize that, but then providing a meaningful benefit. What that ended up with is a reduction in the 50-year flood elevation by about 1.25 feet. A design waiver is still needed, even with that improvement, because the proposed crossing does not comply with the freeboard requirements. The rules say it has to pass a 50-year flood event with one foot of freeboard, meaning one foot of clearance from the water surface elevation at the flood event to the lowest point on that bridge superstructure. Ideally, that is so you can pass debris during high water events and make sure the bridge is not being struck. Based on the site constraints, it is not feasible to achieve that. Thus, a design waiver is needed.

Mr. White showed examples of what the bridge design looks like. He continued that people might be familiar with it because of Roxbury St project. One photo is of the three-sided rigid frame going in. McFarland Johnson is looking to use the same type of superstructure, a three-sided rigid frame on a spread footing. Another photo is of a finished project McFarland Johnson did with a similar design, armored slope, riprap going up to the bridge, with some wing walls.

Mr. White continued that regarding additional design considerations, based off some counts the State had done in the area, 500 vehicles per day is the approximate number on George St. There are utilities above and below grade that will be impacted to build the new bridge, and to accommodate that wider span length of 22 feet. There is existing stream bank erosion that McFarland Johnson is aiming to address. There is an area of contaminated groundwater that is documented with NHDES and the soil in the area was tested as part of McFarland Johnson's geotechnical program. The results showed minimal contaminations or "trace not detectable" by the testing methods. However, as part of the project as it develops, there will be management plans for that.

Mr. White showed a drawing of a bridge cross section, and continued that regarding roadway considerations, the drawing shows what they are looking to do with the bridge. The existing bridge is about 40 feet, out to out, and they are looking to replace it with 33 feet. There is a lot of ineffective space right now on the bridge. There is an area to the south that may have been put there for future sidewalk. It was not utilized. Building back in that infrastructure and maintaining it is not practical if it is not going to be used. That is largely what contributes to that reduction in bridge width. Putting back a sidewalk on the north side of the bridge as the current condition, utilizing steel bridge rail, and maintaining the same paved width as what exists today.

Mr. White continued that what they are looking to do with the roadway as part of the bridge is a slight realignment of George St. A picture shows the steep curve that comes down the hill from Washington St., with a house on the corner that creates an unfavorable sight distance and an unsafe condition. The proposed alignment widens that a little bit to get as much sight distance as they can. It also improves some conditions with the grading on the bridge, so they do not have different pavement cross slopes as you cross it. It is difficult geometry to achieve. Also, there are some drainage improvements with the road and the sidewalk as part of that roadway.

Mr. White showed a photo of what the preferred approach would be in terms of guardrail, for safety. He continued that the corner coming down the hill produces an unfavorable condition in

terms of safety. It naturally wants to channel motorists to the outside of the shoulder, and not terminating the bridge rail accordingly produces a hazard for motorists. A bridge rail is a rigid element near the road; it is not going to move. Thus, these approach rail sections that come off the bridge and off the road are designed, at the end, to absorb energy and dissipate it if someone hits it, so it is not running into a blunt wall. The post spacings leading up to the bridge are to mimic stiffness. Guardrail itself wants to displace when it is hit; the bridge rail does not. It is like a transition in stiffness as you get to the bridge, so if someone hits it, it does not displace, and you still end up hitting that blunt object. At the end of these is an energy-absorbing structure that people have probably seen on the roads – they “accordion up” and if someone hits it they blow up off the side, and you can see it all mangled on the side of the road. That is what happens if you strike it. It is meant to deform, displace, and slow people down gradually.

Mr. White showed a photo of an alternative guardrail design and continued that this would be sub-standard by NHDOT practices and design standards, curling an approach rail section around such that you do not have that blunt end of the bridge rail, but it does not properly terminate for energy absorption.

Mr. Lussier stated that he asked McFarland Johnson to include this slide and have this discussion so the community, the people who live in the neighborhood, and the Council are fully aware of what they are proposing. He continued that it is very difficult for them, as licensed engineers, to recommend anything that is not as safe as possible and not in accordance with the best design principles. The first slide is what they recommend, the ideal, safest option that they think they should do. However, the reality is that that treatment is large and substantial and might not be the most aesthetically pleasing treatment. Thus, McFarland Johnson is showing an alternative. The alternative would shorten up those sections of guardrails, but people need to understand that it is not the safest option. This is a low-volume, relatively low-speed roadway. How much of a risk does this represent? It is probably not a huge risk, but it is a risk, and the staff thinks people should be aware of that. The staff's recommendation, as design professionals, is to put in the safest option, but they did want to show the MSFI Committee an alternative way. If the Committee does want to do something other than the recommended option, they can modify the sample motion that is in the agenda. It is not a guarantee that the NHDOT would allow that or accept it, and because NHDOT is paying the bill, ultimately, they get a say in what the City builds. If the Committee's recommendation is to build something less extensive, staff would like the Committee to give that as a recommendation or a preference, with the understanding that NHDOT may require that the City put in the full, standard guardrail treatments.

Mr. White stated that there are a number of utilities in the area. He continued that a graphic highlights the locations of overhead utilities, storm water drainage, water service, and sewer service. All will be impacted in some manner by the bridge. The overhead utilities will require temporary relocation based off the need to get heavy equipment into here to build the bridge. Lifting those pre-cast pieces into place would not be possible otherwise. They would be connecting the water line up in a straighter manner than how it is now, under the bridge. They are looking to move the storm water drainage to the south, so it outlets below the bridge, to limit any durability concern about putting saltwater from road salts in the bridge over time. The sewer line is in line with the gabion wall he noted earlier, and needs to be relocated as part of the project to accommodate the bridge widening. Otherwise, the wall would be in the middle of the stream.

Mr. White continued that regarding property impacts, there are some easements they would be looking at as part of the project. He showed a photo, continuing that the red line shows the existing right-of-way along the road, and yellow lines outline an area for the slope work upstream and downstream of the bridge and drainage easements. Those outfalls for the stormwater coming out below the bridge. The cyan line shows a temporary easement to realign the sewer line, which has to

be moved as a product of widening the channel to accommodate the new bridge. An existing sewer easement runs along the green line currently, and they would be relocating that easement based on the shift.

Mr. White continued that regarding traffic control, they are looking at a four-month roadway closure, isolated at the bridge. George St. would still be open at either side, with a detour to get around. There may be slight traffic impacts leading up to that closure, so they can get in and do some work before the closure, such as relocating the aerial line. There might be one-way alternating two-way traffic through that period; they might have to take a lane out. They are expecting the total construction duration to be about six months, anticipating advertisement in the spring of 2024 and construction in the summer of 2024. He showed a slide of the proposed detour, with "bridge closed" signage at the structure. He continued that motorists or pedestrians could use some combination of George St., Washington St., Giffin St., and Sullivan St. There would be a sign detour along that route. Knight St. is also there but is a little narrower than Sullivan St. Sullivan St. presents a better opportunity for that short-term closure.

Mr. White continued that in terms of the design, they are at the engineering study phase right now and will be moving, after that is approved, into preliminary design, going through environmental permitting, right-of-way, final design, and then revving up with project advertisements.

Chair Greenwald asked if the Committee had questions or comments.

Councilor Filiault stated that obviously, the heaviest detour will be over Giffin St. He asked if that bridge was put there about the same time as the one on George St. was put in. Mr. Rusnock replied that he has not reviewed the Giffin St. original construction record recently, but he believes it was constructed around the same time. Councilor Filiault replied that his concern is that detouring means doubling the traffic over the Giffin St. bridge, and he was curious about whether that would be down the road, too. He asked Mr. Lussier if the Giffin St. bridge is on the agenda to be replaced also. Mr. Lussier replied that Giffin St. is not currently on the City's red list, so it is not as dire a condition. Mr. Rusnock stated that to add to that, Giffin St. was replaced not that long ago, maybe around the year 2000.

Councilor Filiault stated that his biggest concern, which he is sure the neighbors are talking about as well, is the proposed safety rail. He continued that he understands how NHDOT works, but he finds it almost humorous that this bridge has been there for 100 years with essentially no safety rail, just the cement that is there now. He is sure that if they go through the traffic studies and accident reports, they will probably find that in 100 years there has not been an accident on that bridge, or maybe one or two. He understands that NHDOT always wants the safest option possible, but realistically, if they wanted the absolute safest, they would have rails on both sides of every road, all the way up, and only have a break for roads coming in. He thinks that the NHDOT projected railing is serious overkill. What is not being looked at is the character of the neighborhood, which is very rural, and that has to be taken into consideration. Most of the time when you cross the bridge you cross it so many times you do not even know it is there. It is similar to how with the Roxbury St. bridge, there were comments that they were going to upgrade it and have a grand crossing bridge, but they just need a bridge that works. All people want, he thinks, is a bridge that will last a hundred years. They could try to over-study safety forever, but they have to look at this realistically. Realistically, if they have had approximately one accident in 100 years, chances are they will probably not have many (going forward). He agrees with the project as a whole, but thinks the (NHDOT-preferred) guardrail design is overkill for this project, and implores the Committee and the Council to try to go with the alternative rail that fits with the character of the neighborhood.

Chair Greenwald asked for public input, stating that he wants to hear from the residents.

John Flynn of 63 George St. stated that he has two concerns. One, he does not want the guardrail in front of his house and taking up three quarters of his front yard, to the east from the brook. He continued that his second concern is how much easement will be taken on the southeast side to get the work done. They are talking about redoing the sewer line, and the need to change it because it is ceramic. That is what he was told at the last meeting.

Chair Greenwald stated that they will take everyone's questions right now and then give Mr. White the opportunity to respond.

Cheryl Pickering of 56 George St. stated that she is on the north side of the bridge, the opposite side of People's Linen. She thanked (Mr. Flynn) for his statement about the bridge rail. That is her biggest complaint. She was all in, until that. She has attended meetings, and agrees that the bridge needs to be redone. She likes that the basket was done on her side, because the last time it flooded, when the actual flow of the river was changed when the excavators were in there, it cracked her side. That needed to be fixed. She is concerned too, about how far it is coming in now with the rezoning of the right-of-way for the new sewer. She did not see that the last time, and now is seeing that is a little farther in than what she thought it was. She agrees that the bridge needs to be done, but that guardrail, no.

Janet Flynn of 63 George St stated that she has some questions. She continued that one of the slides is a cross-section of the bridge and, below it, with a shelf for the wildlife, but there was no notation on that, regarding whether that is looking north or south. Since she and Mr. Flynn about the brook, they want to know if that means the animal shelf will be closer to their property on the east, or the other side. [Mr. White replied, inaudible]. Ms. Flynn stated that it is looking north, then. She continued that they have two dogs and will be extending their fence, although now that they have seen the new easements, they need to know for sure how far out their fence can go. The other issue is being able to identify the source of the contamination of Beaver Brook. She asked if it is downstream from George St. or upstream.

Chair Greenwald stated that staff can answer these questions.

Mr. Rusnock stated that the contamination is resulting from the People's Linen site, located on the western side of the bridge.

Ms. Flynn stated that regarding the guardrail, she understood at the last meeting that the design of this bridge was intentionally going to have curvature and a lift that would slow traffic, mitigating the use of a guardrail. Thus, this was news (to her and Mr. Flynn tonight). They are directly affected because it is their yard that the guardrail would be in. She thanks Councilor Filiault for his input. It was nice to hear somebody on their side.

Chair Greenwald stated that he would like to throw an (idea) out – what about having a speed bump, if there is an issue with speed? Might that be incorporated? He asked if staff could address some of the questions that have been asked so far.

Mr. Lussier stated that he does not think anyone on the design side is surprised to hear the neighbors' and Councilors' comments. He continued that it is a big part of why they wanted to have this conversation tonight. As he said earlier, it is difficult as a licensed professional to tell them to do something other than the best industry practice. However, that (alternative guardrail design) is an option. His only suggestion, if the Committee wants to direct staff to do something other than the project as presented, is to do it in the context of a recommendation or preference, (such as) authorizing the City Manager to implement the project with the preference than an alternative bridge

rail design be developed to mitigate the aesthetic concerns of the neighborhood. Chair Greenwald asked if that would be sufficient, without clarifying the actual design. Mr. Lussier replied yes, if they just express their preference in the motion that will be sufficient for staff to go to NHDOT with, and make that case to the department. At the same time, if NHDOT rejects it, they need to understand that the City may have no choice.

Mr. Lussier stated that regarding easements, they plan to have individual meetings with property owners, once they know exactly what easements, both temporary and permanent, will be needed. A couple weeks ago as part of a separate action, staff asked that the City Manager be authorized to negotiate and execute those easements. They will be doing that process in parallel with the NHDOT's review of the technical design. Staff does not have exact square footage nailed down at this point. Once they do, they will schedule individual meetings with the property owners to talk through that and address any concerns related to those. That goes for all four corners.

Mr. Lussier continued that regarding where the Flynns' fence can go, he suggests they hold off until project staff is able to sit down with them and show them exactly where the limits of the temporary construction will be, so they do not put up a fence that project staff will have to remove. However, of course, if the Flynns have a fence there today or want to put up a fence this summer before construction starts, they can do so. Project staff can remove the fence and replace it as part of construction. They can work through that.

Mr. Lussier continued that regarding Chair Greenwald's suggestion of speed bumps or other traffic calming measures, he does not know if they are prepared to address that tonight, but it is something they can talk about as part of the design.

Councilor Williams asked what the speed limit is on George St. Others replied 30 mph. Councilor Williams replied that he wonders if they could get away with a smaller guardrail there if it was 25 mph. Mr. Lussier replied that NHDOT's answer would be "no." He continued that the standard, energy-absorbing guardrail terminal would be required at 25 or 30 mph.

Councilor Workman stated that she wants to give the residents of George St. a glimmer of hope. She continued that there was a similar issue with the roundabout at Key Rd., with the State providing 80% of the funding, and when the Council had the final vote, she noticed that the final design project only had crosswalks planned. She advocated for lit-on-demand crosswalks for safety issues. The City Manager presented the same conundrum to her, about how the City has to ask for State approval for that because the State was funding the majority of the project, but they did get it passed through. They should have faith in the City Manager's negotiation skills.

Councilor Williams stated that one of his concerns is that when the George St. bridge is closed, the traffic that goes over the George St. bridge to get back into that neighborhood will be using Rule St. or North Lincoln St., both of which have many pedestrians and do not have great sidewalk facilities. On North Lincoln St., someone was hit and seriously injured by a car a number of years ago, and the situation (on the street) has not changed. There is a problem with vegetation, too; Japanese knotweed grows up so much alongside the road that it causes blind spots. He hopes that while this project is going on, some thought can be given to extra pedestrian safety in those areas. Specifically, he hopes they cut back the knotweed and whatever else needs to go, so there is room for people to walk, since there will be a traffic increase.

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

The Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to implement the George St. Bridge Replacement Project,

with an alternative bridge rail design, to maintain the rural character of the neighborhood.

Chair Greenwald stated that as a background note, he hopes that whatever is going to be done will be communicated before it is done, whenever this negotiation is done. That way it will not be a surprise to the neighborhood.

The motion passed with a vote of 5-0.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Hazard Mitigation Assistance Grant - Updating the Hazard Mitigation Plan

Council Action:

In City Council April 6, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Hazard Mitigation Assistance Grant in the amount of up to \$16,667 from the New Hampshire Department of Safety Division of Homeland Security and Emergency Management for the updating of the City's Hazard Mitigation Plan.

Attachments:

None

Background:

Acting Chair Remy recognized Assistant City Manager/Public Works Director Kurt Blomquist. Mr. Blomquist began that he was present in his role as the Emergency Management Director this evening to discuss the City's hazard mitigation plan. He stated this is a plan that identifies the various hazards, natural and man-made, that the city is subject to, along with identifying the risk associated with those particular hazards. It also identifies potential projects that can help mitigate if one of these events were to occur. Mr. Blomquist added that the Federal Emergency Management Agency (FEMA) requires communities to have an approved plan in place to qualify for certain types of Federal funding if a federally declared event occurs in your community. He went on to say there is a list of federal programs through the hazard mitigation site, and he went on to reference a few of them.

