



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

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 16, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Amending the Land Development Code - Charitable Gaming Facility - Ordinance O-2023-16

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Appointment - ad hoc Roadway Safety Plan Committee

C. COMMUNICATIONS

1. Councilor Mitchell Greenwald - Conflict of Interest - Ordinance O-2023-16 & Ordinance O-2023-17
2. Joshua Gorman - Resignation - Zoning Board of Adjustment

D. REPORTS - COUNCIL COMMITTEES

1. Memorandum of Understanding with Keene State College – Locker Rooms
2. PowerPoint Presentation – ad-hoc Lower Winchester Street Project
3. PowerPoint Presentation – Robin Hood Park Conceptual Plan
4. Report Out – Safety Concerns on the East Side of Keene and Strategies to Address Homelessness

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Relating to Amendments to the Permitted Uses in the Downtown Core, Downtown Growth, and Commerce Districts Ordinance O-2023-16

H. REPORTS - MORE TIME

1. Stephen Bragdon – Safety Issues Associated with the Driveway at 82 Court St. **and** Staff Response to No Parking Request – 82 Court St.

I. ORDINANCES FOR FIRST READING

1. Relating to Class Allocation and Salary Schedules Ordinance O-2023-19
2. Relating to Life Safety Permit and Inspection Fees Ordinance O-2023-20

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Purpose of Funding the Classification and Total Compensation Project Resolution R-2023-40
2. Relating to the Acceptance and Appropriation of Unanticipated Highway Revenue Resolution R-2023-41
3. Relating to the Appropriation of Funds for the Master Plan Update Project Resolution R-2023-42

NON PUBLIC SESSION

ADJOURNMENT

11/16/2023

A regular meeting of the Keene City Council was held on Thursday, November 16, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Michael J. Remy and Kris E. Roberts were absent. Ward Four Council seat vacant. Having declared that a quorum was physically present in the Council Chamber, Mayor Hansel recognized that Andrew M. Madison requested to participate remotely due to work travel; he was calling alone from his location. Hearing no objections, Mayor Hansel granted remote participation. Councilor Bosley led the Pledge of Allegiance.

MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes from the November 2, 2023, regular meeting, and the minutes from the November 9, 2023, special meetings as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

ANNOUNCEMENTS

Mayor Hansel reminded the Council that the Wednesday, November 22 MSFI meeting was moved to Tuesday, November 21. The Wednesday, December 27 MSFI meeting was moved to Tuesday, December 12. Additionally, the FOP Committee meetings for November 23 and December 28 were canceled. Further, at the last Council meeting of the year, outgoing and incoming Council group photos would be taken in the Council Chamber. Looking into 2024, Mayor Hansel announced that the inauguration of the 2024–2025 Council will take place on Monday, January 1 at 12:00 PM in the Council Chamber. Finally, Mayor Hansel reminded that a Council workshop was scheduled for Tuesday, January 9 at 6:00 PM on the right-to-know statute; it will be important that Councilors make every effort to attend this workshop.

CONFIRMATION – ZONING BOARD OF ADJUSTMENT

Mayor Hansel nominated David Weigle to serve as an alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2026. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

COMMUNICATION – FREDERICK PARSELLS – RELATING TO DOWNTOWN INFRASTRUCTURE PROJECT – CONSIDERATION FOR SAFETY AND TRAFFIC CALMING MEASURES

A communication was received from Frederick Parsells, requesting that the City Council give due consideration to including traffic calming measures such as tabletop crosswalks in the plans for the Downtown Infrastructure and Improvements Project as the plans for this project move forward. Mayor Hansel accepted the communication as informational.

COMMUNICATION – IAN MATHESON – IN SUPPORT OF FUNDING A POLICE SOCIAL WORKER

A communication was received from Ian Matheson, in support of creating a Police Social Worker position. He believes that this is a critical position and should be funded by the City. Mayor Hansel accepted the communication as informational.

FOP REPORT – JARED GOODELL – PLACE OF ASSEMBLY PERMITS – RECENT CHARGE BY FIRE DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that that the City Attorney's office be requested to draft an appropriate amendment to the fee structure with respect to Places of Assembly to make the distinction between the costs for the permit and any cost for inspection. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

A Finance, Organization, & Personnel Committee report read, recommending waiving the fee charged to Jared Goodell for the Assembly Permit. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF CYBERSECURITY GRANT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend a Cybersecurity grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$62,300 for a cybersecurity implementation project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

FOP REPORT – SALE OF CITY PROPERTY – 0 OFF GEORGE STREET

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 0 off

George Street, Map 532 Lot 044. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

FOP REPORT – COUNCIL POLICY ON THE REVIEW AND RELEASE OF NON-PUBLIC CITY COUNCIL

A Finance, Organization, & Personnel Committee report read, recommending that the City Clerk implement the statutory release of non-public City Council minutes as outlined. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Jones asked if this would include non-public session minutes on personnel matters, land matters, and/or litigation. The City Attorney responded that the Statute covered all non-public Council minutes. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

CITY MANAGER COMMENTS

The City Manager reported that the tax rate was finalized. Bills were printed and mailed by Tuesday, November 21. The final rate was \$31.89, which was less than what was projected at budget time (\$32.65). The assessed values were higher than estimated. For the first time, the entire taxable value of the City exceeded \$2 billion and there were large commercial property sales this year that were higher than the assessed value, which was also good news. The school also returned about \$750,000 of unused funds, which decreased their rate increase. The education numbers were still the largest portion of the increase, at \$0.67 of the total \$0.86 increase.

REPORT – ACCEPTANCE OF DONATIONS

A memorandum was read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council accept a donation in the amount of \$1,587.00 and that the City Manager be authorized to use such donation in the manner specified by the donor. A motion by Councilor Powers to accept the following donation on behalf of the Partner City Committee was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

REPORT – ALLEGATION OF FRAUD OR MISCONDUCT IN CONNECTION WITH THE MUNICIPAL ELECTION – PURSUANT TO SECTION 5 OF THE KEENE CITY CHARTER – CITY CLERK

A memorandum was read from the City Clerk recommending that the allegation by Mayoral candidate Bradford Hutchinson of fraud or misconduct associated with the 2023 Municipal Election be referred to the Finance, Organization, and Personnel Committee. Mayor Hansel referred the memorandum to the Finance, Organization, and Personnel Committee.

REPORT – BACK-UP AMBULANCE SERVICES – CITY MANAGER

A memorandum read from the City Manager, Elizabeth Dragon, recommending that Section 26 of the Rules of Order be suspended to allow action upon a recommendation regarding an agreement with Cheshire EMS. The memorandum further recommended that the City Manager be authorized to execute a sole source back-up ambulance agreement with Cheshire County EMS.

The City Manager provided introductory comments. She recalled that the City Council directed her to negotiate with Cheshire County for back-up ambulance services, and said that negotiation took a long time. Since the closure of DiLuzio Ambulance, the City had been receiving back-up ambulance services from Rescue Inc., which was outlined in an agreement in August 2023 for a 90-day period, with a monthly payment to Rescue Inc. of \$15,000. Unfortunately, even with that monthly payment, Rescue Inc. was still losing money as a non-profit, so they had to withdraw from providing those services. Thus, as of November 1, Rescue Inc. moved out of the Keene Fire Station, but was still providing some assistance from a greater distance away, which was not ideal. The City Manager said that Rescue Inc. had been amazing and willing to help with this short-term agreement, which the City was grateful for.

The City Manager continued describing her negotiations with Cheshire County, which concluded on November 8. She said that she got everything she asked for in the negotiation and agreed to nothing she did not want to. Thus, she said the negotiations resulted in a very favorable agreement for the City. The Fire Chief attended all negotiations to ensure the most favorable contract with Cheshire County. The terms of the agreement include a reference that Keene Fire will remain the City's primary ambulance service provider. This contract is only for back-up services provided to other communities in the County, which would be provided to Keene at no cost. The City Manager said one sticking point in the negotiations was that the County initially wanted Keene Fire to also back-up the County in a mutual aid agreement. However, the Keene Fire Department is extremely busy and there were concerns about how Keene providing back-up services to the County would impact Keene's regular services, so that was a non-starter for the City Manager. Thus, she sought a back-up agreement that Cheshire County EMS had offered to other communities in the County, without having to pay a fee.

Ultimately, the City Manager said the agreement was for Cheshire County EMS to provide back-up ambulance services to the City of Keene. The County also offered paramedic intercept services when requested at a cost of \$600.00 per call, which the City Manager said was very reasonable. Another challenge in the negotiations was that Keene has a contract to provide primary ambulance coverage for Nelson, Roxbury, Chesterfield, Surry, and Sullivan. The City

Manager also requested that Cheshire County EMS back-up services to those towns. Ultimately, she was able to convince the County that those communities in the County deserve to have back-up services too, like every other community, regardless of where their primary ambulance service comes from.

The City Manager explained that a lot of the negotiation time was related to nursing home facilities in Keene, which amount to approximately 1,000 calls per year. In the past, DiLuzio handled those calls through a private agreement with the facilities, so the City cannot negotiate those private agreements. Many of the nursing home calls are for transfers, most of which could be handled another way. Thus, the City Manager suggested that the County should work directly with nursing homes if they want to pick up those contracts. The agreement includes a clause that the Keene Fire Chief and Cheshire EMS will develop joint standard operating procedures and protocols for incident management, patient handoff, data sharing, scene safety, and other matters related to operational effectiveness.

The City Manager continued, explaining that the contract also has a 90-day clause to terminate by either party, which is standard in the contracts with the five communities to which Keene provides ambulance services. The City also has the ability to cancel the contract at any time given the proper 90-day notice. The City Attorney was currently reviewing the contract. The City Manager noted that she added some “whereas” clauses to the contract, which had not yet been agreed to by the County. The City Manager read: *“Whereas the recent closure of DiLuzio Ambulance services and the impending departure of Rescue Inc., the City requires a reliable secondary ambulance service to provide necessary backup. Whereas, because the City is the largest tax dollar contributor to the annual budget for the County, and because the City residents are providing the direct funding for primary ambulance services, the County has assured the City that Cheshire EMS will be and will remain a separate County enterprise fund not funded directly or indirectly by tax dollars raised within the County and will have no negative impact on the county tax rate.”* The City Manager was hopeful that the County would agree to these quoted clauses.

While working on this contract with Cheshire EMS, the City Manager said she had some concerns about their financial model for the future, and how that model would impact the overall tax rate for the County. Thus, she wanted to ensure there was language in the contract to protect the City in that regard: *“and whereas the parties agree to work cooperatively with each other to provide services, as stated herein, and not compete with each other, while providing ambulance services within the County.”* The City Manager said this clause was important. She explained that Westmoreland had a contract with the City of Keene, and yet the County created a contract with Westmoreland for a much lower charge, which shifted approximately \$100,000 of expenses back to the Keene taxpayers. Thus, she said there was a very difficult conversation between the City and County because the City Manager believed that the County reneged on their initial terms that said they would not compete with the City. The County tried to explain why they were working with Westmoreland, but the City Manager needed to ensure that there would not be this competition again moving forward. She said there were discussions of pricing models and

perhaps working together to avoid future competition: “*and whereas by entering this agreement with the County to provide secondary ambulance services to the City, the City is not expressing its support for, or endorsement of, the funding mechanism used by the County to establish and operate Cheshire EMS.*” The City Manager said she had been very vocal about concerns related to the use of Keene’s funds. Keene has very limited options for backup services, so she had to find a way to work together and move forward, which she thought this contract allowed, without putting the City in any jeopardy. This agreement is not Keene’s endorsement of anything Cheshire County had done to date. There would be no negative impacts for the Keene Fire Department because they are not being asked to back-up the County. Keene would receive the same back-up that Cheshire EMS provides to all other towns in the County.

The City Manager understood that there might be concern moving forward because there is no trust in this relationship, and it would take time to rebuild that trust. Still, she said this agreement would be a step in the right direction and began an important conversation about what EMS service will be in the future for this region. Because this was time sensitive—due to Rescue Inc. moving out of the Fire Station—she asked the Council to suspend its Rules of Order to act on this item. Regarding concerns that Cheshire County violated laws related to providing ambulance services, Medicare, or Medicaid, the City Manager said that was beyond the scope of this contract or what the City needs to do. She hoped the Council would support this contract so there would be no gap in back-up services. The City Manager said she understood that members of the Fire Department contacted Councilors with their own ideas about the future organization of the Fire Department, which are things the City Manager wants to talk about for the future.

A motion by Councilor Powers to suspend Section 26 of the City Council Rules of Order to allow a discussion and vote on this matter was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

A motion by Councilor Powers to authorize the City Manager to execute a sole source back-up ambulance agreement with Cheshire EMS was duly seconded by Councilor Chadbourne. Discussion ensued.

Councilor Filiault commended the City Manager for this tough and complicated negotiation. He thought it was unfortunate that there was so much misinformation and rumors throughout the community that put people against people—and people against the Council—while everyone wondered what was going on. Still, he applauded the City Manager and Staff for coming to this agreement. Councilor Filiault said he was also disappointed to see that many attacks on this matter became personal, and that it was tough seeing elected officials taking personal hits on this issue that was not personal—it was business. The Councilor wanted to comment on one rumor that somehow, if the Keene Fire Department lost a contract to a town, that there would be potential layoffs, which he said was never true. Rather, the Council had just recently voted to hire four firefighters. In the 24 years Councilor Filiault was on the Council, he said such layoffs were never discussed. He added that this argument should not be based on potential loss of

revenue. He knew that for the last few years, the Keene Fire Department was buried in calls, and he knew that one reason Keene takes outside calls is because of revenue, which he did not believe should be a part of the equation anymore. If it is a matter of revenues, he said the City Council could find a way to add to the budget. Still, in the future, Councilor Filiault said this argument should never happen again over a potential loss of revenue. He said that if this happens again in the future, the City should be concentrating on the citizens of Keene and handling the revenues here in the City.

Councilor Lake asked about the length of the agreement; and was there a renewal schedule? The City Manager said the agreement was through 2026, with the month dependent on when the contract is signed. Councilor Lake thanked the City Manager for this negotiation and getting the City closer to having back-up services.

Councilor Chadbourne thought the City Manager did a good job in this negotiation. The Councilor thought it was important for the Council to support the City Manager on this contract. That said, Councilor Chadbourne thought there needed to be a larger discussion about the future of ambulance service in Keene, and she proposed sending this to the FOP Committee for that discussion, though she did not make a formal motion. Mayor Hansel suggested initiating the discussion on the broader ambulance service differently and dealing with this specific contract that was on the floor; Councilor Chadbourne could submit a communication to initiate the FOP discussion.

Councilor Ormerod expressed his opinion, which he did not think would be popular. He thought a few things were being overlooked that he wanted to bring to the Council's attention. He was aware of how difficult the negotiations had been, and he was aware that the Council tasked the City Manager with this. Councilor Ormerod was glad there was progress, but he did not think it was close enough. He thought that the vulnerable nursing home population—the largest growing demographic in Keene—was being left to chance and whims. Thus, he said he could not agree with this contract unless there were guarantees that someone would be servicing the nursing homes better than in the past; he thought the City needed to do a better job. Also, Councilor Ormerod was concerned about the clause to terminate the agreement by either party for no cause, and he was unsure if that was standard or if it should be in the contract. He said it was critical for the City to have fire protection—particularly going into fire season—that should be tied to very specific performance clauses that terminate automatically. The Councilor was also concerned that City Staff or the City Manager would have to constantly manage the County on the procedures for incident management that were still to be negotiated, which he did not think was fair. Thus, Councilor Ormerod said he wanted to support the City Manager with a vote in opposition.

The City Manager thanked Councilor Ormerod for his continued support. Still, she explained that nursing home transportation is a private agreement, and the City cannot negotiate on the nursing homes' behalf for who they use for non-emergency transfers. She recommended during the negotiations that if the County was interested, they could have those one-on-one

conversations with the nursing homes. While this had been a difficult process, the City Manager hoped that the Council would support her with unanimous affirmative votes for this contract.

Councilor Powers wanted it to be clear to everyone that the Keene Fire Department was never in the transport business, and this contract would not change that. The City could not afford to be in the transport business and does not have the Staff capacity for non-emergency nursing home transfers. He said the model being discussed in this agreement was just an emphasis of business as usual.

On a roll call vote, the motion to authorize the City Manager to execute a sole source back-up ambulance agreement with Cheshire EMS carried with 10 Councilors present and voting in favor and 2 Councilors voting in opposition. Councilors Madison and Ormerod voted in the minority. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

ECC REPORT – RECOMMENDATIONS REGARDING LOWER WINCHESTER STREET RECONSTRUCTION PROJECT – ENERGY AND CLIMATE COMMITTEE

An Energy & Climate Committee report read, recommending the inclusion of dedicated bicycle infrastructure, sidewalks, roundabouts, trees, and connectivity to the rail trail in the plans for the Lower Winchester Street Reconstruction Project. The Committee further requested that energy conservation, multi-modal transportation, and environmental impacts be prioritized. Mayor Hansel accepted the recommendation as informational.

ORDINANCE FOR SECOND READING – RELATING TO PURCHASING – ORDINANCE O-2023-15

A Finance, Organization, & Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2023-15. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Ordinance O-2023-15 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FOR SAFETY IMPROVEMENTS ON WOODBURY STREET – RESOLUTION R-2023-37

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Resolution R-2023-37. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Resolution R-2023-37 was duly seconded by Councilor Chadbourne. Councilor Greenwald said this was not just about a wall or guardrail, but about housing. He said Keene Housing Authority was creating affordable housing on an otherwise vacant site that was not tax-paying. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

11/16/2023

RESOLUTION – RELATING TO USE OF OPIOID LITIGATION SETTLEMENT FUNDS –
RESOLUTION R-2023-39

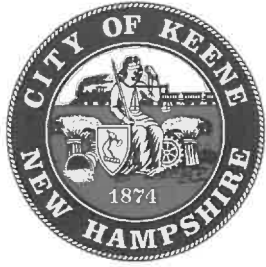
A Finance, Organization, & Personnel Committee report read, recommending the adoption of Resolution R-2023-39. Mayor Hansel filed the report. A motion by Councilor Powers to suspend Section 27 of the City Council Rules of Order to allow action on the Resolution without a second reading was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

A motion by Councilor Powers to adopt Resolution R-2023-39 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Remy and Roberts were absent. Ward Four Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:58 PM.

