



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 2, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 19, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Federal Community Development Block Grant (CDBG) program - acquisition and renovation of property at 40 Avon Street in Keene, NH to serve as the centralized behavioral health facility of Monadnock Family Services (MFS)

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Partner City Committee
2. Nomination
Zoning Board of Adjustment

C. COMMUNICATIONS

1. Stephen Bragdon - Safety Issues Associated with the Driveway at 82 Court Street

D. REPORTS - COUNCIL COMMITTEES

1. Kiwanis Club of Keene – Request to Use City Property – 2023 Tree Lighting Ceremony

2. Keene Sno-Riders – Requesting Permission to Run Snowmobiles in the Right-of-Way Along Krif Road from the Ashuelot Rail Trail to Winchester Street
3. Chuck Redfern – Call For Action – Drug Abuse in Public Spaces
4. Acceptance of Donations - Holiday Family Sponsorship
5. 2021 Homeland Security Grant Program - Hazmat Frisker Equipment; 2023 Homeland Security Grant Program - Hazmat Equipment; *and* 2023 Homeland Security Grant Program - CBRNE Equipment
6. Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department – Bender’s Bar & Grill
7. Downtown Infrastructure Improvement and Reconstruction Project - Professional Services Agreement Preliminary Design
8. LWCF Grant Round 33 Acceptance - Skatepark
9. LWCF Grant Round 33 Acceptance - Russell Park
10. LWCF Grant Round 34 Notice of Intent - Robin Hood Park

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Keene Young Professionals Network – Request to Use City Property – 2024 Taste of Keene Food Festival

I. ORDINANCES FOR FIRST READING

1. Relating to Purchasing
Ordinance O-2023-15

J. ORDINANCES FOR SECOND READING

1. Relating to an Amendment to the Zoning Map – 0 Ashuelot Street – High Density to Commerce
Ordinance O-2023-13
2. Relative to Congregate Living and Social Services License
Ordinance O-2023-18

K. RESOLUTIONS

1. Appropriation of Funds for Safety Improvements on Woodbury Street
Resolution R-2023-37

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, October 19, 2023. In the absence of the Honorable Mayor George S. Hansel, the Assistant City Clerk called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Kate M. Bosley, and Thomas F. Powers were present. Raleigh C. Ormerod and Mitchell H. Greenwald were absent. Ward Four Council seat vacant. A motion by Councilor Bosley to elect Councilor Powers as the temporary Chair was duly seconded by Councilor Remy and the motion carried unanimously. Councilor Chadbourne led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Bosley to adopt the October 5, 2023 minutes as presented was duly seconded by Councilor Remy. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant.

ANNOUNCEMENTS

Acting Chair Powers led the Council in wishing a Happy Birthday to Councilors Ormerod, Bosley, and Madison, all of whom celebrate birthdays during the month of October. Acting Chair Powers also reminded the Council that the next Planning, Licenses, and Development Committee meeting was scheduled for October 25. There is also a special City Council meeting—Non-Public Session—for personnel, scheduled for November 1, 2023 at 6:00 PM. Additionally, the Wednesday, November 22 Municipal Services, Facilities, and Infrastructure Committee meeting was rescheduled to November 21 to accommodate the Thanksgiving Holiday, and there will be two issues that need to be addressed that evening. Lastly, Acting Chair Powers announced that there would be a special meeting of the City Council on Thursday, November 9, at 5:45 PM, just before the Finance, Organization, and Personnel Committee meeting at 6:00 PM, to canvass the votes cast at the Municipal General election.

IN APPRECIATION OF EDWARD C. SWEENEY UPON HIS RETIREMENT – RESOLUTION R-2023-35

Acting Chair Powers invited Mr. Sweeney forward to accept his Retirement Resolution. The Acting Chair read Resolution R-2023-53, In Appreciation of Edward C. Sweeney Upon His Retirement in its entirety. He asked Mr. Sweeney if he would like to make any remarks. Mr. Sweeney said he was born in and grew up in Keene. He was honored to be given this job 15 years ago, he took it very seriously, and had great support. He said it had been an honor to work with Andy Bohannon (Director of Parks, Recreation, and Facilities) and others.

PROCLAMATION – ENERGY WEEK

Acting Chair Powers presented a Proclamation on Energy Week to Peter Hansel, Chair of the Energy and Climate Committee. Acting Chair Powers declared October 21–28, 2023 as Keene Energy Week and encouraged all citizens to celebrate by participating in educational and awareness activities. Mr. Hansel said we are fortunate to have a City Council and Staff that support this effort. The Energy and Climate Committee, with a lot of help from Senior Planner Mari Brunner, had been working hard to move Keene away from fossil fuels and toward renewable energies by 2023 for electricity and 2050 for transportation and heating. He hoped this Energy Week would be even better than those in the past and referred those interested to the Committee’s webpage. He mentioned thanks to the Clean Energy Team, Monadnock Sustainability Hub, and the many citizens helping the City to make this important transition.

NOMINATION – PARTNER CITY COMMITTEE

Mayor Hansel nominated Andrew Madison to serve as a regular member of the Partner City Committee, with a term to expire December 31, 2024. Acting Chair Powers tabled the nomination until the next regular meeting.

COMMUNICATION – KIWANIS CLUB OF KEENE – REQUEST TO USE CITY PROPERTY – 2023 TREE LIGHTING CEREMONY

A communication was received from Peg Bruce of the Kiwanis Club of Keene, submitting their annual request from the Kiwanis Club of Keene for use of City property to conduct the 2023 Tree Lighting Ceremony in Central Square on Friday, November 24, 2023. Acting Chair Powers referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – KEENE YOUNG PROFESSIONALS NETWORK – REQUEST TO USE CITY PROPERTY – 2024 TASTE OF KEENE FOOD FESTIVAL

A communication was received from Councilor Michael Remy and the Keene Young Professionals Network, requesting the annual license to conduct the 2024 Taste of Keene Food Festival on June 1, 2024. Acting Chair Powers referred the communication to the Planning, Licenses, and Development Committee to be placed on More Time to allow protocol meetings to occur.

COMMUNICATION – KEENE SNO-RIDERS – REQUESTING PERMISSION TO RUN SNOWMOBILES IN THE RIGHT-OF-WAY ALONG KRIF ROAD FROM THE ASHUELOT RAIL TRAIL TO WINCHESTER STREET

A communication was received from Jeremy Evans of the Keene Sno-Riders, submitting their annual request for permission to run snowmobiles in the right-of-way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry

Kiritsy at 471 Winchester Street. This request is for the timeframe of December 15, 2023, through March 30, 2024—snow cover permitting. Acting Chair Powers referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – JAN MANWARING – RESIGNATION – HUMAN RIGHTS COMMITTEE

A communication was received from Jan Manwaring, resigning from the Human Rights Committee. A motion by Councilor Bosley to accept the resignation with regret and appreciation of service was duly seconded by Councilor Remy. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant.

COMMUNICATION – GREGORY KLEINER – RESIGNATION – HISTORIC DISTRICT COMMISSION

A communication was received from Gregory Kleiner, resigning from the Historic District Commission. A motion by Councilor Bosley to accept the resignation with regret and appreciation of service was duly seconded by Councilor Remy. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant.

MSFI REPORT – SAFETY CONCERNS ON THE EAST SIDE OF KEENE

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the safety concerns be referred to the City Manager with the request that there be a report back to the Committee. A motion by Councilor Filiault to carry out the intent of the report was duly seconded by Councilor Workman. Discussion ensued.

Councilor Workman shared some things she was unable to at the MSFI meeting. With the knowledge that needles in public spaces are a great concern, she noted that needles are also used for things other than illegal drug injections, like for her pet with diabetes, for example. She displayed a sharps container that can safely store used needles for disposal. She also showed a device (fits in a pocket) that can cut the tips off needles and store up to 1,500 needle heads; this device costs \$7.

The Council heard comments from the City Manager, who said she spoke extensively at the MSFI meeting. She recalled talking extensively about the Housing Stability Group and the progress it had made in the last year. She said the east side neighborhood had presented good suggestions and the plan was for the City Manager to report back to MSFI about what the City could accomplish. She echoed Councilor Filiault that many solutions would require funding. To date, the City Manager said there had been some trail clearing, she was evaluating different fencing options in different areas of the City, and she was assessing lighting options. She said

that at the MSFI meeting, there was concern expressed about needles, and discussion of the Serenity Center's needle exchange program; if citizens find needles in public spaces, they can contact the Serenity Center for assistance. There was also discussion about public bathrooms; soon, the bathrooms at the Pat Russell Park would be available from 7:00 AM–7:00 PM. Public restrooms were also an ongoing conversation in the downtown project. The City Manager also mentioned concern about City Code Enforcement in some of the housing stock, so she spoke with the Community Development Department, which will present to the MSFI Committee about the City's approach to Code Enforcement in December (including what it would take to have a more proactive Code Enforcement program).

The City Manager continued, explaining that she had also created a Homelessness Task Force that works across the City organization and meets twice per month. It is likely that the Task Force will seek some public input opportunities in the future, to avoid creating many more City committees. She recalled public suggestions to create a list of volunteer opportunities for those who want to help. All actions would occur in consultation with the City Attorney. The City Manager mentioned that she had an upcoming meeting with Hundred Nights to talk about their capacity in general and during the winter. One of the City Manager's concerns was that the number of homeless individuals in the City was increasing, and the City had used every resource available to date. So, she wanted to use Hundred Nights more than in the past, especially in the winter. She hoped to reserve some beds at Hundred Nights for the homeless in Keene, because usually Hundred Nights reports a vacancy to the State and the beds are open to anyone in the State with need. She was also in conversation with the UCC Church about an overflow shelter.

Lastly, the City Manager mentioned the homeless encampments. She was working with private property owners that have large encampments near the Stone Arch Bridge to get them cleaned-up. Additional clean-up occurred recently behind Kohls and on Pearl Street; the City provided a place to collect trash that the City would dispose of. These encampments are a public health concern, and the City does not want the liability of entering private properties, but the City wanted to incentivize those property owners cleaning-up. The City Manager hoped to have a meeting soon with the owners of the property behind Hannaford for this reason. Also, after the last MSFI meeting, the City Manager and Councilor Workman talked with the organizers of community meetings, who were happy to share information to help the City in this effort. She hoped to attend more of those community meetings.

Councilor Filiault referred to the recent clean-up behind Kohls. He said many in the community might imagine it only being a dumpster of trash, when more than 57,000 lbs. (28.5 tons) of trash were collected. He imagined that the area behind Hannaford would probably have more trash, and therefore be more expensive.