Mr. Blomquist continued that hazard mitigation plans are required to be reviewed and updated every 5 years. The City's current plan was reviewed, updated and adopted in 2018. 2023 is our year to review and update the plan again. The Department Homeland Security does provide grants to assist in updating these plans. The City has applied for and received a grant, in the amount of \$16,667 for this purpose. He explained this particular grant requires a 10% match, meaning \$1,667 is the required match from the local community. The reason it is 10% is that underneath our last disaster that was approved by the White House, it was approved at 90% reimbursement, so that carries through for any hazard mitigation grants that are granted underneath that particular disaster

declaration.

Mr. Blomquist went on to explain that the local match will primarily come from staff time. These updates involve Community Development, Police, Fire, and Public Works. Staff will conduct a series of meetings where the various components and sections will be reviewed. The goal is to complete this by this summer, prior to the expiration of the current plan in August.

As there were no questions from the Committee members of the public, Acting Chair Remy called for a motion.

The following motion was made by Councilor Lake, and duly seconded by Councilor Madison:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Hazard Mitigation Assistance Grant in the amount of up to \$16,667 from the New Hampshire Department of Safety Division of Homeland Security and Emergency Management for the updating of the City's Hazard Mitigation Plan.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Transportation Heritage Trail, Phase 1 – Project Agreement**

Council Action:

In City Council April 6, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement along with future amendments with the New Hampshire Department of Transportation (NHDOT) to implement phase one of the transportation heritage trail project.

Attachments:

None

Background:

City Engineer Don Lussier addressed the Committee relative to the Transportation Heritage Trail Phase One Project, which has been discussed previously. He continued tonight's action is related to the State agreement that the City is required to sign. As background, Mr. Lussier recalled that the City has already received two separate grant agreements for this first phase. The first was through the Federal Highway Administration. That particular grant is called the Transportation Alternatives Program (TAP) Grant, and it is the same program we have been using for a number of our rail trail projects. Federal money requires a 20% local match. The other federal grant we received was a congressionally directed spending grant, also known as an earmark, through Congresswoman Kuster's office. Last week, the City received the first agreement with the State for those federal project funds, and this agreement is specifically related to the TAP Grant. At present, the amount of that agreement covers just the amount of the TAP Grant. However the DOT staff explained that the congressionally directed funds are still working their way through the State's process through the Governor and Council. They expect once that gets approved, the two projects will be merged together and an updated grant agreement or project agreement will be issued.

Mr. Lussier continued that the motion before the Committee tonight includes the authority for the Manager to sign the project agreement for the first phase, as well as any subsequent amendments, anticipating that we will be receiving an amendment to cover that the additional project funds. The total project funded by the TAP grant is \$680,675 of which \$544,540 are Federal, and \$136,135

come from the local match. Recently, Pathways for Keene and The Monadnock Conservancy came in together with some donations of totaling \$52,000 to help with that local match. He offered to take any questions.

Acting Chair Remy opened it up for questions. With no questions from the group, Acting Chair Remy asked Mr. Lussier asked if the \$90,000 of the match was budgeted to a specific area aligned with timing for this project.

Mr. Lussier responded that match for the remaining match for what we have now is already been appropriated in Fiscal Year (FY) 2023, and previously. He added that there would be a request for some additional local match that comes forward with the FY 2024 CIP updates.

With no questions from the public, Acting Chair Remy called for a motion.

The following motion was made by Councilor Madison and duly seconded Councilor Chadbourne:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the city manager be authorized to do all things necessary to negotiate and execute a project agreement along with future amendments the New Hampshire Department of Transportation (NHDOT) to implement phase one of the transportation heritage trail project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Memorandum of Understanding with Keene Dog Park, Inc.**

Council Action:

In City Council April 6, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a memorandum of understanding with the Keene Dog Park, Inc. for the purposes of building and maintaining a dog park in Wheelock Park.

Attachments:

None

Background:

Acting Chair Remy recognized Mr. Andy Bohannon, Parks and Recreation Facilities Director. Mr. Bohannon introduced himself and thanked the Chairman and members of the committee. He noted that he has two items very similar in nature. The first item is a motion to have the City Manager be authorized to negotiate and execute a memorandum of understanding with the Keene Dog Park, Inc. Previously, the committee had set forth criteria for the group to become a 501C3 in order to go out, fundraise and begin to work on getting a dog park up and running here within the City at Wheelock Park that was designated last year for that purpose. At that same time, it was agreed that the group would come back at a later date to create an MOU for the two groups. This request for the MOU is for the Dog Park Group. In previous efforts of the dog park, the group fundraised slightly over \$10,000, which was held in a reserve account here within the City as the City is the fiscal agent for them.

To move forward helping them with the project, Keene Dog Park, Inc. had Phil's Tree Service, who is under contract with the City to perform tree work, come out to provide a quote. Phil's Tree Service gave them a significant and generous donation from in-kind, but there is still \$10,000 remaining in costs for that purpose. The Keene Dog Park, Inc. has given permission in writing, and Mr. Bohannon wanted to come forward to make the committee aware that they intend to spend that \$10,000 for that purpose. He added that if anyone would like to help out with the Keene Dog Park, they have fundraising efforts right on their webpage. They currently have about \$35,000 pledged to them, and they have several other requests out there.

With no questions from the rest of the committee, Acting Chair Remy asked if the intent of these agreements was to be cost neutral to the City. City Manager Dragon responded that the actual building of the facilities for both the dog park and the disc golf should be neutral cost to the City. She noted that there is some work that needs to be done in the Park in general and she understands that Mr. Bohannon is timing some of the work planned related to the public with some of these projects. Mr. Bohannon stated that in working with both groups, part of the agreement, is that the groups will perform the ongoing maintenance of trash pickup and general cleanup of the area, similar to agreement previously made with the Mountain Bike Club. The mowing and trimming will fall back on the City, but the group itself will do the general maintenance.

Acting Chair Remy asked if there a thought on what would happen if they fell out of compliance with the agreement. Attorney Mullins that has yet to be determined. Acting Chair Remy responded that his only hesitation with having to negotiate and execute a recommendation coming out of it is that we do not know what that is. City Manager Dragon offered to provide a copy of the executed agreement to the committee member mailboxes. Acting Chair Remy accepted and thanked City Manager Dragon.

Acting Chair Remy called for a motion to approve.

The following motion was made by Councilor Chadbourne and duly seconded by Councilor Lake:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a memorandum of understanding with the Keene Dog Park, Inc. for the purposes of building and maintaining a dog park in Wheelock Park.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Memorandum of Understanding with Keene Disc Golf Club**

Council Action:

In City Council April 6, 2023.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to all things necessary to negotiate and execute a memorandum of understanding with the Keene Disc Golf Club for the purposes of building and maintaining a nine-hole disc golf course in Wheelock Park.

Attachments:

None

Background:

Mr. Bohannon explained the second request is similar, related to the Keene Disc Golf Club in the execution of putting together a nine-hole golf course within the campground as well. This group is ready to execute sooner than the Dog Park and Mr. Bohannon plans to meet with them tomorrow to review their status and plans going forward. From his understanding, city staff has gone out and done some GIS components of that particular course, to ensure compliance with the Dubois and King Survey previously presented to the committee last fall. Once they work on the agreement, they will get an executed copy to the committee.

Acting Chair Remy asked if there were any questions from the committee.

Councilor Lake, in an effort to be transparent, shared that he has been involved in this project for a while as he is an avid member of the disc golf club. He is not, however, on the board, and did not believe there to be any conflict as he will not be involved in the signing of this agreement.

Councilor Remy asked if there were any challenges or questions from the committee. With no challenges or questions, Councilor Remy welcomed questions.

With no questions, Councilor Remy asked if there was any specialized maintenance for the disc golf club. Mr. Bohannon responded that the maintenance is minimal. The City will perform general maintenance days to clean up some of the T boxes and keep the course in good condition. Mr. Remy

thanked Mr. Bohannon. Councilor Lake added that the club has over a decade of experience with maintaining a course located in Otter Brook. They regularly go out, especially after storms, to clear limbs/debris, etc. The group places importance on keeping the courses well maintained in a professional manner and will continue to do the same with this course.

Councilor Remy thanked Councilor Lake for his input. Without any questions from anybody in the audience, he requested a motion.

Councilor Lake offered the following motion that was duly seconded by Councilor Madison:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to all things necessary to negotiate and execute a memorandum of understanding with the Keene Disc Golf Club for the purposes of building and maintaining a nine-hole disc golf course in Wheelock Park.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Opioid Grant Application/ KPD Social Worker

Council Action:

In City Council April 6, 2023.
Report filed as informational.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends the update on the Opioid Grant application be accepted as informational.

Attachments:

None

Background:

Acting Chair Remy welcomed City Manager Dragon. The City Manager discussed a grant application for a social worker position at the Keene Police Department that she has been working on with Police Chief, Steve Stewart and former Police Chief, Steve Russo. The application would be to the Opioid Abatement Trust Fund. City of Keene was one of the 23 litigating subdivisions. Keene is to receive 15% of the settlement amount as the state continues to settle these accounts. The money that the city receives is deposited into its own account, and it is kept year to year. The money is also restricted and must be used for the purpose of abatement of opioid issues. As of right now, none of the received funding has been spent and there is currently a balance of \$113,123.85. That amount is in the form of multiple payments; three small payments, and then one large payment. Some of these settlements will come in over 18 years and the larger settlement is a larger lump settlement with Johnson and Johnson Company.

The City Manager continued the Opioid Abatement Commission is also working on the RGA and related grant application going out to communities and non-profits. She shared that there has already been one round of grant applications, but the City of Keene did not submit in that round as they were not ready. There is another round happening soon, specifically for Medication Assisted Treatment (MAT), which is directed to counties that are required to provide MAT. It will be a partial reimbursement for the costs incurred going back the last couple of years. After the MAT specific funding, there will be another round similar to the first.

The City Manager added that she will likely have to recuse herself once they end up looking at these projects, but as of right now, she is part of the process. Some additional modifications to the grant

are expected before the next round goes out as there have been some lessons learned along the way. She shared that she is honored to be asked to serve by the Governor on this commission, but notes that it has been a very slow moving commission. The State has had quite a bit of money in the bank that has not been dispersed as quickly as she believes it should have. The commission has been working on it and with a process now in place, she hopes it will go faster. The first round of grant applications that was awarded several months ago is scheduled for April disbursement, which provides a sense of how long it took for approval from the April Governor and Council meeting before actually getting the check cut back to the organization. Many non-profits were part of that first round, along with a few municipal applications and a couple of counties. The State right now about 37 million dollars in the bank, or almost 38 million dollars from settlement. They had 44, but 6.86 of that went to municipalities, and they are expecting another 15 million dollar settlement to come in from Walmart by June. In the end, all told, there should be over 300 million dollars received by the State of New Hampshire, resulting in numerous future grant rounds. Right now, the way that the statute is written, every time the State has a half million dollars in the bank they are supposed to go out for an RGA. It is her understanding they are working to change some of that through modifying the language. They took the first round of applications, and the RGA and that was used by the commission to structure a grant application to meet those to meet that application from the first round. It will likely need to be tweaked once the commission finalizes the next RGA.

The Manager added that the commission is also looking at staffing as the Division of Health and Human Services will be the division handlings these grants, and they are not currently staffed to be able to support the additional work. The commission had hired a staff person, but once the grants start rolling out there will be monitoring, acceptance and review of reports and support that will need to be provided to grantees that cannot be fulfilled by one singular position. The Manager stated she originally thought the city would be ready for the next round in April, but now believes that to be optimistic. Given the last meeting she went to on Monday, she believes it might be May or June. There is also a question right now as to whether they can have multiple RGA's at the same time and it has not been clarified as to whether that is a legal question or capacity in terms of time and staff. She hopes for clarification at the next meeting. She would like to see both rounds going at the same time; the reimbursement to the counties and then the next round of applications.

In summary, the Manager explained they are talking about bringing on a social worker for the police department to provide follow-up assistance, referral services and coordinate across the continuum of care for people involved with certain law enforcement calls for services such as substance use disorders, mental health issues, or co-occurring issues, as well as serving those seeking assistance on their own. In a nut shell, any drug-related calls that come in would have someone that is following up with these individuals, ensuring successful referrals to treatment, as well as making that connection in the community. The social worker would also serve to liaise and connect the police department with our human services office to ensure collaboration. If successful at getting this grant, this would be a brand new job description that would need to be added to the salary scale as part of the budget process. The draft job description has not been finalized, nor priced out.

The City Manager stated the request is for the maximum of two years with the position 100% grant-funded. There will be no match, so they will want to know what is being done with the city money. Keene's \$100,000 will partially sustain this into the future, but will not cover it all. The two years will provide a good opportunity to evaluate the success and opportunity of this role in terms of connecting people with resources in our community, and she believes that is in line with what this money is meant for, along with being something that is desperately needed. She added that the police officers time and capacity is limited. They currently hand out an informational card, but their ability to follow-up is extremely limited, so this is exciting. The Police Chief has been great about brainstorming this opportunity and investigating how it might fit into the department. Ms. Dragon continued it is anticipated that there will be some initial training for police officers and dispatchers, which will be

included as part of the application as well highlighting the mental health trainings already done in the department. All of these things are tied together, and while this grant money is specific for substance use disorder, often there are co-occurring mental health disorders and this role will allow for more coordinated care across the spectrum.

The City Manager will tentatively put the role in the salary schedule. Once she knows whether or not she has been successful in getting the grant, she will return to the committee. She sees this as an important role and the reserved Opioid Abatement Funds can be utilized to help get this off the ground. Rather than one hit infusions of money, she has been intentional about developing a systematic approach. She is hopeful that this is something the committee would support and she did invite the Chief of Police, Steve Stewart along in case the committee had any questions.

Councilor Chadbourne asked if there were other cities within the state that are already doing it, if there have been communications with them about how they do it, their parameters and their successes. City Manager Dragon shared that when she was the city manager of Franklin, NH, she worked with Laconia on an outreach program to do exactly this. Laconia was leading the way with their program so she met with them via zoom to discuss and investigate potential. Their model utilizes a police officer as their outreach person. Dover, NH has a slightly different program in that they have a separate social worker embedded in the police department, which seems to work better for a variety of reasons. She believes it reduces much of the intimidation factor. Both of these programs have been successful, so much so that they have expanded the programs to include more social workers.

City Manager Dragon shared that she had asked about metrics as when working on a grant, metrics are a large component. Metrics can be tough to report particularly with this topic as there are so many aspects to it such as the number of successful connections made, how many times did people come back, what was the recidivism rate, etc. Laconia eventually became a model program and the state worked with them to get a federal congressionally directed grant to work with a handful of communities to set up similar types of program.

Councilor Chadbourne shared that she initially had two reactions to hearing City Manager Dragon speak with the first being that while this is much needed, one social worker does not sound like enough. The second is, with all the incidents that occur, she wondered whether that social worker would also be working with the fire department and the EMT's and acting as a liaison to the local community organizations. City Manager Dragon responded yes, they absolutely would be and that making those personal connections and hand-offs are not only crucial but have been found to get individuals in quicker for services and assistance.

Acting Chair Remy asked if there were any other questions.

Councilor Lake shared enthusiasm about the pursuit of this. He would be interested to know what other projects are planned for the \$113,000. City Manager Dragon responded that there are no other programs in wait as they have been saving the funds to support this program. If they are not successful in getting the grant, she would like to use the money at least partially to offset the position. If they do get the funding, she would like to have more discussion of how to make that money spread out to sustain the position beyond the two year grant contract. She agreed with Councilor Chadbourne in that they will probably want more help as the need is too great for one individual or one singular role.

Councilor Madison thanked both City Manager Dragon and the Police Chief for their initiative. He was pleased to see the city thinking outside the box and joining other towns to realize that we are not going to arrest or jail the way out of the current opioid crisis or the mental health crisis and believed this to be a big step in the right direction.

Acting Chair Remy opened it to public comment.