A true record, attest: 
City Clerk



Notice of Public Hearing
Amendment to Land Development Code
Charitable Gaming Facility

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2023-16 that would change permitted uses in the Downtown Core, Downtown Growth and the Commerce Districts. The application to amend the LDC has been submitted by the City of Keene Community Development Department.

Specifically, the petitioner proposes to amend **Section 8.3.2. of Article 8 of the Land Development Code (LDC)** to add a definition for “Charitable Gaming Facility” and amend **Table 8-1, Table 4-1, and Table 5.1.5** to display “Charitable Gaming Facility” as a permitted use in the **Downtown Growth District and Commerce District**. In addition, the petitioner proposes to amend **Section 8.4.2.C.2.a of Article 8 of the LDC** to remove drive-through uses as a permitted use by Special Exception in the **Downtown Core District**.

The full text of the ordinance is available for public review at the City Clerk’s Office Monday-Friday, 8 am-4:00 pm or online at www.keenenh.gov.

HEARING DATE: December 7, 2023

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council of the City of Keene, this 19th day of October, Two Thousand and Twenty Three.

Attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Appointment - ad hoc Roadway Safety Plan Committee**

Recommendation:

I hereby appoint the following individuals to serve on the ad hoc Roadway Safety Plan Committee whose charge is to oversee the development of a comprehensive Safety Action Plan for the City of Keene; provide guidance and general direction to City of Keene staff and engineering consultants as they collect and analyze roadway safety data and generate draft work product; ensure that the plan development process provides for the equitable representation of all roadway users and stakeholders, and that the final document addresses the diverse needs of those groups. In addition, the Committee would assist in the development of specific roadway safety improvement priorities and recommendations. Ultimately, the Committee will make a recommendation to the City Council with respect to adoption of the draft plan and a roadway safety performance goal.

<u>NAME</u>	<u>AFFILIATION</u>
Elizabeth Dragon	City Manager
Bryan Lake	City Council
Ockle Johnson	Keene State College
Erin Roark	School Administrative Unit 29
J.B. Mack	Southwest Region Planning Commisison
Frank Linnenbringer	NH Dept. of Transportation, District 4
Autumn DelaCroix	Bicycle Pedestrian Path Advisory Committee
Fred Roberge	Disability Advocate
Reagan Messer	Keene Resident
William Lambert	NH Dept. of Transportation, Highway Safety Section

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Councilor Mitchell Greenwald
Through: Patricia Little, City Clerk
Subject: **Councilor Mitchell Greenwald - Conflict of Interest - Ordinance O-2023-16 & Ordinance O-2023-17**

Recommendation:

Attachments:

1. Communication_Greenwald

Background:

Councilor Mitchell Greenwald has submitted his conflict of interest to Ordinances O-2023-16 and Ordinance O-2023-17. He believes that depending on how he considers the issue, it could be either a benefit or a detriment to his business interests. Therefore, he should be recused from the discussions and votes on the issue.



Mitchell Greenwald
Chairman, MSFI Committee
Ward 2, City Councilor

November 27, 2023

Re: Conflict of Interest, Ordinance 0-2023-16, Ordinance 0-2023-17

To: Mayor and Council

As a Main Street property owner, and rental agent, I feel that I have a conflict of interest regarding the zoning ordinances concerning whether gambling casinos may be a permitted use on Main Street.

Depending how I consider the issue, it is either a benefit, or detriment to my business interests.

I feel that my self-interests are greater than that of most Keene residents, and thus should be recused from the discussions and votes on the issue.

I will be away, and miss the December 7 meeting. I will be available to speak to the request at the December 21 Council meeting, if the Council desires to ask questions.

Thank you for your consideration.

Mitchell Greenwald



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Joshua Gorman
Through: Patricia Little, City Clerk
Subject: **Joshua Gorman - Resignation - Zoning Board of Adjustment**

Recommendation:

Attachments:

1. Communication_Gorman

Background:

Joshua Gorman has submitted his resignation from the Zoning Board of Adjustment. Mr. Gorman has served on the ZBA since December of 2016.

November 30, 2023

Joshua Gorman
95 Pako Ave
Keene, NH 03431

Dear City Clerk,

Please accept this letter of resignation as a sitting member of the Zoning Board of Adjustment. It has been a great pleasure to be part of the City of Keene organization over the past years and I thank you for the opportunity.

Thank you,

A handwritten signature in black ink, consisting of a series of loops and a long, sweeping underline that extends to the right.

Joshua Gorman



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Memorandum of Understanding with Keene State College – Locker Rooms**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and to execute a Memorandum of Understanding with Keene State College, to include a Development Agreement and Lease, for the purpose of the installation by Keene State College, at its cost and expense, of locker rooms, together with required utilities, including but not limited to water and waste water services, at the Keene Ice location.

Attachments:

None

Background:

Chair Greenwald asked to hear from Andy Bohannon.

Andy Bohannon, Parks, Recreation, and Facilities Director, stated that they had previously come to the Committee earlier this year regarding a discussion of Keene State College (KSC) and the expansion of men's and women's ice hockey teams at Keene Ice. He continued that they have had some preliminary conversations, and they continue those conversations relative to the ice time and to what the buildout will look like. They are at a stage where they need to have agreements between the two entities so they can move forward and allow KSC to create its bid process, which would be followed in like manner of what the City does. To do that they need the revised motion before the Committee tonight. Nathalie Houder from KSC is here tonight if the MSFI Committee needs her to expand on that.

Mr. Bohannon continued that this is about the space that is underneath Keene Ice. There are bleachers and nothing under them. They are looking to expand that area and go into some of the storage space within the City building. That is why the agreements between the City and KSC are necessary. Entirely, it is the City's building. One of the things that is important is that with this motion it identifies that KSC is building this out at KSC's expense. KSC brought that forward to the MSFI Committee at a previous meeting, but he wanted to reiterate that.

Chair Greenwald stated that the recommended motion says [negotiate] "and execute" [the agreement]. He continued that he trusts the City Manager to negotiate but wants to make it really

clear that it is important to defend the position of Keene High School (KHS), Keene Cobras, and all the groups other than KSC.

Mr. Bohannon replied yes, they have had conversations with KHS hockey and have had continuous conversations with the Rink Services Manager who oversees all the rinks including Keene Ice, to make sure ice time is [worked out]. They have identified that the KSC practice time is during the week, which is a non-issue for the other groups because it is time not currently in use. Game times will be a work in progress. Year one will probably be a bit of a struggle, trying to maneuver KHS, KSC, and all of those. As it gets through the first year, it should not be a problem at all.

Councilor Filiault asked if they have the construction schedule. Mr. Bohannon replied that they are still in the process of identifying and finalizing the agreements. He continued that KSC is putting together a bid package. Once they can get through this process, they will move forward and prepare those documents. Those contracts will be executed, and it will go out to bid. Regarding the timeline, KSC will start their hockey season whether the locker rooms are done or not. They will find alternative ways to make sure the teams have adequate space. They are starting the season on November 1 next year. There will be some overlap. It is a little bit of an accelerated timeline, but they are working toward making sure they can do the best they can.

Councilor Filiault stated that he heard that there might have to be some digging through the Blastos room. He asked if that is correct. Mr. Bohannon replied that it is a possibility. He continued that it is not 100%. There are two options for what happens. One, they might pump up and over the Blastos room, or two, they might go underneath it. Until they have an architect and engineer on board, they cannot determine which option it will be. Councilor Filiault replied that it was brought to his attention because that the Blastos room is the ward polling place and there are periodic elections coming up, and if they will be digging the floor, that could raise problems with elections and they might have to find an alternative location. Mr. Bohannon replied yes, that is correct, and they are aware of the potential change in the State, regarding how they might hold an election in June or August. That one might be in conflict. He knows the City Clerk is working with the State to clarify that. Once they get into later October, when they have normal elections, they should be okay. There should not be a disruption.

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

Kris Roberts arrived at 6:10 PM.

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

On a vote of 4-0, the Municipal Services, Facilities, Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and to execute a Memorandum of Understanding with Keene State College, to include a Development Agreement and Lease, for the purpose of the installation by Keene State College, at its cost and expense, of locker rooms, together with required utilities, including but not limited to water and waste water services, at the Keene Ice location.

Councilor Roberts stated that since he just arrived and did not hear the discussion, he abstains from the vote.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: PowerPoint Presentation – ad-hoc Lower Winchester Street Project

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the Lower Winchester Street Reconstruction Project advance to preliminary design of a Proposed Action including the following elements:

1. Provide two travel lanes in each direction from Rt. 101 to Krif Rd.
2. Replace the intersections at Krif Rd. and Matthews Rd. with roundabouts.
3. Construct a raised median from Rt. 101 to Krif Rd.
4. Construct a raised median from Krif Rd. to Matthews Rd.
5. Construct a dual use center turn lane from Matthews Rd. to the town line.

Attachments:

None

Background:

Don Lussier, City Engineer, stated that this is the second part of the lower Winchester St. discussion, which they started on September 27. He continued that he would begin with a brief summary of what they discussed last time then go over the five project elements the Committee needs to consider and decide on.

Mr. Lussier stated that the Lower Winchester St. Reconstruction Project is to reconstruct Winchester St. from the Rt. 101 roundabout all the way south to the town line. It will continue into Swanzey for some distance. The Swanzey Selectboard has reviewed and selected their action. Tonight, they are looking at only what to build within the city limits. As part of this project, they will replace the Winchester St. Bridge over Ash Swamp. In addition to going over the [Steering] Committee recommendations tonight, they will go over the answers to three questions the Committee asked staff in September. First, the MSFI Committee wanted to know what the implications and impact would be to folks turning left, into and out of businesses, if a left turn restriction were imposed. Second, they wanted more information about the crash history in recent years. Third, a business owner at the September meeting was concerned about deliveries into and out of the Brick House Tile store.

Mr. Lussier stated that the Mayor's ad-hoc Steering Committee for the project gave the MSFI Committee a series of five recommendations. Those five recommendations outline what they

recommended for each major element of the project. The MSFI Committee gets to deliberate and choose what to move forward to the City Council. He reiterates that the Steering Committee's decisions were not unanimous. The Steering Committee found that they should provide two travel lanes in each direction between Krif Rd. and Route 101. That would allow an increase in roadway capacity, help address congestion, and improve the roadway's efficiency. Second, they should replace the current intersections at Krif Rd. and Matthews Rd. with modern roundabouts. The last three recommendations were related to the management of left turns. Early on, folks who came to the meetings identified left turns in and out of businesses as one of the biggest issues with this corridor. The Steering Committee recommended raised medians from Rt. 101 to Krif Rd. and from Krif Rd. to Matthews, but for the last, southernmost segment of the project, they recommend adding a dual use center turn lane rather than a raised median.

Mr. Lussier asked Gene McCarthy to provide more details.

Gene McCarthy, from McFarland Johnson stated that one question was what impacts to the traveling public would occur from these left turn restrictions. He continued that on the "north segment" from Krif Rd. to the existing roundabout at Rt. 101, there would be a center island, which would not allow left turns from or onto Winchester St. There are businesses, streets, and driveways along this corridor. He continued that the team looked at the streets and driveways on those segments, both northbound and southbound on Winchester St. They had good traffic data for the street and could look at the turning volume data to determine how many vehicles are making those turns on a daily basis. Northbound, there is only one street, access to a dealership. Southbound, there are three streets, Kit St., Wetmore St., and Fairbanks St. Thus, they knew how many trips were to those locations. These numbers on the slide being presented are only daily left turns (in and out) that would be impacted, not the total volume. There are vehicles turning left from Winchester St. onto these streets and into these driveways, and vice versa. In the proposed action, vehicles would only make a right turn and would use the roundabout if they needed to reverse direction. The team did not have counts for all the driveways, so they looked at the counts they did have for certain driveways, looked at the land uses, and looked at the type of business and what number of trips are expected from those types of uses, and developed the trip information from that calculation. Certain roadways and driveways generate quite a bit of traffic in this corridor. For this north segment, there has been much discussion about the problematic left turns trying to come out of Kit St. to get into the existing roundabout. Most of those trips would now be traveling down to Krif Rd., using the roundabout to switch direction, and heading north on Winchester St.

Mr. McCarthy stated that the next slide is the "middle section" which is between the two proposed roundabouts, the one at Matthews Rd. and the one at Krif Rd. He continued that there were not as many accesses in this area. The northbound segment has no streets, and the southbound segment has only one. However, that is Bradco St., which they have heard throughout the project is a significant issue. Many trips come in and out of Bradco St. Hamshaw Lumber is also a large contributor from the driveway perspective on that southbound travel. You get the sense that since there are fewer accesses at this location there is overall less traffic once you go south of Krif Rd.

Mr. McCarthy continued that in the evaluation they conducted for corridor, they designed the roundabouts to accommodate the volume of traffic that would occur as a result of the left turn restrictions, with trips that previously would have been left turns now turning right to go to the roundabout and reverse direction.

Mr. Lussier stated that the MSFI Committee had asked about crash data. He continued that the team worked with the Keene Police Department (KPD) to come up with fresh data. This (slide shows) that 50 accidents were reported through the corridor from September 2019 to the present. The two areas with the most accidents were Kit St. and at Bradco St., and Krif Rd. was another large one. None of

the accidents were fatal, but KPD records show that 10 people were transported by ambulance because of those accidents and one person was transported by air, and thus had severe injuries, presumably. The KPD records also show what contributing factors were in the accidents. Eighteen accidents involved a failure to yield the right-of-way, which is a contributing factor that a roundabout will clearly and directly help address. He wishes roundabouts could help solve (the other contributing factors to accidents in this corridor, such as) "inattentive driving" or "following too close," but they cannot. He found it heartening that roundabouts can help (reduce) the accidents in this corridor caused by the failure to yield the right-of-way.

Mr. Lussier continued that finally, regarding the truck turning movements, the graphic shows a tractor trailer making a delivery to the Brick House Tile facility backing into and then leaving the facility. They confirmed with the facility owners that the deliveries are by tractor-trailers that currently stop on Winchester St. and back into the facility, so essentially, this would not be changing that traffic pattern. The slide shows that a 55-foot tractor-trailer can turn in and out of the facility and not hit the median. They checked with the interstate trailers, and that one can make it as well but with more difficulty.

Mr. Lussier continued that the five questions the MSFI Committee needs to consider are the traffic capacity from Rt. 101 (whether to add a lane), what type of intersections they want (roundabouts or signalized intersections), and how to manage the left turns in the three segments of the corridor.

Chair Greenwald thanked Mr. Lussier and Mr. McCarthy for the great presentation and the matrix that helps the MSFI Committee make their determinations, which is very helpful. He continued that that the first question is a choice between two travel lanes in each direction from Rt. 101 to Krif Rd., or one travel lane in each direction from Rt. 101 to Krif Rd. The Steering Committee recommends two travel lanes. The second question is whether to have a signalized intersection at Matthews Rd. and Krif Rd., or a roundabout. The Steering Committee recommends a roundabout. The third question is whether to have a raised median from Rt. 101 to Krif Rd. or a raised median from Rt. 101 to just south of Kit St. and a dual use center lane from that point to Krif Rd, or a dual use center lane from Rt. 101 to Krif Rd. The Steering Committee recommends a raised median from Rt. 101 to Krif Rd. The fourth question is whether to have a raised median from Krif Rd. to Matthews Rd. or a dual use center lane from Krif Rd. to Matthews Rd. or to maintain the current configuration. The Steering Committee recommends the raised median. The fifth question is whether to have a dual use center lane from Matthews Rd. to the town line or to maintain the current configuration. The Steering Committee recommends the dual use center lane.

Chair Greenwald asked for public input.

Councilor Mike Remy stated that he is not stating his personal opinion but sharing input he received from a constituent. He continued that a business owner from that road texted him, "B, A, C, C, B," which he thinks means this person wants one travel lane instead of two, is okay with roundabouts, and is in favor of the median from Rt. 101 to Krif Rd. The constituent was looking at the dual use center lane, and their concern was whether moving to a median would require taking of land on either side, or if any of these would require expansion of the roadway. They were okay with C or A, which was the raised median; their concern was around the taking of space. The other "C" was maintaining the current configuration from Krif Rd. to Matthews Rd., and "B" was maintaining the current configuration for Matthews Rd. to the town line.

Robert Hamm of 89 Valley St. stated that he has some concerns. He continued that one question is what it will be like if you want to turn left out of the auto dealership businesses. He asked if you would have to go to the big, major roundabout to turn left to go south on Rt. 10. That is a concern. He wonders what those numbers would be like. His second question is whether sidewalks

are part of the equation.

Mr. Lussier stated that that regarding Councilor Remy's comments (on behalf of a constituent), all of the options they are talking about fit within the existing right-of-way. He continued that there will be property impacts, mostly associated with the roundabouts, which are significantly larger than the existing intersections, but in terms of the corridor itself, they are looking at either very narrow strip takings or keeping it all within the right-of-way.

Mr. Lussier continued that regarding Mr. Hamm's questions about left turns from dealerships, yes, people would turn right and use the existing large roundabout at Rt. 101 to make a U-turn. Those U-turn movements are incorporated into the model to demonstrate that the traffic works and flows efficiently. Regarding sidewalks, yes, it is a foregone conclusion. The recommendation was to include sidewalks along the western side for the full length of the corridor, on both sides from Lucinda Terr. to the town line so that residents can access the retail stores, along with five-foot shoulders on the roadway. They are not suggesting those shoulders be marked as bike lanes, but they could be used by bicycles.