Councilor Madison noted that annually, he helps to clean-up Beaver Brook, which flows through these neighborhoods. Every year, he finds more and more containers full of needles and he had stepped on many needles. This is in addition to the mass amounts of trash pulled from Beaver Brook, including large items like couches and mattresses. He hoped that the City could have

more options to provide sharps containers as Councilor Workman mentioned. He agreed that unfortunately, Pat Russell Park was becoming a hot spot for these activities. Councilor Madison continued, mentioning that he lives in the north-central neighborhood between Court and Washington Streets and RT-9, and stating that the neighbors' concerns are very real in Keene and the State. The Councilor listed some challenges he had experienced. When he used to live on High Street, an individual lived in his entryway for three days before trying to break into Councilor Madison's apartment; the individual was arrested the next day for holding someone against their will and sexually assaulting them. He also had a neighbor on High Street who screamed in the street at night and threatened Councilor Madison's life. He mentioned poorly maintained homes and a house fire 18 months ago that was only recently addressed by the property owner, which led him to talk with Code Enforcement; the same home was a notorious drug house and there would be traffic jams lined up and down Elm Street waiting to purchase drugs. More recently, there was an issue with a house on Union Street—which is an Airbnb—when a coach bus brought people into Keene for an all-night party there. Councilor Madison questioned the perception that Keene does not have any issues with short term rentals without certificates of occupancy; he urged his neighbors to call the Police Department. He thought this was a City-wide problem and not limited to Keene's east side. So, he hoped the Council's actions would not be limited to those neighborhoods so everyone in the City can live in an environment they enjoy.

Councilor Roberts said that the comments he heard were addressing symptoms but would not solve the problem. He said it was great to try to get people into housing, but he wondered how long someone would be able to stay in those situations if they cannot get a job to pay the rent. He said that this would be profit driven, as property owners would not make rooms available without profiting. He recalled a past Sentinel exposé (that won awards) on the encampments behind Hannaford. Councilor Roberts said it was important to take care of people and help them get off the streets and in a safe place for the winter. He said it would be a lot cheaper to buy someone a house than pay what it takes to get them off the street.

The City Manager agreed with some of Councilor Roberts' comment that many things the City was trying would be addressing symptoms of a much bigger problem. While the City can address the relatively easy things—cleaning, lighting, etc.—there are a lot of bigger needs to address like supportive and affordable housing. The City Manager often sees a challenge with the “housing first” model that is not often successful. That model needs to be accompanied by supportive services that help move people from shelters into housing, which is why she was pursuing mobile support services to stop all of the State's homeless from congregating in the few cities that have shelters. The City Manager said only a few municipalities in NH were addressing homelessness and she sought a way to keep people in their communities, which will require transportation options to rural areas. She also said further work was needed Statewide on welfare changes and accomplishments with Senator Fenton last year were a step in the right direction. She reiterated the need to have Keene's existing shelter capacity serve more Keene citizens, which could make more of a difference overall versus supporting the whole State. The City Manager mentioned the need to create pathways to get people the services they need, like the

social worker position in the Police Department, for which she was waiting for a grant opportunity from the Opioid Abatement Fund. She had a meeting about this scheduled on October 20, and while she thought the focus would be more on housing, she said she would push to fund the social worker, who is meant to connect people interacting with the Police Department to the services they need. There is also a need for more mental health and other crucial support services, but unfortunately there are not enough providers in the region. In summary, the City Manager said she was working to solve both the symptoms and the larger problem. It will take a lot of effort over a long period of time.

Councilor Madison agreed that housing is the biggest problem; there are not enough places for people to live. He said that anytime a housing proposal or Zoning change is brought to the Council, everyone says how much housing is needed, but they are unwilling for that housing to be near where they live. Councilor Madison said that in his schooling as an environmental scientist and in his years of experience, he did not recall that the biggest threat to wetlands is affordable housing. He said that working class people deserve a place to live. He recalled a few Council meetings ago, when the audience clapped and cheered when a Habitat for Humanity project withdrew its application. He said everyone needs to accept that they need to be a part of the solution and accept that working class people deserve to be housed anywhere.

Acting Chair Powers said a lot of good work had occurred already and much more would be needed, but it sounded like there was a plan.

The motion to carry out the intent of the Committee report carried unanimously with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant.

ACCEPTANCE OF DONATION

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council accept a donation in the amount of \$20,000 from Keene Dog Park and that the City Manager be authorized to use the donation for the creation and construction of the dog park. A motion by Councilor Remy to accept the donation was duly seconded by Councilor Chadbourne. The City Manager said that unfortunately, this project recently went out to bid and there were no bidders. She hoped to regroup and attract a bidder. The motion to accept the donation carried unanimously with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant.

CITY MANAGER COMMENTS

The City Manager reported that Keene State College (KSC) was beginning its master planning process, in addition to Plymouth State University and the University of NH. She said that KSC invited City Staff to participate on their master plan committee and the Community Development

Department, Jesse Rounds, would take that position and the Parks, Recreation, and Facilities Director, Andy Bohannon, would act as an alternate member.

The City Manager also recognized 15-year milestones of City Staff: Patrick Fuller of the Fire Department, Neil Goodell of the Public Works Department, and Corinne Marcou of the Community Development Department.

Lastly, the City Manager shared good news related to funding for the downtown project. Thanks to the City Engineer, Don Lussier, and the Public Works Department, the City applied for \$2.9 million from the NH Drinking Water Revolving Loan Fund. The City was tentatively offered 60% principal forgiveness, resulting in \$1.7 million for the downtown project.

TABLED ITEM – MAYOR GEORGE S. HANSEL – AMENDMENT TO LAND DEVELOPMENT CODE – CHARITABLE GAMING FACILITIES

Acting Chair Powers filed the communication as informational as the next few agenda items would address the communication.

ORDINANCE FOR FIRST READING – RELATING TO AMENDMENTS TO THE PERMITTED USES IN THE DOWNTOWN CORE, DOWNTOWN GROWTH AND COMMERCE DISTRICTS – ORDINANCE O-2023-16

A memorandum read from the Community Development Director, Jesse Rounds, recommending that the Mayor set a public hearing and refer proposed ordinance O-2023-16 to the Joint Planning Board and Planning, Licensing, and Development Committee for a public workshop. Acting Chair Powers filed the memorandum and referred the Ordinance to the Joint Planning Board and Planning, Licenses, and Development Committee. A public hearing was set for Thursday, December 7, 2023 at 7:00 PM.

ORDINANCE FOR FIRST READING – RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE, DEFINITION OF CHARITABLE GAMING FACILITY – ORDINANCE O-2023-17

A memorandum read from the Community Development Director, Jesse Rounds, recommending that the Mayor refer Ordinance O-2023-17 to the Planning, Licenses, and Development Committee. Acting Chair Powers referred Ordinance O-2023-17 to the Planning, Licenses, and Development Committee meeting on December 13, 2023.

ORDINANCE FOR FIRST READING – RELATIVE TO CONGREGATE LIVING AND SOCIAL SERVICES LICENSE – ORDINANCE O-2023-18

A memorandum read from the City Attorney, recommending that this Ordinance amendment be referred to the Planning, Licenses, and Development Committee for review and

10/19/2023

recommendation. Acting Chair Powers referred Ordinance O-2023-18 to the Planning, Licenses, and Development Committee.

NON-PUBLIC SESSION

A motion by Councilor Bosley to enter into a non-public session to discuss land matters under RSA 91-A:3, II (d) was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant. The Council entered the non-public session at 7:50 PM.

The Council exited the non-public session at 8:44 PM. A motion by Councilor Bosley to keep the minutes of the non-public session, non-public as disclosure would render the proposed action ineffective was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Ormerod and Greenwald were absent. Ward Four Council seat vacant.

ADJOURNMENT

There being no further business, Acting Chair Powers adjourned the meeting at 8:45 PM.

A true record, attest:

A handwritten signature in blue ink that reads "Geni M. Wood".

Assistant City Clerk



PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held on November 2, 2023 at 7:00 p.m. at Keene City Hall, Second Floor, 3 Washington Street, Keene, NH 03431 to discuss and hear public comment on a current project sponsored by the City of Keene under the federal Community Development Block Grant (CDBG) program. The project to be featured includes the acquisition and renovation of the property at 40 Avon Street in Keene, NH to serve as the centralized behavioral health facility of Monadnock Family Services (MFS), a non-profit affiliate of Monadnock Community Service Center, Inc.

Interested persons are invited to attend and provide comment. Please contact the City of Keene, 3 Washington Street, Keene, NH 03431, at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmation
Partner City Committee**

Council Action:
In City Council October 19, 2023.
Tabled until the next regular meeting.

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

Partner City Committee
Andrew Madison, Slot 7
Filling unexpired vacant term
(regular member) Term to expire Dec. 31, 2024

Attachments:
None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nomination**
Zoning Board of Adjustment

Recommendation:

Attachments:

1. Weigle, David_Redacted

Background:

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

Zoning Board of Adjustment

David Weigle, alternate slot 6
414 Park Avenue

Term to expire Dec. 31, 2026

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Monday, August 28, 2023 3:07:10 PM
Attachments: [image001.png](#)



Patricia Little
CITY CLERK

 (603) 352-0133, ext. 2
 plittle@KeeneNH.gov
 3 Washington Street, Keene, NH 03431
 KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, August 28, 2023 10:33 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 08/28/2023 - 10:33</p>

<p>Submitted values are:</p>

First Name:

David

Last Name:

Weigle

Address

414 Pako Ave,
Keene, NH, 03431

How long have you resided in Keene?

2 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Corning Inc.

Occupation:

Program Manager

Retired

No

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

I currently volunteer with Elm City Church working with children.

Have you ever served on a public body before?

No

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

Congregate living and social services licensing board, Planning Board, Zoning Board Adjustment

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

Congregate Living & Social Services Licensing Board

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

Zoning Board of Adjustment

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

Planning Board

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

I am a detailed oriented person with a mind towards practical solutions. My current job involves collaborating with experts to develop, build, and evaluate advanced hardware, while managing the schedule and budget for multiyear programs. I have a bachelors or science in accounting and six years of experience in Army logistics. I have experience in leading groups, excellent communication skills, conflict resolution, contract oversight, complex planning, and limited experience in mediation and regulation implementation.

I deeply enjoy living in Keene and would like to give back to the community through volunteering my time for public service.

Please provide 2 personal references:

John Colleng

[REDACTED]
[REDACTED]

References #2:

Albi Powers

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Attorney Stephen Bragdon
Cheryl Belair

Through: Patricia Little, City Clerk

Subject: **Stephen Bragdon - Safety Issues Associated with the Driveway at 82 Court Street**

Recommendation:

Attachments:

1. Communication_Bragdon

Background:

Attorney Bradgon and Ms. Belair are requesting the City consider codifying an Ordinance amendment that would designate approximately 22 feet to the south of the 82 Court Street driveway entrance and an area 30 feet to the north of the driveway entrance as no parking due to visibility issues exiting the driveway.

October 17, 2023

City of Keene
3 Washington St.
Keene, NH 03431

RE: Street Parking at 82 Court St., Keene, NH

Honorable Mayor and City Councilors,

We write this letter as owners of the property located at 82 Court Street, Keene, NH as well as being the owners of two of the businesses located at this address. Please note that our primary concern is the safety hazard created due to lack of visibility that the current parking structure creates for anyone exiting our driveway, as well as those citizens driving south on Court Street.