Jody Newell, 32 Leverett Street, spoke on how this money was to compensate for the harm that was done to people like her. She implored the committee to not put this position through the police department and not due to any bias on behalf of her against the police department. She explained many individuals with substance use disorder deal with the police on a regular basis in a negative way. She suggested the committee separate it from the people who are tasked with enforcing the criminalization of substance use if the desire really is to save lives. She stated she would like to see it separated and thanked the committee.

Acting Chair Remy thanked Ms. Newell for her comments and stated that while this is informational tonight, where this position should live is something the committee should consider moving forward with, whether that be within police or health services.

Acting Chair Remy asked for any other questions, comments.

Council Williams spoke and reiterated the concern with the position being housed with the police department. He had no disrespect to the police department, but explained some substance users have a great deal of fear of police, and housing this position within the department will create a barrier. He preferred to see the position associated with the fire department or EMS as it would take it out of the criminal responsibility and make it a health matter, which he believes to be an important philosophical aspect.

Acting Chair Remy thanked him for his comments. He asked if there was anything else, from the committee or from the public. With no further comment he requested a motion.

Councilor Madison offered the following motion that was duly seconded by Councilor Chadbourne:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends the update on the Opioid Grant application be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Helen Mattson, Executive Secretary
Through: Patricia Little, City Clerk
Subject: **Resignation - Partner City Committee**

Council Action:

In City Council April 6, 2023.

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

Recommendation:

That the resignation of Lena Kridlo from the Partner City Committee be accepted with regret and appreciation of her service.

Attachments:

1. Resignation_Kridlo_Redacted

Background:

Lena Kridlo submitted a resignation from the Partner City Committee. She has served on the Committee since April 2021.

From [REDACTED]
To Helen Mattson<hmattson@keene.nh.gov>, Mayor George Hansel<ghansel@ci.keene.nh.us>, William Schoefmann<wschoefmann@ci.keene.nh.us>
Date Fri Jul 22 05:52:32 PDT 2022
Subject Letter of resignation - Partner City Committee

Dear Mayor Hansel and committee members,

I am writing to tell you that I am resigning from my position on the Partner City Committee. Being a full time working single parent with a son in sports just does not give me the time to participate on the committee effectively.

I apologize for the inconvenience, I am happy to continue translating for the committee and help in such capacity.

Serving on the committee has been a great experience and I am happy to have had the opportunity to meet so many wonderful people in our community.

Thank you,
Lena Kridlo



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Helen Mattson, Executive Secretary
Through: Patricia Little, City Clerk
Subject: **Resignation - Human Rights Committee**

Council Action:

In City Council April 6, 2023.

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

Recommendation:

Attachments:

1. Resignation_Filiault

Background:

Human Rights Committee member Shaun Filiault has submitted his resignation from the Human Rights Committee. He has been a member since February 2020.

To: Keene Human Rights Committee
From: Shaun Filiault /s/
Re: Resignation
Date: April 3, 2023

I am resigning from the City of Keene's Human Rights Committee, effective immediately.

It has been a pleasure to serve the City in this capacity. However, as I now serve our community as a State Representative, my available time to commit to other organizations is extraordinarily limited. Therefore, I believe it best that I step aside from the Human Rights Committee at this time.

I will remain a firm advocate for human rights while representing Keene in the State House.

I wish the Committee all the best and look forward to attending future events.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.3.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Daniel Langille, City Assessor
Through: Elizabeth Dragon, City Manager
Subject: **79E Community Revitalization Tax Relief Application for 310 Marlboro Street**

Council Action:

In City Council April 6, 2023.

The Mayor set a public hearing on the matter for Thursday, April 20, 2023 at 7:00PM.

Recommendation:

That the Mayor set a public hearing regarding the 79-E Community Revitalization Tax Relief application submitted by Randall Walter for the property at 310 Marlboro Street owned by 310 Marlboro Street LLC.

Attachments:

1. 79E Committee checklist report 310 MS
2. 79E_Housing_Application_Signed
3. 79E 310 Marlboro Housing Addition_Attachment

Background:

The City's 79-E Committee has completed its review of the application submitted by Randall Walter, on behalf of 310 Marlboro Street LLC, for temporary tax relief through the City's 79-E Community Revitalization Tax Relief program. The Committee has determined that the application is complete and a public hearing should be scheduled in accordance with RSA 79-E:4,II. The proposed project will construct three stories to an existing structure in order to create 57 residential apartments. The full application is attached to this memorandum.

CITY OF KEENE RSA 79-E COMMITTEE REPORT

Property Owner: 310 Marlboro Street, LLC

Property Location: 310 Marlboro Street

Applicant: Randall Walter

Date application submitted: 3/13/23 **Date of Committee Review:** 3/22/23

- **Is property located within the 79-E district?** YES NO
- **Is property located within a TIF District?** YES NO
- **Does the project require additional infrastructure by the City?** YES NO
- **Is the property listed or eligible to be listed on the national or state register of historic places and a copy of historic designation submitted?** YES NO
- **If yes, does the project devote at least \$5,000 to energy efficiency?** YES NO N/A
- **Does project replace or redevelop an existing structure?** REPLACE REDEVELOP
- **If a replacement, has HDC approval been obtained?** YES NO N/A
- **Are project cost estimates provided?** YES NO
- **Does the estimated project cost exceed the 75,000 minimum?** YES NO
Summary of work: 3 story addition containing 57 apartment units.
- **What is the proposed use of the building?**
Building is mixed use. The scope of this project adds residential units to an existing mixed use commercial building.
- **Does the project include one or more required public benefit(s)?** YES NO
- **Does the project comply with the Master Plan?** YES NO
- **Does the proposed use meet current zoning regulations?** YES NO
Notes:
- **Is the application complete with necessary documentation?** YES NO
- **Has the owner agreed to the execution and recording of a covenant?** YES NO

SUMMARY OF PUBLIC BENEFITS (as proposed by the applicant):

See application for full details

RSA 79E

Community Revitalization Tax Relief Incentive FAQs

79-E is a temporary tax relief program to encourage the rehabilitation & use of under-utilized buildings in downtown areas

Substantial Rehabilitation

- Costs for rehab of a qualifying structure must be \geq \$75,000

OR

Replacement of Existing Building

- Removal of a qualifying structure & new construction on the same lot where the costs are \geq \$75,000
 - ✓ The existing structure must not have significant historical, cultural or architectural value
 - ✓ The public benefit of replacement must exceed that of rehab.



What structures qualify?

- Existing buildings in the Keene Community Revitalization Tax Relief Incentive (NH RSA 79-E) District (see map on back)

What Projects are Eligible?

Demonstration of Public Benefit*

- Enhances downtown economic vitality
- Improves a culturally or historically important structure
- Promotes the preservation & reuse of the existing building stock
- Promotes efficient design, safety & greater sense of community consistent w/ the Comprehensive Master Plan
- Creates at least 1 new, full time job
- Directly integrates public art
- Achieves a nationally recognized green building standard
- Maintains or returns a residential building to owner occupancy
- Increases energy sustainability through reduced carbon emissions and/or an improved Home Energy Score

*Must demonstrate at least 1 of the above benefits

What is the process for seeking relief?

- 1) Owner submits an application to City
- 2) City staff review the application for completeness
- 3) Once complete, the City Council holds a public hearing on the application w/in 60 days of completeness
- 4) City Council votes whether or not to grant the relief & determine its duration w/in 45 days of the public hearing
- 5) If approved, the Owner records a covenant to ensure the public benefit is preserved

How long is the tax relief period?

- Up to 5 years for rehab or replacement as determined by City Council
- Tax relief is at a pre-rehabilitation assessed value and begins after work is completed
- Projects that provide 3+ public benefits may be considered for a longer relief period

For more information:

Contact: Community Development Department
4th Floor City Hall, 3 Washington St. Keene, NH
p: (603) 352-5440
<https://ci.keene.nh.us/community-development>



City of Keene
New Hampshire

Community Revitalization Tax Relief Incentive (RSA 79-E)

KEENE
NEW HAMPSHIRE



APPLICATION FORM

Contact throughout the application process will be made with the Applicant listed below. The property owner or a designated agent may act as the Applicant.

Property Owner:

Print Name: Randall Walter
 Address: 310 Marlboro Street
 City: Keene State: NH Zip: 03431
 Phone: 6037211227 Email: randallwalter@gmail.com

Applicant (if different from owner):

Print Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Building Information:

Building Name (If Any): @310
 Building Address: 310 Marlboro Street
 Tax Map Lot #: 595 / / 001/000 000/000 Zoning District: BGR
 Cheshire County Registry of Deeds Book #: 3170 Page#: 576
 Gross Square Footage of Building: 86,689 Year Built: 1947, 1984, 2004 proposed

Is the building eligible for listing or listed individually on the National or State Register of Historic Places or located within a locally designated, State or National Historic District? No: X Yes*: _____

**If yes, provide a copy of the approved designation by the National or State Register of the building or the district*

Does the property currently have any credit or exemption from real estate tax assessment?

No: _____ Yes*: X *If yes, please describe:

79-E for the existing building

Continue →

Return this completed application to:
COMMUNITY DEVELOPMENT DEPARTMENT
 3 Washington St, 4th Floor
 Keene, NH 03431
 Phone: (603) 352-5440

OFFICE USE ONLY

Date Submitted: _____
 Received by: _____
 Date Complete: _____

Project Information:

Describe Existing Uses (include detail on the current uses of the building/site, number of units by type and size, number of employees, etc.):

SEE ATTACHED

Describe Proposed Uses (include detail on proposed use of the building/site, number of units by type and size, number of employees, etc.):

SEE ATTACHED

Is a change of use associated with this project?

No: _____ Yes*: _____

*If yes, please describe:

SEE ATTACHED

Will any state or federal grants or funds be used to finance the rehabilitation or construction?

No: _____ Yes*: _____

*If yes, what is the amount of the aid? \$3,000,000 from InvestNH

Note: Rehabilitation or construction subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50% of construction costs from state or federal programs are not eligible for 79-E tax relief.

Does the project involve the replacement of an existing structure? No: X Yes*: _____

*If yes, following materials shall be submitted with this application:

- A New Hampshire Division of Historical Resources individual resource inventory form, prepared by a qualified architectural historian.
- A letter from the Keene Heritage Commission that identifies any and all historical, cultural and architectural value of the structure(s) that are proposed to be replaced and the property on which those structures are located.

Note: This application shall not be deemed complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4,II until the inventory form and letter from the Heritage Commission, as well as all other required information, have been submitted, if required.

Describe the work to be done and estimated cost (Attach additional sheets if necessary) **SEE ATTACHED**

1. Attach a copy of a contract, contractor estimates, or itemized list of materials
2. Attach a project narrative, building plans or sketches, renderings or photographs to help explain the proposed rehabilitation or construction.

Structural:	\$
Exterior Alterations (storefront, walls, windows, doors, etc.):	\$
Interior Alterations (walls, ceilings, moldings, doors, etc.):	\$
Electrical:	\$
Plumbing/Heating:	\$
Mechanical:	\$
Energy Efficiency:	\$
Other:	\$
TOTAL ESTIMATED PROJECT COST: <i>Note: To be considered for this tax relief incentive, the project costs must be \$75,000 or greater.</i>	\$

Expected Project Start Date:

May 2023

Expected project completion date:

May 2024

Public Benefit (Attach additional sheets if necessary) SEE ATTACHED

In order to qualify for tax relief under this program, the proposed work must provide at least one of the public benefits listed below. Greater consideration will be given to projects that provide three or more public benefits. Any proposed replacement must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same structure.

Enhances the economic vitality of downtown areas. No: Yes*:

***If yes, please describe:**

This project will add 57 additional housing units within walking distance to the downtown area, resulting in increased activity and demand for services downtown.

Enhances & improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located. No: Yes*:

***If yes, please describe:**

This project is enhancing what was once a paint factory and industrial building to a live-work community.

Promotes the preservation and reuse of existing building stock by the rehabilitation of historic structures, in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation. No: Yes*: ***If yes, please describe:**

Promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan. No: Yes*: ***If yes, please describe:**

SEE ATTACHED

Will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area. No: Yes*: ***If yes, please describe:**

SEE ATTACHED

Directly supports the integration of public art in the downtown. No: Yes*:

***If yes, please describe:**

Promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code). No: Yes*:

***If yes, please describe:**

This project is being built to Net-Zero energy standards.

Maintains owner occupancy of a residential building or it returns a residential building to owner occupancy. No: Yes*: ***If yes, please describe:**

Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%. No: Yes*: ***If yes, please describe:**

The project is being built to Net-Zero standards and will be powered by a solar array. The estimated home energy score = 10

Affidavit

I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statue (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate.

I (we) have reviewed the statute and Resolution R-2017-41 (see attached) and understand that:

- a) This application will be reviewed for completeness;
- b) There will be a public hearing to evaluate the merits of this application;
- c) If this application is approved by City Council, I (we) will need to enter into a covenant with the City; and
- d) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.

I (we) understand this application will not be determined as complete and recommended to the City Council until all of the necessary information is provided.

IMPORTANT:

Per RSA 79-E:13, the base or "original" assessed value for any tax relief period is set only after the following two conditions are met:

- 1. Approval by City Council; and
- 2. The Applicant has entered into a covenant with the City of Keene to protect the public benefit.

Tax relief granted will pertain only to assessment increases attributable to the substantial rehabilitation or replacement performed under the conditions approved by the City Council and not to those increases attributable to other factors including but not limited to market forces.

R Walter

Digitally signed by R Walter
DN: cn=R Walter, o=310 Marlboro St., LLC, ou=Manager,
email=310marlborostllc@gmail.com, c=US
Date: 2023.03.13 11:44:44 -04'00'

APPLICANT (signed) (name printed) (date)

R Walter

Digitally signed by R Walter
DN: cn=R Walter, o=310 Marlboro St., LLC, ou=Manager,
email=310marlborostllc@gmail.com, c=US
Date: 2023.03.13 11:44:24 -04'00'

OWNER (signed) (name printed) (date)

NOTE: Owner must sign this Affidavit, if Owner is not the Applicant



02March2023

RE: Application for RSA 79E by 310 Marlboro St., LLC (@310) - Housing Addition

To the Mayor of Keene and City Councilors,

310 Marlboro St., LLC seeks 79E tax relief from the City of Keene to allow these funds to be reinvested into the building and site, for the benefits of the tenants, the Marlboro Street corridor and the greater City of Keene.

The project(s) will exceed the \$75,000 requirement. Estimated investment to be \$12.6MM

Project Information

Describe Existing Uses (include detail on the current uses of the building/site, number of units by type and size, number of employees, etc.):

310 Marlboro Street is an existing building, built in 1974 and added to in 1984. There is no historical, cultural or unique architectural value. While appearing like a brick mill building, it is a steel structure with brick and metal cladding.

Currently the building houses 50+/- tenants including light manufacturing, office space, a school, a theater, fitness studios, hair salons and warehouse space.

Describe Proposed Uses (include detail on proposed use of the building/site, number of units by type and size, number of employees, etc.):

The vision and goal for the @310 Housing project is to add three net-zero stories with 57 much needed housing units on top of the existing mixed use commercial building creating a walkable live-work community close to downtown. The breakdown of units is as follows:

- Studio - 3 units
- 1-Bedroom - 36 units
- 2-Bedroom - 3 units

The addition will be 19,405 square feet per floor, totalling 58,215 square feet

- The exterior appearance of the building will consist of three additional stories with a combination of metal panels, concrete and wood siding. The facade is broken up with a variety of decks, window placements and French balconies.



- A solar array will be installed on the roof of the new addition as well as additional roof areas of the existing building if needed. These will not be visible from the ground.
- All lighting will be LED fixtures
- All appliances and fixtures will be Energy Star and/ or WaterSense rated as applicable
- Heating, and cooling will be achieved with electric air source heat pumps. These units (roof mounted) are sized to improve local comfort throughout the building while using a large portion of the site generated energy from the solar panels. Heat recovery ventilation will be installed for fresh air.

Is this a change of use associated with this project?

The project is classified as mixed use so technically it is not a change of use, however, we are adding 57 residential units to the building and currently there are none.