Mr. McCarthy stated that regarding the main entrance/exit from some of the dealerships, the volume of traffic turning left is very small, approximately four or five cars in the peak hour, or 40 or 50 all day. He continued that a (statistically insignificant) number of people would have to use the big roundabout to reverse direction and head south.

Laura Tobin of Center St. stated that she does not feel fantastic about adding another roundabout, in part because (from her perspective as someone who) works on Kit St., it is impossible to turn left when you are leaving. She continued that it is also very difficult to turn right, due to ongoing traffic. Mostly, people leaving work turn right out of Kit St., turn into a car dealership, which takes a while, then take another right out of there, which is also difficult. She understands that essentially people would be doing the same thing and looping around that, but for the traffic already coming through, one of [the drivers] will have to wait. Most of the people [who give her a ride home] avoid the roundabout even though it is the fastest way to get to her home on Center St., because there is always a line going in, it is hectic, and you cannot see around the turn. Her other comment is that a manufacturer, hotel, and bank are on [Kit] St. Most of the employees are leaving at the same time. Many people have been frustrated by this [traffic situation], with lots of horn honking, and two lines of vehicles trying to get out. There are about 60 people leaving [Kit St.] at 5:00 PM. She does not know whether it [restricting left turns] would be a better option than a timed traffic light, like the sensor-triggered traffic light at Market Basket. Car dealerships are closed by the time (she and her coworkers) are typically going through there, so those employees are probably leaving around the same time, and she is curious about what times the peak traffic hours are. It seems like it is very concentrated.

Mr. Lussier replied that it is. He continued that all he would add in response to those comments is that a signalized intersection at Kit St. is not on the table. The NH Department of Transportation (NHDOT) would not permit the City to put a signal that close to the Rt. 101 roundabout. A signal there would inevitably cause traffic to back up into the roundabout at Rt. 101 and that would stymie the intersection.

Chair Greenwald stated that he thinks the roundabouts will solve the issues that Ms. Tobin has mentioned. He continued that right turns are much easier than trying to cut across all of that traffic.

Jennifer Sizoo of 10 Fairfield Ct. stated that she can never take a left turn out of Hamshaw Lumber and always turns right. She continued that she thinks roundabouts are great.

Chair Greenwald asked for further public comment. Hearing none, he asked the Committee for their thoughts. He continued that the Steering Committee's recommendations are all of the "A" options in the five elements.

Councilor Roberts stated that he supports the Steering Committee's recommendations. He continued that when he goes to West St., many times people get stuck at two green lights because someone is trying to turn left into Dunkin while the other light went green. He saw an accident there while teaching his granddaughter how to drive, because the light turned green, and the car next to them went forward when there was a block there, but the person just automatically went forward because the light was green. Left turns are dangerous. He supports the medians, because if no one is looking, people will turn left (across a double yellow line) when they should not. The median reinforces/helps prevent those left turns, and helps prevent tying up traffic.

Councilor Workman stated that she commends the Steering Committee and agrees with all of their recommendations. She continued that she knows they will get a lot of heat from the public regarding the number of new roundabouts, but anyone who has driven down the newly constructed Key Rd./Pearl St./Island St. area, now that all the lanes are open, can see that the roundabout truly does move traffic along. She also commends this City and State collaboration. She grew up in Boston, where the City of Boston received a lot of flak about the time it took to complete the Big Dig. The City of Keene received some flack about the time it took to complete this project, but it was just shy of a year, taking the winter off, and she thinks they did act expeditiously with the construction. She will be in favor of the Steering Committee's recommendations.

Chair Greenwald asked for further comment, or a motion.

Councilor Filiault stated that he thinks the Committee is all on board. He continued that thanks the Steering Committee, City staff, and everyone who brought this through the MSFI Committee.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the Lower Winchester Street Reconstruction Project advance to preliminary design of a Proposed Action including the following elements:

1. Provide two travel lanes in each direction from Rt. 101 to Krif Rd.
2. Replace the intersections at Krif Rd. and Matthews Rd. with roundabouts.
3. Construct a raised median from Rt. 101 to Krif Rd.
4. Construct a raised median from Krif Rd. to Matthews Rd.
5. Construct a dual use center turn lane from Matthews Rd. to the town line.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: PowerPoint Presentation – Robin Hood Park Conceptual Plan

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Robin Hood Park presentation as informational.

Attachments:

None

Background:

Mr. Bohannon stated that tonight is an overview of the concept plan for Robin Hood Park. He continued that staff needed to bring this back to the Committee because of the efforts from the CIP. They had put this in the CIP process to engage the public and focus on what they needed to do to have this discussion regarding Robin Hood Pool and where they are going in the future. They created a (steering) committee, with members including Councilor Bosley, Councilor Williams, Keith Thibault (chair of Russell Park Committee), Mark Gempler, Dan Gillard, Fiona Laurie (from Gathering Waters School), Jamie White, many neighbors related to Robin Hood Park, staff members Brianne Rafford-Varley, Recreation Manager, and Mari Brunner, Senior Planner. The City brought in DuBois & King and worked alongside Dan Mallach, who is here tonight. They focused on a couple different areas with the public and had different public engagement processes. He asked Mr. Mallach to share the final report.

Dan Mallach, Landscape Architect and Certified Planner from DuBois & King, stated that he is here to present about their process and concept plans for Robin Hood Park to continue it as a safe and enjoyable place and increasingly accessible for a variety of users for a long time to come. Mr. Mallach showed a slide showing many of the views and numerous assets at the park that are cherished and beloved by the community. He continued that DuBois & King's idea and charge was to engage in a robust engagement process that would strengthen these assets, improve access to them, and keep what is working beautifully about the park that people love and make it more accessible and enjoyable for a long time to come. This grew out of the 2012 Active and Passive Recreation Management Plan, which called for a comprehensive plan of the City parks, thinking about them top to bottom, and more explicitly, the 2023-2029 CIP, focusing on design and concept for Robin Hood Park and public engagement. Through that, they had events in July: a public workshop, a presentation of concepts held at the park on September 6, a three-day flash vote survey sent by the City that garnered 273 responses, guidance from the Steering Committee, and formal

and informal outreach through the Gathering Waters School and other neighbors. The top items that came up repeatedly throughout all the input were upgraded bathroom facilities, a swimming pool and aquatic facilities for the east side users, natural-type playground equipment that gracefully fits into the atmosphere of Robin Hood Park, and some type of sports courts. [What also came up is] keeping the wonderful assets and honoring the ecology of the place in terms of a sense of stewardship.

Mr. Mallach continued that he was joined by another landscape architect and a civil engineer, given the dam was located there. They came up with two concepts, with two different ideas for the “north” area where the pool is, the “central” area where the pavilion and camp building is, and the “south” area of the park. They developed Concept 1 and Concept 2 with slightly different visions, and some similar features just relocated. One had a pool and the other had a large splash pad, which was the largest differences between the two concepts. They presented those two concepts to the public at a well-attended meeting in September. The main feedback they received fell into the six categories of: support for pedestrian circulation improvements throughout the park; connectivity; the need to preserve the natural environment, for both stewardship/ethics as well as recreational programming; a strong desire to maintain a pool in this part of Keene, for recreation as well as life skills support; and a preference for a natural play strategy that combines safe play options with education, in a style that fits the park. Tapping into local knowledge was a lot of fun for the team. Certain areas of the reservoir are better for fishing, therefore better for a fishing dock, where the deeper, cooler water is in the southwest portion of the reservoir. Of course, maintenance is critical. The question is whether these suggested conceptual improvements can fit in with the ongoing maintenance capacity and budget of the Parks Department.

Mr. Mallach continued that with that feedback, the team revised the two concepts into Concept A and Concept B. They are very similar except for the north side area of the pool. Concept A shows a refurbished pool in the same footprint that currently exists. He understands that looking into that possibility is ongoing. There is also a small splash pad, which expands usability to younger users, as they heard from a lot of parents and families. (Concept A includes) refurbishing the existing pool house. The parking area is currently unstriped, and a rather unpredictable and less legible parking area is not ideal. (Concept A includes) making Robin Hood Lane one way, but recognizing that people like to park along it, they put in 10 areas conceptually for parking along Robin Hood Lane, as well as a striped pedestrian lane along the side. Where the camp area and pavilion are right now, in the middle, is a bridge space between the northern and southern portions. That will be a wonderful meadow area for learning and seating, and as you sit on the right edge/eastern side and look across to the woodlands and incredible stonework toward the amphitheater at this park, it is an excellent space for gathering. With these concepts, they will be taking out the existing camp building and locating a new community building further south, about 1.5 times the footprint of the existing camp and bathroom building. There will be new bathrooms, and a four-season gathering area and room. Many people expressed support for the ability to use the park space year-round, potentially indoors. There are some nature play nodes, and a larger nature play area near 21 new parking spaces at the southern side of the park. There was very high demand for that from people using the barbeque area, and for people using a multi-sport court that this concept shows. It also shows an additional sidewalk connection between this new parking area and Robin Hood Lane. Other, smaller grain amenities are a bicycle hub, a path up to the barbeque area, accessible parking in the amphitheater area, potentially composting toilets, and other improvements the City can make.

Mr. Mallach continued that Concept B is very similar to what he just showed them. It has a new pool, but otherwise has very similar features, with a small splash pad and a refurbished pool building. A new pool would allow them to move some of these features northward, allowing for a little more parking and a drop-off area on the northern parking area. Otherwise, what he just laid out for Concept A would remain the same.

Mr. Mallach continued that the team prepared a larger report going into (detail) of all of these, and recommendations about stewardship of the woodlands on the site. The report is available on the City's website. Wayfinding, along with accessibility, will be critical. A cohesive plan for guiding people around the park, not only physically, but allowing folks to understand the park's special ecology and geology. It is a wonderful opportunity to integrate play and recreation with science and education. That idea really resonated with many people they spoke with. A multi-sport court/rink is a flexible space that could be anything from mini pitch soccer to an ice rink in the winter. He encourages everyone to read the report.

Chair Greenwald asked Mr. Mallach to explain again the difference between Concepts A and B. Mr. Mallach replied that Concept A would refurbish the existing pool where it is, and he understands the City is exploring whether a liner product could significantly extend the life of the pool, and some improvements to the apron at the same time. He continued that Concept B is a new pool, slightly smaller than the existing one, but of standard length and width for use in competitions and moves improvements north of it to add a bit of parking down below. The mid and south portions of these two concepts are identical. Chair Greenwald asked about the cost differences. Mr. Mallach replied that refurbishing the current pool would save costs.

Councilor Filiault stated that after he attended the meeting in September, which was well attended by many area residents, many of those residents got in touch with him. He continued that (the most common feedback he received from them) is a desire to keep the current pool, either refurbished or replaced, with no splash pad or concrete; and a desire for new or renovated bathrooms that are better lit. Beyond that, most residents he spoke with were fine with just those two items. Their third most important feedback was that they do not want this project to raise their taxes. Concepts A and B both look great, but he thinks that when they get beyond the pool and bathrooms, it will come down to keeping costs in check. If grants are available for the other items, great. Mr. Bohannon does a good job going after grants. However, if it would go to the tax rolls, they should just stick to the pool and bathrooms.

Mr. Bohannon added that the flash vote results the City received agree with the feedback from the constituents Councilor Filiault spoke with. He continued that right now, part of the premise of doing it this summer and getting this reported out was for the upcoming CIP process. Thus, they did not change the numbers they had identified previously. He is still working with additional folks to find out about the liner, which was identified as a potential opportunity late in the process. It could result in significant savings and really extend the life of the pool. They are still investigating that to make sure that is the right direction, and if it is, then they have done a great job at saving money and utilizing the budget they have proposed for some of the other items. The bathrooms are significant. They will need to put some work into those this year regardless. These are some of the things the community has asked for, and they need to keep in mind that this is a concept plan. All of the ideas came forward and Mr. Mallach put everything together to see what this looks like. They will be using this information for another Land and Water Conservation Fund (LWCF) application, which they approved for the application process a couple weeks ago. The next step is to refine this design in FY 27 and define the budget and how to meet it.

Councilor Williams thanked the team for all their work on this. He continued that he is happy; it looks like they will be able to keep a pool in some form. He had feared the cost, while knowing the pool is extremely important to people in the east side. When they do upgrade or replace/fix the pool, he wants to make sure they have the programming to go with it, because if they make this investment in the parks, they must ensure that it is being used and encourage people to use it. It is a great pool, but perhaps a little underutilized last year. He also wants to speak up for splash pads. When he had a toddler and the neighborhood had a splash pad, it was great. He thinks many people who have not experienced that perhaps do not know, but a place where your (young) child can go to get wet on a

hot day, without it necessarily being a pool, means a lot. It would be very good for the community.

Councilor Roberts stated that he disagrees with Councilor Williams, because he will put together everything that different committees have told him. One committee has said, "We have to improve the east side of this city, and we need this, this, and this." As a school committee member, he can say that what has happened over and over is economic discrimination. They have been fighting and have finally won to improve the quality of Franklin School. They are improving the quality of Wheelock School. Those are the foundations to bring people into the area, and both of those schools are growing. They have made Wheelock Place a wonderful place that people want to come to. Everything is out there at Wheelock Park, (such as) the bike facility, the pool, and the baseball fields. They improved Symonds School and moved the YMCA out there. Everything is out there on that side of the city. He questions what they have done on the east side of the city in the last 20 years. They have upgraded the Recreation Center a little bit, but for a long time, the east side of the city was just turned into housing for college students. They are now seeing people coming back into the area. If they want to bring more people back into the east side, (they need) to upgrade the quality of the apartments and buildings. They thought about creating a fund to help people buy their houses and upgrade the quality of the houses, because they know that if the quality of houses is upgraded the tax base increases. They need a good attraction. They need to make a proper investment to make Robin Hood Park a place that parents want to bring their children to and that becomes a focal event. Mr. Mallach touched on the amphitheater, which was used more in years past. The fish tournaments were a big attraction. Those are the kinds of things he would like to have, even if it is a five- or ten-year plan they must budget out. What do they want Robin Hood Park to look like 10 years from now? He wants it to be up to its potential, just like Wheelock Park.

Mr. Bohannon stated that those are great points by Councilor Roberts, and he would point out that as they see in the CIP, they put in for two years, FY 27 and FY 28, and they will certainly be applying for LWCF grants to enhance it as they did with Russell Park, which has been a tremendous lift to the east side, and with the skate park that is going in that location next spring. He continued that he feels that the east side will have some great park amenities. Russell Park had 48% of Keene residents within a 10-minute walk of it, and Robin Hood Park is not that much farther up the road. He would guess that around 35% (of Keene residents live within a 10-minute walk of it). They have a great opportunity, as Councilor Roberts says, and he would be remiss not to state that Councilor Williams has been on two park projects now, Russell Park and Robin Hood Park, and the knowledge he brought from the Russell Park project to this one has been very helpful, regarding ADA compliance and ensuring accessibility. They have had great input from Councilor Williams on this project.

Chair Greenwald asked if Mr. Bohannon is looking for the MSFI Committee to make any recommendations about this, or if this presentation is just informational. Mr. Bohannon replied that it is informational.

Chair Greenwald asked for public input.

Jennifer Sizoo of 10 Fairfield Ct. stated that she is in favor of the pool. She continued that her question is how long the life of the pool will be expanded if they refurbish the pool. She does not know anything about what the pool issues are, but if they must come back in five years and dig it all up because the pipes are not working, she thinks they should not go that route. She knows this is a short-term cost that they are looking at now, but she thinks they should look a bit beyond that.

Mr. Bohannon replied that the concept they are looking at is putting a PVC liner in the pool. He continued that in doing so, they could change some of the elements of it; it would be a zero-entry pool, made ADA compliant. At the same time, they have to redo the gutters and some of the apron

around the pool as well. Thus, this would be a project with a long-term impact. It would last for about 15 years once they install the liner. It would give them the longevity that they are looking for. After 15 years, they would bring it back to the table and see if it is still the direction of the community. The replacement cost of the liner is still significantly less than the cost of building a new pool, and if they do it right the first time, he thinks the community will be happy.

Robert Hamm of 89 Valley St. stated that he hopes they will not be “penny wise and pound foolish” when it comes to the pool amenities. That would be his one concern. He continued that another point is that summers are heating up and he does not think that a pool and splash pad are mutually exclusive. Splash pads are much less costly and are wonderful cooling areas for young children who cannot yet swim. He encourages them to continue to look at a splash pad as part of the infrastructure.

Chair Greenwald asked if there was further public input. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Robin Hood Park presentation as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Report Out – Safety Concerns on the East Side of Keene and Strategies to Address Homelessness**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report from the City Manager relating to safety concerns on the East side of Keene and Strategies to address homelessness as informational.

Attachments:

None

Background:

City Manager Elizabeth Dragon stated that tonight she is reporting out and providing an update about topics discussed at the MSFI Committee meeting regarding concerns about the east side of Keene. She continued that since that meeting, they have had several City task force meetings regarding homelessness. They meet every other week. The task force is made up of departments with boots on the ground – Police, Fire, Public Works, Parks and Facilities, Community Development, Health and Code, and the Economic Development Director. They discuss issues they are seeing or hearing about, and brainstorm ideas and solutions. They assign tasks, and report to each other at the next meeting. In addition, they have had multiple meetings with Southwest Community Services (SCS) to discuss cold weather plans for the coldest nights of the year.

The City Manager continued that one of the concerns has been needles. Since the last MSFI Committee meeting, Mr. Bohannon, (Fire) Chief Farquhar, and Morgan Britton from the Serenity Center, with the support of Sam Lake, Executive Director of the Serenity Center, have discussed additional needle disposal boxes for the Pat Russell Park and the library. The Serenity Center has offered to provide the boxes and empty them as part of their needle disposal project. This is a great service. The boxes have arrived. She spoke with Mr. Bohannon, and they plan to have them installed by the end of the month. They are looking to potentially expand this program to other parks and trails, but the library and Pat Russell Park are the first step. In addition, they are looking to set up a program at the library to make Narcan more widely available. Chief Farquhar and Mr. Bohannon's team have offered training assistance, and the Library is very interested in being part of this.