It is virtually impossible for anyone exiting the driveway of 82 Court Street to see the traffic coming south. The same is true for the drivers coming down Court Street, they cannot see if there is anyone pulling out of our driveway. This hazard is created by the vehicles that are parked north of the corner of our driveway. We have already had a couple of accidents and many near misses due to the visibility restrictions. The situation is not as hazardous as regards to vehicles moving north on Court Street.

Currently there are two no-parking signs, one is located 20 feet from the northern corner of our driveway and the second sign is 22 feet from the southern corner of our driveway. These are "No Parking Here to Driveway" signs.

A couple of weeks ago the city was re-marking parking spaces and they actually **added** parking spaces in front of both signs.

When we met with Don Lussier and Harry McElvey to discuss what we assumed was an error in the new parking lines, we were informed that the new spacing is correct and in fact, there is no reference in the City Code authorizing such signage in front of 82 Court Street.

If these signs are removed and the additional spaces are left as marked, it will turn an already dangerous situation into an EXTREMELY dangerous situation. Anyone can confirm this by trying to exit from our driveway during a weekday!

We would appreciate the City Council's consideration of an Ordinance that would codify a no parking area on the south side of the driveway to the current sign (22 feet) and allow a no parking area on the north side of the driveway 30 feet from the northern corner of the driveway. The reason for the different distances is that the danger is greater from the traffic coming south than going north due to the change in elevation and our driveway being on the west side of Court Street.

Respectfully,



Stephen B. Bragdon



Cheryl A. Belair



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Kiwanis Club of Keene – Request to Use City Property – 2023 Tree Lighting Ceremony**

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 24, 2023, to conduct the annual Tree Lighting 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 agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Wednesday, November 23, 2023, to Monday November 27, 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 5:00 PM to 8:00 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 the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during set-up activities; use of up to four spaces on Washington Street from Wednesday, November 23, 2023, to Monday November 27, 2023 for placement of materials; and spaces within the event footprint on the day of the event.

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.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Peg Bruce of the Kiwanis Club of Keene. Ms. Bruce stated that she is Co-Chair of the Tree Lighting Ceremony, which began in 2013. Ms. Bruce went on to describe the plans for this year, noting they hoped to have the Cheshiremen Chorus sing along and share song sheets with the crowd. She also hoped some other local bands would participate. Mrs. Claus would read The Night Before Christmas before the Fire Department brings Santa to Central Square. Ms. Bruce said the Club was requesting a few new things this year: porta potties, hopefully placed in parking spaces in front of Bank of America (Vice Chair Giacomo offered to advise her on how to go about this), and some free parking for volunteers when they are putting lights on the bandstand, the day of the event, and the day after the event.

Chair Bosley requested comments from the City Manager, Elizabeth Dragon, who said the protocol meetings had occurred. As Ms. Bruce said, one new factor this year would be the porta potties, which the Kiwanis Club is responsible for organizing, and while the City could not recommend vendors, they could share some contact information for different providers. The second new factor is the free parking request; the suggested motion would provide the flexibility to work with the Parking Department for some free parking during the event set-up.

Given that the Council had already adopted the budget for community activities, Councilor Jones asked whether there would be funds available to support porta potties. The City Manager confirmed that the Kiwanis Club is responsible for that cost. Councilor Jones wondered whether the City Hall bathrooms could be available during the event. The City Manager said no, because City Hall is closed on the weekend, and it would require someone to both open the building and scan the building to make sure no one is inside at the end of the day. Ms. Bruce said they should have money in their budget to cover these costs.

Vice Chair Giacomo said this event sounded great and he thanked the Kiwanis Club for letting Let It Shine use their lights for the Pumpkin Festival. He saw no issues with the event, and he hoped that the Free Parking Program would help.

Chair Bosley agreed that it is a wonderful event each year. Ms. Bruce added that it is very weather dependent.

There were no public comments.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Jones.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 24, 2023, to conduct the annual Tree Lighting 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 agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Wednesday, November 23, 2023, to Monday November 27, 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 5:00 PM to 8:00 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 the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during set-up activities; use of up to four spaces on Washington Street from Wednesday, November 23, 2023, to Monday November 27, 2023 for placement of materials; and spaces within the event footprint on the day of the event.

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.

Councilor Jones commended the work and effort to make this a great event each year.

In response to Ms. Bruce, the City Manager clarified that the motion provided the flexibility for the Kiwanis Club to work with the Parking Department on the dates needed for set-up.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Sno-Riders – Requesting Permission to Run Snowmobiles in the Right-of-Way Along Krif Road from the Ashuelot Rail Trail to Winchester Street**

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, ("Premises") for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2023, and expire on March 30, 2024, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured. In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

Attachments:

None

Background:

A representative of the Keene Sno-Riders was not present. Chair Bosley requested comments from the City Manager, Elizabeth Dragon, who said the protocol meetings had occurred for this event as well and there were no concerns or changes. This permit had been granted each year for approximately 10 years.

Councilor Jones said he had known the Sno-Riders for a long time, and he commended all they do for the community and trail users, so he supported this.

There were no public comments.

Councilor Jones made the following motion, which was duly seconded by Vice Chair Giacomo.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, ("Premises") for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2023, and expire on March 30, 2024, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured. In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Chuck Redfern – Call For Action – Drug Abuse in Public Spaces**

Recommendation:

On a vote of 2–1, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to submit a letter to Senator Fenton requesting that he initiate legislation that would expand the geographical area of a drug-free zone to include public parks, with emphasis on restorative rather than punitive justice. Chair Bosley voted in opposition.

Attachments:

None

Background:

Chair Bosley welcomed Chuck Redfern of 9 Colby Street, who began by reading the letter he submitted to the City Council addressing a two-pronged approach to drug abuse in public spaces:

Through your good efforts, the City of Keene and its citizens have invested significant funds to keep our youth and adults engaged in healthy and active lifestyles. Such examples include, but are not exclusive to the Patricia Russell Park, Keene Bike Park, bike trails, pathways, and skatepark. Most of these facilities are located near populated neighborhoods.

However, it is also a primary responsibility of the City to keep our youth and citizenry as safe as possible. As a concerned citizen, a call for action will not only help protect the community, but also serve notice for those who peddle or use illegal drugs that it is not in their best interest to loiter where our youth congregate for healthy recreation and enjoyment.

To help accomplish this goal, I propose a two-prong approach to address drug abuse in public spaces. The first approach should be to muster additional resources at the State, County, and City levels to provide drug treatment for those afflicted individuals. Currently, these three entities rely mostly on incarceration to remove the offenders from the community. However, using just this approach does not solely treat the underlying cause of this problem.

A second approach would be to link a designated “Drug Free Zone” to an enhanced sentence to include mandatory mental health services. This approach would generally require a State law to implement enactment of such action and accompanying State, County, and municipal services. This financial structure could be modeled after a standard grant management program, which would

include a matching fund formula.

Mr. Redfern recalled the City Council passing a no-smoking zone, which was clearly allowed by State law, but the same was not true for drug-free zones. He felt it was important to distinguish between the various classes of drugs, noting that many states are legalizing marijuana, which he thought of differently than barbiturates, fentanyl, or heroin that threaten the citizenry's safety. Mr. Redfern sought for the State to write an enabling law for the City of Keene to have a drug-free zone. He thought Senator Fenton was reliable and would call for sponsorship of the proposed bill, calling for a Legislative Service Request (LSR) which is the first step in creating a bill. Then, a co-sponsor would be needed from the House of Representatives. Councilor Jones noted that he could co-sign a bill, but that the deadline had passed to submit an LSR. Mr. Redfern understood that this could take time, and that Senator Fenton would need to make the request first.

Mr. Redfern thought a first step should be a media public relations campaign to explain what actions can and/or should be taken with the help of the NH Municipal Association. Mr. Redfern called on the City Councilors to express their ideas and a call for action. He hoped for a unanimous vote. He also acknowledged that incarceration is not the only answer and that mandatory mental health services should come first. Mr. Redfern stated that incarceration simply removes the offenders from the streets. He suggested mandatory mental health services as a part of enhanced sentences in circumstances that the courts deem applicable.

Chair Bosley thanked Mr. Redfern for bringing this forward as it would open some discussions between the Council and City Staff.

The City Manager recalled that this topic was first brought to the Council in 2022, when Councilor Greenwald submitted a letter asking for a drug-free zone. At that time, the City Attorney said a drug-free zone was not possible because the City can only do what is within its powers from the State of NH. Officially, there were only a few areas where drug-free zones could be implemented, like the perimeters of schools or public housing authorities, where there are enhanced penalties (jail time or fines). She saw this as a challenge because someone misusing drugs would likely not care about a posted sign indicating a drug-free zone, and the signs might create a false sense of safety for others in the community. The City Manager was unsure this action would have the intended effect of reducing drug use in City parks. Additionally, she said there had been talk about the effectiveness of drug-free zones for many years, because they can essentially lead to further criminalizing someone struggling with addiction. The City Manager was also unsure the City or courts could require Mr. Redfern's suggestion for mandatory mental health services. Senator Fenton had reached out to the City Manager and unfortunately, the time to introduce a bill had long passed. However, Senator Fenton did submit a placeholder because the City Manager was not comfortable moving this forward without the Council's consensus. If the Council wants to pursue changing the law related to drug-free zones, the City Manager would work with Senator Fenton to move it forward. She reiterated her concern that it could lead to a false perception of safety in City parks. Further, this could pose a challenge for the Police Department or make it difficult for a substance user to recover, because it could lead to longer sentences or fines that they might struggle to pay. Often, the City Manager moves legislation forward in clear situations, but because of these nuances, she needed Council input first.

Chair Bosley posed some questions to the Assistant City Attorney, Amanda Palmeira, about the effectiveness of moving this legislation forward and whether it is possible to stipulate a required penalty (e.g., fines, jail time, or mental health services). The Assistant City Attorney did not have the exact provision of the controlled substance law in front of her. However, the current provisions state that municipalities can only create drug-free zones within 1,000 feet of a housing authority and penalties are set forth by the Controlled Substance Statute. Still, she said nothing is impossible, and

the legislature could change both sections to allow this level of nuance for enhanced penalties. Keene's authority comes from the Substance Abuse section of NH RSA 47:17. Councilor Bosley asked about the enhanced penalties in the Substance Abuse section. The Assistant City Attorney was unsure and would have to review the Controlled Substance Act.

Chair Bosley asked the Police Chief, Steve Stewart, to comment. Chief Stewart said that Chapter 318-B, the NH Controlled Drug Act, is extensive and convoluted, with many different sections for the various drugs, weights, and circumstances. He would have to further research the enhanced penalties. Chair Bosley asked if there is a standard penalty that differentiates someone using a narcotic inside a drug-free zone versus outside, for example. Chief Stewart said the only places designated as drug-free zones are within 1,000 feet of schools and he could not recall ever seeing that enhanced penalties provision triggered. Chair Bosley was grateful for that clarification.

Councilor Jones asked whether this meant that someone could enter a drug-free zone under the influence of an illegal drug, but they could not use the drug within the zone. Chief Stewart said that the state defines it as a "drug-free zone", so it can be a misleading term. Chief Stewart thought it would be hard and not cost effective to try to prove someone is under the influence, so he imagined it would be an in-possession offense.