Will any state or federal grants or funds be used to finance the rehabilitation or construction?

Yes. We received a \$3,000,000 grant from InvestNH.

Does the project involve the replacement of an existing structure?

No. This is an addition

Estimated Cost

79E Estimated Project Cost	
Structural	\$ 2,119,200
Exterior Alterations (storefront, walls, windows, doors, etc)	\$ 2,076,157
Interior Alterations (walls, ceilings, moldings, doors, etc.)	\$ 2,459,196
Electrical	\$ 1,198,400
Plumbing/Heating	\$ 1,591,620
Mechanical	\$ 684,000
Energy Efficiency	\$ 523,088
Other	\$ 1,968,924
TOTAL ESTIMATED PROJECT COST:	\$ 12,620,584



Public Benefit

- The @310 Housing addition is consistent with both the Keene Comprehensive Master Plan as well as the Keene Energy Plan.
- The addition is being built to Net-Zero standards as well as sequestering carbon with mass timber frame construction.
- A solar array is being installed to provide energy for the electrical load.. Size TBD
- Insulation and systems will exceed code requirements.
- The addition is entirely electric with the exception of the domestic hot water, which is being heated from the wood chip boiler in the existing building.
- Rather than building on a greenfield, the @310 housing addition is utilizing the existing infrastructure and base building as its foundation
- @310 connects both to Marlboro Street, Laurel Street and to the northeast the Rail trail allowing for access by car, connection for trucks, at the same time developing pedestrian and bicycle connection to downtown and Main Street.
- Jobs will be created on two levels. 310 Marlboro St LLC will hire 1-2 people to manage the property and all of the building updates will provide project growth for local contractors.

Thank you for this opportunity and program availability to advance renewable energy, a reduction in fossil fuel reliance and support for the adaptive reuse of existing buildings in the City of Keene.

Respectfully,

Randall S. Walter, AIA
Member, 310 Marlboro St., LLC
310 Marlboro Street
Keene NH 03431
603.721.1227



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.4.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Andrew Bohannon, Parks, Recreation and Facilities Director
Through: Elizabeth Dragon, City Manager
Subject: Invest New Hampshire Municipal Demolition Grant - Building at 160 Water Street

Council Action:

In City Council April 6, 2023.

Voted unanimously to suspend section 26 of the Rules of Order to act on this time sensitive request. Voted unanimously to carry out the intent of the memorandum.

Recommendation:

Move that the City Council recommend that the City Manager be authorized to execute the submission of the application for Invest NH Municipal Demolition Grant for the purposes of removing the Findings Inc. building at 160 Water Street.

Attachments:

None

Background:

The City of Keene has submitted an Invest NH Municipal Demolition Grant back in December 2022. The grant application has been reviewed and requires additional information to move forward in the process. The grant application was for \$130,000 which does not require a match from the City. The purpose would be to remove the Findings, Inc. building located at 160 Water Street. This property was purchased by the City for the purpose of expanding the Patricia T. Russell Park and skate park area.

Should the grant be approved, demolition can begin as soon as the grant award and the City purchasing bid process. The construction of the skatepark will occur this summer and allow for grant funds from the LWCF application to be used towards site development and not demolition.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Jesse Rounds, Community Development Director
Through:
Subject: **Relating to Amendments to the Rural District Minimum Lot Size - Ordinance O-2023-02**

Council Action:

In City Council April 6, 2023.

Memorandum filed as informational. The Mayor set a public hearing for Thursday, May 4, 2023 at 7:00PM.

Recommendation:

A motion was made by Harold Farrington that the Planning Board find Ordinance O-2023-02 consistent with the City's Comprehensive Master Plan. The motion was seconded by Kenneth Kost and was unanimously approved.

A motion was made by Councilor Giacomo that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2023-02. The motion was seconded by Councilor Ormerod. Councilor Jones stated he does not agree with the Ordinance but he will vote to move it to a public hearing. This motion was unanimously approved.

Attachments:

None

Background:

Chair Bosley stated the public comment at this time will be limited to three minutes. She indicated she will not tolerate any disrespectful language from anyone.

Community Development Director, Jesse Rounds, and City Tax Assessor, Dan Langille, were the first two presenters. Mr. Rounds stated the proposal before the Committee is to change the minimum lot size in the Rural District from five acres to two acres. He referred to a slide that showed areas in the Rural District with prohibitive slopes, land locked parcels, and wetlands removed (development potential in the Rural District).

Mr. Rounds stated a lot of public comment was received the last time this item was before the Board and noted that those concerns have been broken into five categories:

Impact to Rural Character – Concern that changing lot size would increase development along the main road and change the feel of the Rural District. Mr. Rounds stated that staff looked at the Land Development Code to see if there were existing regulations that would permit the Planning Board to protect that rural character. He noted that there are existing regulations that would protect rural charter, including those addressing no cutter buffers, specifying where a house could be located, etc.

There are also more than 10,000 acres of Conservation Easements in the Rural District, which is land that will be permanently conserved and will never be developed.

There are also existing tax protections on properties that are in current use (which must be ten acres in size or greater) that have development restrictions on them.

Subdivision Regulations are another tool the Planning Board has.

Unwanted Densification – Concern that there would be more density seen in an area of Keene where density is not required. Staff recognizes there is densification required in Keene's downtown and that is in fact happening. In addition, within the Land Development Code, there are controls to increase the distance between homes. There are also larger existing lots that won't see densification.

Misplaced Development – Why does development need to be placed in the Rural District – why can't it be placed in higher density areas of the City? Mr. Rounds stated the higher density areas are already seeing densification; the Planning Board and City Council amended the Land Development Code, which allows for residential dwellings to be located above commercial properties in the Commerce District and increased densification downtown. Accessory Dwelling Units were also encouraged, which is another tool residents can use to increase densification. Mr. Rounds added what is being proposed for the Rural District are single family homes, which is a pattern of development that already exists in the Rural District that is just being repeated.

Environmental Impact – The concern is that development would have an impact on the environment – staff agrees with that. However, this is why there are environmental regulations in place, such as the Surface Water Protection and Hillside Protection Ordinances, which act to limit development in these areas. In addition to this, the State has its own restrictions. Another restriction would be if a lot cannot support a septic system – you cannot develop on that property. Mr. Rounds further stated that any homeowner can seek a conservation easement on their property, which is a private action and allows individuals to protect their land in the Rural District.

Mr. Rounds referred to a slide, that showed the parcels that would be impacted by this change. The parcels between four acres and 9.999 acres are the ones that would have a tax implication and they make up less than 20% of the parcels in the Rural District. The remaining parcels are either smaller than four acres and thus cannot be subdivided or larger than ten acres and are can therefore be protected from this implaction by various methods.

Housing Benefits

- The City wants to allow for a variety of housing types – from studios all the way up to single family homes.
- Permit property owners to take advantage of additional unused acres – At the present time, anyone who owns five acres can't subdivide their property; however, under the new regulations they would be able to.
- Development will need to be sensitive to steep slopes and surface water restrictions – The Planning Board has the power to evaluate any of these potential impacts.

Mr. Rounds reiterated – the housing needs analysis showed that 4,500 houses were either cost burdened or considered substandard housing. Of the 1,400 units that were referred to, 300 of the units cost more than \$300,000 and are located in the Rural District. Mr. Rounds added the assessment showed there is a housing need across the entire spectrum.

Dan Langille, the City Tax Assessor, was the next to address the Committee. Mr. Langille indicated when that zoning changes happen, state law (RSA 75.1) requires that all properties have to be taxed at market value. He explained that market value is determined by how property is bought and sold and that is applied to all properties in the City and that is how the assessed value is determined.

He explained that assessments have to be adjusted annually to reflect changes. Mr. Langille noted what the Assessing Department does is that they look at the market potential of properties when determining their assessed value.

How is land assessed? You first look at the primary size of a lot. For example, with a seven acre parcel, currently five acres will be the primary site and two acres will be residual land. With the zoning change, two acres will be the primary site, four acres secondary site (potentially) and one acre will be residual land.

Mr. Langille stressed all conditions of a land are looked at, as not all properties can be subdivided even though it falls under the subdivision regulations. He added that the City would look at each parcel individually in the Rural District to see which ones can be subdivided and which ones cannot be subdivided.

Mr. Langille went over some hypothetical value demonstration: At the present time, an average five acre lot is valued at around \$65,000 and a two acre lot is valued at around \$45,000. With the zoning change, the five acre lot would increase to about \$85,000: The two acre primary site will be valued at \$45,000, secondary site around \$35,000 (80% of \$45,000) and the one acre residual land at \$5,000.

Mr. Langille indicated that even if this zoning change was to be approved next week, the values won't automatically change. Staff would have to look at each parcel one at a time. When revaluation is done, the City looks at one to two years of sales before parcels are reassessed. This concluded staff's presentation.

Chair Bosley asked for clarification on the current use rule; is it your housing lot and ten acres or just ten acres gives you the ability to put property in current use. Mr. Langille stated you need to have ten acres in its natural state; the primary house is excluded. Chair Bosley asked whether there are tools staff can provide a property owner if they have concerns about their assessment. Mr. Langille answered in the affirmative.

Chair Bosley stated her hope is that staff will take every measure to make sure the property owners who are affected by this change are assisted appropriately. Mr. Langille stated staff does its due diligence in working with property owners.

Mr. Kost noted even though zoning allows a site to be subdivided, there could be other factors that won't allow for that subdivision. However, this information won't be known until perhaps an engineering study is completed and land can't be properly assessed until such work is completed. Mr. Langille stated staff will look at topography, wetlands, etc and make a determination. However, if additional information is provided to refute that, and adjustment can always be made.

Councilor Johnson asked if there are two homes on a lot but there is room only for one septic; could a septic be shared. Mr. Rounds stated if it is large enough, then they could have an agreement to share a septic system.

Ms. Lavigne-Bernier referred to the land value that went from \$65,000 to \$85,000, which increased the property by \$20,000 worth of value; she asked what this tax increase would be. Mr. Langille stated at the City's tax rate of \$31, the tax increase would be around \$620.

Councilor Ormerod asked if the zoning change went from five acres to two acres, how many more households could the City accommodate. Mr. Rounds stated in terms of properties under five acres, a number of those are vacant now and these could be developed without a variance. He added developing a property would be entirely up to a property owner, hence estimating this number might be difficult. Councilor Ormerod questioned why the City is doing this change, if it doesn't know what the benefits are going to be. Mr. Rounds stated any time a zoning change is made, the City cannot predict the exact number of properties that would be impacted. The City does not make those market decisions. What the City does is that it provides an environment in which private property owners can make the best decision for their property. Councilor Ormerod stated he would like to see for the next meeting an estimated number.

Ms. Brunner agreed Mr. Rounds is correct, in that the City cannot create a build out scenario. She indicated there are many constraints in the Rural District, but there are many lots which can be subdivided and get two or more lots. What the City is hoping for with this change are for smaller subdivisions. The City is looking at the Rural District as the last area in Keene where single family homes can be built. In the rest of Keene, we are looking at more infill style development; single family homes being converted to two to three family or densifying lots. Chair Bosley stated Keene is recognizing its housing needs and is creating an environment to assist with this need; however, nothing can be forced.

Councilor Oremerod stated he agrees that the City cannot do a complete engineering build out analysis, but noted that there will be people who will do that work and come back to City. He stated he would like to at least have an estimate of what this is going to be.

Councilor Giacomo referred to the slide that included the prohibited features and asked if this map included current use as well as conservation land. Mr. Rounds stated he did not include this because it is not a permanent feature

and went on to say of the 13,000 acres in the Rural District 10,000 acres are in current use. The remaining area already have homes or restraints on this.

Chair Russell-Russell-Slack asked staff to explain what current use means. Mr. Langille explained current use is when you own ten or more acres of land and you leave it in its natural state. It can be farmland, forestland, wetlands etc. The benefit is that the landowner agrees not to develop it and there is a significant tax benefit to this. Councilor Giacomo clarified when property is taken out of current use there is back taxes that would need to be paid and those funds are used to create additional conservation land. Mr. Langille stated it is not back taxes that need to be paid, it is a one-time penalty (10% of the value of land at that time) and those funds are used to place more land in permanent conservation land. Chair Russell-Slack asked how often is land taken out of current use and put into conservation. Mr. Langille stated he has been with the City for ten years and has maybe seen one a year.

The Chair next asked for public comment and reminded the public of the three minute time.

Mr. Matthew Hall of 431 Hurricane Road addressed the Committee and stated he heard Mr. Rounds indicate that the only change being proposed is the change from five acres to two acres and asked whether he heard reference to 50 feet of frontage. Mr. Rounds stated 50 feet of road frontage is the current requirement and will be the same requirement going forward as well. Mr. Hall stated the City is trying to address a housing shortage which he indicated is to be applauded but cautioned the City of creating hardship for property owners who own four acres and above and if these land owners would now have to hire an engineer to defend a mistaken assessment of development potential – this will be shifting the burden from one group to another. He did not feel this would be a step forward, but, rather masking a problem.

He questioned whether comments and letters from the public regarding this zoning change that were presented as part of O-2022-19 A and B will be included in the record for O-2023-02. He asked that these comments be included.

Mr. Hall agreed current use properties do have a lower tax rate but also have considerably low burden on a town . They don't demand public services and fewer demands on the public.

Ms. Pamela Parrish of 123 Meadow was the next speaker. Ms. Parrish stated she is active with the Monadnock Interfaith Project (MIP) and stated this statement is on behalf of MIP.

One thing that most of us have in common is that we would like a safe, warm place to call home, that is in our price range. Home is a place to sleep, unwind, recharge and a home base that we live our lives from. Our community will be strongest if each of our residents has a place to call home that they can afford. As we know we are facing a housing crunch in Keene. Today on indeed.com there are 1,201 jobs available in Keene and on apartments.com has only 33 apartments open. This is a huge disparity. Another statistic many of us have heard is that Cheshire County currently has a .6% vacancy rate. A healthy rate is 3%. For us to thrive economically as a community, as families and people, we need enough housing. At MIT we are grateful that the City continues to put forward smart zoning changes in all of our district. We need to be intentional about this zoning that will allow for thoughtful development. We also recognize that historically, two acres was the lot size for Rural District in Keene until it was changed to five acres of a few decades ago. Tonight we would like to share that we support the proposed minimum lot size change from 5 acres to 2 acres in the Rural District. We are grateful to hear and wish to encourage you to prioritize concentrating development to maximize affordable housing and to protect our environment and open space natural areas. We all need housing; young adults, seniors, families, daycare workers, school teachers, small business owners - all of the community. We appreciate the City of Keene's efforts and encourage you to support this proposed change.

Ms. Parrish on a personal noted added having to pay for something that's the potential of your land is a little scary.

Mr. Tad Lacey of Daniels Hill Road addressed the Committee next. Mr. Lacey noted to what staff stated of the 1,121 parcels 80% would not see their taxes affected, which means 20% would and felt that was a lot of people. He felt a tier of people who will be adversely affected and would be faced with having to deal with their mortgage companies to escrow their taxes etc. He felt the City could be causing some damage to certain property owners due to this change. Mr. Lacey went on to say most of the land that is available to build on is in current use and this is where the disparity lies. Mr. Lacey stated the issue is not the lack of land, it is providing landowners the incentive to make it available.

Ms. Laura Tobin of Center Street stated change is always difficult and people are afraid of their taxes increasing. She indicated when she asked the Department of Health and Human Services what their budget was it was indicated to her they did not have a budget but that they bill the City when they have a need to house people. This means the more people that are housed the higher the property taxes would be. She talked about the impact on roads due to people commuting into the City which can also add to the tax burden. She felt the local economy will be impacted when there is a lack of housing for workers. Encouraging people to live in this community and supporting what has been created is important.