The City Manager continued that they also heard concerns, at the previous Committee meeting,

related to trail trimming and lighting. Mr. Bohannon and Mr. Blomquist have both had teams go out and trim different areas. They will provide an update related to trimming and lighting. Regarding the suggested addition of a public bathroom, staff has added a proposal in the CIP for a bathroom to be added downtown, which would be timed with the downtown project. They opened the bathrooms at Pat Russell Park, and within a short amount of time, they were vandalized. It was the same issue they experienced long before she arrived, when there were bathrooms available downtown. Thus, staff have searched for the most indestructible bathroom they could find. The prices are shocking, but there are a range of options. Depending on the level of automation, the cost is between \$400,000 and \$500,000 for one bathroom. She added it to the CIP, because the MSFI Committee asked her to do so, and this will be presented to the City Council at the January workshop. She added it to be timed with the downtown project so that when they are in the Gilbo Ave. area they would be able to it at the same time. In addition, over the last couple of weeks Hundred Nights checked with the Community Development Office to determine if they could locate a port-a-potty at their site. It is her understanding that they can get that approval if they decide to pursue it, but she is not sure if they are or not.

The City Manager continued that there were comments about homes and sidewalks in disrepair on the east side. Regarding the concerns about the conditions of homes, she has directed the Community Development Department to prepare a presentation for the MSFI Committee meeting on December 12. The Code Enforcement program is reactive, meaning that staff responds to complaints. She has asked the Department to explain the current system and discuss what it would take to create a more proactive Code Enforcement Department. She can get some additional direction before they put together the operating budget, which is the next step in the budgeting process.

The City Manager continued that regarding sidewalk projects, the City's Sidewalk Asset Management Plan is also part of the CIP. The MSFI Committee had a presentation about sidewalks at their September 27 meeting. If they want to increase the amount of sidewalk projects the City does each year, they would need to increase the budget. Several sidewalk projects are scheduled on the east side. There are 23 miles of sidewalk improvements planned over the next seven years of the CIP. The Sidewalk Asset Management Plan prioritizes the projects based on level of demand, current condition, and safety concerns.

The City Manager continued that regarding engaging volunteers in helping the City solve some of these issues, SCS is looking to bring some volunteer training back. They will need volunteers for any overflow shelters that are created. Staff met with the United Church of Christ (UCC) today about setting up an arrangement and partnership with SCS and the City to create overflow capacity for the homeless on the coldest nights of the year. The City also has a volunteer program that has been rather dormant. It has been used but not advertised recently. The City's "Spirit of Place" program has been in place for a long time. Right now, it is mostly used for the "Adopt a Bench" program, some parks, and the roundabouts. In fact, Greenwald Realty adopted one of the roundabouts' centers and is part of the Spirit of Place program. They plan to add more volunteer opportunities, including some on the east side, to this program, and to revamp the guidelines, because it has not been looked at in several years. Once they revamp it, they will be asking Rebecca Landry, Communications Director, to promote it. This established program includes all the necessary volunteer paperwork. It makes sense to look at what they currently have and then reestablish that program. The official volunteers as part of this program are recognized by the City, and this is a great program, not only to find a way to engage in the east side, but really to engage in the community more. She is excited about getting this program active again. In addition, there are volunteer opportunities on City boards and commissions, and a great deal of work is ongoing regarding the housing crisis. The City has implemented several zoning changes to create more opportunities for housing, (such as) densification of the downtown and reduced lot size in the Rural

District. They are currently working on a “Cottage Court Overlay” Ordinance through the Planning, Licenses, and Development (PLD) Committee and the Joint PLD/Planning Board Committee to create opportunities for development of more affordable homes with smaller footprints, including tiny homes. That is making its way through the committee process.

The City Manager continued that there are also opportunities to get involved with the SCS-led homeless coalition. She has talked about that coalition before. It is a group of regional partners who work with homeless people, providing all sorts of services. City staff from Human Services attend those meetings. Sometimes she attends, as well as KPD members, depending on what is on the agenda. They meet once a month, and it has been virtual since the COVID pandemic, so it is easy to join, if anyone is interested. At their last meeting, they brainstormed what opportunities exist to work together. They are currently working with partners to expand mobile support services, which is one of the things she has talked a lot about, and multi-agency mobile outreach teams. She is very excited about the work they are doing, and she will support them however she can. They are looking at creating volunteer training as well, which the City will be happy to help promote. They are also working with the City on the cold weather overflow options, which are typically available on the coldest nights of the year. They usually get a weather alert from the State, with a couple days’ notice. The people living in the woods who are, for whatever reasons, not in shelters, might come in for a night or two on those nights. Thus, the City has always needed some sort of option for that, and they are looking at what that will be for this winter. Beth Daniels, Executive Director of SCS, will provide an update after the Police Chief’s update. The City Manager continued that she wants to take this opportunity to recognize SCS and Ms. Daniels, specifically. They have been amazing partners to the City, helping brainstorm solutions and always being willing to exist.

The City Manager stated that she talked a lot about the 211 system in the State of NH. She continued that the other thing staff has been working on since the last MSFI Committee meeting is the City having the ability to reserve capacity at the local shelters for Human Services, which she would love to see. They already have people who access the shelters directly. What she is talking about is if someone comes in to get help from Human Services and the City needs a place to put them, reserving some capacity at the shelters to be able to do that. It does two things – it helps the City meet the need when people come to Human Services, and it helps to reduce the inflow from other parts of the state, when those beds are being filled through the 211 system. She is currently having these conversations with SCS and Hundred Nights. Both have indicated a willingness, and they are working on what that might look like and the logistics of making it happen, and whether the City would need to make a financial contribution, because the State pays a per night fee to the shelters. They are working through all of that.

The City Manager continued that there has been a lot of conversation about trash. The City is working with the owner of the property behind Hannaford about a cold weather cleanup of the site. This would be a similar arrangement made with the property owner as the one the City made with the property owner near the Stone Arch Bridge, the Rt. 101 clean up, and behind Kohl’s. In those cleanups, in total, they removed 35.5 tons of trash. It was a partnership with the property owners. The property owners paid to have the contractors come in and do the work, and the City provided the roll-off containers to put the trash in and waived the fee at the Transfer Station. It is a one-time amnesty that helps them to get some long-term encampments cleaned up, with the understanding that the property owners then need a plan to monitor their properties to prevent them from becoming in that kind of condition again in the future.

The City Manager continued that since the last MSFI Committee meeting, the City Council has also approved the KPD’s social worker position. It is not a great name, because many people are confused about what it means. It is a person at the KPD who will be following up on all the substance use-related calls and looking to provide services or connect the individuals with treatment

or whatever services they may need. Oftentimes, this means there is interaction with homeless people. It might take several times, but it is a proactive approach instead of a reactive approach. It is a new, pilot program and she is excited about it. They will probably have to adjust as they go forward, but they are getting ready to advertise for that position.

The City Manager continued that someone had a question about “See something, say something,” and from her understanding, that is more of a State or Federal program. However, the City has the “See, Click, Fix” program, which they can do more press about. It is an app you can use to report all sorts of issues. You can include an attached picture, and it has a GPS location to help staff know the exact location of the problem. The menu currently includes bike path issues, cemetery issue, dead animal, drainage and flooding, graffiti, manhole issue, park issue, plow damage, sidewalk issue, sign issue, streetlight issue, trash dumping, tree issue, water and sewer issue, and “other.” This system is great because it notifies the appropriate department about the concern automatically, and the system tracks the response. When the issue has been resolved, it notifies the person who reported the concern about what the City did about it. A couple years ago, she reported a tree issue, and it went immediately to the Public Works Department. She soon received a response back about what was done about the tree. It is a great system that could be utilized a lot more.

The City Manager continued that there was also a question about neighborhood association meetings. She and the department heads are happy to attend those on request. She used to do that when east Keene was meeting on a regular basis. Sometimes they had agenda items they wanted her to come talk about, or maybe they wanted someone from the KPD and she and someone from the KPD would attend. They are happy to do that. In addition, if someone is interested in bringing a topic forward to the City’s homelessness task force, she could include them in one of the meetings, and she is a happy to dedicate a period of time to do that for the public if they want to reach out and talk about an issue or ask a question. People can call or email her.

The City Manager continued that on a related topic, she has recently and temporarily increased the hours of the part-time administrative staff in Human Services through the winter, and they are currently recruiting for a 20-hour per week Outreach Worker. Those are important ways the City can respond to the increased demand they have seen and will continue to see through the winter.

The City Manager continued that lastly, they drafted an Ordinance, recently approved by the City Council, to give more flexibility when the City is working with a partner to create temporary overflow space for homeless people. The Ordinance addressed Chapter 46, the licensing board requirements, and [added to the Code] that operating for “less than 120 days” means they still must comply with Fire and Building Codes, but do not have to go through the licensing. This change was needed for the conversation they are currently having with SCS and the UCC about temporary overflow during cold snaps.

The City Manager concluded that that is her portion of the update, and she will turn it over to Mr. Bohannon and Mr. Blomquist, followed by Chief Stewart and Beth Daniels.

Mr. Bohannon stated that they (Parks, Recreation, and Facilities staff) have hired a contractor, whom he did a site walk with today, regarding the access road behind Melanson’s that goes underneath the service wires. He continued that they will gate that off for Eversource to have access while preventing cars from having access, and while making it very difficult for individuals to access it. That will be happening in the next few weeks. Over the last four days, his team has cleaned up several sites in Robin Hood Park, Woodland Cemetery, and Ashuelot River Park. From those sites, they brought 2,200 pounds of trash to the Transfer Station. They have also done a lot of trimming from Water St. to Eastern Ave. and from Water St. to the bridge on the Cheshire Rail Trail. There are other areas of trail they will go back to during the slow time (December) when everything else has

been done, take out some bushes, and clear some sight lines. The PRF Department will work alongside the Public Works Department to make that happen.

Mr. Bohannon continued that his team also looked at lighting. If they were to put lighting along that section of trail, they would need a compromise, due to the established canopy. To have solar lighting, which is ideal, they will need to expand the open space. They will work on bringing a presentation to the City Manager to go before the MSFI Committee. They have been in touch with contractors to clean up two additional remote sites within Ashuelot River Park. They will go out for site visits next week.

Mr. Bohannon continued that as the City Manager suggested, the Spirit of Place will definitely be revitalized. It certainly has carried on. He has worked with many groups over time, just without calling it Spirit of Place. It is a good thing to bring back. Regarding See, Click, Fix, they just revitalized several signs with the new logo, which will be going up along the east side and in various places along the trails and in parks. Staff have identified several locations and will be getting those out in the next couple of weeks. The community can suggest locations for the signs as well. The Rec Center is an option for neighborhood group meetings, and it has hosted many community groups. Councilors can keep that in mind when folks contact them about neighborhood groups that want to meet. The north/central neighborhood meets at the Rec Center on a regular basis and other groups are welcome to do so. They have given space to the east side group that just recently met.

Mr. Blomquist stated that to add to what Mr. Bohannon said, Public Works staff has been looking at some other issues and will be removing some lilac bushes along the section of Eastern Ave. to Water St. They discussed areas where they might want to look at fencing, to fence off access from the side areas. A challenge is that these are all old railroad corridors. They do not extend far back from the top of a bank. The banks are sharply angled down on the trail's sides, and the City's rights or ownership ends at the slope. Staff knows there are a couple areas along the trails where there is activity, but it is all on private property. They will have to have these discussions with the community. In some areas, people have created unofficial trails from neighborhood areas onto the trail system. Those are problematic because they also provide access for other individuals. They need to discuss whether to block those off in some way. Staff also talked about the fields on the multi-use trails, and about what they ultimately want to have out there. They can clear all the way back to the top of the bank of either side, but some people do not like that, and instead like a closer feel.

Mr. Blomquist continued that regarding lighting, they are looking at a solar light system similar to the one on the section from the Pearl St. area. An issue on the Eastern Ave. to Washington St. trail is the heavy tree canopy, which people have liked. They will need to clear probably a 300-to-500-foot radius around each light to be able to provide the light necessary to maintain the charge in the lights. They are looking at about 400-foot intervals between lights going down that trail. About nine lights would be needed between Eastern Ave. and Water St. They will probably need two lights at the parking area at the end on Eastern Ave. Currently there is an overhead streetlight nearby, but if they are going to encourage longer hours, they will (need more). Right now, they are looking at, for installation and clearing, about \$9,500 per light (in today's cost), which is at least \$105,000 just for the lighting to go along that trail. Right now, it is not anywhere in the CIP or operating budget. The City Council would have to look at it and decide if they want to insert it by either removing other projects or by dealing with their guidelines and seeing what they want to do with those.

Mr. Blomquist stated that as the MSFI Committee looks at lighting these spaces, they need to have a conversation regarding how long they want to do that for. In discussion with other communities in other parts of the country, (he has heard that) lighting is great but "at certain times, it flips on you," because now it provides lighting for activities they maybe do not want to have. That is something for

the Committee to discuss. For example, at this time of year, with the lights starting at 4:00 PM, a question would be whether they want to continue lighting beyond 11:00 PM. With some of the trails, there will be issues with adjacent property owners. The Eastern Ave. to Rt. 101 section is very close to people's backyards. If you start putting lighting along those yards, they will need to determine how to not intrude on people's space.

Mr. Blomquist stated that regarding the restroom, yes, the cost is shocking. He continued that many companies make such a restroom. The "Portland Loo" is an option. These pre-fabricated structures are almost indestructible, made with stainless steel, self-cleaning, concrete, and so on. The Canadian company Urben Blu also does some innovative restrooms, which cost about \$385,000 to \$485,000 per unit. However, what they are buying is reduced maintenance and reduced damage. In addition to the unit itself, there will be an additional \$12,000 to \$15,000 annual cost for paper, water, and sewer. In addition, many communities staff their public restrooms during certain periods of the day, to encourage people to not stay for hours and to try to minimize activities that could occur. As the City Manager mentioned, the Council will be seeing a (restroom project) in the CIP.

Councilor Roberts stated that he wants to thank staff for cleaning the brush behind the new Hundred Nights shelter, removing the mattresses, alcohol containers, and more. He continued that it is now much safer to walk there, with a clear line of sight allowing people to determine whether to walk that way. He lives nearby, and there is much more traffic at 4:00 to 5:00 AM. Probably that is when the shelter opens and people come from wherever they spent the night, ready for the warmth of the shelter. He has seen no problems. People arrive on foot and via bicycle and they are good citizens.

Councilor Roberts continued that he has a concern about Eastern Ave. to Water St. In the summer the canopy is great, and he does not know anyone who does not like it. They might be looking at spending a lot of money and destroying a lot of green space and getting very little use out of that area during the winter months. Sometimes he walks up Court St. and by the Ashuelot River, and there are no lights there, which he thinks is because they want to preserve the area. They need to be careful not to come up with something so short term that they lose the green space and the other elements they really enjoy. In addition, there is a lot of traffic there, (and the canopy) absorbs the exhaust from vehicles. Victoria St. gets especially busy. (Trees) are a noise buffer, and if they want in the future to upgrade the old Kingsbury property, people on the other side will not want to hear noise from all the vehicles and activities. The City does not have 50 to 75 years to grow that (canopy) back.

Chair Greenwald asked if citizens reporting an issue to City staff need to identify themselves by name. The City Manager replied no, the Community Development Department accepts anonymous reports for Code Enforcement purposes. Mr. Bohannon added that people can use See, Click, Fix anonymously if they choose to. Mr. Blomquist added that if someone chooses to be anonymous, however, they will be unable to receive updates about the issue they report.

Steve Stewart, Police Chief, stated that to address some of the comments and questions from the previous meeting, someone had raised the idea of having auxiliary police force out of the currently unspent funds. He continued that the idea makes sense on its face, until you consider that the KPD is always looking for ways to reduce the duties of sworn officers, the more minor duties that would not require (sworn officers). They have done that throughout the evolution of the police department. When the police department was first put in place, it was just police officers. Then they started adding administrative support. Well into the 1980s and 1990s, the department was using officers for dispatch. Now they have civilian dispatchers and more support staff, community service officers, animal control officers, and that sort of thing. The police social worker position is another great example. When they look for duties that could be potentially delegated to a non-sworn person, there are not many left. They have been using some retired officers as auxiliary officers. They

currently have three, on a contract basis – one is a retired KPD officer and the other two left police work to move into different fields, but still help the KPD significantly. In summary, the KPD already has an auxiliary force and is maxed out with duties that could be delegated to them.

Chief Stewart stated that regarding the increased crime on the east side, and the increase in undesirable activity that was brought up at the last meeting, he ran a report that was born out of a request from Hundred Nights' staff and board members for statistics of the area. It is not easy to pinpoint what activity Hundred Nights has contributed to. All the information gets funneled into the KPD's dispatch system and classified that way, so it is not 100% accurate. There are many variables involved in all of it. He ran a report using a few different factors, but the one that is probably most telling is the comparison of September 1 to November 2, 2023, to that same period last year. He ran it for the northeast quadrant of the city, Water St. east of Main St. all the way up to the town line. There was a rather significant increase in calls for service there during that time. It increased by about 300, from 487 to 787, or something in that range. It is not completely apples to apples, and he encourages people to try staying out of the minutiae of it; this is the "30,000 feet data." It does not tell them everything they need to know and is not necessarily indicative of anything, but it does show increased activity in that area. They would have to dig into it deeper, but he would not say that he does not believe the relocation of Hundred Nights from the southwest side of the city to the northeast side of the city did not play a factor in the (increase). He thinks it did. However, some of the increase is also through the KPD's efforts in that area, doing more patrols and paying more attention to the area. Those drive up the numbers as well.