Vice Chair Giacomo thought the crux of Mr. Redfern's recommendation was whether the City could accomplish the non-incarceration goal or not fining users. He thought there was a slight benefit in designated drug-free zones, but he wondered if a drug user would equate drug-free zone signs with enhanced penalties. He thought that actions at the State level would depend on whether Keene could have a non-punitive, restorative option. Otherwise, he thought there was risk in establishing drug free zones that could worsen the problem and create the opposite result if there is not specific language on restorative opportunities.

Chair Bosley thought it was also complicated without understanding the court system, but she thought that a judge would ultimately decide an offender's penalty, and the City would have no say in that end result; she said it was also very difficult to expect that the City could or should decide when someone with addiction should receive treatment. Chair Bosley believed that those treatments are most successful when the individual has decided that they need treatment. She was unsure that forcing someone into treatment would have the intended effect.

Vice Chair Giacomo clarified that he thought enabling legislation is almost never a bad thing, so he would support sending the letter to Senator Fenton. He supported the letter regardless of the result. Chair Bosley said she wanted to ensure that if the Council decides to take this action, that it is very clear about the expectations it shares with Senator Fenton, so this action is effective. Councilor Jones agreed with the Chair and Vice Chair about prioritizing restorative versus punitive penalties, which he thought should be clear in the letter. He did note that sometimes prohibiting something somewhere just serves to move the activity elsewhere; he mentioned teachers smoking cigarettes just outside school zones. Still, Councilor Jones would support sending the letter, but thought it needed to be discussed by the whole Council, with a decision on whether such a letter should be signed from the City Manager, Mayor, or full City Council.

Mr. Redfern believed that it should be up to judges to decide punitive sentences based on the drug classifications. Regarding medical treatment as a part of the sentence, he was concerned that the majority of the Council would be interpreted as saying that they accept the status quo in Keene, which Mr. Redfern disagreed with. He did not feel the current status quo in Keene was acceptable. Whether drug abusers accept or realize that they need treatment, he said they need help and services for some duration. He commended Senator Fenton for being willing to stand up to this issue. Mr. Redfern said he was only asking the Council to support this letter asking for assistance in

providing services for abusive drug use in certain classifications, which he thought was warranted. He stated that he appreciated the support from Councilor Jones and Vice Chair Giacomo. Mr. Redfern also stated that he was appreciative of Chair Bosley wanting to have this discussion, but he did not want anyone to send a message to the full Council that the status quo is acceptable for the citizens of Keene.

Chair Bosley heard what Mr. Redfern was saying. However, she did not agree with her position on this letter being characterized as her not standing up for the community. Chair Bosley has children and frequents the City parks and trails. She is aware of drug paraphernalia being swept off playgrounds and needles needing to be removed daily from her children's elementary school yards. She understood that this is a community issue and that the community needs supportive treatment opportunities. Chair Bosley said everyone had experienced someone they love touched by addiction, herself included. She understands how addiction works and she wants any action taken by the Council to be effective. While it is wonderful to have "token" drug-free signs posted, she thought what she was hearing proposed was something like a drug court, in which those with drug offenses can choose between punitive jail time or an alternative treatment. She asked Chief Stewart to comment on the process of drug courts. The Chief said the process usually offers a suspended sentence contingent upon completing treatment. The current Cheshire County Treatment Court (formerly "Drug Court"), for example, could take someone 18 months to successfully graduate, which includes analysis tests, group therapy, other addiction therapies, and weekly check-ins. Chair Bosley asked who is eligible for this option; does the individual or court choose, and what are the guidelines? Chief Stewart replied that the court has guidelines for who is generally eligible. It used to only be available to non-violent, first-time offenders, though he said the guidelines were shifting to include more high-risk and high-need offenders. Chair Bosley agreed with the goal to see more people moving out of jail cells and into treatment programs. Chief Stewart added that there also needs to be more support for treatment providers to be effective and funded. He said there needs to be a balance between the punitive and restorative aspects, otherwise parks could become better places to use drugs if there is no chance for punishment.

Chair Bosley opened the floor to public comment.

NH State Representative Jodi Newell of 32 Leverett Street loved the compassionate spirit of Mr. Redfern's letter, as so many in the community are also concerned. The goal is for people living a better life and moving forward to be happy, fulfilled, and contributing members of the community. Sitting on the NH House Criminal Justice Committee, she had done a lot of research on effective approaches to this challenge, and she learned a lot about drug courts and other services. However, criminalization had been the general mindset and approach for so long, and she said it had gotten worse over time. She knew Mr. Redfern and so many others were approaching this with good, solution-oriented hearts. Still, Representative Newell thought it was important to understand what a punitive approach means to someone struggling to maintain sobriety. She agreed that it is usually not effective to force someone into treatment. She said all these challenges are compounded by a lack of available services and resources, so if the law was enhanced, she thought it would lead to enhanced punitive penalties. The latest Diagnostic and Statistical Manual of Mental Disorders (DSM-V) of the American Psychiatric Association says that addiction is pursuing substances despite negative consequences, so enhanced punishments could have the opposite effect of helping an individual out of addiction. Representative Newell thought it was important to include those suffering from addiction or directly affected in this ongoing conversation. She recalled Councilor Filiault writing a letter to the Council about this issue that encouraged bringing all the stakeholders together to address this, and Representative Newell knew there were concerned citizens in Keene looking for actions.

Councilor Bobby Williams (Ward 2) was concerned about the concept of a drug free zone or even enabling legislation for it because as it moves through the House and Senate, well-meaning calls for

mental health services and restorative justice could lead to more incarceration. He said criminology studies had shown that fear of increased consequences usually does not deter substance abuse. He thought the expectation of getting caught is a deterrent. The approach proposed would require resources and increased Police patrols in City parks, which was already occurring at the Patricia Russell Park, which Councilor Williams appreciated. While well-intentioned, Councilor Williams did not think the letter to Senator Fenton was the best approach.

There were no further public comments.

Chair Bosley echoed Representative Newell's comments about Mr. Redfern's intent being wonderful and appreciated. Chair Bosley wondered if an ad hoc committee appointed by the Mayor would be an appropriate way to determine what would be responsible legislation because she thought the proposal of what to send to Senator Fenton needed more work. The City Manager said the time for legislation had passed. While there is a placeholder from Senator Fenton, the City Manager said an ad hoc committee public process would be challenging, with legal requirements like public notice and minute takers, and it would take longer than the time available for action.

Chair Bosley asked what the Council's options were. The City Manager did not want to dive too deeply. She recalled the things the City was doing already to address challenges like homelessness, which is sometimes related to addiction or mental health challenges, but not always. There are several current initiatives in the City (e.g., the current Section 8 Housing voucher program), but the City's capacity is limited. There had been brainstorming about moving people from homeless encampments or shelters into permanent housing. There had been a lot of frustration with the backlog of Section 8 Housing Voucher holders unable to get housing. The City Manager had several meetings with Senator Fenton on these topics, including the possibility of mobile support services. She mentioned the lack of mental health services throughout the State. Cities like Manchester, Nashua, and Keene are challenged because people from municipalities across the state congregate in these few areas where services exist. There are ongoing conversations with the State about implementing additional requirements in grants to non-profit organizations that provide these services to make them available everywhere. Sitting on the Opiate Abatement Commission, the City Manager had been advocating for additional supported housing options, particularly sober housing for women in the region. She heard challenges with transportation and housing from The Doorway and The Serenity Center. She believed that the Opiate Abatement Commission would be discussing a process to bring forward \$10 million per year to support housing options in rural communities across the state, likely in partnership with NH Housing Finance Authority. The City Manager understood the frustration, but she said it was most important to strategize and prioritize within the limited capacity of the City to move some of these initiatives forward. As opposed to a longer-term ad hoc committee, the City Manager was hoping to create a Homelessness Task Force comprised of Department heads across the organization that would meet twice monthly to brainstorm solutions and how the City is responding to situations. She also posed the idea of community meetings to share ideas. The City Manager said the Council could pursue the placeholder with Senator Fenton, but an ad hoc committee or community conversation would be most likely in 2024. The City Manager concluded that when considering how the City responds and uses its resources, it is necessary to be strategic so there is not a cycle of rehashing the same information and ideas. She also thought there was an opportunity to communicate about these issues and strategies better with the help of the Communications and Marketing Director/Assistant City Manager, Rebecca Landry.

While Chair Bosley felt most of her initial questions were addressed and while she thought the sentiment behind the letter was valid, she agreed that there needed to be a bigger discussion to be clear on what the Council would be asking Senator Fenton to change so it is effective and appropriate for drug users. She agreed that determining what is appropriate should be in partnership with community stakeholders. While Chair Bosley would not support this letter at this time, she was

clear that this position did not negate her concern about drug use in Keene.

Councilor Jones recalled attending a summit on addiction by the Monadnock Healthy Alliance a few years ago, when a European addiction specialist, Johann Hari, said a lot of what Representative Newell summarized. Councilor Jones did not believe punishment was the answer. He thought Mr. Redfern was simply asking to expand the geographic area of laws that are in place already. Councilor Jones said he would support the letter, because he wanted the full Council to have an opportunity to debate this. He noted that he did not support the idea of an ad hoc committee.

Vice Chair Giacomo agreed that after sitting on many ad hoc committees, they often just rehash the same things. He said the intent of the letter and what it was trying to accomplish for the community was clear in focusing on restorative over punitive justice and cleaning-up Keene's parks. He said the entire Council had never drafted a letter word-for-word. Vice Chair Giacomo looked forward to having this conversation with the full Council to determine the key goals the Council aligns on to focus on in the letter.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Jones.

On a vote of 2–1, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to submit a letter to Senator Fenton requesting that he initiate legislation that would expand the geographical area of a drug-free zone to include public parks, with emphasis on restorative rather than punitive justice. Chair Bosley voted in opposition.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Donations - Holiday Family Sponsorship**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations associated with the City's 2023 Holiday Sponsorship Program.

Attachments:

None

Background:

Finance Director Merri Howe was the first to address the committee on behalf of Human Services. Ms. Howe stated she was before the committee to authorize the Manager to accept gift donations associated with the City's 2023 Holiday Sponsorship Program.

She indicated annually Human Services staff contacts sponsors throughout the community who provide gifts and holiday items for families and older adults, who have received services from the City for the past year. These are families who have children with special needs and people who are struggling to make ends meet. Ms. Howe stated the purpose of the program is to provide gifts so they can focus on utilizing their funds to pay for rent, food and other such essential items.

Asst. City Manager City Manager Rebecca Landry stated this program has been wonderful over the past years and it is overwhelming to see the amount of donations that come into City Hall.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations associated with the City's 2023 Holiday Sponsorship Program.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **2021 Homeland Security Grant Program - Hazmat Frisker Equipment;
2023 Homeland Security Grant Program - Hazmat Equipment; and
2023 Homeland Security Grant Program - CBRNE Equipment**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply, accept, and expend the 2021 Homeland Security Grant Program - Hazmat Frisker Equipment grant in the amount of \$2,000.00.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 Homeland Security Grant Program - Hazmat Equipment grant in the amount of \$60,715.00.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 Homeland Security Grant Program - CBRNE Equipment grant in the amount of \$157,920.00.