Rev. Derek Scalia of 16 Hillside Avenue was the next speaker. Rev. Scalia stated he is before the Committee on behalf of MIP. He stated he is in support of the proposed changes. He felt what is being proposed is not new for Keene – the Rural District has seen minimum lot size at two acres prior to the change to five acres in 1977 to reduce Keene population growth which increased by 12% between 1950 and 1960 and then 16% from 1960 to 1970. Once the lot size was changed, Keene's population growth fell to 4% between 1970 – 1980 and 2% between 1980 and 2000. According to NH Business Review the vacancy rate in 2021 was .9% and as of 2022 it has fallen to .5%. Because of this imbalance the housing costs have increased which is a huge problem and felt the proposed change can make a difference to some. Rev. Scalia felt doing nothing will only exasperate the issue.

Mr. Nathaniel Stout 446 Hurricane Road stated nobody has mentioned the master plan, a project the City spent multiple years which included many participants. Mr. Stout stated he and his wife own 7.3 acres and stated he does not disagree about the need for housing and added no one has mentioned demographics. He questioned what happens in 5 to 10 years, is the City going to sacrifice a radically rural area due to a trend.

Mr. Paul Roth representing Cheshire Medical Center began by calling the Committee's attention to Dr. Don Caruso's letter November 4, 2022. He extended his appreciation to the Committee's hard work and stated Cheshire Medical Center is in support of this proposed change and felt this is a positive aspect for the economy and in turn Cheshire Medical Center.

Mr. Walter Lacey of Daniels Hill Road referred to Dr. Caruso's letter and stated he had questioned Dr. Caruso as to how much of the 50 acre site on Maple Avenue was going to be devoted to housing. Mr. Lacey felt Cheshire Medical Center has the opportunity to be part of the solution and felt this was not addressed by Cheshire Medical Center. Mr. Lacey went on to say there is a confusion about conservation easement – a conservation easement benefits the community.

Mr. Cole Mills of 68 Langley Road addressed the Committee next. He felt staff did not provide accurate information to the Committee – 219 properties times \$1,500 - if all those properties qualify equates to about \$340,000. He went on to say going from five to two acre minimum zoning in a Rural District does not have the impact providing affordable housing, rather it will destroy a part of what makes Keene a special and diverse community. By reducing to two acre zoning on a 20 acre lot will allow for 10 houses to be built where only four could be built under the 5 acres zoning. By reducing the minimum zoning with the CRD Modification, you place tremendous stress on part of the City that is not served by public water, sewer, lack sidewalks, have narrow scenic roads, furthest from police, fire and public transportation services. There is also environmental and noise impacts to consider as you have increased traffic and activity in these quiet neighborhoods. Two acre zoning does nothing to solve the housing shortage. He indicated not having available land is not the problem. It does cost however, to drill a well and septic. Recently built homes on less than five acres have sold between \$400,000 - \$550,000.

He further stated currently things that do not make Keene affordable is the cost to build, interest rates which are now between 6 and 7% for a thirty-year mortgage and Keene property taxes, even at 31.1 continue to be one of the highest in the State. For the past 30 years Keene's population stayed between 22,000 to 23,000 folks. During that time we have had substantial housing come online; privately owned college dormitories, senior housing, and conversion of several industrial public buildings to apartments. During that time Keene State College has dropped from about 5,500 students to 3,000 students. This has opened up housing in the center of the City that was once surrounded by students. The City is also not considering projects that have been approved, such as Whitcomb's Mill or 310 Marlboro Street. In other words, Keene has more homes now compared to the history of this community but has had flat population growth.

He added the reason Cheshire Medical is having a difficult time hiring people is very simply because there is a large shortage. 200,000 nurses per year is needed to be hired just to maintain a status quo. He felt people are not going to move to an area where there is just one hospital, they will move to areas where there is more opportunity.

Chair Russell-Slack felt the comment by Mr. Mills regarding staff was an unnecessary comment.

Councilor Johnson noted as indicated by Chair Bosley nobody is being forced to do this and added a committee similar to this committee has been working on this issue for a long time.

With no further public comment, the Chair closed the public hearing.

Councilor Ormerod felt the rural zone is under densified and even under developed lots, if we were to count it, would be worth it to get Keene to its 140 units per year. He felt Keene is in crisis and Keene needs young people to get to something more normal. He stated he supports this zoning change.

Chair Bosley addressed the Committee and stated the Committee has a few options tonight. At the end of tonight's meeting if the Committee wants to move this item forward the PLD Committee will make a motion to request a public hearing in front of the full Council and the Planning Board will determine how this item aligns with the Master Plan. The other options would be to continue the workshop to amend the ordinance. The Chair stated this item has been addressed several times and she sees on a daily basis what housing constraints are doing to the economy as an employer and as a homeowner. She felt all zones need to be reviewed to making housing available in the community. She stated there is a lot of need for single family homes in Keene.

Councilor Giacomo stated his biggest concern going into this was the financial aspect and appreciated the Tax Assessor's comments tonight. He added the tax burden on the 219 households is a concern for those households. He felt if a property owner can demonstrate their property cannot be built on, the tax burden will not affect that property owner. He added switching from five acres to two is not as big as he expected it was going to be. The Councilor stated he appreciates Mr. Matthew Hall's letter regarding a compromised solution of going to four acres rather than two and stated he was open to looking at that.

Ms. Lavigne Bernier asked whether going from five acres to three acres was an option. Ms. Brunner stated the reason staff proposed going to two acres is because historically it has been two acres. She added as a good practice the City should not have too many non-conforming lots in a district which can cause hardship for owners. 58% of the lots are less than five acres today and over a third of them are less than two acres. Hence, staff felt two acres made sense for historic reasons and wanted to get as fewer non-conforming lots as possible. Even with the change to two acres there will still be about 35% that would be non-conforming.

Ms. Brunner went on to say in the 60's the Rural District was referred to as the agricultural district and at that time the minimum lot size was one acre, then it went up to two acres and because of the high population growth and impact it was having on City services it was changed to five acres. The City is now trying to undo this action as it has ample room in the sewer system and other city services, the school district is trying to find more students. She added an analysis was not done to change it to three acres, but stated staff could work on that.

Ms. Lavigne Bernier noted to the 2% of potential landowners being impacted but also the benefit this change could have on the community.

Mr. Kost stated a lot of compelling discussion has happened today. The last comments made by Ms. Brunner resonates; all of this is public policy and change to land use is put in place to accommodate certain things. In the past we wanted to slow down growth but now we are looking at the opposite scenario. Mr. Kost felt this is public policy and an important aspect to keep in mind.

Chair Russell-Russell-Slack reminded the Planning Board what it votes on tonight is whether this ordinance is consistent with the comprehensive master plan and asked staff to elaborate on that. Ms. Brunner stated she does not have the exact contents of the master plan but it does address housing affordability, housing in general, importance of open space and protecting environmentally sensitive areas. Chair Russell-Russell-Slack stated the comprehensive master plan the City is following is outdated and does not address the housing crisis the City currently is in. Mr. Rounds stated the master plan will be updated in the coming years and apologized for not referencing the master plan in his presentation as he was focusing more on the comments rather than the history. He added when this zoning change was addressed the first time Ms. Brunner did touch on the master plan quite extensively. Chair Russell-Russell-Slack referred to what Mayor Hansel stated in January: He stated that he was on the Statewide Housing Stability Council which kicked off the localization of the housing discussion and at that time the State was short approximately 20,000 units. This was prior to Covid and since then the number has increased dramatically. The Mayor stated he feels bad that the staff has to defend bringing this

issue forward as it is, as it is a very controversial topic. He felt that this item, this particular ordinance needs to be brought before the Council to be voted up or down and he hope that staff will continue to give the community the opportunity to see if it wants to handle this housing crisis.

A motion was made by Harold Farrington that the Planning Board find Ordinance O-2023-02 consistent with the City's Comprehensive Master Plan. The motion was seconded by Kenneth Kost and was unanimously approved.

A motion was made by Councilor Giacomo that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2023-02. The motion was seconded by Councilor Ormerod. Councilor Jones stated he does not agree with the Ordinance but he will vote to move it to a public hearing. This motion was unanimously approved.

Chair Bosley stated the public will have the opportunity to address the item before a public hearing before the City Council. After the public hearing the item will go before the Planning Licenses and Development Committee for additional public comment before it goes before Council for a final vote.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Proposed Public Art Piece – Historical Society of Cheshire County**

Council Action:

**In City Council April 6, 2023.
More time granted.**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed this item on more time.

Attachments:

None

Background:

Chair Greenwald asked to hear from anyone here representing the Historical Society of Cheshire County, or the City Manager.

City Manager Elizabeth Dragon stated that this is a great project. Still, they did not have time to go through and answer some of the questions related to the City's public art process, so staff told the Petitioner they did not need to come tonight because staff would request that the MSFI Committee place this item on more time.

Chair Greenwald stated that he has a personal objection to placing items on more time, but he will do it, particularly since this has been kicking around for the past three weeks.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed this item on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Pamela Russell Slack
Chair Keene Planning Board
Through: Patricia Little, City Clerk
Subject: **Relating to Amendments to the Planning Board Subdivision Regulations Ordinance O-2023-08**

Council Action:

In City Council April 6, 2023.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Refer to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. Cover Letter_signed by PB chair
2. O-2023-08 - Relating to the LDC - Subdivision Regulations_referral
3. Article 19_Subdivision_3-15-2023

Background:

The Keene Planning Board recently adopted amendments to their Subdivision Regulations, which must be codified into the Land Development Code, pursuant to Section 25.4. The Planning Board is respectfully requesting that the City Council adopt Ordinance O-2023-08.



City of Keene
New Hampshire

March 17, 2023

Keene Mayor & City Council
3 Washington Street
Keene, NH 03431

Re: Amendments to the Planning Board Subdivision Regulations

To the Mayor and City Council:

On February 27, 2023, the Keene Planning Board voted unanimously to adopt amendments to the Subdivision Regulations in Article 19 of the Land Development Code (LDC) following a public hearing on the proposed amendments. The amendments that were adopted are as follows:

1. Section 19.2.4 of Article 19, "Preservation of Existing Features" was amended to include additional information about the type of features that should be protected and possible mechanisms the Planning Board could require to protect those features;
2. Section 19.2.8, "Utilities" was amended to include additional submittal requirements for proposals that would create a new lot(s) not served by City sewer; and
3. Section 19.3.2.B, "Perimeter Building Setback" of the Conservation Residential Development Subdivision Regulations was amended to require that existing tree canopy within the perimeter setback along external roads be preserved.

In accordance with Section 25.4 of the LDC "Amendments to the Land Development Code," the Planning Board respectfully requests that the City Council incorporate the adopted amendments into Article 19 of the City of Keene Land Development Code (Chapter 100 of the City Code of Ordinances).

Enclosed, please find a copy of a draft ordinance with the amended regulations.

Sincerely,

Pamela Russell-Slack
Chair of the Keene Planning Board



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Planning Board Subdivision Regulations

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text in Article 19 – Subdivision Regulations, as follows:

1. That Section 19.2.4 “Preservation of Existing Features” of Article 19 be amended to include information about additional studies or mitigation that may be required by the Planning Board, as follows:

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features, such as surface waters, steep slopes, rare and/or unique scenic points, stone walls, rock out-croppings, ~~and historic landmarks.~~ **or any of the attributes listed in Section 19.3.4 “Primary and Secondary Conservation Areas” of this Article. In order to ensure that the objectives of this section are met, the Planning Board may require additional studies or mitigation, including but not limited to the following:**

- 1. The Board may require the designation of a “no-cut buffer” along public rights-of-way to preserve existing vegetation and provide a visual screen for new development. Any property that has been clear-cut within the preceding ten (10) year period, or any property that will be clear-cut as a result of any proposed or future development, may be required to conduct revegetation or other mitigation to provide a visual buffer along the public rights-of-way.**
- 2. The Board may require that the proposed development be designed and located to fit into the landscape in order to minimize significant landscape alterations and mitigate or avoid impacts to significant existing features or views/vistas.**

2. That Section 19.2.8 “Utilities” of Article 19 be amended to add a new subsection after subsection B, as follows. The intent of this proposed change is to ensure that any new proposed lot that would not be served by City sewer service has adequate land area and suitable soils for siting an individual sewage disposal system.

C. In areas not currently served by City sewer, it shall be the responsibility of the applicant or their agent to provide:

- a. Adequate information (e.g. test pits and percolation tests) to demonstrate that the land and area of each lot is adequate to permit the installation and operation of an individual sewage disposal system.**

- b. **In accordance with Env-Wq 1000, for subdivisions with lots smaller than 5 acres, subdivision approval from the New Hampshire Department of Environmental Services shall be required.**
3. That Section 19.3.2.B “Perimeter Building Setback” of Article 19 be amended as follows. The intent of this proposed change is to provide a vegetated buffer between the existing public right-of-way and any new development that occurs as part of a Conservation Residential Development (CRD) Subdivision, as well as to help maintain the existing rural character of roads within the zoning districts where CRD subdivisions are permitted to occur.
- B. Perimeter Building Setback. A building setback shall be required around the perimeter of the existing tract proposed for subdivision (excluding access points) as specified in Table 19-1. The land area included in the perimeter setback may be counted toward the calculation of open space. **The area within the perimeter setback along external roads shall be designated as a “no cut” area in order to preserve existing tree canopy.**

In City Council April 6, 2023.
Referred to the Planning, Licenses
and Development Committee.



City Clerk

George S. Hansel, Mayor

ARTICLE 19. SUBDIVISION REGULATIONS

19.1 GENERAL PROVISIONS 19-2

19.2 REVIEW STANDARDS..... 19-3

19.3 CONSERVATION RESIDENTIAL
DEVELOPMENT SUBDIVISIONS..... 19-4

19.1 GENERAL PROVISIONS

19.1.1 Authority

In accordance with the authority vested by the City Council and with the provisions of NH RSA 674:35-42, the Planning Board shall have the authority to regulate the subdivision of land in the City of Keene.

19.1.2 Applicability

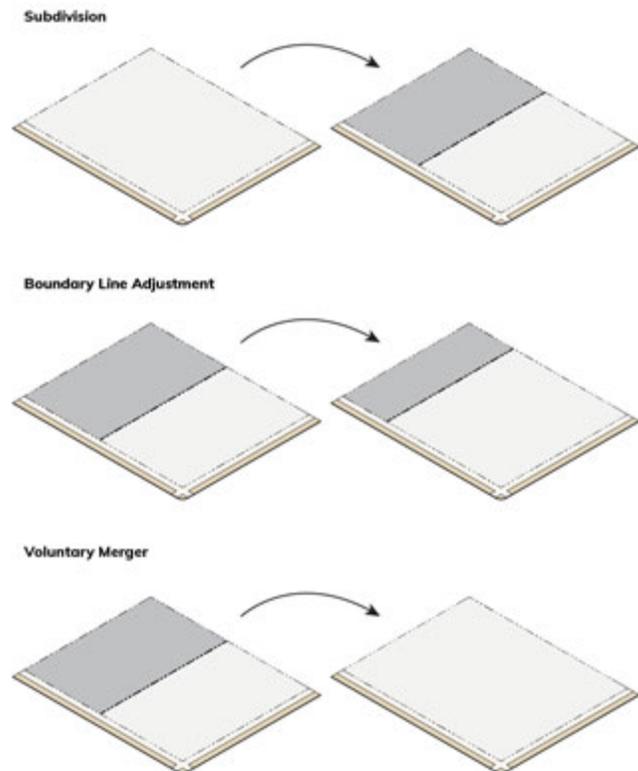
The standards included in this Article shall apply to all subdivisions of land, including the division or consolidation of lots and the alteration or adjustment of lot boundary lines.

19.1.3 Subdivision Review

Subdivision review by the Planning Board shall be required for the following types of subdivisions. The application, review and approval processes for subdivision review are included in Article 25 of this LDC.

- A. Subdivision.** Subdivision means the division of a lot, tract or parcel of land into 2 or more lots, plats, sites, units or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development.
- B. Boundary Line Adjustment.** A boundary line adjustment, also referred to as a lot line adjustment, is the alteration or adjustment of boundary lines between 1 or more contiguous, preexisting approved or subdivided lots.
- C. Voluntary Merger.** A voluntary merger is the consolidation of 2 or more contiguous pre-existing approved or subdivided lots owned by the same property owner.
- D. Conservation Residential Development Subdivision.** A type of subdivision that is intended to encourage the beneficial consolidation of land development and the preservation of open space by applying less restrictive lot dimensional requirements than the underlying zoning district in exchange for placing an undeveloped portion of land into permanent open space. Subdivisions proposing the creation of 3 or more lots and the layout and

construction of a new road, where the parcel to be subdivided is located in either the Rural, Low Density, or Low Density-1 zoning district and meets the minimum lot size requirements for a conservation residential development specified in this Article, shall be reviewed as a conservation residential development.