Vicky Morton of 275 Water St. stated that the report Chief Stewart is referring to is the report Robert Hamm gave to the Committee at the beginning of the meeting.

Beth Daniels, CEO of Southwest Community Services (SCS), Keene resident, stated that she is here to talk about some of the things the City Manager has brought up. She continued that she would refer frequently to folks from the Serenity Center, to illustrate how important it is for people from the various agencies that are tasked with taking some action on (homelessness) to have an opportunity to come together and talk as a team. The Serenity Center has been amazing through that process, in addition to the needle clean up and the other work they do. SCS hosts the Greater Keene Homeless Coalition meetings.

Ms. Daniels continued that due to staffing changes at various organizations, the COVID-19 pandemic, and other factors, she thinks – and feedback she received from the Serenity Center agrees – that over the years, the meetings had almost turned into "partner updates." That really did not speak to a coalition, which is supposed to be solution-focused with tangible projects to work toward. The group is trying to do that now. They have pivoted to look at what they could do and should do. Folks attend from Keene Housing, the Serenity Center, Monadnock Peer Support, SCS, and other agencies. One thing that has come out of that is a focus on where people are on the housing and homelessness spectrum. Some people refuse to come into shelter for the coldest weather, and others refuse to come in until the coldest weather. Some people reside in their vehicles, either because the shelters are full or because they have pets. Some people would absolutely go to a shelter if a bed were available on the coldest days. They are trying to look at all the different scenarios, and folks they consider to be at the "highest risk" on that spectrum. The coalition addresses all kinds of things with folks experiencing housing insecurity, such as back due rent or needing access to housing applications, but this acute need is oftentimes what people in the neighborhood are seeing. They might be concerned, wondering if the individuals they see out and about are okay, wondering if they should be worried about that person's safety or their own safety. Regarding individuals experiencing that level of need, there is a different approach. She calls them "responses" more than "solutions," but they are doing their best.

Ms. Daniels continued that the Serenity Center, Monadnock Peer Support, MFS, and SCS are putting together a multi-agency outreach team with each group able to play to its own strengths. For example, for a substance use issue, (SCS) will probably defer to the Serenity Center, whereas getting on the housing prioritization list to get into a Keene Housing location is something SCS would take on. Maybe it is a matter of supplies, such as the groups maximizing what they are all purchasing, seeing if they are crossing inventories. It is about how people become more concerned when they see others in a state of acute vulnerability, to the point where that individual in acute need might make choices that impact (others) negatively. If (the coalition) can reduce that a bit, and at least present options to individuals who are in desperate situations like that, it will influence the many neighborhoods over time. That is one major effort the coalition is making.

Ms. Daniels continued that the overflow spaces will be necessary, which might be hard to believe, given the shelters that SCS runs, the temporary shelters they started at the beginning of the COVID pandemic and still have, and the Hundred Nights space, but they will need overflow spaces especially during the coldest months of the year. The City Manager and others in the City have been working hard, having conversations with a couple of the churches and some agencies that might have some space available. Between some of the cold weather funding SCS has and some of the work the City is doing, they hope not to create a (huge facility) in one spot with lots of people, and to instead quietly have safe places to put people on the coldest nights of the year. SCS is securing additional hotel spaces and will do the updated volunteer training program for those who want to be part of the solution but are not sure how to go about it. They hope people maximize the Safe Parking program that is in place this winter as well.

Ms. Daniels continued that the coalition is approaching it from a couple different angles, and right now, their focus with new programming is on the most acute area of the spectrum first, while acknowledging that much of what they are doing is a response rather a solution. Some of that has to do with the human condition, which is complicated, and they cannot necessarily solve all of those issues. With an open dialogue, with the City, SCS, and the Serenity Center all meeting weekly, they are getting to real, tangible outcomes and solutions, rather than talking endlessly about the causes. She knows there is a place for that, for advocacy and prevention, but for right now, the neighborhoods have raised acute concerns that need specific, tangible solutions. She thinks they are doing that, which she says sincerely as someone who is out in the field and doing it every day, and not just to appease anyone. They are making a true and sincere effort daily.

Councilor Roberts stated that he just spent two weeks in Japan and saw the quality of life people have there with small living spaces. He continued that many people in the United States have houses that are way too big. He thinks going toward smaller houses would solve many problems and make housing affordable. He saw about 10 homeless people in Tokyo, all of them elderly. They could no longer afford to live in their homes. Right now, we have been doing well with subsidized housing and elderly housing. Looking at the number of women aged 65 and older in Keene, and what they get from social security, you can see why many of them can no longer afford to live, even in a one-room apartment. There must be homeless elderly people they do not even talk about, instead looking at someone who is down and out or has an addiction. There are elderly people who cannot afford their homes and may be too embarrassed to say anything. He does not want elderly people left out in the cold. He wants to know if the City has a plan for welfare checks for elderly people who are at risk of losing their homes.

Ms. Daniels replied yes, SCS is a big supporter of senior housing and the development of additional housing. She continued that they have Keene Housing to thank for not only all the development they have made, but the future development they plan on doing. Oftentimes, Keene Housing, SCS, or another housing partner offers subsidized rental units and affordable housing rental units and can provide the housing at below fair market rent, just so that it can at least be possible for someone. But

to answer Councilor Roberts's question, if she were to randomly pull one of the shelter managers into this conversation without them having heard any of it, and asked them, "What is your biggest challenge right now in the shelters, other than substance use?", they would probably say that it sometimes feels like it is functioning as a nursing home.

Councilor Roberts replied that he spent four months in a nursing home and does his best to make sure he never goes back there again. He continued that there are elderly people who feel that if they go to a nursing home, their life is over. They do not want that. That is not a quality of life they want Keene's retirees to be faced with.

Chair Greenwald asked for public comment.

Vicky Morton of 275 Water St. stated that she thanks everyone for the updates and for the work they have been doing. It is impressive and she is thankful for it. She continued that what she wants to share tonight goes hand in hand with the MSFI Committee's December agenda. The Broken Window Theory states that visible signs of crime, antisocial behavior, and civil disorder create an environment that encourages further crime and development. The principal was that repairing a window as soon as possible reduces the risk that others will be broken. Picking up trash leads to less littering. Enforcement of the City's Building, Fire, and Zone Codes would lead to less future infractions. Recently, they have heard that realtors have told prospective homebuyers, "You don't want to live on the east side of Keene." A former Councilor called the residences on the east side of Keene "inferior housing stock," in public. Residents of east side Keene have invested in their properties, their neighborhood, and their city. Now they look to the City for Code Enforcement action, to both protect and enhance that investment, and ultimately to resolve the broken window concept in their neighborhood and city.

Ms. Morton continued that a construction contractor stood in her driveway, stating that he was interested in the property next door that was going up for auction, but that he was concerned he would not get his investment back because of the neighbor's house that had Tyvek blowing in the wind. That Tyvek had been blowing in the wind for years. It took Code Enforcement 20 months of carrot dangling, enticing, and cajoling to have that neighbor reinstall the siding on the house. As noted, Code Enforcement is reactive. A member of Code Enforcement informed that property owner that she was the one who had called the City and asked them to have the siding put back on the house. That neighbor then appeared on her doorstep, threatening her. That led to law enforcement personnel coming to have a conversation and inform this neighbor that he (the police officer) was now "Vicky Morton's guardian angel," and that if anything happened to her, he would be going to his (the neighbor's) doorstep first. Rather than having a proactive Code Enforcement, when it is reactive, things like that happen. Neighbors threaten neighbors. It took five months to have a 53-foot storage unit removed, and still an unregistered vehicle continues to reappear at another property. She did not think unregistered vehicles were allowed in any zone except in auto-related businesses. Overflowing dumpsters attract rodents, while allowing the trash to blow around the neighborhood and onto neighbors' properties. When she shared with Code Enforcement that she believes a trailer was unregistered, as it has a plate on it but no yearly tag, the City staff member replied, "Well, I don't know that it's not." However, if that City staff member had gone out and checked the trailer, they would know whether it complied.

Ms. Morton continued that she imagines how much more Code personnel could achieve, and would have time to achieve, if the siding had been remedied in two to three months and the trailer in a couple of months. When she asked, she was told that Code Enforcement does not have the power to make it happen. She was also informed that even if Code Enforcement personnel passed violations every day, they would not act unless a complaint was filed. That is reactionary. It creates a "tattletale environment," which is not acceptable. It is not people's job to tattle on their neighbors

and then get threatened. It is time to remove unregistered vehicles, empty overflowing dumpsters, broken windows to be replaced, and replace rotting and missing siding. It is time for the city to protect its investment by seeking out the violations and remedying them. If the Code does not provide personnel with the power and authority to enforce the Codes, she asks that the City please re-write the Codes. If personnel lack the skills to perform their jobs, she asks that the City please provide them with the opportunities to gain those skills. If the matter is just people not doing the job, she asks that they please be provided with other career choices.

Ms. Morton continued that living in a city is a two-way experience. (Residents) pay taxes, and hope that City staff would protect their investment in the same city. She will be at the December 12 meeting for the conversation about Code.

Councilor Williams stated that he thanks Ms. Morton for reporting the Tyvek issue, which had been frustrating for everyone on the east side. He continued that it is not the only Tyvek issue around. He would like to see perhaps a specific ordinance about how long Tyvek is allowed to last on a building before something else happens.

Chair Greenwald stated that he received the same answer when he called, so it is not just Ms. Morton.

Josh Meehan of 65 Langley Rd. stated that this will sound like he is complaining, so he wants to contextualize it by saying that he is not complaining, he is giving an example of the issues they have been talking about this evening regarding homelessness, and in this instance specifically, the effect the encampments are having on the neighborhoods they are in or adjacent to. He continued that he is the Executive Director of Keene Housing and is speaking tonight on behalf of the 112 households that live at Harper Acres apartments on Castle and Ashuelot Streets, as well as the property and maintenance staff who work there. Harper Acres is Keene Housing's largest property for elderly and disabled people. The point of his comments is to illustrate how important it is for the collaborations and the City's efforts that they have been hearing about tonight to continue moving forward and to have the City Council's attention. Keene Housing is actively engaged in strategies to end homelessness in Keene. They provide financial assistance to the domestic violence shelter and SCS's shelters, and in collaboration with the School District they have the program for (homeless students), which is housing unhoused children and their families at Symonds and Franklin Schools. If funded, each of the two phases of the Roosevelt School project will include five permanently supported housing units for unhoused families.

Mr. Meehan continued that he is in a weird spot tonight, where usually he is the housing advocate – and he is – but he is also a property manager and an employer. He wanted to share some of the experiences of Harper Acres' residents and staff, concerning the encampment that was over by Ashuelot (Park). In early summer, they started to have many unauthorized entries into the mill buildings at the end of Castle St. Due to the fire at 105 Castle St., they are the only laundry facility, community room, and community kitchen for all 112 units on the property. Folks from the encampment started finding their way into the mill buildings and using them to cook, do laundry, sleep, and use the bathrooms. The buildings sustained a great deal of damage. They also discovered drug paraphernalia in the building, which KPD came and removed. In some instances, people from the encampment – just a handful of people, not most of them – have threatened Harper Acres' residents and staff, to the point where he has considered pulling staff out of the development entirely for a while because they did not feel safe. However, those staff members chose to stay, because they felt like if the residents had to be there, they had to be there, too. KPD has been great at coordinating with Harper Acres staff to issue "no trespass" orders to the folks who were problematic. Keene Housing pursued lease enforcement quite aggressively. A few residents were contributing to the problem by allowing folks with whom they had relationships into Harper Acres'

buildings. Keene Housing is installing security systems.

Mr. Meehan stated that he is not trying to pile on or suggest that the City's efforts, or the undertaking of their colleagues at SCS and the rest of the service providers in the city, which Keene Housing is one of, are not effective or are not heading in the right direction. He just wants to make sure that the MSFI Committee has a sense of what this is looking like on the ground. Harper Acres are some of the most vulnerable residents; they are elderly and disabled. For them not feeling safe in their own homes is a real problem for Keene Housing, and for the staff to not feel safe at work is also a problem. Keene Housing is very thankful to the City and to all of their partners for the work and the focus on this issue.

Krishni Pahl of 4 Valley St. stated that she wants to thank the City Manager, the Police Chief, and Public Works for the follow-up. She continued that she appreciates the City and the Committee addressing homelessness. It is necessary. However, she is just concerned that when they throw that into the east Keene issues they are having, homelessness will just take over. It is not a city problem, it is a nationwide problem, and she does not think they can solve it. Yes, it needs to be addressed, but the small issues that the east side residents have been asking for to help with their image, their safety, she asks be separated out. Otherwise, it is always going to be a discussion about homelessness and east Keene will get left out.

Ms. Pahl continued that she was not sure about the lights they had requested for the back of Russell Park. She knows it is expensive. She is not sure if they could do a capital campaign. She appreciates the police presence in east Keene; there has been a lot in Russell Park and on the bike path and she hopes that continues. They (east Keene residents) also want to ask the City Manager and the Mayor if there would be a possibility of constructing an ad-hoc committee for east Keene.

Chair Greenwald replied that they can ask the incoming mayor what his thoughts are.

Ms. Pahl continued that it could have staff presence, perhaps a Councilor, east Keene residents, (representatives from) businesses who expressed concerns about some issues, and members from Hundred Nights. It was just a thought she wanted to put out there. Valley St. resident Frank Richter wanted her to read his feedback: "East Keene is a growth zone. That means actively encouraging positive economic growth, and for neighborhoods doing everything they can to improve the quality of houses and not permitting development that negatively impacts our home values. That is no more variances for things like Hundred Nights or low-income housing, because east Keene has done more than is fair in allowing that sort of development." She knows the Zoning Board of Adjustment is quasi-judicial, but she wonders if there is a way that someone – like in the City Attorney's office, or the City Clerk's Office – can give them some direction on maybe just slowing down the Special Exceptions and Variances they keep giving out to east Keene. It is a residential neighborhood, and they (the residents) would like to preserve it as such. She and her husband have lived there for 30 years and would like to continue there. Their property should be worth something, but when you hear things like realtors not wanting to sell homes in east Keene, that negatively impacts their livelihood. She does not understand why the ZBA continues to give out Variances and Special Exceptions for uses not allowed in the zone. If they are going to do that, they should spread it around the city.

Chair Greenwald stated that he is not on the ZBA, but he knows that the process allows the neighbors to speak. He continued that the neighbors could come forward as a group. It does not always work. However, the process allows input from neighbors saying, "This is not appropriate."

Ms. Pahl replied that they (east Keene residents) tried, when one of the uses was brought forward. They were told they were not abutters and to be quiet, but the support that use got from

outside of Keene was encouraged, which is frustrating. Again, she hopes they keep up the police presence, and perhaps add lights. They are trying to encourage more use of Russell Park. They did a neighborhood cleanup. As Ms. Morton said, some of these landlords on Church St. (are not doing what they are supposed to). She did cleanup on Church St. and saw garbage around dumpsters so frozen to the ground it cannot be moved. Issues like that are simple ones that can be addressed to improve the quality of the neighborhood. She hopes they take these actions.

The City Manager stated that they are talking about the light issue. She continued that as part of the CIP, they are looking at lights on the trails and increasing lights in different areas. They will include that. Regarding continuing the police presence, they do not have any plans to change the directed patrols that are currently there, until they see the situation dramatically improved and the concerns and complaints reduced. She is not the best person to speak about the ZBA, but it is a quasi-judicial board that the City does not have control over in terms of the ZBA's decision-making. It is a separate board with separate authority. She knows there is a process to train new ZBA members. The City Attorney's Office meets with each of them and trains them about their responsibilities and what to consider when making decisions. The City is limited in terms of what they can do with the ZBA. Regarding the comments about homelessness, and she would add substance abuse, they are huge problems, but as she mentioned before, many of the complaints they heard were really symptoms of the bigger issues. It is important that they work on both and do not forget the issues they are addressing in east Keene or any other part, because east Keene is not the only area of the city that is experiencing these issues. Working on both is important. Regarding the question about committees, she does not want more ad-hoc committees. She does not have the capacity to staff them. That is why she offered to go to an east Keene meeting and bring staff when needed. If there are agenda items the neighborhood wants to talk about, she is happy to attend. She also offered up the task force as a place for people to also provide input and talk about issues they are facing. She hopes that is something they can continue, because while they are seeing the increase in activity in east Keene, this is not just an east Keene issue. She sees these issues in her neighborhood, too. It is important to look systematically at the process.

Timothy Jordan of Water St. stated that regarding the City Manager's last comment, he wants clarification regarding the ad-hoc committee. He continued that he heard her say she does not want to do any more ad-hoc committees because she does not have the staff. At the same time, she is willing to take her very important time to staff an association. That does not make sense to him. He would rather have her staff member working on these issues with an ad-hoc committee, because as much as he likes to sit at a table with her, it does not seem like a good use of her time.

The City Manager replied that an ad-hoc committee requires numerous things that meeting with her, or a staff member does not require. She continued that an ad-hoc committee is a public body of the City that requires a minute-taker, City Clerk staff coordinating the minute-taking services, the posting of the meetings, the coordination of the space, and typically the broadcasting, which involves the people in the broadcast room. Much more is typically involved with a City ad-hoc committee, which is why she frowns on them. They are very important at certain times, but there are things they can do quicker by just having conversations with people. That is why she offered, as she and other City staff members have in the past, that if a group or association has a topic of concern, she or another staff member will go talk with them about it. It is a strategic use of their time, and less impactful in terms of the resources the City has to invest in holding ad-hoc committees. Ad-hoc committees are important, but she tries not to overburden the staff with many of those when they might be able to accomplish things with one-on-one conversations.