Attachments:

None

Background:

As background for the next three agenda items, all of which relate to hazardous materials grants, Fire Chief Donald Farquhar stated the City of Keene operates one of the nine hazard materials teams that exist in the State of New Hampshire. The City covers 36 towns in the region. Most recently the City team travelled to Vermont due to their flooding event.

The Chief went on to say about two years ago the department was awarded a Hazardous Materials Program grant for \$34,000. The funds were used to hire a subject matter expert in hazardous materials to perform a complete overview of the Hazardous Materials Program. One of the outcomes was a robust emergency response plan for the team to deploy. Another part of that process was a thorough review of the department's equipment. It was discovered that the department's metering and materials management equipment was outdated and had limited capabilities, and there were operational costs to support this outdated equipment.

In 2022, the department used the homeland security grant to purchase a meter referred to as an ARX

Meter which is exceptional in metering solids. The cost of that meter was \$60,000. The Chief noted the items being represented today include a Relational Meter; a replacement for an off road vehicle and two other meters to go along with that allotment of money.

The Chief continued that is being presented tonight is about six or seven different grants to round out the Hazardous Materials Program. He noted the equipment brought on board has zero tax dollar impact to the Keene taxpayer while reducing yearly operational costs to maintain the equipment.

These grants will allow the City to replace the previously noted off-road vehicle that was purchased in 2005 and has passed its service life. The grants will also allow the City to purchase two of additional meters. In addition there will be funds to replace RAD frisker detection equipment (Radiation Detector).

Finally, a third grant in the amount of \$22,000 is for a gas specific meter, to allow the department to monitor gases with a great deal of accuracy and replaces an older system which was costing a lot to keep in place.

The next item is a Red Wave Meter for \$50,000, which would replace an older system. The AP4 meter at a cost of \$70,000 helps with biologics and toxics. The training to use this meter will be at a cost of \$37,000 to cover overtime for training. An outside consultant will be brought on to help with this.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply, accept, and expend the 2021 Homeland Security Grant Program - Hazmat Frisker Equipment grant in the amount of \$2,000.00.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 Homeland Security Grant Program - Hazmat Equipment grant in the amount of \$60,715.00.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 Homeland Security Grant Program - CBRNE Equipment grant in the amount of \$157,920.00.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department – Bender's Bar & Grill**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication regarding assembly permits as informational.

Attachments:

None

Background:

Chief Farquhar addressed the committee again and stated there was an inquiry from a local business owner regarding a recent charge from the Fire Department for a Place of Assembly permit. The Chief explained the RSA states that you cannot be charged for an Assembly Permit. He continued that the Fire Department charges is for the inspection that would be required before an Assembly Permit is issued. He noted several cities and towns manage this charge in the same manner.

City Attorney Mullins addressed the committee next. He indicated under Chapter 155 of the State Statute – Title 12 which generally refers to Public Safety and Welfare. The specific section Mr. Goodell raises 155:19 deals with Permits for Assembly. On the face it does say "...permit shall be obtained from the licensing agency and such permit shall be issued without charge for one year from the date of issue..."

The Attorney indicated what happens in an area like this is that you have to engage in what is referred to as Rules of Statutory Construction and Interpretation. What the Courts say is that you cannot pick just you cannot pick out one part of the statute without considering the rest of what may apply. Rather, one has to look at all statutory processes that may surround it for context.

RSA 155:17, 155:18 and 155:19 arose in 1943. Other sections of the statute have been amended. However, 155:19 has not been amended. Two other sections that need to be considered are 155:17 (Definitions) and 155:18 (License Required). 155:17 provides for the Chief of the Fire Department the authority to issue a license under this statutory scheme. He indicated the Legislation is aware of the difference between a license and a permit and it comes from a case in New Hampshire – Cox Decision in 1940. A case which involved a religious organization and whether they required a permit to parade down City streets. The Supreme Court in that case required that this entity obtain a permit

but made a distinction between a license and a permit. The Court stated in this case "...application for a permit gives the public authorities notice in advance, for which... licenses may be granted..."

The Attorney noted the City has the authority to undertake licensing and also to charge fees associated with the licensing process. The Statute itself makes it clear that as part of this process the Fire Department can undertake investigation and review issues associated with the place of accommodation. It authorizes the Fire Department through the Fire Chief to inspect accommodation and in doing so it almost always authorizes a fee associated with that process.

The Attorney indicated it is the City's position that the licensing process and the permitting process are two different things. The City can charge for the investigation that is associated with the licensing process. However, Mr. Goodell is correct in that the City cannot charge for the permit itself. The issue arose because the City Code was not clear on this issue. He indicated the City looked at other communities and there is an even split between the 12 communities they looked at – between those that charge for a permit and those who charge for the inspection. He added staff will be coming back before Council in the near future to make this distinction clear.

Councilor Madison asked when an Assembly Permit is required. Chief Farquhar stated it is for occupancy over 100. He added the Fire Department inspects close to 120 assemblies annually which is about \$8,400 in revenue each year.

Councilor Remy asked whether the City has had a conversation with Mr. Goodell since the last time he was before the Committee. Attorney Mullins stated the Clerk's advises the applicant the matter is coming before the committee today and they are invited to attend.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication regarding assembly permits as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Downtown Infrastructure Improvement and Reconstruction Project - Professional Services Agreement Preliminary Design**

Recommendation:

On a vote of 4–0, the Finance, Organization and Personnel Committee recommends that the City Council (per Section 2-1336. - Waiver of requirements), award a sole-source professional services contract to Stantec Consulting Services, Inc. for an amount not to exceed \$995,000 and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Stantec Consulting Services, Inc. for the next phase of the Downtown Infrastructure Improvement and Reconstruction Project.

Attachments:

None

Background:

City Engineer Don Lussier addressed the committee next. Mr. Lussier stated this item is looking at the contract for the next phase of design. He explained so far the City has undertaken the planning and engineering study phase. The goal of that phase is to determine what is going to be built. In July 2023, the Council voted on the broad outline for the Downtown Infrastructure project.

Mr. Lussier stated there was broad consensus that utility work was going to be undertaken. The other aspects that were agreed upon was that the current Central Square configuration will be retained with a new signal and optimized signal infrastructure. There will be two travel lanes in each direction on Main Street. The parking on the median of Main Street will be eliminated in order to free up space for wider sidewalks and other amenities. There will be multimodal facilities or bike lanes along the side of from Central Square to Water Street. At the Gilbo Avenue and Railroad Square area, there will be a raised intersection to strengthen that connection. There will also be some traffic calming measures added to make a stronger connection across Main Street between those two areas. Gilbo Avenue will remain a two-way street.

Mr. Lussier indicated up to this point they have been working in sort of a “magic marker” realm of planning and design. The next iteration will flush out most of the broad concepts. The end goal of the preliminary design is to produce a set of construction plans and specifications that are at a sufficient level of detail to enable submission to a regulatory agency for permits. Mr. Lussier stated they are hoping for grant funding for this project and included in the scope of this contract is to have the

consultant complete a substantial amount of environmental work that will be required to obtain Federal funding.

He explained any time there is Federal funding involved, the City has to comply with the National Environmental Policy Act (NEPA) which has a list of items that need to be addressed such as, groundwater, surface waters, wetlands, endangered and threatened species, invasive species, archaeological resources, historical resources, air quality etc. The consultant will also meet with regulatory agencies to get early feedback on the scope of the project.

Mr. Lussier stated also during this phase they will be doing some additional investigation to fill in data gaps identified during the planning study, such as geo technical data which for example will provide for how much soil will need to be excavate when replacing utilities.

Other things that will happen will be refining of horizontal and vertical geometry of all individual utilities. Curbing and alignment of individual parking spaces and landscape islands.

Mr. Lussier stated the City does not, because of the age of its pipes, have good data, so included in their scope is more video inspection of the drainage and sewer lines. They will also be looking for where items are buried as City data is not clear on that issue as well. Other activities, will include public engagement during this next phase.

Another part of this next phase that the City is anxious to get started on is accommodating businesses during construction. This project will have a great impact on downtown businesses and residents. The City wants to make it tolerable for downtown businesses and residents. There is a budget for approximately eight stakeholder meetings during the next phase.

There will also be three separate meetings before the MSFI Committee to provide regular updates.

There will also be work involving grant applications for significant Federal grants. The ideal grant for this project would be the Federal Rise Grant – Rebuilding American Infrastructure with Sustainability and Equity. This is a transportation grant which funds “significantly sized” projects. The minimum project an entity can apply for would be five million dollars. He added these grant applications are significant and it will be important to demonstrate that this project benefits a community in terms of environmental benefits, traffic benefits, safety benefits, economic development – all benefits that exceed the cost to the Federal government. Stantec will complete the grant application and the City plans to submit the application by February.

Mr. Lussier stated this contract will take the project through preliminary design through mid-summer 2024. This concluded Mr. Lussier’s comments.

Councilor Lake asked when public engagement and committee meetings will start. Mr. Lussier the first public engagement is scheduled for the February/March 2024 timeframe but added the schedule is tentative. MSFI updates are planned to happen every other month and the first one is scheduled to start the second cycle in January 2024.

Councilor Remy suggested publication of the stakeholder list and a schedule of what is going to be covered at each meeting to make sure everyone is included. Mr. Lussier stated they have good list of property owners based on the planning study of those within the construction area. There will be a direct mailing so residents in the properties would also be notified not just the property owners. The Councilor felt this should be a reoccurring process so when there is a turnover of tenants, everyone could be properly notified.

Councilor Madison suggested stakeholder meetings not be scheduled during the workday so those who are working can also attend. He also stated he understands the sole source contract because Stantec has done a lot of work so far. He asked whether any other consultants were looked at. Mr. Lussier stated when they went through the consultant selection process for Stantec; that RFQ was written to comply with the Federal consultant selection guidelines. It was scoped with the assumption that whoever the City hired would be retained through the full design. He added the City has not negotiated with other consultants and suggested that would be fairly inefficient to switch the team at this point as the City would be paying someone else to learn what Stantec has already done.

Ms. Landry indicated in addition to all the notices Public Works will be putting out for their underground infrastructure and other elements of the project, she would encourage the public to subscribe to the City's email list serves. She suggested on the keenenh.gov website there is a downtown business list that people can subscribe to and there is also a general announcement and City meeting list.

Councilor Greenwald, Chair of the MSFI Committee stated the MSFI Committee is the committee charged to oversee projects such as this. He felt once again the MSFI Committee is being passed over. He indicated when he hears \$900,000 being proposed to take them through preliminary design, he is very concerned. He noted Stantec has already been paid \$350,000 for the last two years, which he referred to as mismanagement. He stated to date there is no MSFI approval of a design and he felt a firm design needs to be in place before anything more is moved forward. He also noted there is no funding in place.