19.1.4 Five-Year Exemption

Approved subdivisions shall be protected from future amendments to regulations for a 5-year period, provided that active and substantial development has occurred on the site, in accordance with NH RSA 674:39.

19.2 REVIEW STANDARDS

The Planning Board shall apply the following standards in its review of subdivision applications.

19.2.1 Lots

- A. Lot size and configurations shall meet all requirements of the Zoning Regulations.
- B. All lots shall have frontage on a state highway (excluding limited access highways), a Class V road, or a street within an approved subdivision plan.
 - 1. Road frontage shall not be less than 50-ft, unless expressly allowed in this LDC.
- C. Subdivisions shall not be approved on roads shown on city records and plans as discontinued, discontinued subject to gates and bars, or Class VI roads.

19.2.2 Character of Land for Subdivision

All land proposed for subdivision shall be of such a character that it can be safely used for building development purposes and would not pose a danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions.

19.2.3 Scattered or Premature Development

Subdivisions shall not promote scattered or premature development of land as would involve danger or injury to health, safety, or necessitate the excessive expenditure of public funds for the supply of associated services. In making such a determination, the Planning Board will take into account the capacity of the school system, adequacy of access streets, adequacy of water supply for fire-fighting purposes, distance from emergency services, and availability of other public services.

19.2.4 Preservation of Existing Features

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features, such as surface waters, steep slopes, rare and/or unique scenic points, stone walls, rock out-croppings, and historic landmarks, **or any of the attributes listed in Section 19.3.4 "Primary and Secondary**

Conservation Areas" of this Article. In order to ensure that the objectives of this section are met, the Planning Board may require additional studies or mitigation, including but not limited to the following:

1. **The Board may require the designation of a "no-cut buffer" along public rights-of-way to preserve existing vegetation and provide a visual screen for new development. Any property that has been clear-cut within the preceding ten (10) year period, or any property that will be clear-cut as a result of any proposed or future development, may be required to conduct revegetation or other mitigation to provide a visual buffer along the public rights-of-way.**
2. **The Board may require that the proposed development be designed and located to fit into the landscape in order to minimize significant landscape alterations and mitigate or avoid impacts to significant existing features or views/vistas.**

19.2.5 Monumentation

The owner or developer shall provide permanent reference monuments in accordance with Article 22 of this LDC.

19.2.6 Special Flood Hazard Areas

All subdivision proposals having lands identified as Special Flood Hazard Areas on current Flood Insurance Rate Maps (FIRM) shall be located and configured to be consistent with the need to minimize potential impacts from flooding. In addition, any public utilities and facilities associated with such proposals shall be located and constructed to minimize or eliminate flood damage.

19.2.7 Fire Protection & Water Supply

All subdivisions shall be provided with an adequate supply of water for fire protection purposes at the owner's expense. This requirement may be met by any of the following options, subject to the approval of the Fire Chief.

- A. Fire hydrants connected to a public water main with adequate fire flows and pressures appropriate to the type and scale of the proposed use that meets the requirements of the National Fire Protection Association (NFPA) and the Keene Fire Department.
- B. Private fire protection water supply systems when it is infeasible or economically unreasonable to connect a fire hydrant to a public water main as determined by the Planning Board. Private fire protection water supply systems may include the following.
 - 1. For non-residential, institutional, and multi-family dwellings, storage and distribution systems appropriate to the type and scale of the proposed use that comply with the standards of the National Fire Protection Association (NFPA) and the Keene Fire Department.
 - 2. For single-family dwellings, underground cisterns and associated dry hydrants that meet the standards of NFPA 1142. The location, design, and provisions for ownership, maintenance, and all season access to the cistern and supporting facilities shall conform to the Keene Fire Department hydrant specifications.
 - 3. Individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R may be installed; however, in no case may the installation of such a system be made a requirement of approval.
 - 4. Any other public or private fire protection water supply system approved by the Fire Chief and determined by the Planning Board to provide a similar or greater level of fire protection than the options provided in (1) and (2) above.

19.2.8 Utilities

- A. When required by City Code, all subdivisions will be serviced by City water and sewer. All necessary water and sewer lines shall be installed to the required specifications of the Public Works Department and shall include

service lines running from the water and sewer mains to the property line to service each lot. In addition, utility rights-of-way shall be provided in accordance with Article 22 of this LDC.

- B. All lots smaller than 1-acre in size shall be connected to City sewer service, unless otherwise expressly allowed in this LDC.
- C. **In areas not currently served by City sewer, it shall be the responsibility of the applicant or their agent to provide:**
 - a. **Adequate information (e.g. test pits and percolation tests) to demonstrate that the land and area of each lot is adequate to permit the installation and operation of an individual sewage disposal system.**
 - b. **In accordance with Env-Wq 1000, for subdivisions with lots smaller than 5 acres, subdivision approval from the New Hampshire Department of Environmental Services shall be required.**

19.3 CONSERVATION RESIDENTIAL DEVELOPMENT SUBDIVISIONS

19.3.1 Purpose

The purpose of a conservation residential development subdivision is to promote the conservation of natural resources while providing greater flexibility and creativity in the design of residential development than would be possible using conventional zoning and subdivision practices.

This purpose is accomplished by allowing for clustering of dwelling units at a higher density than would be allowed by the underlying zoning district, provided a portion of the existing tract of land to be subdivided is permanently designated as open space.

19.3.2 Dimensional Standards

- A. **Minimum Dimensional Requirements.**
All conservation residential development subdivisions shall meet the minimum

Table 19-1: Dimensional Requirements for Conservation Residential Development Subdivisions

		Rural District ¹	Low Density-1 District (without city water)	Low Density-1 District (with city water)	Low Density District	
TRACT	Min tract size	10 acres	5 acres	5 acres	5 acres	
	Min tract frontage	100 ft	100 ft	100 ft	50 ft	
	Perimeter Building Setback	From external roads	100 ft	30 ft	30 ft	30 ft
		From other tract boundaries	50 ft	20 ft	20 ft	20 ft
LOT	Min Lot Area	32,000 sf	16,000 sf	8,000 sf	6,000 sf	
	Min Road Frontage	40 ft	40 ft	40 ft	40 ft	
	Min Lot Width at Building Line	75 ft	75 ft	60 ft	60 ft	
	Min Front Setback	15 ft	15 ft	15 ft	15 ft	
	Min Rear Setback	20 ft	20 ft	15 ft	15 ft	
	Min Side Setback	10 ft	10 ft	10 ft	10 ft	
	Max Building Coverage	30%	35%	40%	45%	
	Max Impervious Coverage	35%	40%	45%	60%	

¹ New lots in the Rural District that are created as part of a CRD that are less than 1 acre in size may utilize an approved Subsurface Disposal System

dimensional requirements specified in Table 19-1. If not specified in Table 19-1 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

B. Perimeter Building Setback. A building setback shall be required around the perimeter of the existing tract proposed for subdivision (excluding access points) as specified in Table 19-1. The land area included in the perimeter setback may be counted toward the calculation of open space. **The area within the perimeter setback along external roads shall be designated as a “no cut” area in order to preserve existing tree canopy.**

C. Density.

1. The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.

2. A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a density of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.

Table 19-2: Density & Open Space Requirements

Zoning District	Density Factor per Dwelling Unit ¹	Min Open Space
Rural	2 acres	50%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

¹ Density bonus(es) may be granted as specified in Section 19.3.6

D. Open Space Reserve

1. All conservation residential development subdivisions shall permanently reserve at least 50% of the area of the existing tract as open space.
2. Any land designated for roads within the open space may not be used in the calculation of the open space area.

19.3.3 Permitted Uses

A. Residential Uses. Table 19-3 identifies the uses allowed on building lots in a conservation residential development subdivision.

Table 19-3: Conservation Residential Development Permitted Uses

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P1 (max of 3 dwelling units per structure)	P1 (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

"P" = Permitted Use " - " = Use Not Permitted
 "P1" = Use permitted with Workforce Housing density incentive

B. Open Space Uses. Uses allowed on land designated as open space in a conservation residential development subdivision shall be limited to the following uses. Use of the designated open space area may be further restricted by the owners of the open space.

1. Conservation
2. Agriculture
3. Forestry
4. Passive Recreation

19.3.4 Primary & Secondary Conservation Areas

Plans for a conservation residential development subdivision shall identify and delineate primary and secondary conservation areas on the existing tract, as defined below. Delineation of lands to be used to meet the open space requirements of the conservation residential development subdivision shall be based on an analysis and prioritization of primary and secondary conservation values identified on the tract.

A. Primary Conservation Areas. Primary conservation areas shall consist of all slopes over 25% gradient; surface waters, including

streams, wetlands, vernal pools, ponds, and any buffers associated with them; and, springs and floodways.

- B. Secondary Conservation Areas.** Secondary conservation areas shall consist of the following list of attributes.
1. Significant natural areas of species defined by the New Hampshire Natural Heritage Inventory as endangered, threatened, or of special concern.
 2. Slopes in excess of 15% where disturbance and resulting erosion and sedimentation could be detrimental to water quality
 3. Woodlands, particularly those performing important ecological functions, such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 4. Areas with topographic and soil conditions affording high rates of infiltration and percolation.
 5. Groups of trees and large individual trees of botanic significance.
 6. Prime agricultural soils as defined by the USDA Natural Resource Conservation Service.
 7. Historic features that are designated on the NH State Register of Historic Places, or the National Register of Historic Places or Historic Landmarks.
 8. Cultural features, such as stone walls, barn foundations, and cellar holes.
 9. Existing or planned recreational trails on or throughout the tract that connect to other locations in the City.
 10. Visually prominent topographic features such as knolls, hilltops, ridges, outlooks, and scenic viewsheds.
 11. Highest condition habitat areas as defined by the NH Wildlife Action Plan, as amended.

12. Drinking water supply areas.

19.3.5 Design Criteria

- A. General Criteria.** In addition to the standards for review listed in Section 19.2 of this Article, the following review criteria shall apply to applications for conservation residential development subdivisions.
1. All proposed development shall be located outside of primary conservation areas, and shall be designed to minimize impact to any identified secondary conservation areas.
 2. Streets shall be constructed in accordance with the standards in Article 22 of this LDC, and shall connect to an existing street network.
 3. All structures shall be accessed from interior streets, rather than from roads bordering the perimeter of the tract.
 - a. In the event that a waiver of this standard is granted, shared driveways shall be incorporated where feasible.
- B. Open Space Standards.** The location and layout of all open space within a conservation residential development subdivision shall require Planning Board approval and comply with the following standards.
1. The areas of land designated to meet the open space requirement of any conservation residential development subdivision shall not be used for siting of individual lots, construction of buildings, facilities for accessory uses, roads and other areas for vehicular traffic.
 2. In delineating the required open space area(s), an interconnectedness of the conservation values shall be maintained and fragmentation of the open space into small, disconnected parcels shall be avoided.
 - a. The lot area of any parcel designated as open space shall not be less than 1-acre.

19.3.6 Optional Density Incentives

Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.

B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:

1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.
2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.
3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.
4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.

C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall

be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).

1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:

- a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.
- b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. For a period of 30 years, the resale value of the unit shall be restricted to either the affordable purchase price or the original purchase price plus two times the accumulated consumer price index, whichever is greater.
- c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.
- d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will not exceed 30% of household income.

2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:

- a.** Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.
- b.** Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental price of the unit shall be restricted to the affordable rental price for a period of 30 years.
- c.** All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.
- d.** Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.

3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Class Allocation & Salary Schedule Ordinance O-2023-09**

Council Action:

In City Council April 6, 2023.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

That the City Council refer Ordinance O-2023-09 to the Finance, Organization and Personnel Committee.

Attachments:

1. O-2023-09 Class Allocation & Salary Schedule_referral

Background:

This ordinance advances an adjustment to the class allocations listed for administrative, office, technical and management positions (62-194) related to the finance department to support organizational needs, continuity of operations and succession needs.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Class Allocation & Salary Schedule

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-194, "Administrative, Office, Technical and Management – Annual Salary Schedule", of Chapter 62 entitled, "Personnel," effective April 23, 2023.

In City Council April 6, 2023.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.3.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Personnel Systems & Procedures
Ordinance O-2023-10**

Council Action:

In City Council April 6, 2023.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

That the City Council refer Ordinance O-2023-10 to the Finance, Organization and Personnel Committee.

Attachments:

1. Ordinance O-2023-10 Relating to Personnel Systems & Procedures 4 6 2023 _Referral

Background:

This ordinance advances an adjustment to the vacation accrual methodology for probationary public works employees to align it with the provisions of the recently executed AFSCME agreement.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to 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 inserting the bold text in Article V, "Policies, Procedures and Conditions of Employment", Division 3 "Leaves" Subdivision II "Vacation" of Chapter 62 entitled "Personnel" as follows:

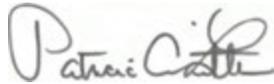
Subdivision II. Vacation

Section 62-396. Authorized.

- (a) Commencing with the first month of employment a regular full-time employee holding a position recognized in chapter 2, section 231 (city council appointments), **chapter 62, section 166 (probationary public works)** or chapter 62, section 194 (administrative, office, technical and management) will begin to accrue vacation leave at a rate of five-sixths regular working days or working shifts per month of continued employment. On the seventh anniversary date, the accrual rate for the basic workweek will increase to 1¼ days per month. On the fifteenth anniversary date, the rate will increase to 1½ days per month. Vacation leave may be accrued, based on the employee's average normal workweek, to a maximum of 30 workdays. With the exception of city council appointments under chapter 2 section 231, where the city manager determines it to be in the city's interest to do so, he may authorize other specific vacation leave provisions for a regular full-time employee at the time of employment of such employee. Any such other specific vacation leave provisions authorized by the city manager shall be in writing and will not exceed 1½ days per month accrual.
- (b) Vacation schedules shall be determined by department heads in accordance with department requirements. In no case may payment be made in lieu of taking vacation leave, except on employment termination.

Effective date March 31, 2023

In City Council April 6, 2023.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Relating to Chapter 58 – Parks, Recreation, and City Unimproved Land Ordinance O-2023-04

Council Action:

In City Council April 6, 2023.

Report filed as informational. Voted unanimously for the adoptions of Ordinance O-2023-04.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2023-04.

Attachments:

1. O-2023-04_adopted

Background:

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

Mr. Bohannon stated that before the Committee tonight is the second reading of Chapter 58. He continued that staff introduced it to the Committee on January 25, and gave a broad overview at that time. It was a pre-introduction to the usual process of how an Ordinance has a first reading, gets referred back to the Committee, goes for a second reading, then gets adopted through the Council process. If the Committee has anything specific they want him to review, he can, or he can answer any questions they had from (the January 25 overview). Or, he could give them the high-level overview of the Ordinance.

Mr. Bohannon continued that this was an opportunity to revoke and replace a lot of the outdated language in the Ordinance. It had been since 2003, prior to him, that this language had been updated. They clarified language and made sure there were assignments made, particularly to the parks, and changed from the watershed areas and renamed it "City Unimproved Land," which is then directed by the Public Works Director. They defined everything more clearly, and outlined all the parks. They now have a map, which will be in the Council's agenda packet next week, and is color-coded to show parks and unimproved land. They have done a good job changing and updating all the different uses. This sparked from the conversation about having no smoking in the parks and Railroad Square. To update that, once they get through Chapter 58, staff will come back with Resolution R-2015-29 and R-2015-30. The latter is related to parks, and R-2015-29 is related specifically to Central Square and Railroad Square.

Chair Greenwald asked the Committee if they want Mr. Bohannon to give them the long explanation, if they are good with what has been presented, or if they want to ask the Assistant City Attorney any questions. Mr. Bohannon stated that Assistant City Attorney Amanda Palmeira was instrumental in developing this.