Mr. Jordan replied that what that feels like to him, a resident of the east side of Keene that has been neglected, is that for whatever reasons, they are getting neglected again. He continued that he is not saying that is how it is, just that that is how it feels. All the work that City staff has done over the last

few weeks has been exemplary. They had clear reports today, and people are on it, understanding what the problems are. He thanked them. It seems like (creating an) ad-hoc committee would be a way of taking the neighborhood concerns to a small group and funneling it to the City Manager, and having information go back and forth in a way that would facilitate, not burden. The City Manager is telling him it is a burden.

The City Manager replied that she is telling him it requires additional resources. She continued that she thinks she is offering something better: direct access to her and other staff members. Ad-hoc committees require many different things, and she thought that by offering Mr. Jordan (and others) the ability to attend one of their task force meetings, or for her and other staff members to attend of the neighborhood association meetings when they have topics they want to discuss with the City, that was actually more helpful. She understands that Mr. Jordan does not feel that way or feels that they are slighting him in some way.

Mr. Jordan replied that he feels neglected. He continued that up until just a few minutes ago, his feeling was "This is great; we have been attended to." Now, it was a simple request. He asked if (the creation of an ad-hoc committee) is City Manager's decision, or the Mayor's.

The City Manager replied that the Mayor can create ad-hoc committees. She continued that it is her decision in terms of staffing, but if the Mayor creates an ad-hoc committee they will figure out a way to make it work, but they may not be able to have as much staffing at the meetings. It depends.

Chair Greenwald asked if, perhaps, a staff person could be assigned as a liaison to the neighborhood group. Mr. Jordan asked why he would want a City liaison, when he could have the City Manager. He continued that he wants to be clear on how to have this "association." If a group of folks from east side Keene want to get together on, say, next Tuesday, with three agenda items, his question is what they do. The City Manager replied that they could contact her office and tell her what the three agenda items are, so she knows which staff members would be (most relevant) to have at the meeting, and then they coordinate it from there. That is how she has done it in the past. She/staff typically needs some notice because it depends on the meeting's time and day, so they can make sure someone is able to attend. Mr. Jordan replied that they will try that. The City Manager replied that it is worth trying, and if Mr. Jordan finds that it is not working, he can go to the Mayor and say, "I still want an ad-hoc committee."

Chair Greenwald added that when these neighborhood association meetings are happening, they could also pass that on to some Councilors. That would help.

Laura Tobin of Center St. stated that she walked over to east Keene the other day. She continued that there were people dealing drugs and it took her six months of phone calls to get that addressed. She thinks she was not providing the right information that the KPD needed in order to respond to what she was saying. One thing that could be helpful is to hear from the KPD at some point. They do their job efficiently, and the things that are obvious to them are not necessarily obvious to her, such as reporting "A guy, over there" is not going to help them actually do anything about it. Thus, when she would call them, she would not have answers to the questions they were asking.

Ms. Tobin continued that she walked over to east Keene to see how it had changed. She met a woman who mentioned some obstacles to housing, and how she had lost her housing. She understands this may not be addressing crime in the area, specifically, but the fact that people are not moving out of that housing, she would say, is a factor. This woman said that a couple of the challenges were that she could not get an ID because her paperwork was taken. She needed support with that. She was evicted from her apartment for what she (Ms. Tobin) interprets as

retaliation for reporting a living violation. This woman also mentioned that she had paid application fees for apartments. This is not the first time she has heard any of these things from people in this area. Apartment (managers or owners) say that they are renting, take the application fee, and then do not rent. One company in the area was (charging) \$25 per person. If you have a handful of couples who are trying to rent an apartment, they are all paying \$50 to a company that does not even need to show the people the apartment. That is non-refundable. It is an incentive to not rent the apartment to other people, basically, because you can get \$500 a day if you do not rent it. Finally, she thinks that what this woman said, and what she has heard from other people, is that they do not go to the City to report violations or things they are struggling with because they see it as being a tattletale, and they see their landlords as a friend. The City could help educate people about how it is important for the City to know this information and how it can be used to help (the people reporting it).

Chair Greenwald asked if the public or Committee had anything further. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report from the City Manager relating to safety concerns on the East side of Keene and Strategies to address homelessness as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Jesse Rounds, Community Development Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Amendments to the Permitted Uses in the Downtown Core, Downtown Growth, and Commerce Districts Ordinance O-2023-16**

Recommendation:

A motion was made by Councilor Bosley to amend the definition of Charitable Gaming Facility to include the definition of Commercial Hall under New Hampshire RSA 287E. The motion was seconded by Councilor Ormerod. Councilor Jones asked if this would allow bingo halls in downtown. Councilor Bosley stated it would prohibit certain types of bingo halls in the downtown. A charitable organization that is running a charitable gaming facility would still be allowed, but a for-profit organization that is running a charitable gaming facility would not be allowed. Staff agreed that was correct. The amended motion made by Councilor Bosley carried on a unanimous vote.

A motion was made by Mayor George Hansel that the Planning Board find that the amended Ordinance O-2023-16, the A version, is consistent with the 2010 Comprehensive Master Plan. The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee made a motion to formalize the public hearing already set by the Mayor for December 7. The motion was seconded by Raleigh Ormerod and was unanimously approved.

Attachments:

None

Background:

a. Ordinance – O-2023-16 – Relating to permitted uses in the Downtown Core, Downtown Growth, and Commerce Districts. Petitioner, City of Keene Community Development Department, proposes to amend Section 8.3.2. of Article 8 of the Land Development Code (LDC) to add a definition for “Charitable Gaming Facility” and amend Table 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District.

Community Development Director Jesse Rounds addressed the Committee and stated the Keene Zoning Code is permissive which means it allows what is outlined. However, there is room for interpretation for uses, if it is defined, similar and after interpretation by the Zoning Administrator.

What is before the committee tonight is Charitable Gaming Facility which is allowed under Recreation and Entertaining Facilities Indoor. This is because when Charitable Gaming Facilities first came into Keene, it was a new use and the Zoning Administrator placed it under Recreation and Entertaining Facilities Indoor. Mr. Rounds went over what the definition outlines for Recreation and Entertaining Facilities Indoor “facility for spectator and participatory uses conducted within an enclosed building, including but not limited to”. It is very specific about what it allows. The City feel this is an opportunity for the City to define a use that is growing across the state and is appearing in various communities

Mr. Rounds noted this use is permitted in Downtown Core, Downtown Growth, Downtown Institutional, Commerce, Commerce Limited and Business Growth and Reuse. Downtown Core is Main Street, Downtown Growth is south side of Main Street outside of the historic part of Main Street, going east and west. Downtown, Institutional is Keene State and Commerce is West Street, Main Street south of 101. Commerce Limited more of the car dealership area. Business Growth and Reuse is intended to be neighborhood oriented, light industrial areas. These are the areas where those recreation and entertainment facilities indoor are permitted.

Mr. Rounds next went over the definition that is being proposed in accordance with requirements of RSA-287D, which is the RSA that the State Statute that defines charitable gaming in the state and operated by a licensing gaming operator, which is a defined term in the RSA. Any facility operated by a person or entity licensed by the Lottery Commission, it does not include games licensed under our RSA 287 E. This section is specific to Bingo and Lucky 7.

Mr. Rounds stated the proposal is to locate this use in Downtown Growth and Commerce. Mr. Rounds referred on a map to the areas he had outlined earlier where this use is permitted. He stated the reason staff felt Downtown Growth would be an appropriate location is because this is where there are the bigger buildings. The Land Development Code allows for infill with a larger buildings, lot line to lot line, and has a lot of parking. He felt there are a lot of opportunities in these two districts for growth of this industry.

Mr. Kost felt the intent makes a lot of sense. He stated he sees Downtown Growth as being a little different and felt this use fits better in Commerce; lots of parking, store front and areas to build.

Mr. Rangel stated he wanted to understand a little more about Charitable Gaming Facility – he asked whether this is a business that can obtain this license and then can run charitable games out of their currently existing business or whether it was a charitable organization that could purchase a building for the purpose of running charitable games. Mr. Rounds stated the way the State Statute is that you had to obtain a license to operate such a facility. The way it is handled throughout the state is that a business obtains an operator license and charitable organizations contract with that business.

Councilor Bosley noted this ordinance does not trigger until the business obtains a license and the business does need to have five or more gaming devices or less than that for a secondary use. Someone who wanted to have this use as a small operation would not be prohibited by this ordinance. Mr. Rounds clarified if someone operates a charitable gaming facility for fewer than five days they don't need to obtain a license. Councilor Bosley noted that there was a provision that has to do with the types of gaming not days. Mr. Rounds stated this is something he had included incorrectly.

Mr. Rangel asked why this use was brought forward for consideration. Mr. Rounds stated it has been growing across the state. In addition last year a property owner proposed a change to the definitions of Business Growth and Reuse District. Mr. Rounds added staff also received a letter from the Mayor asking staff to look into this use. Mayor Hansel added this was brought to his attention in late 2021,

when someone inquired about it and he started having discussions with staff when the City was in the middle of adopting the land use code and staff suggesting waiting until that code was adopted. However, as legislation has changed and it became more popular and hence, he brought it forward again.

Mr. Rounds addressed drive-throughs next. He indicated drive-throughs are permitted in the Downtown Core and are permitted in many of Districts. They are permitted in the Downtown Core by special exception, which is a process that goes through the Zoning Board of Adjustment. Mr. Rounds stated what staff is proposing is to remove the ability to get a special exception for a drive through in the Downtown Core. This would mean there would be no future drive-throughs in the Downtown Core. However, there are currently three or four existing drive-throughs, and those would be allowed as a nonconforming use. They would continue to operate and there are some limited ways they could expand and change while still remaining a legal nonconforming use. When discussing where Charitable Gaming Facility should be located staff looked at walkable neighborhoods. He noted the Master plan and the LDC talk a lot about this issue and that Downtown Core should be this pedestrian scale. He noted special exception has confusing requirement and at times doesn't address what is intended in a district. This concluded Mr. Rounds presentation.

Mr. Kost referred to the map and noted that the area where drive-thru will not be permitted, which is Main Street and a small portion of Washington Street. Chair Bosley clarified the existing drive-throughs will be grandfathered and one permitted drive-thru that is not completed and this too would be grandfathered. Mr. Rounds agreed they would be grandfathered.

The Chair asked for public comment next. The Chair indicated this is not a formal public hearing, it is a workshop but he will permit public comment.

Attorney Michael Atkins with Shaheen and Gordon from Peterborough, NH addressed the Committee on behalf of Dorie Masten who is a property owner downtown. He stated he was before the committee to speak in opposition of the ordinance. He noted this is a very highly regulated state statutory scheme. He felt what is being considered is preemptive by that state statutory scheme and Ms. Masten has already moved forward in the application process and has already spoken to the city in this regard to utilize her property in the Downtown Core area in accordance with RSA 287E to locate a Charitable Gaming location. Adopting this currently would not only be preempted but would suggest a regulatory taking, particularly in regard to her property.

Mr. Jared Goodell of 39 Central Square, #201 addressed the committee next. Mr. Goodell stated he has some background in charitable gaming. He owned and managed a charitable gaming facility in Keene. He felt this request was appropriate and the city has heard a lot of debate about the downtown project which is to maintain a level of old school New England. He did not feel uses such as casinos belonged on Main Street - they are loud, they attract a lot of traffic and it goes in contrary to what we want in downtown, specifically as it relates to parking.

Mr. Goodell directed the committee's attention to ITE traffic data as it pertains casino traffic volume. Mr. Goodell felt this ordinance does not go far enough particularly as it relates to the exception and noted to the last sentence of the proposal where it says does not include games licensed under RSA 287 E. He stated he understands the intent of the Community Development Department wanting to preserve the ability for fraternal organizations like the Elks, American Legion, or even churches who operate bingo games that might exist in the Downtown Core area. As it reads on its face, the body of law that encompasses RSA 287-E and it seems to pertain only to those fraternal organizations or nonprofit organizations, who are the only people who can operate Games of Chance as it relates to Bingo or Lucky 7; Mr. Goodell felt that was not correct as that Statute does allow for commercial bingo halls, which essentially would allow slot style machines which are called Lucky 7 machines.

These machines fall under the bingo statute. Under this current proposal, someone could operate a commercial bingo hall and have it be full of these machines. He felt this is not something the city is going to want in its downtown.

Mr. Goodell felt Charitable Gaming is great in Keene, it is invaluable to our local charities but did not feel it belonged downtown. Mr. Goodell proposes that language be added that says does not include games licensed under RSA 287 E except those operated by commercial bingo halls as defined in RSA 287-E:1 v-a.

He stated there was also some confusion about the license as it relates to five or more days – he noted it is five or more calendar days per year. Gaming laws in this state are “rough”. When this body of law was introduced, it was restrictive and overtime items have been added to create what it is today; it is not a clean body of law and at times can be confusing. He commended the Community Development Department for bringing this up. He indicated the Town of Conway is going through a struggle as it pertains to this very item. He indicated gaming is growing rapidly and felt now is the time for the city to take some restrictive action that makes sense.

With no further comments, the Chairman closed the public hearing.

Mayor Hansel felt this item make sense – when you look at the master plan and how it defines the downtown along Main Street, there has been a lot of growth with uses such as restaurants, Colonial Theater, retail and felt charitable gaming use is inconsistent with the uses the city has been trying to promote. The uses the city is trying to promote are geared around the parking program and moving people through the downtown for short stops or going in to see a couple hour shows.

The Mayor indicated parking in downtown is a shared resource and hence we have to be very cautious and careful as these different uses come up that the city does not disturb that ecosystem in a way that would be detrimental to the look and feel of downtown.

With that, a motion was made by Mayor Hansel that the Joint Committee find the proposed Ordinance consistent with the 2010 City of Keene Master Plan. The motion was seconded by David Orgaz.

Ms. Brunner stated the public workshop phase is the time the Joint Committee can make any changes to the Ordinance. She noted to the suggestion from the last speaker from the public regarding modification to language and stated this would be the time to make that change. Councilor Bosley asked staff for clarification.

Mr. Rounds in response stated RSA 287 E is as confusing as RSA 287 D; it is structured in the same way and it allows for an outside business to operate for example a bingo hall that does all the things Mr. Goodell outlined. The use as worded would allow the city (zoning administrator) to evaluate if a bingo hall would fit under charitable gaming or whether it was a different use. However, this item is open now and the committee could add stipulations to it.

Chair Bosley referred to the following language “... does not include games licensed under RSA287-E she clarified whether this language prohibits this ordinance from shutting down bingo halls, essentially that are run in the downtown. She asked what RSA287-D:e.1.b.a. refers to. Mr. Rounds stated it is actually RSA 287-E and added RSA 287 E:1.v.a is the definition section.

Ms. Brunner referred to the language 287-E:1 - Definitions - Section 5. v.a. Commercial Hall means any hall owned or leased by an individual Corporation, Realty Trust, Partnership, Association or any other person who rents or leases the hall to a charitable organization for the operation of Bingo games, excluding halls owned by any charitable organization or governmental subdivision is

specified in RSA287-E:5,b.1. Councilor Bosley asked whether this definition gets more clearly to the heart of what the city is trying to protect. Mr. Rounds stated the reason he excluded RSA 287 E when he wrote the ordinance language was so that the city could allow charitable organizations like a church to continue to have bingo in their basement for example. He added this is new information and he did not realize it was operated in exactly the same manner; two facilities that do the same thing through different means - One is charitable gaming facilities, essentially Games of Chance, Poker, Roulette etc (table games). Then Bingo and Lucky 7 which look like slot machines. By separating these out the intention was someone could have a number of Lucky 7 machines in their bar and they would need the same license if for instance you were to have Poker.

Councilor Bosley stated she did not feel the spirit of the ordinance is intended to allow for large facilities and felt this needs to be tuned up. Mr. Rounds agreed and stated the language could be changed to ..as defined under RSA 287D 1. B.ii and RSA 287E: 1 5.a.

Ms. Brunner stated if the committee intended to amend the ordinance they would have to vote as a committee to amend the ordinance and then create an A version.

A motion was made by Councilor Bosley that the Planning Licenses and Development Committee amend the Ordinance with new language. The motion was seconded by Councilor Ormerod.

Councilor Jones asked Councilor Bosley for clarification on her motion. Councilor Bosley stated her motion is to prohibit commercial bingo halls from being located on Main Street. The City has figured out a way to protect the church basements; this motion is to not allow big commercial bingo halls. It was suggested that the motion and second be withdrawn to add more clarification to the discussion.

Councilor Bosley withdrew her motion and Councilor Ormerod withdrew his second.

Mr. Kost referred to the Downtown Growth District and noted the intention of this area is to provide the flexibility needed to create a mixed use environment suitable for commercial, residential, civic, cultural, open space in areas of downtown where growth is desired with standards for new construction and infill that complement the walkable urban form of Keene's downtown. He indicated he is comfortable with this use in the Commerce District but has concerns allowing it in the Downtown Growth District, especially those areas that get closer to Main Street.

Councilor Jones noted there is an exception for Bingo and Lucky 7 to be located in any area and suggested adding Keno to that list as well. He indicated Keno is in many cities in New Hampshire but it was defeated on the Referendum twice in Keene. He felt this was mostly because the language wasn't very clear on the Referendum. He added the Lottery Commission calls for Keno to be in any use that has a liquor license which could be any part of the city.

He felt if Keno ever passed on a Referendum, the city would have to change this ordinance and go through this process again. Mr. Rounds stated the Councilor is correct Keno has been denied in the city on the Referendum but future voters could vote to approve it. He added, however, he wasn't sure if the city could create a definition for a use that is not permitted but once it is voted in by future voters it would have to go through a similar process such as this.

A motion was made by Councilor Bosley to amend the definition of Charitable Gaming Facility to include the definition of Commercial Hall under New Hampshire RSA 287E. The motion was seconded by Councilor Ormerod.

Councilor Jones asked if this would allow bingo halls in downtown. Councilor Bosley stated it would prohibit certain types of bingo halls in the downtown. A charitable organization that is running a charitable gaming facility would still be allowed, but a for-profit organization that is running a

charitable gaming facility would not be allowed. Staff agreed that was correct.