The Councilor went on to say it has always been the understanding that underground work needs to be done, but now he is hearing this work is very complex, which he stated makes him concerned. He stated he is very opposed to the sole source bid and expressed displeasure at Stantec and how the project has been handled so far. He asked the City Attorney whether the City owns the work that has been done so far. The Attorney answered in the affirmative. In that case the Councilor felt another firm could be brought up to speed and in the least felt a competitive bid was necessary. He hoped the committee would not just push this project through.

Ms. Landry in response stated there are multiple ways the City funds projects, capital reserves, debt financing and grants. She indicated there are capital reserves that have been set aside for this work. The total cost of the project would determine how this project is finally funded and added the City has long had a practice of minimizing spikes on the tax rate by funding projects with the various options she mentioned earlier.

Councilor Filiault Vice-Chair of the MSFI Committee stated he agrees with Councilor Greenwald and felt the MSFI Committee process is yet again being circumvented. He stated when the concept design was presented there were many questions that were raised and the answer at that time was before anything is finalized it will come back to the MSFI Committee. He felt before any more money is spent the item should be returned to the MSFI Committee and explained in detail what the design is going to be and then be sent back to the Finance Committee.

Councilor Remy felt to from a conceptual design to a final design, money will need to be spent and he felt that is what this proposal is. The Engineer agreed and went on to say at the moment the City is looking at the broad outline of the project. During the next phase is when decisions will need to be made about lighting, which trees are going to be saved, etc. He stated if staff did not communicate that, he apologizes. He added the funding for this project has already been appropriated by Council; between water, sewer and general fund a total of \$1.69 million for the design. \$580,000 of those funds have been spent with the previous contract. Mr. Lussier added they will continue to go before the MSFI Committee to get their continual approval as the plan gets refined.

Chair Powers clarified this item cannot be brought before MSFI until there is a plan and an engineer. Mr. Lussier stated staff can always bring the plan that is in place and it can be discussed more and a consultant will not be needed for that. However, if the City wants to move forward and get more of a definite plan, a consultant needs to be in place.

The Chair asked for public comment next.

Mr. Joe Marazoff of 641 Park Avenue addressed the Committee. Mr. Marazoff stated he is questioning the cost of this project. When the project started it was to be seven million dollars and now the project is estimated to be fourteen million dollars. He questioned if there was any upper limit to this project. With regards to grants, if the City is successful in getting Federal funds, the City will have obligations to the Federal government, which often has solutions and ideas which are counterproductive and potentially corrupt. He felt if the public were consulted, they will not be in favor of what is being proposed tonight.

Mr. Jay Kahn of Darling Road stated no one wants to see a scope change once a contract is signed and asked whether there will be request in this to present a utility replacement project without any further changes. Mr. Lussier stated what was discussed in the past is just replacing the utilities, which was 70% of the total project cost. He stated his concern has always been because the utility repair is so extensive, the City might not want to just replace the utilities and trench patch the downtown back together. He added if the utilities were just to be replaced and nothing else done the project cost would be nearly the same. Mr. Lussier added all sidewalks will be replaced when the utilities are redone as they would need to be dug up.

Mr. Lussier stated the cost estimate presented in July was for 14.1 million for the utility work and to put it back together as it exists now. 14.9 million is for the addition of the five legged intersection, signalized intersection and extending Central Square. Mr. Kahn asked whether there will be a request to the consultant for a scope for a utility replacement project as a base project. Mr. Lussier questioned whether this would include a patched sidewalk or a finished sidewalk. For a finished sidewalk project would be at a cost 14.1 million dollars.

The Chair felt this is an unfair question to staff; he felt this is a question MSFI Committee should be posing to the consultants. The Chair went on to say there is a lot of time built into this contract so we can finally come back with a project to be voted on by Council and then funded.

Mr. Kahn stated the concern most citizens have expressed to him is to replace the utilities and get the project completed. He stated people want to know what the price for this work is. Mr. Kahn asked whether in this contract there will be a detailed analysis for the price mentioned with the contract being proposed today.

Councilor Remy offered what he understood to be Mr. Kahn's question which could the consultants be asked, as part of the project, can there be a cost "control estimate" as a basis of comparison to put downtown back to the current condition. Mr. Kahn agreed that that was what he was requesting.

Mr. Lussier responded this wouldn't add to the cost because that work has essentially been done. He added the consultant's work presumes that the plan adopted by the Council in July is what is being advanced. The purpose of the engineering and planning phase was to figure out in broad terms what the City wants to build. What Council directed staff to look at was to keep the existing configuration, new signalized intersection, two lanes on either side of Main Street, get rid of parking on the median, add bike lanes, keep Gilbo Avenue as a two-way traffic, improve intersection treatment between Gilbo Avenue and Railroad Street. Mr. Kahn felt the City is working with a plan the

public still has questions about.

Mr. Lussier stated a lot of the items included in this contract such as environmental studies, geo technical investigation would be applicable regardless of which plan the City chose to go with. He stated it is important to decide whether the City was going to build what the Council approved in July or not. If that is the case, the consultant would need to be advised not to do some of the tasks because the City will be revisiting the plan. He also advised if that was the case the City would not be in a position to submit a grant application in February.

Councilor Remy stated the Council voted in July and this would be the position of the Council.

Ms. Landry noted if the project is delayed the cost does increase.

Mr. Dwight Bowie of Hurricane Road Keene addressed the committee and stated he attended between five to ten infrastructure meetings. He stated he found the material online to be confusing and ended up having to talk to the City Engineer for details on the project. He stated he also contacted the Manager's office who indicated to him he would not be able to find any information, because the information is not available.

Mr. Bowie stated the public meetings even though they were well intended they did not do the job it was intended to do. Even today there are different ways questions are being raised and he felt there needs to be more citizen information which is explained clearly as to what is going on. He stated there is a lot of concern in the City as to what is being planned. He stated he wants to be engaged with the City to get a better understanding but at the moment there are varied viewpoints. He asked what the term "concept" meant and stated he would like someone get back to him for added clarification and how he could become more fully engaged.

Councilor Greenwald addressed the committee again and asked the committee at the least to consider the sole source issue. He felt this item should be continued until January until the new Council comes on board and gets to weigh in on the plan. He stated he understands the deadline for grant application is February, but he asked the committee "to slow it down."

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

That the Finance, Organization and Personnel Committee recommends that the City Council per Section 2-1336. - Waiver of requirements, award a sole-source professional services contract to Stantec Consulting Services, Inc. for an amount not to exceed \$995,000 and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Stantec Consulting Services, Inc. for the next phase of the Downtown Infrastructure Improvement and Reconstruction Project.

Councilor Remy stated he agrees, albeit it was a close vote, the Council voted to move forward with a preliminary design and he felt what is before the committee today is the next step in that process. He added the Council is not ready to weigh in on the design yet. As far as sole source he felt this was a technicality in the manner the City presents project to this committee. Sometimes it is looked at with other projects, and sometimes it is broken up. He felt it was bid as one project. He compared this project to a wastewater treatment plant project where items get broken into small pieces but in reality, it is part of the same project. Councilor Remy stated he was in support of the motion.

Chair Powers stated he too does not want to do sole source, but he did not feel this was a sole source contract. A contractor was selected by the City and changing mid-stream was not a good option. He stated there is no plan that everyone can understand because the City is not at the place

yet. The Chair stated the final design will come through the MSFI Committee and a grant cannot be applied for until a design is put forth.

On a vote of 4 – 0, the Finance, Organization and Personnel Committee recommends that the City Council (per Section 2-1336. - Waiver of requirements), award a sole-source professional services contract to Stantec Consulting Services, Inc. for an amount not to exceed \$995,000 and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Stantec Consulting Services, Inc. for the next phase of the Downtown Infrastructure Improvement and Reconstruction Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: LWCF Grant Round 33 Acceptance - Skatepark

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park Project.

Attachments:

None

Background:

Parks, Recreation and Facilities Director Andy Bohannon addressed the committee and stated a few weeks ago the City celebrated the opening of Pat Russell Park. During his speech during the opening of the park, Bill Geigas from the State of NH, Department of Recreation and Community Services, announced the City had received \$225,000 towards the skate park project. Mr. Bohannon stated the item before the committee tonight is to make sure that happens as the City needs to send the Agreement for expenditure of those funds to the Governor and Executive Council. Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: LWCF Grant Round 33 Acceptance - Russell Park

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$500,000.00 for the Russell Park Renovation Project.

Attachments:

None

Background:

Mr. Bohannon indicated this is for the \$500,000 the City applied for Russell Park. In total, the park received \$900,000 in LWCF funds. The \$500,000 would go towards the Boci Court which was cut out of the original project which the neighborhood wanted, the rest would be utilized to reimburse debt used from various sources to make this project happen.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$500,000.00 for the Russell Park Renovation Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: LWCF Grant Round 34 Notice of Intent - Robin Hood Park

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute the submission of the application for LWCF Grant Round 34 for the Robin Hood Park renovation project.

Attachments:

None

Background:

Mr. Bohannon addressed item 9 as well. He indicated this item is for the application process for the Robin Hood Park renovations. A letter of intent was submitted in June. The City has been accepted into the grant round and the application is due December 15. Part of the process is to make sure the Manager has the authority from Council to apply for the grant. The application would be for the pool, bathrooms, and recreational play area. The City has three years to expend the funds.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute the submission of the application for LWCF Grant Round 34 for the Robin Hood Park renovation project.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Young Professionals Network – Request to Use City Property – 2024 Taste of Keene Food Festival**

Recommendation:

On a vote of 3-0, the Planning, Licenses and Development Committee recommends this item be placed back on more time to allow protocol meetings to be held.

Attachments:

None

Background:

Chair Bosley recognized Councilor Michael Remy who requested that the Committee call this item forward from more time so he could pose some questions he was unable to ask when this was forwarded from the Council straight to more time.

A motion by Vice Chair Giacomo to pull Item #1 from more time and onto the active agenda was duly seconded by Councilor Jones and the motion carried unanimously.

Councilor Remy had a question about something never done before and wanted to gauge the Committee's opinions before pursuing it. The event organizers were interested in moving the beer garden that had operated at Hannah Grimes to Central Square. Because that is City property, he thought it would require a Council vote, so he wanted to ask some questions before deciding to pursue the change.

Chair Bosley asked if there had been alcohol vending on City property during the City Manager's tenure. The City Manager, Elizabeth Dragon, had seen it allowed on City property, but not Central Square. The City Manager was not prepared to comment further without reviewing the specific Central Square rules and regulations.

Vice Chair Giacomo thought that putting all the rules for Main Street aside, he thought that clearly control of the space would be the primary concern. He recalled security that controlled the space at Hannah Grimes effectively last year. Conversely, at Central Square, there would be 360 degrees of nothing preventing people leaving with beverages or getting in. Even as having helped create the event, Vice Chair Giacomo would not vote in support unless there was a good plan for controlling the space.

Chair Bosley thought this could set a precedent for all other festivals and events, with the potential for drinking in the street to get out of hand. If something went wrong, the event might not be viable anymore, and she wanted to protect this well-developed event. She would need to see a very strategic plan to support the concept. Councilor Jones asked if the organizers would need to submit a separate letter requesting this permission or if it would be handled in protocol meetings. Councilor Remy clarified that he was not seeking a binding answer, but to gauge the Committee's feelings. Personally, Chair Bosley said her gut was telling her it was a bad idea.