Councilor Williams stated that in "Prohibited Uses," he sees *"No person shall fly an Unmanned Aerial Vehicle in City Parks except with the prior authorization of the Director."* He asked if this is essentially banning drones. Mr. Bohannon replied that drones would be the "Unmanned Aerial Vehicle," and yes. He continued that certainly, someone can ask for permission to do so, but oftentimes, staff finds people utilizing drones over City events. They have to be licensed, and staff wants to make sure people have the proper credentialing, before they can fly (drones) within the parks. Councilor Williams replied that there are commercially licensed drones and non-commercial drones. He continued that he is more concerned with, say, the kid who gets a toy drone and just wants to go fly it at the park. It seems like there should be some options for that. Mr. Bohannon replied that he would say there is, based on the opportunity to have the conversation with the Director. Councilor Williams replied that that is kind of a barrier; people do not know about that and would have to (talk to Mr. Bohannon). Mr. Bohannon replied that he is looking at it from a safety perspective because they have had individuals flying drones over a group of volunteers within a park, unbeknownst to them. They might not have given permission to have photos or video footage taken of them, and it was quite concerning to that particular group that someone could just come out and videotape them without their consent. There is good reason behind this (prohibition on Unmanned Aerial Vehicles). He is willing to work with an individual who wants to come forward and have that opportunity (to fly a drone). They have had individuals who have done this, prior to this Ordinance, and have gotten some amazing shots. That might be beneficial for long-term CIP or asset management. There are some benefits (to drones) and he would work with individuals to make that happen. Councilor Williams replied that he imagines there would have to be some public explanation of the process, so they are not just saying, "No, you can't do it." They have to show people the way. He is concerned about drones flying over people's heads, too, but he believes there are FAA regulations against such things. Whether the City enforces the FAA regulations is a different question.

Councilor Williams stated that his other question is about smoking. He continued that he does not smoke, does not like smoking, and is glad to have less smoking. He is concerned that if the City bans smoking entirely in parks, everyone will go across the street and smoke on the sidewalk. Russell Park is a great park, for example, but if everyone is on the sidewalk smoking when people come in, that is not great. He is concerned that there is no flexibility to say that staff have identified a problem of constant smoking in a certain area near residences and wants to move it, and allow smoking in a certain, designated area of the park, per the Director's discretion. Nothing in this Ordinance allows that. He asked what Mr. Bohannon's thinking is.

Mr. Bohannon replied that this conversation has been on the Council floor in the past, and there has been a strong contingent from the public to make sure that there is no smoking within the public parks. He knows, for example, that Ashuelot River Park had an abundance of cigarette butts under the benches and in the gazebo at the time, to the extent that you could literally grout the stone pavers with the amount of cigarette butts. It was so disgusting that people refused to use that area and complained about it, and it reeked of cigarette smoke. They do not want that in a park. At Wheelock Park, they have designated certain areas around ballfields as no smoking, and Cal Ripkin at the time would say, *"If you want to smoke, please go smoke at that outfield side."* Someone in his family has severe asthma, and even just the whiff of smoke can detract from the experience in that natural environment. He would not like to see designated smoking areas in some of the parks. The parks are natural areas. He understands that people wish to smoke or vape, but he hopes they have

strong consideration for public health, and the opportunity for someone to have clear air and enjoy the experience without having to be sidelined by someone's second-hand smoke.

Councilor Williams stated that the new camping restriction says, *"No person shall camp in any City Park except within Wheelock Park with the prior authorization of the Director for approved sporting events and in compliance with any requirements of the Director. Except for authorized camping in Wheelock Park, any person discovered to be camping within any City Park shall be instructed to vacate the property immediately, unless additional time to vacate the property is authorized at the discretion of the Director."* He continued that that is all good, except in the previous camping Ordinance, it said, *"No person may camp on any City land, except the designated campground in Wheelock Park. The Director may, under special exception, permit camping by groups on an occasional basis."* Presumably, that applies to other parks. "Allowing camping under special exception on an occasional basis" is not in the new Ordinance. He asked if Mr. Bohannon wants to speak to that. He would think that if a group wanted to get a permit to camp in, say, Robin Hood Park or as a special event, there should be an avenue to make that happen. He asked if the City does not want that to be able to happen at all.

Mr. Bohannon replied that is correct. He continued that the Housing Stability Committee, when they were going through that process, created the language that was adopted for this particular Ordinance. Through the Housing Stability Committee, there was long discussion related to this particular sentence in the Ordinance itself. Through great debate, they compromised with them and created this particular statement, which the committee agreed upon, and he believes adopted. Regarding Councilor Williams's question, for the purposes of groups of, say, Scouts, if someone came forward, staff would probably have to discuss what they wanted to do. He is not in favor of just a group of friends asking to have a campout in Robin Hood Park, knowing that oftentimes it does not lead to a clean site afterward. The stewardship of the environment often does not occur, and often there is other breakage of Ordinance rules, related to alcohol, smoking, and other things. Not always, but most of the time. He was making sure those types of activities are not happening within the parks.

Chair Greenwald asked if there were any further questions from the Committee or public. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2023-04.



CITY OF KEENE

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

AN ORDINANCE Relating to Chapter 58 - Parks, Recreation and City Unimproved Land

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

That Chapter 6, Alcoholic Beverages and Tobacco, Article II, Alcoholic Beverages, Sec. 6-28 – Same - Exceptions, be deleted in its entirety and replaced with a new Article II, Alcoholic Beverages, Sec. 6-28 – Same - Exceptions, AND that Chapter 58, Parks, Recreation and Public Facilities be deleted in its entirety and replaced with a new Chapter 58, entitled Parks, Recreation and City Unimproved Land, as follows:

Chapter 6 – ALCOHOLIC BEVERAGES AND TOBACCO

ARTICLE II. ALCOHOLIC BEVERAGES

Sec. 6-28. – Same—Exceptions.

- (a) Establishments holding a valid license from the state liquor commission to serve alcoholic beverages or liquor with food may also serve alcoholic beverages or liquor out-of-doors and on public ways when permitted to do so by the city council.
- (b) Consumption of any alcoholic beverage is permitted on city-owned property by special permission of the city council, and in City Parks in accordance with Chapter 58 of the City Code.

Chapter 58 - PARKS, RECREATION, AND CITY UNIMPROVED LAND

ARTICLE I. PARKS AND RECREATION.

DIVISION 1. GENERALLY.

Sec. 58-1. Responsibility.

City Parks, as defined below, and including City-owned bike paths, multi-use trails and any adjacent parking areas (collectively “City Parks”), and City-sponsored recreation, shall be the responsibility of the Parks, Recreation and Facilities Department, and under the supervision of the Parks, Recreation and Facilities Director (“Director”).

DIVISION 2. CITY PARKS.

Sec. 58-2. City Parks.

Articles I and II of this Chapter shall apply to the following, which are designated as City Parks, and inclusive of all improvements, structures, attachments, and adjacent parking areas, as such Parks are depicted on the Maps of City Parks prepared and maintained by the Director:

Ashuelot River Park
Beaver Brook Falls
Beech Hill
Church Street Park
Court Street Stone Arch Bridge
Dinsmoor Woods
Edgewood Common
Ellis-Harrison Park
Fuller Park
Greater Goose Pond Forest
Hickey-Desilets Park
Hospice Park and Memorial Garden
Keene Forestry Park
Ladies Wildwood Park
Patricia T. Russell Park
North Central Park
Robin Hood Park
Sesame Street Park
Shadow Lake Park
North Street Park
Stearns Hill
Water Street Courts
Wheelock Park
Wood Street Field

Secs. 58-3—58-30. Reserved.

ARTICLE II. CITY PARK REGULATIONS.

DIVISION 1. GENERALLY.

Sec. 58-31. Promulgation of rules and regulations.

To the extent not otherwise provided by Article II, the Director is hereby authorized to adopt, amend or revoke written rules and regulations relative to the control, care, maintenance and use of City Parks, and City-sponsored recreation, which shall take effect upon filing with the city clerk. The Director shall have the authority to post appropriate signs at the entrances of City Parks stating the Rules and Regulations that are applicable within the City Park. Rules and Regulations applicable to the use of Keene Forestry Park shall be in conformance with any rules and regulations for such use that may be required by the Federal Aviation Administration.

DIVISION 2. USES.

Sec. 58-32. Uses permitted.

City Parks may be used for recreational activities and community events, including City-sponsored programs and activities. Permission may be given by the Director for other uses, provided:

- (1) The use requested is similar to a City-sponsored use, or deemed by the Director to benefit the public generally or a significant segment thereof.
- (2) Liability insurance has been provided with coverage and limits satisfactory to the city attorney.
- (3) Adequate arrangements have been made satisfactory to the Director for post-event cleanup of the area used.
- (4) All applicable Rules, Regulations, Ordinances and laws are complied with.

Sec. 58-33. Uses prohibited.

- (a) The following are prohibited within City Parks.
 - (1) No person shall hunt, shoot, trap, catch or attempt to hunt, shoot, trap, catch or otherwise harm, molest, harr or worry any animal or bird in, on, or over a City Park. The City Manager may authorize the control of, or removal of animals, in City Parks when deemed necessary and appropriate.
 - (2) No person shall discharge a firearm, firework, sling shot, arrow, paintball gun, or other projectile in City Parks.
 - (3) No person shall use a metal detector in City Parks, except with the prior authorization of the Director.
 - (4) No person shall fly an Unmanned Aerial Vehicle in City Parks except with the prior authorization of the Director.
 - (5) No person shall camp in any City Park, except within Wheelock Park with the prior authorization of the Director for approved sporting events and in compliance with any requirements of the Director. Except for authorized camping in Wheelock Park, any person discovered to be camping within any City Park shall be instructed to vacate the property immediately, unless additional time to vacate the property is authorized at the discretion of the Director.
- (b) No person shall enter into, or be located in, any City Park between sunset and sunrise, except for the following locations, and except as may be authorized by the Director or required by authorized emergency personnel:
 - (1) Tennis courts, horseshoe courts, and ball fields when illuminated together with parking lots to accommodate that use.
 - (2) Bike paths as a means of traveling through a City Park to another location.
 - (3) By special permission of the Director.
- (c) The following restrictions apply to glass containers, alcohol use, and tobacco use in parks:
 - (1) No glass containers of any type shall be taken into or used in any City Park, except in connection with a catered event holding a valid liquor license and approved by the Director in an area designated by the Director.
 - (2) Alcohol is permitted in areas of Wheelock Park designated by the Director. Alcohol is otherwise prohibited in all parks unless special permission is obtained from the city council pursuant to Section 6-28(b).
 - (3) Use of tobacco products, as defined in Section 6-81, is prohibited in all parks.

Secs. 58-34—58-61. Reserved.

ARTICLE III. OPERATION OF MOTORIZED VEHICLES AND OFF-HIGHWAY RECREATIONAL VEHICLES.

Sec. 58-62. Definitions.

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

(1) *Motorized vehicle* means any self-propelled vehicle, not operated exclusively on stationary tracks, which is registered for highway use, and inclusive of the following:

All terrain vehicle means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than ten pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and no to exceed 50 inches in width. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

Off highway recreational vehicle means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motor vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes.

Trail bike means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

(2) *Operate, in all its modes and tenses* means to use a Motorized Vehicle in any manner for transportation.

(3) *Paved, graveled, or graded ways* means the entire width between the boundary lines of any public highway, street, avenue, alley, parkway, or other road designed for or intended for use by motorized vehicles that is covered with pavement, an unconsolidated mixture of rock fragments or pebbles, or leveled for such vehicular travel.

(4) *City Parks* means the City Parks identified in Section 58-2 and excludes any public highway, street, avenue, alley, or parkway, and any parking lot open for use by the public or vehicular traffic which is not otherwise adjacent to a City Park.

(5) *Snow traveling vehicle* means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts, or cleats. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

Sec. 58-63. General prohibition.

Except as otherwise provided in this Article, no person shall operate any motorized vehicle in or upon any City park, except as permitted in section 58-64, and City Code section 94-238.

Sec. 58-64. Exceptions to general prohibition.

The following exceptions apply to Section 58-63:

(1) *Paved, graveled, or graded ways.* The operation of motorized vehicles shall be permitted on paved, graveled, or graded ways in City Parks, provided that said paved, graveled, or graded ways are not gated, barred or signed to prevent such travel.

(2) *Designated bicycle paths for connection to permitted trails.* The operation of snow traveling vehicles may be permitted on designated portions of bike paths and trails located in City Parks for the purposes of connecting to other permitted trails, but only upon the issuance of written authorization by the Director.

(3) *Special events.* The operation of snow traveling vehicles in City Parks may be permitted for special events, but only upon the issuance of written authorization by the Director.

(4) *Maintenance, inspection, monitoring, repair, and other official work.* The operation of motorized vehicles and snow traveling vehicles in City Parks, including bicycle paths, by city employees and/or authorized agents of the city or authorized third parties shall be permitted for purposes of maintenance, inspection, monitoring, repair, and other official work.

ARTICLE IV. CITY UNIMPROVED LAND

Sec. 58-65. Definitions

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

(1) *City Unimproved Land* means City owned real property, other than City Parks, , and public rights of way, and includes watershed areas and public bodies of water not located within a City Park, as such lands are depicted on Maps of City Unimproved Land prepared and maintained by the Public Works Department..

(2) *Public bodies of water* means all waters owned or controlled by the City, excluding waters located within City Parks.

(3) *Watershed* means an area bounded peripherally by a divide and draining to a water course or body of water.

Sec. 58-66. Responsibility.

City Unimproved Land shall be the responsibility of the Public Works Department and under the supervision and control of the Public Works Director The Public Works Director is hereby authorized to adopt, amend or revoke written rules and regulations relative to the control, care, maintenance and use of City Unimproved Land, which shall take effect upon filing with the city clerk. The Public Works Director shall have the authority to post appropriate signs at the entrances of City Unimproved Land stating the Rules and Regulations that are applicable within the City Unimproved land.

Sec. 58-67. Uses Permitted.

City Unimproved Land may be used as permitted by the applicable terms and conditions, if any, stated in the original grant or gift of the land to the City, or as otherwise permitted by the Public Works Director.

Sec. 58-68. Uses Prohibited.

In addition to any use prohibitions included in the applicable terms and conditions of the original grant or gift of the unimproved land to the City, if any, and any limitations required by applicable state law or regulation, the following are also prohibited within City Unimproved Land:

(1) No person shall use any firearm, or hunt, shoot, trap, catch or attempt to hunt, shoot, trap, catch or otherwise harm, molest, harry or worry any animal or bird in, on, or over City Unimproved Land. The City Manager may authorize the control of, or removal of animals, in City Unimproved Land when deemed necessary and appropriate.

(2) No person shall camp in any City Unimproved Land.

(3) No alcohol shall be taken into or used in any City Unimproved Land.

(4) No person shall operate a Motorized Vehicle as defined in section 58-62 in City Unimproved Land , except as provide by City Code sec. 94-238, or as authorized by the Public Works Director.

Sec. 58-69 - 58-70. Reserved.



George S. Hansel, Mayor

In City Council February 2, 2023
Referred to the Municipal Services, Facilities
and Infrastructure Committee.



City Clerk

PASSED April 6, 2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: In Appreciation of Susan M. Hansmeier Upon Her Retirement
Resolution R-2023-17

Council Action:

In City Council April 6, 2023.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2023-17.

Recommendation:

That Resolution R-2023-17 be adopted by the City Council.

Attachments:

1. R-2023-17 Hansmeier Retirement_Adopted

Background:

Ms. Hansmeier retires from the Keene Public Library effective April 7, 2023, with almost 28 years of service.