The amended motion made by Councilor Bosley carried on a unanimous vote.

Councilor Bosley asked whether the committee wanted to address the concern raised by Mr. Kost. Councilor Ormerod asked what the economic impact would be if this use was restricted from Downtown Growth. Ms. Brunner stated staff might be not able to give the committee the economic impact if this use was prohibited in Downtown Growth but there has been desired expressed to locate this use in Downtown Growth. She added this district has the potential for development unlike Downtown Core which is mostly built out. If this use was denied from Downtown Growth, the existing use would be legally non-conforming but any new Charitable Gaming Facilities that wanted to locate in Keene will only be permitted in the Commerce District.

Mayor Hansel stated he appreciates Mr. Kost's concern because it is difficult to separate these districts and its different uses. However, the future of Downtown Growth is yet to be defined in many ways. The Mayor noted there is a lot more space in this district for parking and felt this area does not have the same kind of problems with these types of facilities as the Downtown Core, which is fully built out and has an established look, feel and uses the city is trying to promote.

Councilor Bosley agreed with the Mayor and noted Downtown Growth to the west does encroach onto Main Street but overtime the Commerce District is likely going to merge into Downtown Growth and overlap on the edge and so will Downtown Core. She felt eventually Downtown Growth will disappear and the city will end up with more defined districts.

A motion was made by Mayor George Hansel that the Planning Board find that the amended Ordinance O-2023-16, the A version, is consistent with the 2010 Comprehensive Master Plan. The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee made a motion to formalize the public hearing already set by the Mayor for December 7. The motion was seconded by Raleigh Ormerod and was unanimously approved.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Stephen Bragdon – Safety Issues Associated with the Driveway at 82 Court St. and Staff Response to No Parking Request – 82 Court St.**

Recommendation:

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

Attachments:

None

Background:

Chair Greenwald asked Stephen Bragdon to address his letter.

Stephen Bragdon of 51 Railroad St stated that his office, and his wife Cheryl Belair's, is at 82 Court St. He continued that he and his wife are asking the City to place two "no parking" signs, one to the south of their driveway and one to the north. The one to the south is 22 feet, and they want to have the one to the north at 30 feet. There are two signs there now. He was told by the City that they were not authorized. He is not sure exactly how they got there, but they have served a purpose, except the one on the north side is not far enough from the driveway.

Mr. Bragdon continued that since he has been at the office, which is a long time, parking in downtown Keene has really changed. For years, there was seldom a car in front of the office. He is not sure when, but the parking meters were placed almost up to their driveway, in front of the senior citizen's center, he thinks, or in front of John Burke's office, which is just down the road. That is where the parking meters end. People park where the meters are and then leave. Thus, for long periods of time there is no one parking there. Beginning at their driveway or just before, people can park without paying, so as time has gone on, that being the area on Court St. that is closest to downtown, people park there early in the morning, very close together, and they park further north. The further away from downtown, the less parking there is, so north of [82 Court St.], he does not think the issue is as great, because it is further for people to walk if they park there. South of [82 Court St.], it is not as great, because there are parking meters. In the past five years, there have been two accidents with vehicles moving out of their driveway. They were not serious accidents but caused damage to two cars. When you pull out of their driveway and look north, the ground slopes up, so you cannot see cars above the parked cars. To see the cars driving down, you must look in the spaces between the parked cars, if they are far enough apart. It is a little easier when you look

south, because you are looking down and you have a better line of sight.

Mr. Bragdon continued that he has seen the chart that the City produced here and might want to speak to it afterwards. Their building at 82 Court St. is different, in the sense that they have many more people going in and out than the single-family homes that are north of them. Mostly, people from the single-family homes leave in the morning and come back at night. There is not as much traffic going in and out. He and his wife have a worse problem at their location. This [chart the City prepared] shows that if the City treated everyone on the street the same as they treated [82 Court St.], there would be 30 fewer parking spaces. However, he would contend that one, they are not going to treat everyone the same because not everyone has the same problem, and two, the way to fix the parking issue is not to create spaces where accidents can and do occur and the issues are not solved. There are other solutions, such as building a parking garage or putting in parking meters. He would not want to argue that 30 parking spaces is worth a life or severe injury. He thinks his and his wife's request makes sense for them, for the public, and for the City.

Chair Greenwald asked if the Committee had any questions for Mr. Bragdon. Hearing none, he asked to hear from staff.

Don Lussier, City Engineer stated that this came to a head with an item that came in front of the MSFI Committee in February 2023. They were here discussing a request for a "no parking" area in front of a specific property on Washington St. He continued that as part of that, the City Council heard from the Public Works Director and approved a policy for the City to delineate individual parking stalls to make the on-street parking, where it was applicable, more efficient and well organized. They also tried to keep [parking] further back from driveway entrances to ease that situation. They discussed and approved that policy in February. This fall, staff started implementing that. They painted Washington St., and they are working their way up Court St. When they got in front of the petitioner's address, they realized what the implications of the policy were, and they asked staff to hold off while this came to the City Council for consideration.

Mr. Lussier continued that when this came up last February, staff mentioned that the areas that would be applicable would include Court St. up to School St. on the west side and Union St. on the east side. Thus, they were extending the areas with delineated parking from Mechanic St. up to Union St./School St. Attorney Bragdon mentioned that there are a couple "no parking" signs in front of that property today. He cannot say for sure that they were not installed by Public Works staff at some point, and they certainly look like Public Works' signs, but he can say for sure that the signs were not codified in City Code. He does not know why they were put up, but they were, and they are not enforceable because they are not backed up by appropriate City ordinance.

Mr. Lussier continued that he and the Highway Superintendent met with Attorney Bragdon and Ms. Belair and discussed that the signs were not valid and what they were trying to do with this policy. Something else he mentioned to the petitioners, which they will disagree with him on, is that although he would love to be able to say that there are unique circumstances at this driveway that represent a hardship on the Petitioner and would lead to a change in the City Code, he unfortunately cannot find any that make it different from any other driveway through this commercial/mixed use zone. Attorney Bragdon mentioned the grade, and yes, as you go from north to south it does slope down in elevation, but that slope is relatively constant. It does not create any sightline issues for a car coming over a hill or that sort of thing. Because of that, he has a hard time recommending to the Committee that they make this a special, one-off, "no parking" zone.

Mr. Lussier continued that for comparison purposes, he and his staff looked at the area that is applicable for parking stall delineation. The slide shows what exists today, if they were to implement the policy that was discussed in February. The memorandum has a typo; there are 70 parking

spaces, not 68, that they would delineate today between Court St. and School St. The next slide shows what the result would be if they approved the Petitioner's request for every driveway in the corridor, which is not what they are asking for, but just for comparison purposes. If the City were to apply the same 30-foot and 22-foot buffers on each side of every driveway through this corridor, it would reduce the total parking stalls to 41. Thus, it would [be a loss of] 29 parking spaces, not quite the 30 that Attorney Bragdon mentioned. At a time when parking is at a premium downtown, that is not insignificant. That is something to consider.

Chair Greenwald asked if there is some standard for how many feet from the driveway [people can park]. Mr. Lussier replied that the Code says you are not allowed to park of "in front of or in close proximity to a private driveway." He continued that however, the Code does not define "close proximity." For the purposes of this analysis, and when staff was planning these individual stalls, staff used five feet. Five feet from the edge of the driveway back would provide you with the same turning radius as what the Code allows for a private driveway. A private driveway, for a residence, is a maximum of 20 feet wide at the property line but allowed to flare out at the curb lines. That is a reasonable distance offset to allow people to turn in and out.

Chair Greenwald replied that he is wondering if the "no parking" zone is flexible and if they could change it. Mr. Lussier replied yes, they could change it. Chair Greenwald stated that he wonders what the implications would be for the whole street if they were to increase it from five feet, which he thinks is inadequate, to 25 feet or [something else]. Mr. Lussier replied that that would result in what is on the screen. Chair Greenwald replied that it [the allowed number of feet from a driveway] could be something in between, and perhaps accomplish the same thing. Mr. Lussier replied that is correct. He continued that he only looked at those two extremes. This analysis that is 49 spaces includes 30 feet on the upstream side and 22 feet on the downstream side. Chair Greenwald replied that you could shrink it to whatever you want it to be. Mr. Lussier replied absolutely. He continued that for point of reference, when staff was reviewing this Code some time ago, they looked at what that driveway buffer should be and found that the other towns and cities that specify a distance have anywhere from two feet to five feet. Many municipalities do not provide a specific distance.

Chair Greenwald stated that to him this is all about safety. He continued that he does not think it is about a benefit to Mr. Bragdon; it is about safety. That is why this is here, and why he is trying to reach a solution. Another thought is that it could be on a case-by-case basis, where a property owner requests/comes to the Committee with a need, and that is different than one who has an office versus one who has just a private residence. Mr. Lussier replied that to be clear, that is what the applicant has requested. To put that into effect, the recommendation for the Committee and the City Council to tell staff to come back with an ordinance to make that an effective prohibition. The Petitioners are the only ones who have asked at this point; however, they have to assume that if this is allowed here, there are probably other businesses in the corridor that will want similar parking prohibitions in front of their properties.

Public Works Director Kürt Blomquist stated that the City Engineer reminded them of the discussion from February. He continued that everything this Petitioner has mentioned was mentioned by the Petitioner in February. They had the same concerns; they had similar issues regarding sight distances, close calls, and so on and so forth. As they are dealing with an urban environment, and as you are encouraging infill development and encouraging mixed use, you will see more and more of these types of conflicts. The denser the area gets, the more activity there will be. That is why they see those (buffer) distances of anywhere from two to five feet, or in the descriptions they typically have here about not impeding movement in and out, that is why they looked at that five feet. A parking stall is 18 ft. If they say they are not going to do a stall on either side [of a driveway], that would be two spaces for every driveway, so in this case it goes down to 49 spaces. Maybe they could make it up to 50, but they would be basically cutting about a third of the parking area available

within the corridor. As the City Engineer mentioned, this corridor is for Court St., Washington St., West St., lower Main St., and so on and so forth, where the City Council is encouraging these mixed uses without a loss of parking. The City Council recently had a large discussion about no loss of parking, through another process. Safety is a concern, yes. However, here the speeds are low – 30 mph, 25 mph. These are considerations for the Committee. It would be difficult to take this on a case-by-case basis, because again, most people want as much space as they can get. These [requests] would be back in front of the Committee, because people will not agree with staff.

Councilor Filiault asked the City Attorney to speak to whether there would be a legal issue with granting these exceptions on a case-by-case basis when requests come to the City Council.

City Attorney Tom Mullins replied that to do it on a case-by-case basis is somewhat arbitrary. He continued that the law has something called “discretionary function immunity.” If you have considered, reviewed, and adopted a policy that is consistent within the City and situations like this, you get discretionary function immunity, which means that if an accident occurs you can refer to that policy as sort of an exemption from the immunity that might apply. This comes out of a case in Manchester where there was a similar situation, an accident involving a parking space. It was claimed that there was negligence from the City with respect to the placement of the parking space. The courts concluded that that because the parking was developed through a process that involved the governing body and its agencies, there was discretionary function immunity. He is not suggesting to the City Council that they should or should not do anything with respect to this specific request. However, if they are going to do something with it they should consider how it impacts the corridor and it should be consistent throughout the corridor or throughout corridors that are similar to this one. He would recommend they have something consistent instead of looking at these on a case-by-case basis.

Councilor Filiault replied that basically, they have what is current, then plan A. They sent it back to staff to come up with plans B, C, and D, somewhere between (what is current and plan A). He asked if that is doable. Mr. Blomquist replied yes, they can engineer anything. He continued that however, they would want to make sure when they come back, they know what parameters they are talking about. They are talking about safety. Staff would come back and say, as professionals, “We believe this is the safe way of doing this.” He would look at what other communities are doing. What he is hearing, and what the City Engineer reported to the Committee, is that they are doing five feet, maybe seven feet. Right now, the policy they developed based off [the Committee’s February discussion of the Washington St. request], as the City Engineer mentioned, [has the delineated parking spaces] going back five feet on either side. He does not think they will come back to the Committee and say, in their opinion, that more space is needed. If the City Council wants more space, staff can do that, and will tell them what the impacts will be. Yes, they could come up with plans A, B, C, and D, but it is back to the City Attorney’s point – how are they justifying this particular distance, and will they make sure that distance remains going forward?

Chair Greenwald replied that he understands, but there is a different situation with an office building with traffic, versus a duplex with minimal traffic. Mr. Blomquist replied absolutely, and as they heard the City Engineer saying, when they developed that policy, they did parameter the types of activities. Thus, on Washington St. by Fuller School is a similarly functioning operation there like what you have here, with similar levels of traffic in the two locations. They applied the standard on Washington St. and here. Chair Greenwald stated that there are different levels of traffic for offices and for duplexes. Mr. Blomquist replied that certainly, there can be different needs for different types of activities or functions, but again, part of the challenge is that these areas are in transition. Today, the area could be a single-family home, but in the future, it could be a multi-family home, and then it could be a

Chair Greenwald stated that he does not want to accept this item as informational, which basically means that nothing will happen. He continued that more likely, the Committee will recommend sending this back to staff.

Mr. Blomquist asked if the Committee wants staff to go back and look at the policy that was established because of the request from the Petitioner on Washington St. in February. Chair Greenwald replied yes, he personally thinks so. He continued that he thinks it would make sense that if there are different situations, they need different answers, and they are not getting them here – it is either nothing or grant this one situation.

Mr. Blomquist replied that regarding the answer the City Council came up with and adopted for the facility on Washington St., he is trying to tell the Committee that it is the same situation as it is with this particular property. He continued that both properties have a similar type of operation, with multiple tenants, real estate, an office complex, and so on and so forth. Chair Greenwald asked what the result would be if they applied that [policy the City Council discussed and adopted as a] solution to the Washington St. request to this Court St. request. Mr. Lussier replied 70 parking spaces. Chair Greenwald replied no, Mr. Bragdon's situation, not the whole street. Mr. Lussier replied that what staff laid out and were starting to mark [on Court St.] was [done with] the same criteria they used to mark out Washington St., including the property that had the request in February. That is five feet [from the driveways] and all the other prohibitions for crosswalks, hydrants, and whatnot.

Councilor Williams stated that he is informed on this by trying to pull out on Washington St. most days and frequently having his view blocked by a parked vehicle. He continued that vehicles are larger than they used to be, and trucks are taller and harder to see around, which should inform the City Council's parking decisions. He agrees with Chair Greenwald that five feet is a little short, especially on a road that has this much traffic, as Washington St does. He thinks five feet is not enough, but maybe 25 feet is too much. He would like to see nine feet, which is half a parking space, and a reasonable number to target.

Councilor Filiault stated that Mr. Blomquist just mentioned that some [buildings] are offices, and some used to be houses but are not now. He continued that they are looking at a busy business. If they granted that [no parking request] in front of this business, because it is a busy business and not a duplex or residential building, his question is whether they could grant it just based on that. Then, if a property owner turns a residential property into a business later on, they would fall into the same jurisdiction, but until that point, businesses such as the law office would have a different requirement than, say, a duplex or single-family home. He asked if that would be legal/acceptable.

The City Attorney replied that he would have to look at it and think about it, but probably yes, if they crafted a policy that made distinctions between uses, they would probably be able to do that. He continued that however, doing it tonight ad hoc [is something he does not recommend]. They would have to work through it. However, it does not tell them what to do, it tells them about the process by which to do it. If they wanted to look at that, then the question Mr. Blomquist is raising is, it gets codified somewhere. He is not sure it would have to go in City Code; he would have to think about that. If it does not go in the City Code, it is a little easier [because] as Mr. Blomquist has pointed out, there is a change in a particular property's use, that could result in a change in the parking configuration in front of that property. You need to codify it somewhere.

Councilor Workman asked the City Engineer if there are any other traffic mitigation tools, they could use to alleviate people coming in and out of that driveway so they have more visibility, such as the magnifier.

Mr. Lussier replied that people frequently ask if staff can put up magnifying mirrors, and he tells them

that it is a not a recognized traffic control safety device. He continued that the City should not be installing them, and the City Attorney [would agree]. That said, he knows there are locations in the City where people have put them up, and he does not think the City has a policy about proactively removing them.

Councilor Workman asked if there are other tools that could be used. Mr. Lussier replied that the Public Works Director mentioned that this is a low speed corridor. He continued that when they have done traffic studies, he thinks the 85th percentile has been below the 30-mph citywide zone. He thinks this is a 25-mph zone. That would be the first thing - slowing cars down creates more reaction time for people to see traffic entering the roadway and brake appropriately. In terms of improving visibility, he cannot think of any tools like those that Councilor Workman is asking about.

Councilor Workman asked if it is correct that the lot on Elm St. is open to the public for parking. Mr. Lussier replied several spaces are open to the public, but not the entirety of the lot.

Councilor Roberts stated that looking at the long range, he thinks they might end up creating a bigger problem than the one they are solving short term, because if a property owner has a business and then decides to make it partial business and partial housing, then they have created a road with no standard and they might have a 10-foot gap here and a 20-foot gap there. He continued that if a property owner turns a building of four units of housing, for example, into four businesses, more people would be parking on the road, and then they are going and back and forth, and property owners come to the City Council and say, "I know I used to have housing, but now I have a business, so now I need a wider gap." If they are going to solve this problem, they must use not something that is going to come back next month. They need to have something that will not create a problem every six to twelve months as the usage of a building changes. Part of looking at that means looking at what the domino effect will be going down if this changes. Otherwise, if they do not come up with a process, every time there is a change, they will be here. There needs to be a process, whether they codify or not, so the City Engineer and Public Works staff can deal with it without having to come to the Committee/City Council all the time. Or they could say, for example, "Every year we are going to look at this before we repaint the lines," so they are not annually repainting lines only to have someone come in after the fact, saying, "No, this is not going to work."