The Assistant City Attorney, Amanda Palmeira, noted that since the event request was already submitted, she recommended that Councilor Remy speak with the City Clerk, Patty Little, about any potential changes. Councilor Remy did not want the event's approval tied to this question. Councilor Remy and Chair Bosley agreed that there was plenty of time to explore this since the event is not until June 2024.

A motion by Vice Chair Giacomo to place this item back on more time was duly seconded by Councilor Jones and the motion was carried unanimously.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: November 2, 2023
To: Mayor and Keene City Council
From: Yves Gakunde, Purchasing and Contract Services Manager
Through: Merri Howe, Finance Director/Treasurer
Subject: **Relating to Purchasing
Ordinance O-2023-15**

Recommendation:

That Ordinance O-2023-15 be referred to the Finance, Organization and Personnel Committee for its review and recommendation.

Attachments:

1. Ordinance O-2023-15

Background:

The last time the Purchasing Ordinance was updated was in 2017 to include the Federal Purchasing Guidelines. At that time, all sections of the existing City Code of Ordinances relating to Purchasing were not included in Ordinance O-2017-11A. The Proposed Ordinance O-2023-15 recombines all the Purchasing Sections (Sec. 2-1331 through Sec. 2-1340) into one complete ordinance to replace the four City Code of Ordinances (O-2009-10; O-2011-19; O-2012-21-A; and O-2017-11-A.)

O-2023-15 reflects the Federal Purchasing thresholds that were recently updated to expediate the completion of the transactions and minimize the associated administrative burden and costs.

Due to the overall increase in the cost of goods and services in the last decade, the Purchasing & Contract Services Office worked with all City Departments to update purchasing thresholds and associated administrative guidelines. These updates will allow the City Manager and Central Purchasing to assist City Departments to secure goods and services quickly while maintaining industry standards, auditing internal controls, and cost savings for the City.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Purchasing

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text in Chapter 2, Administration; Article IX, Purchasing, as follows:

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

ARTICLE IX. PURCHASING

Sec. 2-1331. Central purchasing established.

The Finance Director shall constitute central purchasing for the City and shall purchase, control, or contract for all supplies, materials, equipment, and all contractual services required by any City department, except that blanket purchase orders, local purchase orders and petty cash funds established either departmentally or centrally may be used by the Finance Director either centrally or on a departmental basis under such additional rules as he may establish to facilitate small purchases.

Sec. 2-1332. Rules for City purchases.

Central purchasing shall have the authority to prescribe the purchasing procedure for all City departments and may from time to time add to the following rules and regulations for City purchases:

- (1) Except as provided in this article, every City purchase or contract greater than ~~\$20,000.00~~ **\$50,000.00** in amount shall be made only after the receipt by central purchasing of publicly invited sealed competitive bids on uniform specifications. After ~~a~~ recommendation from the department making the purchase and central purchasing, the City ~~m~~Manager shall award the contract to the lowest responsible bidder—quality, delivery, financial responsibility and guarantees of the bidders being equal. The City ~~m~~Manager may, in his discretion, reject any bid deemed insufficient or inadequate, or may reject all bids.
- (2) Except as provided in this article, every City purchase or contract of greater than ~~\$5,000.00~~ **\$10,000.00** but no more than ~~\$20,000.00~~ **50,000.00** **requires a purchase order and** shall be made only after receipt by central purchasing of three or more, if reasonably obtainable, competitive ~~informal written quotations~~ responses, received by ~~fax, electronic mail, or regular mail or phone quotations adequately documented~~ **which are based on scope of services as provided by the City.**

- (3) **Every purchase of \$5,000.01 to \$10,000.00 requires a purchase order before any goods or services are procured. Departments shall submit documentation to support the purchase amount at the time a PO is requested from the Purchasing & Contract Services Division.**
- (4) Every purchase of \$5,000.00 or less shall be handled by departments on as competitive a basis as it deems reasonable and prudent, **and such purchase does not require a purchase order. However, Departments shall maintain documentation, for review if requested.**
- (35) Except as provided in this article, contractors of record shall be established for the renovation, maintenance and repair of City facilities and equipment. Contractors of record shall be selected through a competitive process based on qualifications developed by the ~~finance department~~ requesting department(s) and shall remain contractors of record for ~~two~~ **five (5)** years. Eligibility to remain a contractor of record shall be based on continued performance acceptable to the City. Where previously competitively bid renovation, maintenance and repair contracts are in place with a contractor of record, the requirement to obtain three or more quotations (see subsection (2) above) is hereby waived. For purchases exceeding ~~\$20,000.00~~ **\$50,000.00**, existing bid provisions (see subsection (1) above) remain in effect.
- (56) Purchases made through existing federal, state of New Hampshire or other state and municipal contracts or ~~Keene Union School District~~ **Union School District of Keene** contracts shall be deemed to meet the requirements of the subsections (1) through (4-5) of this section.
- (67) Nothing in this section shall be construed to prevent joint bidding and contracting by the City and other public jurisdictions, and, in fact, such is encouraged.
- ~~(7) For grants funded with federal funds, the city will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 C.F.R. §200.321), procurement requirements shall be in accordance with established purchasing thresholds as follows (unless federal requirements are more stringent, city guidelines will apply):~~

~~Purchases up to \$3,000.00 (micro-purchases)~~

~~Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,000.00 (2 C.F.R. §200.320 (a)). In order to expedite the completion of its lowest dollar small purchase transactions and to minimize the associated administrative burden and cost, the city does not require the use of purchase orders for micro/small purchases that fall below the thresholds established for competitive quotations, bids or requests for proposals.~~

~~Purchases between \$3,000.00 and \$150,000.00 (small purchase procedures)~~

~~Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$150,000.00 (2 C.F.R. §200.320 (b)). If small purchase procedures are used, price or rate quotations are obtained from an adequate number of qualified sources.~~

~~*Purchases over \$150,000.00*~~

~~Procurement by sealed bids/formal advertising (2 C.F.R. §200.320 (c)) or by competitive proposals (2 C.F.R. §200.320 (d)) are required for all purchases over \$150,000.00.~~

Sec. 2-1333. Rules for procurement under a federal financial assistance award

Notwithstanding anything herein to the contrary, when procuring property or services under a federal financial assistance award the City shall follow the procurement methods established in the Code of Federal Regulations, State / Local Procurement Rules (2 C.F.R. Part §200 – Uniform Grant Guidance). These guidances include contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms. Procurement requirements shall be in accordance with the City Code of Ordinances unless federal requirements are more stringent.

(1) Micro-Purchase Threshold (MPT)

Purchases up to ~~\$3,000~~ \$10,000.00.

MPT micro-purchase means a purchase of supplies or services where the aggregate amount does not exceed ~~\$3,000~~ \$10,000.00. To expedite the completion of its lowest-dollar MPT purchase transactions and to minimize the associated administrative burden and cost, the City does not require the use of purchase orders for MPT purchases that fall below \$5,000.00.

(2) Simplified Acquisition Threshold (SAT)

Purchases between ~~\$3,000~~ \$10,000.01 and ~~\$150,000.00~~ \$250,000.00

SAT purchase procedures are relatively simple and informal procurement methods for securing services, supplies, or other property that cost between \$10,000.01 and \$250,000.00. If SAT procedures are used, price or rate quotations are obtained from an adequate number, preferably three (3) qualified sources.

(3) Large Purchases Exceed the Simplified Acquisition Threshold

Purchases over ~~\$150,000.00~~ \$250,000.00

Procurement by sealed bids/formal advertising or by competitive proposals are required for all purchases over ~~\$150,000.00~~ \$250,000.00.

Sec. 2-1334. Default by contractor or supplier.

Sealed, publicly invited competitive bids will not be required for City purchases in any situation where a contractor or supplier has defaulted upon his obligations to the City and there is present a security guaranteeing to the City the performance of the obligation at no additional cost to the City, over and above the original obligation. In such a case, the City ~~m~~Manager, with the approval of the City eCouncil, may renegotiate and award the contract to ~~whomsoever he sees fit~~, **a qualified contractor** providing that the renegotiated and award **substitute contract** does not exceed the amount ~~contracted for in the original obligation of the original contract~~. **Unless approved by the City Manager, no contract award or purchase shall be made to any contractor or vendor who has failed previously to perform to the satisfaction of the City, in its sole discretion, on a previous contract award or purchase order.**

Sec. 2-133**45**. Contract change orders.

Under this article, contract change orders are authorized to be made where necessary by the City Manager ~~but shall not exceed ten percent of the amount of the original contract unless specific city council approval is obtained~~. **The City Manager can approve an increase in contract changes up to \$25,000.00 or 20% whichever is greater, otherwise, City Council authorization is required. The City Manager shall be authorized to execute a contract decrease change order of any amount.**

Sec. 2-133**56**. Professional services contracts.

Professional services contracts (architecture, engineering, construction management, risk management and other professional services or consulting work) of ~~\$25,000.00~~ **\$50,000.01** or more may be entered into after receiving proposals **or statements of qualifications** from various interested firms.; Such ~~evaluating those~~ **proposals will be evaluated for** and anticipated quality of service ~~to be rendered~~ **required** and **the successful proposal will be recommended to the City m**Manager ~~recommendation to and approval by the~~ for City eCouncil **approval**. Such services of ~~\$25,000.00~~ **\$50,000.00** or less may be procured in a manner deemed reasonable and prudent by the City ~~m~~Manager. ~~When an applicant to the planning board has agreed in writing to pay for a consultant to the planning board that is hired by the board, quotations will be solicited from three or more firms.~~ In any instance, the City ~~m~~Manager will have the authority to execute a contract with the selected firm.

Sec. 2-133**67**. Waiver of requirements.

The City eCouncil, on recommendation from the City ~~m~~Manager, may waive any of the purchasing requirements in sections 2-1331 through 2-1335 when it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment, or services or for other stated reasons.

Sec. 2-133**78**. Standardization.

Where it is deemed appropriate to standardize ~~on~~ the procurement of materials, supplies, equipment, or services, the City eCouncil shall so indicate by resolution. Central purchasing shall maintain an up-to-date listing of such standardized items or services. The procurement of such standardized items or services will be exempt from the bidding requirements of this article. Central purchasing will, when reasonably possible, attempt to obtain competitive quotes from different suppliers, if any, for the standardized item or service.

Sec. 2-133~~89~~**9**. Emergency purchases.

If an accident or emergency occurs, the City ~~m~~Manager may award contracts and make purchases for the purpose of repairing damages caused by the accident or meeting the public emergency without meeting the purchasing requirements of this article. In such cases, the City ~~m~~Manager shall promptly file with the City ~~e~~Council a report ~~which~~ **that** certifies the emergency nature of the incident and itemizes the purchases and their costs.

Sec. 2-133~~940~~**40**. Exceptions.