CITY OF KEENE

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

A RESOLUTION

In Appreciation of Susan M. Hansmeier Upon Her Retirement

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

WHEREAS: Susan M. Hansmeier began her career with the City of Keene May 30, 1995, as the Librarian I that serves as Circulation Supervisor; and

WHEREAS: Her job knowledge and skills extend well beyond the limits of the function she supervised, her deep reservoir of knowledge making her a go-to person for many questions beyond Circulation, and her good planning and forecasting abilities making her judgment greatly valued and producing results in people, technical, and service situations that always were more than satisfactory; and

WHEREAS: Susan has been the personification of excellent customer service, consistently working to ensure that every individual who visits the library leaves with a positive experience, always guided by the best interests of the patron jointly with the library’s rules when looking to say “yes” and continuously championing new processes to improve service; and

WHEREAS: During two library renovations—one involving a move of the library—and with the second construction project followed almost immediately by the pandemic, Susan continued to embrace change calmly while helping to plan all the variations to the facility, its services, staff training requirements, etc. and went above and beyond to serve patrons—literally being a lifeline to many, speaking with them at length on the phone, calling to check on people who hadn’t been seen in a long time, carrying books to vehicles, and delivering right to the door for people who found it difficult to leave their homes; and

WHEREAS: First and foremost a caring people person, yet a strong leader very firm in her service expectations, Susan has espoused people over processes and has developed a cohesive team that mimics her as the “face” of the library, that puts excellent customer service at the heart of everything it does and that is empowered to make independent decisions based on their training and organizational understanding, and she asks that they communicate with and support each other, recognize their strengths as individuals, and work together to serve the community; and

WHEREAS: Because her kindness and concern always are at the forefront, Susan has been a popular selection on Citywide and internal teams, having contributed on the College Library Committee, Holiday Luncheon Committee, the Personnel Advisory Board, the Welcome and Recognition Committee, the Spirit Team, both the Health Insurance Research and Health Insurance Review Committees, the Community Engagement Committee on Improving City Communications, during Citizens’ Nights, on Election Night Audits of voter participation, and on a multitude of selection processes inside and external to the library, especially for the Summer Youth Program; and

WHEREAS: Susan retires April 7, 2023, with almost 28 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Susan M. Hansmeier for her dedication to the City of Keene and wishes her the very best for her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Susan in appreciation of her years of service to the City of Keene and the greater Monadnock community.

George S. Hansel, Mayor

PASSED April 6, 2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: April 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Appropriation of Funds from the General Fund Unassigned Fund Balance (Fire Department Staffing) Resolution R-2023-18**

Council Action:
In City Council April 6, 2023.
Referred to the Finance, Organization and Personnel Committee.

Recommendation:
On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be directed to draft a Resolution to allow the hiring of four firefighters for the remainder of the fiscal year.

Attachments:

1. City Manager Memorandum
2. R-2023-18 Fire Department Staffing_referral

Background:
Acting Chair Remy recognized the City Manager. Ms. Dragon shared that she had two large topics for the committee. She asked for them to direct her to draft a resolution to transfer \$492,528 from fund balance to allow the hiring of four firefighters. The process would be to draft a resolution, which would then go to Council. She mentioned how this has been a topic of discussion for years and Chief Howard, for several years before he retired, has brought forward a request to hire additional firefighters. As a result of his request, the city created a staffing committee, and before he retired they finished a staffing report. Councilor Remy and Councilor Powers participated in that staffing committee, in which they analyzed what is happening with the community, region, and the department. They were able to see the continued growth of calls, the types of calls, and length of response time as some of the calls are very complicated. The last staffing adjustment was completed in 2008 and at the time a position was given up to get some additional assistance. By running ten firefighters per shift, it allowed the city to have a third ambulance. This has continued since then and has resulted in a significant uptick in cost as the tenth person is always an overtime person.

City Manager Dragon has been working with the Human Resources Department and Chief Farquhar to create a revised sheet provided to the committee. By increasing minimum staffing to ten and having eleven firefighters per shift, they hope to not only reduce the strain, stress and demand the increased hours place on staff and their families, but also reduce injuries, resulting leave requests

and in turn workers compensation claims thereby reducing the financial cost. She went on to explain salary costs, but also some of the additional costs included into the calculations such as required training for every firefighter as well as needing to outfit each member with proper gear and equipment. Using the most conservative numbers, she compared 85% versus the 80% available.

In the provided budget sheet, The Manager reviewed with the committee the comparison of the 85% versus 80% available and reviewed information provided by the fire department on how many hours per shift as well as how many hours in a year are filled then calculated at overtime rates versus regular firefighter. At the 85% available calculation, it's a \$128,374 savings in the first year. The Fire Department budget has been overrun for several years. She noted that the Police Department, while active is the recruiting process, averages six officers short resulting in unused money from the police budget. With agreement from the Police Department, that unused money is able to be moved to the Fire Department budget to cover overtime expenses. While this arrangement works when they are understaffed, if they were to reach full staffing, that money would not be available to cover the overage of the Fire Department. She is requesting this adjustment now because the hiring and training process is a lengthy one and costs are only going to continue to accrue during that time. City Manager Dragon then introduced Chief Farquhar explaining that he gathered the provided numbers and was there to walk the committee through them.

Chief Farquhar addressed the committee and reiterated the City Manager's point stressing that overtime is a large issue for their department. Overtime at its core rate is best used to answer temporary work fluctuations, not as a permanent staffing model. They have been stuck in the protracted bad area for a number of years where overtime is the primary staffing model and that has significant drawbacks. It is not only financial capital, but it is human capital. He expressed being truly worried about his staff. The department's call volume is excessive. Out of two fire stations, they do 5,500 calls a year, which averages to 15 calls a day and those calls are increasing in both complexity and duration. Staffing has not increased since 2009 but in that same time frame, the call line increased by over 2,000 calls. They have also been carrying some long term vacancies for overtime as well, which compounds the issue.

Chief Farquhar continued the key question when looking at the continual staffing model is where is that break up point between whether it is cheaper to hire full-time employees, or to pay overtime. There are two basic mathematical models that can be used, and they used both to run through the current numbers. They have determined it was dramatically cheaper to hire more full-time employees and it also protects the department. They currently have five or six people coming up on retirement and if they lose more staff or have people become injured, there is about a six to nine month window to get new staff up and running resulting in needing to fill the overtime spot. He explained they are in a very tenuous and really unsustainable position that could potentially get worse. They currently have a number of injuries in the department, which has its own financial aspect with needing to backfill and the associated workman's compensation. He stressed the emotional toll this staffing model is having on his staff, how they have some members that are truly suffering right now with PTSD and other issues directly related to hours worked and how difficult it is to manage that. The current model is not sustainable and the department is in need of reinforcements. The numbers reinforce and support hiring more full-time staff and show that it will actually be at a cost savings.

Acting Chair Remy thanked Chief Farquhar. He asked for clarification on the 85% and 80% as to what they are actually experiencing. Chief Farquhar explained they are short full-time employees. As a result, some of their over time is filling for that full time slot. Assuming they are at ten per shift, which is at that forty or actual consumption rate, if they average out over the past two years and average out injury leave, FML, it is right about that 80% mark. The actual usage is much higher because on top of the normal consumption rate for overtime, they are also filling full-time positions at the same time. Even considering benefit load, there is a 40% difference hour for hour between

paying someone straight time and paying someone over time. So for every hour that is paid over time, it is 4% more than paying someone straight time.

Acting Chair Remy stated he appreciated the work that went into this. He was part of the original group and that he was already a bit familiar with this. The hard part is that it is obviously an impact over budget. So yes, it will be viewed as a net savings versus experience, but when it comes time for budgeting, the department will be asking for a different increase.

Acting Chair Remy asked if there were any other questions from the committee.

Councilor Lake thanked the Chair and asked, looking ahead with the budgets coming up, whether they expected those four positions and a similar dollar amount to be in next year's budget. City Manager Dragon explained she is asking for it to be moved right now, so that it will be part of the budget and it will need to be carried forward meaning it will remain part of the budget.

Human Resources Director Elizabeth Fox stated that she would expect they might well need to analyze whether they need to include a portion of it for the tail end of this upcoming fiscal year depending on when implementation or start time is. It will all depend on how many people they get in and how fast they are onboarded. The City Manager added that in that following year that number goes up because they will have used the fund balance to go over the next twelve, thirteen or fourteen months.

Councilor Lake responded the reason he was asking was whether they needed to provide the full annualized amount right now, if they are going to be budgeting for that for the next fiscal year. The City Manager explained that they had talked about this. It can be partially funded, and then fund the remaining part in in the upcoming budget year. She is trying to figure out the balance of fiscal policy portion versus fire portion and it is going to take up the available dollars for the overall operating budget. She is trying to work it so that this change does not hurt them going into the upcoming budget process.

Acting Chair Remy responded that he could see where that goes, the hard part is that it will hit in a later year.

City Manager Dragon said another option is to appropriate what we need right now. She suggested they get it into the salary schedule and then she can separate the fire in her calculation. It would not be a tax cap, as it is a fiscal policy. She can calculate the difference and show it in the calculations separately from the rest of the budget.

Acting Chair Remy believed that to be the fairest way for the Council to review.

City Manager Dragon explained the benefit to splitting it up is that it is not just kicked down the road. As long as there is that understanding going in, she believes it will work.

Acting Chair Remy said there are a few months left in the fiscal year, but sees how that would help split it up a little bit.

Councilor Chadbourne added that she agreed with that. She wanted to add that she believes Keene is really fortunate to have the people they do serving and consistently willing to step up to the plate and compensate for the lack of employees and thanked them.

Councilor Madison echoed Councilor Chadbourne's statement and that he understands that half a million dollars is strong medicine, but he knows the members of the Fire Department have been taking strong medicine with short staffing for a long time. He believed this was desperately needed.

He shared that he lives on Elm Street and has seen the fires first hand as the department responded to a fire directly across from his home. He comes from a firefighting family and has seen firsthand the physical and mental toll that firefighting takes on a person and what a toll constant overtime can take on an individual. He was glad to see that there are efforts being made to finally get the firefighters the help and backup support they need.

Councilor Lake asked Chief Farquhar if there had been any progress on programs to rebuild the call company. Chief Farquhar said yes, they had re-advertised for that and had some exceptional candidates. He believes in theory the program will be a little different. They may capture a few that will be in the old model of the call company, which would be someone in a call status would be able to respond to calls on an episodic basis. He thought they had a really good vision and the plan is to use the call company as a training and vetting ground for potential full time employment. There is a dramatic dearth of available suitable employees for full-time fire positions, which actually makes it even harder on the volunteer basis. They have some young well trained and talented individuals who are missing some crucial certifications. So if they bring them on board, they can take advantage of some current grant funding opportunities for medical training, advancement of the training and fire training. They would then become city employees, so any startup costs would be absorbed through the call company side of the budget. This would allow them to take advantage of those grants, pay a salary through the grant, and the city will get a small reimbursement of a couple \$1,000 per student. They can then get them the core certifications so if and when they do have a full time opening, they can transition if they are suitable to the full time company. This would greatly shorten the window of filling a full-time position through overtime. He believes this will be a really smart play for the future. He mentioned that they posted the advertisement last Wednesday and in a twenty-four hour period they had seven applicants.

The City Manager suggested adjusting the motion to transfer a draft resolution to hire four firefighters for the remaining fiscal year.

Councilor Chadbourne offered the following motion that was duly seconded by Councilor Madison:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be directed to draft a Resolution to allow the hiring of four firefighters for the remainder of the fiscal year.

Chief Farquhar thanked the committee for their time and support.



City of Keene

New Hampshire

Meeting Date: April 6, 2023
To: City Council
From: Elizabeth Dragon, City Manager
Subject: Fire Department Staffing resolution R-2023-18

Recommendation:

That the resolution regarding hiring of four fighters be referred to the Finance, Organization and Personnel Committee.

Background:

Retired Chief Howard had requested hiring additional firefighters over the past several years. In January 2022, Chief Howard put forward a memo explaining ongoing staffing issues at the fire department and the need to continue the minimum staffing level of 10. Minimum staffing of 10 began back in December of 2021. The persistent staffing needs prompted the creation of the staffing committee to take a more in depth look at the issues and make recommendations. The staffing committee began their work on February 4, 2022.

The committee made several recommendations. One recommendation was the hiring of four firefighters (one per shift). This recommendation was put on hold until the fire department knew the outcome of an AFG grant submitted to assist with the funding of these positions. The department has been notified that they did not receive the grant. In the meantime, the fire department labor contracts expired. As part of our negotiations, work rule changes recommended in the staffing report were discussed. One such rule related to payment of overtime. We successfully negotiated a change to the calculation of overtime to exclude sick time in the number of hours worked. The Council approved the union contract on 3/16/23.

I am requesting the Council support the hiring of four additional firefighters. This would increase the authorized staffing level to 11 firefighters per shift. This change would support the minimum staffing level of 10 per shift. I propose that the initial funding would come from the City's general fund balance (R-2023-18) and future funding be included as part of the operating budget. In addition, I am proposing the initial funding request for the first full year in the FY24 be excluded from the budgetary fiscal policy calculation in section I(k).

Most recently, the City applied for and received a \$100,000 reimbursement from FEMA related to overtime in the department related to Covid. These funds were a partial reimbursement from overtime expended in FY22. These funds went to the City's fund balance. In addition, the City of Keene received \$189,813.04 (for Police & Fire retirement expense) as a one-time reimbursement for 7½% of police and fire retirement costs. These funds and other prior year Covid reimbursements related to salary, have all been added to the fund balance. I propose

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allocating these funds and the remaining amount necessary to fund the first year. This would allow us to begin the recruitment process immediately.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of Funds from the General Fund Unassigned Fund Balance

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

WHEREAS: Resolution R-2022-33 Relating to Fiscal Policies states all departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval; and

WHEREAS: Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the use of General Fund Unassigned Fund Balance in the amount of one hundred two thousand four hundred sixteen dollars and fifty-four cents (\$102,416.54) be used to fund the appropriation for four new firefighters in the Fire Department departmental budget as follows:

Personnel and related personnel expenses	\$ 61,188.54
Operating related expenses	<u>41,228.00</u>
	<u>\$ 102,416.54</u>

In City Council April 6, 2023.
Referred to the Finance, Organization and Personnel Committee.


City Clerk

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: April 6, 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 Highway Revenue
Resolution R-2023-10**

Council Action:

In City Council April 6, 2023.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2023-10.

Recommendation:

On a vote 4-0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-10.

Attachments:

1. R-2023-10 Acceptance and Appropriation of Unanticipated Highway Revenue_Adopted

Background:

Acting Chair Remy introduced City Engineer, Don Lussier. Mr. Lussier thanked the Chair and introduced a Resolution related to some unanticipated revenue they had received from the State specifically for bridge work. This is the other half of the same SB 401, state statute that included provisions for two allocations to municipalities. One was for bridges, and there was a formula based on the amount of bridges the municipality is responsible for in their population, and the other one was for highways, so like the bridge money previously discussed a couple weeks ago. This is restricted for use strictly on highway work. It is also the language in that the bill specifies that it has to be used to supplement, not supplant, local funding for highway purposes. So it has to be used on something that otherwise is not already funded. That is the reason why the resolution is recommending that we accept this money and then appropriate it for the Thompson Road Reconstruction project. He did want to be clear that this is partial funding for the Thompson Road project. It is not the full cost of the project outlined in the 2024 CIP updates that the committee will be reviewing here in a few. There is additional funding that is requested to sort of make that project whole, but it does provide a nice little dent in it in the tune of \$414,000 in change of funds that was received and were not expecting.

With no questions, Councilor Lake offered the following motion that was duly seconded by Councilor Madison:

On a vote 4-0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-10.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Acceptance and Appropriation of Unanticipated Highway 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 \$30 Million in payments to municipalities, to be distributed based upon the NHDOT’s “Apportionment A” distribution formula; and,

WHEREAS, SB 401 restricts the use of these funds such that “No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for road maintenance or construction.”

NOW, THEREFORE, BE IT RESOLVED that the Sum of \$414,152.19 be accepted as a one-time payment from the State of New Hampshire pursuant to Senate Bill 401; and further,

That said Sum of \$414,152.19 be appropriated to the Thompson Road Repair & Stabilization Project (75J0036) as partial funding for this un-budgeted project.

George S. Hansel, Mayor

PASSED April 6, 2023