Mr. Lussier replied that to Councilor Roberts's point, he suggests that if the Committee and Council want to do something that is more context-sensitive, in terms of the standard, they base it more on the land use zone, rather than individual business tenants or activities, since that will be more stable over time.

Chair Greenwald stated that what he is hearing is that staff need to do some work and bring it back to the Committee at the next meeting.

City Manager Elizabeth Dragon stated that she believes staff created a policy that was based on the zone and the uses in the zone. She continued that she believes staff did bring it to the Committee, and the Committee did decide on the five feet, and staff did paint the lines. The challenge is, if they do make a change here, she is certain they will also have to make a change on Washington St. because it is the same zone. Thus, it impacts not just this street, but Washington St., too. She challenges people to go out and see if the five feet works, before they change it again. Maybe they have; or at least, Councilor Williams has.

Councilor Williams replied that he did check it out, and he is not too happy with it around Beaver St.

The City Manager stated that she recommends the Committee members check out the five feet [parking buffers], because staff did just paint the lines based on the policy the City Council just

adopted. She continued that they would get requests from [more] people, because people will want more space in front of their buildings. It is hard to change a policy based on individuals coming forward to a Committee who may convince the Committee to do something different. It should be based on the zone, what makes sense and is safe, and it should be applied consistently so that when an item like this comes six months later, the Committee can say, "We adopted a policy, and we implemented the policy. We can review the policy in the future." Unless someone convinces that them the policy is not working, they should try hard not to do that.

Chair Greenwald replied that that sounds good, and he does not want to waste money on repainting the streets repeatedly. He continued that as much as he hates [putting items on] more time, now they have heard the information, and he thinks it might be most important for the Committee members to go look at the road. They could bring it back to the next meeting.

The City Manager asked what the Committee wants staff to do between now and the next meeting. Chair Greenwald replied nothing. He continued that it would just give the Committee the opportunity to go out, look at the streets, and see what they think.

The City Attorney stated that he has a cautionary note. He continued that it is important to remember that once there is a policy in place, and once it applies, it is very important to not change it every six to twelve months. Otherwise, you lose the protection, because it is not discretionary immunity anymore; it becomes ad hoc once again.

Chair Greenwald replied that he found this conversation very informational, hearing what the standard is, hearing what Mr. Bragdon is saying, and hearing what the City has done. He continued that he wants to experience it and drive it himself.

Councilor Williams stated that he agrees with not changing the policy every six months, but they just created this policy, and he thinks it is okay to look at whether the policy is doing what they want it to do and whether they need to make adjustments once or twice and then let it go.

Councilor Roberts asked if they should go look at the roads as a Committee, not individually, so they have a common understanding. He continued that for example, Councilor Williams mentioned some [issues at Beaver Rd.] and he has no idea what he is talking about.

The City Attorney replied that they could do a site visit together. He continued that it would need to be publicly noticed beforehand and the public would have the right to attend and observe. The Committee could allow public comment or not.

Chair Greenwald replied that he would be fine with them just going out individually; they do not need something like a bus trip. The City Attorney replied that they could look at it individually.

Councilor Workman asked if there would be any negative ramifications to placing the item on more time tonight. Chair Greenwald replied no, he does not think this is time sensitive.

Chair Greenwald asked for public comment.

Cheryl Belair stated that her residence is 51 Railroad St. and she is co-owner of the 82 Court St. building with Stephen Bragdon. She continued that to clarify, she and Mr. Bragdon are here because they are very concerned about safety, not just of the people coming in and out of their driveway, but of the hundreds of cars coming south on Court St. They have witnessed two accidents already. Public safety is their priority. The new lines that were just painted added a parking space on either side of their driveway. They have been asking the City for more than a year to move

[parking] back because of the safety issue, and now it has been moved closer on both sides, which only inflates the problem.

Ms. Belair continued that there was mention of going out and driving the area, and she challenges and invites them to come into the driveway on a business day, then turn around and try to get out. It would be an “eye opening and hair-raising experience.” She thinks their building is in a different situation than the buildings north of them on Court St. Their building is one of the last businesses in the corridor. The sight [line] is more difficult. The speed picks up as people come down Court St. They have a lot of traffic, and it is different, as some Councilors mentioned, than a single-family home or multi-family building where people mostly leave in the morning and come home in the evening. She and Mr. Bragdon have people constantly in and out of their building. Drivers must be careful of not just other vehicles, but also the foot traffic, and when you are focused on not being hit by another car, it is difficult. She feels that she and Mr. Bragdon’s [location] is different. It is much closer to downtown and it is a busy business, which increases the possibility of accidents.

Chair Greenwald asked for further comment. Hearing none, he asked for a motion.

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

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

Chair Greenwald stated that they will change the agenda order, addressing item 4) next and then 3). He continued that item 4) likely requires a vote, whereas item 3) is likely just a presentation. Councilor Workman has to leave the meeting early for travel reasons. Switching the order allows her to still be here and vote for 4).



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Class Allocation and Salary Schedules
Ordinance O-2023-19**

Recommendation:

That the City Council refer Ordinance O-2023-19 to the Finance, Organization, and Personnel Committee for their review and recommendation.

Attachments:

1. Ordinance O-2023-19

Background:

The ordinance advanced proposes position classification adjustments that consider compression, equity, and current market conditions. These adjustments will position the City more competitively as it seeks to recruit and retain organizational leaders. In addition, following a vacancy created when a utilities level division manager resigns, a restructuring is proposed that adds additional responsibilities to the position of water/sewer manager. An update to the position title of the parks, recreation, and cemeteries division manager title is also proposed.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Class Allocations and Salary Schedules

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting Section 62-194, "Administrative, office, technical and management personnel." of Chapter 62 entitled, "Personnel," and by substituting in lieu thereof the following attached new section: Section 62-194, "Administrative, office, technical and management personnel.", effective December 24, 2023.

George S. Hansel, Mayor

City Code Section 62-194 Administrative, office, technical and management personnel.

The annual salary schedule for administrative, office, technical and management personnel is as follows:

**ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT
ANNUAL SALARY SCHEDULE**

Non-bargaining unit
(effective December 24, 2023)

<u>GRADE</u>	<u>STEPS</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
S 4	38,372	40,099	41,903	43,789	45,760	47,819
S 5	40,099	41,903	43,789	45,760	47,819	49,971
S 6	41,903	43,789	45,760	47,819	49,971	52,220
S 7	43,789	45,760	47,819	49,971	52,220	54,570
S 8	45,760	47,819	49,971	52,220	54,570	57,026
S 9	47,819	49,971	52,220	54,570	57,026	59,592
S 10	49,971	52,220	54,570	57,026	59,592	62,274
S 11	52,220	54,570	57,026	59,592	62,274	65,076
S 12	54,570	57,026	59,592	62,274	65,076	68,004
S 13	57,026	59,592	62,274	65,076	68,004	71,064
S 14	59,592	62,274	65,076	68,004	71,064	74,262
S 15	62,274	65,076	68,004	71,064	74,262	77,604
S 16	65,076	68,004	71,064	74,262	77,604	81,096
S 17	68,004	71,064	74,262	77,604	81,096	84,745
S 18	71,064	74,262	77,604	81,096	84,745	88,559
S 19	74,262	77,604	81,096	84,745	88,559	92,544
S 20	77,604	81,096	84,745	88,559	92,544	96,708
S 21	81,096	84,745	88,559	92,544	96,708	101,060
S 22	84,745	88,559	92,544	96,708	101,060	105,608
S 23	88,559	92,544	96,708	101,060	105,608	110,360
S 24	92,544	96,708	101,060	105,608	110,360	115,326
S 25	96,708	101,060	105,608	110,360	115,326	120,516
S 26	101,060	105,608	110,360	115,326	120,516	125,939
S 27	105,608	110,360	115,326	120,516	125,939	131,606
S 28	110,360	115,326	120,516	125,939	131,606	137,528
S 29	115,326	120,516	125,939	131,606	137,528	143,717
S 30	120,516	125,939	131,606	137,528	143,717	150,184
S 31	125,939	131,606	137,528	143,717	150,184	156,942
S 32	131,606	137,528	143,717	150,184	156,942	164,004

<u>GRADE</u>	<u>CLASS ALLOCATION</u>
S 4	Library Aide
S 5	Minute Taker
S 6	Administrative Assistant; Records Clerk
S 7	Administrative Assistant I
S 8	NO POSITIONS ASSIGNED
S 9	NO POSITIONS ASSIGNED
S 10	Audio Video Production Specialist
S 11	Office Manager; Parking Services Technician
S 12	Librarian I; Planning Technician; Executive Secretary; Staff Accountant; Fire Department Administrator; Purchasing Specialist; Human Resource Specialist
S 13	NO POSITIONS ASSIGNED
S 14	NO POSITIONS ASSIGNED
S 15	Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant; Youth Services Manager; Mapping Technician; Engineering Technician; Assistant City Clerk; Senior Paralegal; Police Dispatch Supervisor; Social Worker
S 16	Planner; Laboratory Supervisor
S 17	Appraiser; Recreation Programmer; Librarian III; Parks & Cemetery Maintenance Superintendent; Airport Maintenance & Operations Manager; IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager
S 18	Water/Sewer Operations Manager; Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk; Laboratory Manager; Human Services Manager; Treatment Plant Manager
S 19	Transportation/Stormwater Operations Manager; Utilities Treatment Operations/Plant Manager; Senior Planner; Recreation Manager; Fleet Services Manager, Accounting & Fund Manager; Infrastructure Project Manager
S 20	Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney; Water/Sewer Operations Manager
S 21	NO POSITIONS ASSIGNED
S 22	NO POSITIONS ASSIGNED
S 23	NO POSITIONS ASSIGNED
S 24	City Engineer; Assistant Public Works Director/Division Head; Database Administrator; Airport Director; Building/Health Official
S 25	Human Resources Director; Library Director; Assistant Finance Director/Assistant Treasurer; Deputy Fire Chief; Assistant Public Works Director/Division Head; Airport Director
S 26	Community Development Director; City Assessor; Parks, Recreation & Facilities Director; Police Captain; Human Resources Director; Library Director; Deputy Fire Chief
S 27	Finance Director/Treasurer; IT Director; Communications & Marketing Director; Community Development Director; Parks, Recreation & Facilities Director
S 28	Fire Chief, Public Works Director; Finance Director/Treasurer;
S 29	Police Chief, Fire Chief; Public Works Director
S 30	Deputy City Manager NO POSITIONS ASSIGNED
S 31	Deputy City Manager
S 32	NO POSITIONS ASSIGNED



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Donald Farquhar, Fire Chief
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Life Safety Permit and Inspection Fees
Ordinance O-2023-20**

Recommendation:

That the attached ordinance amendment be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

1. O-2023-20_ Life Safety Permit and Inspection Fees

Background:

The attached ordinance proposes to amend a reference to the Fire Prevention Code and Appendix B – Fee Schedule by clarifying the fee for an inspection by the Keene Fire Department for an assembly permit. The proposed change is made to clarify that the fee is for the inspection service provided by the Keene Fire Department and not for the assembly permit itself, which would be prohibited by RSA 155:19. This proposed change does not alter the existing \$70.00 cost associated with the inspection process.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Life Safety Permit and Inspection Fees

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting Section 65.11.3 in Section 42.32., Amendments of Chapter 42, Fire Prevention and Protection and inserting a new section 65.11.3, and removing the stricken text and inserting the bolded text in Appendix B – Fee Schedule, Chapter 42, Fire Prevention and Protection, 65.11.3, Permit Requirements, as follows:

Sec. 42-32. Amendments.

Shall require the permits and ~~permit~~ fees as outlined in Appendix B Fee Schedule.

Appendix B

Section 65.11.3 Permit Requirements

Life safety permit **and inspection** fees

Place of assembly inspection permits (valid for one year) . There is no charge for an assembly permit.	\$70.00
Boarding/rooming/lodging inspections	
Up to 16 beds	120.00
More than 16 beds	170.00
Permissible firework displays (per display)	120.00
Non-permissible firework displays (per display)	120.00

Explosive/blasting (per site)	
Up to seven days	120.00
Add for each additional day beyond seven	10.00
Oil/LP burner	70.00
Oil/LP supply lines	70.00

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to the Appropriation of Funds for the Purpose of Funding the Classification and Total Compensation Project Resolution R-2023-40**

Recommendation:

That the City Council refer Resolution R-2023-40 to the Finance, Organization, and Personnel Committee for their review and recommendation.

Attachments:

1. R-2023-40 Resolution Classification & Total Comp Project

Background:

A fair and equitable compensation system ensuring internal equity and market competitiveness supporting the City of Keene as an employer of choice is critical to attracting and retaining a workforce engaged in the delivery of high-quality services to the community. While the City has periodically reviewed and updated position descriptions considering job duties and responsibilities, skills required, organization structure and market data and made other modifications to the pay structure for employees, the last comprehensive review occurred more than 20 years ago. An update, or new system, will consider total compensation in a manner reflective of the values of the City's, its generation spanning workforce and alignment to the environment influencing recruitment and retention into the future.

Following authorization of funding, a consultant selection process will be initiated. The project will also provide focused staff resources to support its coordination, employee and manager engagement. The full project's timeline is estimated at 6 to 9 months.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of Funds from the General Fund Unassigned Fund Balance for the purpose of funding a Classification & Total Compensation Project

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

That up to the sum of one hundred fifteen thousand dollars (\$115,000) be appropriated from the General Fund Unassigned Fund Balance for the support of a Classification and Total Compensation Project.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: December 7, 2023
To: Mayor and Keene City Council
From: Kurt Blomquist, ACM/Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to the Acceptance and Appropriation of Unanticipated Highway Revenue
Resolution R-2023-41**

Recommendation:

That Resolution R-2023-41 be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

1. R-2023-41 Acceptance and Appropriation of Unanticipated Highway Revenue

Background:

During the 2023 New Hampshire Legislation season, the State Legislature and the Governor signed House Bill 2 (HB 2) which appropriated \$10,000,000 for additional municipal highway aid. This additional highway aid is to be distributed in accordance with the "Apportionment A" of local highway aid distribution.

The City of Keene's apportionment is \$132,950.16. This aid was not anticipated in the Fiscal Year 2024 budget process. This requires that the City Council accept the unanticipated revenue.

It is recommended that the City Council accept this unanticipated aid and appropriate it to the Road and Sidewalk Infrastructure Capital Reserve to be used to support the programs support by this fund.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Acceptance and Appropriation of Unanticipated Highway Revenue

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

WHEREAS, the New Hampshire State Legislature passed and the Governor signed House Bill 2 (HB 2) as part of the 2032 legislative session; and,

WHEREAS, HB 2 provides for a total of \$10 Million in payments to municipalities, to be distributed based upon the NHDOT’s “Apportionment A” distribution formula; and,

NOW, THEREFORE, BE IT RESOLVED that the Sum of \$132,950.16 be accepted as a one-time payment from the State of New Hampshire pursuant to House Bill 2; and further,

That said Sum of \$132,950.16 be appropriated to the Road and Sidewalk Infrastructure Capital Reserve.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 7, 2023

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Elizabeth Dragon, City Manager
Merri Howe, Finance Director/Treasurer
Jesse Rounds, Community Development Director

Subject: **Relating to the Appropriation of Funds for the Master Plan Update Project Resolution R-2023-42**

Recommendation:

Refer Resolution R-2023-42 to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

1. R-2023-42

Background:

Resolution R-2023-42 would authorize the City Manager to do all things necessary to allocate \$110,000 from the Unallocated General Fund Balance to fund consultant fees for the Master Plan update project.

Keene's current Comprehensive Master Plan (CMP), adopted in 2010, embodies the community's vision of how the city and region could, and should be, for future generations. This plan is a guide to assist the community and City government in making decisions to move the community forward toward a more sustainable Keene. The process to develop the CMP involved extensive public outreach and engagement, through which over 2,000 people participated in community forums, focus groups, and/or study circles. It is now 13 years later, and many aspects of our economic, environmental, and social context have changed. It is time to revisit and update the CMP. To this end, a capital project in the amount of \$50,000 in fiscal year 2024 and \$40,000 in fiscal year 2025 (\$90,000 total) was approved through the capital improvement program (CIP) process and adopted through the City of Keene operating budget process.

In preparation for the Master Plan Update, a Request for Qualifications (RFQ) was issued in early October to solicit proposals from qualified firms. The City received five proposals, all from highly qualified firms. Four out of the five responses included cost proposals in the range of \$160,000 to \$175,000. Based on the responses to the RFQ, and in order to ensure adequate resources for a comprehensive public engagement process, staff recommend that the project budget be increased to \$160,000. In order to negotiate and execute a contract for the full project this year, staff request that

\$110,000 be allocated from the Unallocated General Fund Balance to cover the total cost of consultant fees for the Master Plan update project.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the appropriation of funds from the Unallocated General Fund Balance in the amount of \$110,000 for the Master Plan update project

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

WHEREAS: The City has a long history of conducting thoughtful and proactive planning supported by an active and engaged citizenry; and

WHEREAS: The City of Keene Comprehensive Master Plan was adopted in 2010 with the support of the greater Keene Community, City Council, and the Planning Board to provide guidance for city-wide growth and development, investments, public policy, and land use decisions; and

WHEREAS: The State of New Hampshire, RSA 674:3 recommends revisions to the Master Plan every 5 to 10 years, and it has been 13 years since the City of Keene Master Plan was last updated; and

WHEREAS: A capital project in the amount of \$50,000 in fiscal year 2024 was approved through the capital improvement program process and adopted through the City of Keene operating budget process to update the Master Plan; and

WHEREAS: Due to increases in costs affecting pricing for consultant services, the project is \$110,000 underfunded.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the use of unassigned General Fund Balance in the amount of one hundred ten thousand dollars (\$110,000) be used to fund the appropriation for the additional cost of consultant fees for the Master Plan update.

George S. Hansel, Mayor