The competitive purchasing requirements contained in this article shall not apply to maintenance contracts with manufacturers of equipment purchased ~~or with suppliers of data processing software~~ or where the City decides to contract with nonprofit organizations for the provision of health, welfare, social, or recreational services for the City and/or to the general public or in instances where there is a need to "lock in" fuel pricing (including electricity) quickly due to potential for market price fluctuations and where it has been determined that the pricing is below that which would be available under a current competitively bid state contract and the City ~~m~~Manager is authorized to secure these purchases without further authorization from City ~~e~~Council.

Sec. 2-134~~01~~**1**. Sale of surplus materials and equipment.

The City ~~m~~Manager may authorize the sale of materials and equipment which he determines to be surplus to the needs of the City where a single item or lot does not exceed ~~\$10,000.00~~ **\$50,000.00** in book value. When such ~~an~~ item or lot exceeds ~~\$10,000.00~~ **\$50,000.00** in book value, the City ~~e~~Council shall approve the sale of such materials. All such surplus materials shall be disposed of by public auction or competitive quotations.

Sec. 2-134~~12~~**2** Environmental preferred purchasing and collaboration.

(a) *Environmental preferred purchasing.* To the greatest extent possible and within budgetary constraints, the City of Keene will consider lifetime costs and environmental impacts when purchasing goods and services.

- (1) Practices will be developed, implemented, and adhered to that will reduce waste by increasing product efficiency and effectiveness.
- (2) Products that minimize environmental impacts, toxins, pollution, and hazards to worker and community safety will be given preference to the greatest extent practicable.
- (3) To the greatest extent possible and within budgetary constraints, the City of Keene will purchase products that:
 - a. include recycled content,
 - b. are durable and long-lasting,
 - c. conserve energy and water,
 - d. use agricultural fibers and residues,
 - e. reduce greenhouse gas emissions.
- (4) To the greatest extent possible and within budgetary constraints, the City of Keene will incorporate green building principles and practices into the planning,

design, construction, management, renovation, operation, and demolition of all City facilities.

- (b) *Collaboration.* The City will seek collaboration with other interested governmental entities or agencies to consolidate when possible and practicable employees, services, and the purchase of materials, supplies, and other consumables; when doing so:
- (1) reduces duplication of effort,
 - (2) provides for the efficient and effective use of public resources; and
 - (3) conforms to budgetary parameters and remains cost-competitive.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: Relating to an Amendment to the Zoning Map – 0 Ashuelot Street – High Density to Commerce
Ordinance O-2023-13

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-13.

Attachments:

1. O-2023-13 Zone Change - Ashuelot Street_Referral

Background:

Chair Bosley welcomed comments from the Community Development Director, Jesse Rounds, who did not have much to add to what was covered during the public hearing about this proposal to re-Zone 0 Ashuelot Street from High Density to Commerce. Chair Bosley noted that there would be no further public comment because the public hearing occurred already.

Vice Chair Giacomo stated his perspective that re-Zoning from High Density to Commerce would not diminish the ability to have housing in the District, if that is the owner's interest. Other opportunities could arise from this change, so he had no issues supporting this.

Councilor Jones recalled that in the last revaluation, commercial property went down, which caused a burden on residential properties. Councilor Jones had mixed feelings about Vice Chair Giacomo's comments that it might be up to the market to determine what goes there. Councilor Jones sought guidance from Staff. Mr. Rounds said that currently there is a vacant parcel, that could have the potential for development, likely with a higher value. The City Manager agreed and added that the last revaluation saw a shift in overall values, but commercial value is still an important part of the puzzle. The shift in overall taxable value of the City was because the residential market was outpacing the commercial market. There is nothing to say that could not change during the next revaluation.

Chair Bosley agreed with Vice Chair Giacomo that the Commercial Zone was updated recently to allow up to four stories of residential uses above first floor commercial uses. So, if this proposed development was to create a commercial space, some residential use would still be allowed. Chair

Bosley supported this proposal.

Councilor Jones made the following motion, which was duly seconded by Vice Chair Giacomo.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-13.



CITY OF KEENE

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

AN ORDINANCE Relating to Change of Zone – 0 Ashuelot Street – High Density to Commerce

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

That the Zoning Map of the City of Keene, as amended, be hereby further amended by changing the zoning designation of the parcel at 0 Ashuelot Street (Parcel ID: 567- 001-000) in the City of Keene, County of Cheshire, State of New Hampshire from High Density to Commerce.

George S. Hansel, Mayor

In City Council July 20, 2023.
Referred to the Planning, Licenses
and Development Committee and the
Planning Board.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relative to Congregate Living and Social Services License Ordinance O-2023-18**

Recommendation:

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-18.

Attachments:

1. O-2023-18 - Congregate Living and Social Services_Referral

Background:

Chair Bosley asked for comments from the City Manager, who said this was related to the earlier conversation on challenging social issues facing the City. The proposal was to change the applicability of the Congregate Living and Social Service License Section 46-561 of the City Code, adding “that the licenses would not apply to temporary 120-day or less homeless shelters established by, or operating under, the authority of the State or municipal entity.” This change was developed as a part of Homelessness Task Force meetings regarding winter capacity. The UCC Church has offered to have an overflow shelter during very cold evenings, and there was no exception for that in the licensing procedure, even if there was a Memorandum of Understanding (MOU) in an emergency situation. This added language provided the flexibility needed as these situations arise. This addition would not waive the Fire and Building Code rules. The City Manager thought this was another tool to help the City to act quicker in partnership with nonprofits like the UCC Church.

Chair Bosley agreed that this provided important flexibility to expand the capacity for residents of Keene in the winter, and she was appreciative this was brought forward.

Vice Chair Giacomo referred to language proposed: “established by, or operating under the authority of, a State or municipal entity.” He asked, under NH law, whether every shelter was operating under the City’s authority because the City is responsible for financial support? The City Manager replied that shelters are not under the City’s authority. Rather, the City has MOUs with the two shelters in Keene that the Council votes on annually. There are some expectations in the MOUs, but they do not operate under Keene’s authority, and this proposed addition would be specifically limited to anything created with an MOU through either the State or City. Vice Chair Giacomo said that answered his concern. The City Manager clarified that the church would actually be operating on the City’s behalf

versus the City granting the shelter a permit.

In looking at the Ordinance, Councilor Jones said he did not see anything about staffing. He asked if the MOUs negotiated by the City Manager would include something about required staffing; he recalled a past instance of no certified staff on the premises of a shelter. The City Manager said that in her time with the City, there had been overflow capacity created through arrangements with Hundred Nights and their Staff, and there was volunteer staffing at St. James Church. The case at hand with the UCC Church would require volunteers, so she would work with the Church and Southwestern Community Services, which had partnered on the Task Force. The City Manager said those important details would be included in the MOU.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Jones.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-18.



CITY OF KEENE

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

AN ORDINANCE Relative to Congregate Living and Social Services License

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 bolded text in Chapter 46 – Licenses and Permits, Article X – Congregate Living and Social Services License, Sec. 46-561 – Applicability, as follows:

Sec. 46-561. - Applicability.

From and after the effective date of the ordinance from which this article derives no person shall allow or operate any of the following congregate living or social services uses as defined in chapter 100, article 8 of the City Code of Ordinances without first having obtained, and having maintained, a congregate living and social services license from the congregate living and social services licensing board (the licensing authority specified in section 46-63 for each property location, **provided, however, that this Article shall not apply to a temporary (120 days or less) homeless shelter(s) established by, or operating under the authority of, a State or municipal entity..**

- (1) Drug treatment clinic.
- (2) Group home, large.
- (3) Group home, small.
- (4) Fraternity/sorority.
- (5) Group resource center.
- (6) Homeless shelter.
- (7) Lodginghouse.
- (8) Residential care facility.
- (9) Residential drug/alcohol treatment facility.

In City Council October 19, 2023.
Referred to the Planning, Licenses
and Development Committee.

Assistant City Clerk

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 2, 2023

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

Through: Elizabeth Dragon, City Manager
Kurt Blomquist, ACM/Public Works Director

Subject: **Appropriation of Funds for Safety Improvements on Woodbury Street
Resolution R-2023-37**

Recommendation:

Resolution R-2023-37, Relating to the Appropriation of Funds for Safety Improvements on Woodbury Street, be referred to the Finance, Organization and Personnel Committee for deliberation and a recommendation to the City Council.

Attachments:

1. R-2023-37 Woodbury Street Safety Improvements

Background:

On October 20, 2022, the City Council authorized the City Manager to negotiate and execute a Memorandum of Understanding (MOU) along with access and maintenance easement with the Community College System of New Hampshire (CCSNH) related to a retaining wall along the southern boundary of Woodbury Street. The City Manager executed that agreement on October 28, 2022. The agreement calls for CCSNH to assume the costs associated with repair and ongoing maintenance of the retaining wall. The City is responsible for replacing an existing inadequate railing with a crash-worthy vehicle barrier and pedestrian fall protection.

Since the execution of our MOU, CCSNH has developed plans for the repair of the retaining wall and have entered into a purchase and sale agreement with Keene Housing for the redevelopment of the site. The City's Engineering Division has worked with the engineering teams from both CCSNH and Keene Housing to develop a plan for a vehicle barrier and pedestrian guardrail that meets the needs of all parties. We've had preliminary discussions with CCSNH staff related to how best to coordinate the two interwoven construction projects. Under the proposed arrangement, CCSNH will incorporate the City's standard construction details for guardrail, sidewalk and fencing. This work will be incorporated into their bid documents for repair of the retaining wall and oversee construction. We will fund our portion of the work by placing an agreed amount into an escrow account. City staff will also be involved with inspecting and accepting the public infrastructure to be constructed.

The proposed safety improvements are certainly needed. The existing barrier does not meet the standards for either a vehicle crash barrier or pedestrian fall protection. However, this project was not planned through the normal budgeting process. Therefore, funding must be appropriated. Public Works recommends a total of \$200,000 be appropriated for this project from the General Fund unallocated fund balance.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of Funds for safety improvements on Woodbury Street

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

- WHEREAS: On October 20, 2023, the City Council authorized the City Manager to negotiate and execute a Memorandum of Understanding (MOU) along with an access and maintenance easement with the Community College System of New Hampshire (CCSNH) related to a retaining wall along the southern line of Woodbury Street; and
- WHEREAS: The MOU calls for the CCSNH to assume the cost of repairs and ongoing maintenance of said retaining wall and for the City to assume the cost of replacing the existing railing with a suitable vehicle barrier and pedestrian fall protection; and
- WHEREAS: The parties have agreed in principal to construct the repairs and improvements under a single construction contract to be bid and managed by CCSNH; and
- WHEREAS: These safety improvements were not previously budgeted through the City's normal budgeting process.

NOW, THEREFORE, BE IT RESOLVED, That the sum of Two Hundred Thousand Dollars (\$200,000) be appropriated from the General Fund Unassigned Fund Balance for safety improvements on Woodbury Street; and

FURTHER, That the City Manager be authorized to negotiate and execute a project reimbursement agreement with CCSNH and to expend funds for said safety improvements.

George S. Hansel, Mayor