



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 3, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- September 19, 2024 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Retirement Resolution - Mary Ley

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination - Zoning Board of Adjustment

C. COMMUNICATIONS

1. Jared Goodell - Withdrawal of Donation - Safe Haven Baby Box
2. Keene Sno-Riders - Requesting Permission to Run Snowmobiles in the Right-of-Way along Krif Road from Ashuelot Rail Trail to Winchester Street
3. Councilor Ed Haas - Reconsideration of Ordinance O-2023-16-B
4. Councilor Ed Haas - Reconsideration of Ordinance O-2023-17-B
5. Mayor Kahn - Reconsideration of Amendment #15 - Rules of Order - Voting and Conflict of Interest
6. Mayor Kahn - Proposed Amendment to the Land Development Code - Permitting "Blade" Signs in the Industrial Zone
7. Jonathan P. Loveland - Concerns with Safety of Proposed Bike Lanes Included in Downtown Project Plan

D. REPORTS - COUNCIL COMMITTEES

1. Downtown Bike Lanes Policies

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Cable Franchise Renewal Agreement and Public Hearing - Assistant City Manager Landry

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Winter Maintenance Parking Restrictions
Ordinance O-2024-14

K. RESOLUTIONS

1. Relating to FY25 Fiscal Policies
Resolution R-2024-32

NON PUBLIC SESSION

ADJOURNMENT

09/19/2024

A regular meeting of the Keene City Council was held on Thursday, September 19, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, & Mitchell H. Greenwald were present. Michael J. Remy arrived at 7:07 PM. Councilor Tobin led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt the August 1, 2024, minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

ANNOUNCEMENTS

Mayor Kahn welcomed the Council back from its summer vacation. He and the Council wished happy birthdays to those who celebrated in August: Councilors Roberts, Powers, & Lake. Councilor Greenwald wished Mayor Kahn a happy birthday on behalf of the Council and offered him a gift.

Mayor Kahn announced the Annual Fire Prevention Parade on Sunday, October 6, starting at 1:00 PM; the reviewing stand will be on Main Street at the intersection with Railroad Street. He invited Councilors to join him. The Parade will end at Keene Central Fire Station. Next, the Mayor announced the Annual Inspection Dinner on Thursday, October 10, at 6:00 PM on the apparatus floor at Keene Central Station; the Finance, Organization, and Personnel Committee meeting that evening is canceled so the Council and staff may attend the dinner. Next, The Mayor explained that in preparation for the City Clerk's retirement on April 30, 2025, the City Council authorized the Mayor to negotiate a contract with Terri Hood, the Deputy City Clerk, to assume the role of City Clerk on May 1, 2025; negotiations concluded, and a formal press release would be issued leading up to her assuming the new position of Keene City Clerk. The Mayor also shared that Councilors would be receiving copies of applications for the City Attorney candidate search that they need to review before the October 3 Council meeting, when the field of candidates will be narrowed.

Next, the Mayor shared events associated with the Historical Society of Cheshire County's (HSCC) hosting of an exhibit of Keene at 150 years. The exhibit will be on display at the HSCC from October 25–December 31, 2024. An opening reception will be held on October 25 from 4:30–6:00 PM. On November 8 at the Historical Society, the City will be hosting the "Keene in Perspective and Retrospective" program (title is in formulation). Keene's four living mayors are all available on November 8 and will participate in the *retrospective portion* of the presentation. The presentation will begin at 4:30 PM with Alan Rumrill providing the *Keene in Perspective* portion, a review of how the City evolved from 1874 to 2024. After 30 minutes of presentation and 10–15 minutes of Q&A, the program will break into a panel discussion with the four mayors. Mayor Kahn said he is very appreciative of the City-Historical Society collaboration on this project. He hopes everyone will stop into the Historical Society on October 25th or sometime before the end of the year to view the exhibit of photographs depicting Keene's growth from the

1870s–2020s. In the meantime, he encouraged all to stop look at the City Clerk’s two related displays on Keene’s transition from a town to a city. In addition to some artifacts, the display also includes several placards with information. For example, the voters in the town were actually reluctant to become a city, and they rejected a charter amendment in 1865, 1869, and again in 1870. They finally adopted the charter amendment in 1874, which created a Board of Alderman and Common Council. This bicameral form of government continued until 1950 when another charter amendment created the City Manager–City Council form of government that we know today.

Councilor Madison announced that September 20–21, 2024 was the annual Source to Sea River Clean Up, sponsored by the Cheshire County Conservation District and the Connecticut River Conservancy. All were invited to get dirty and help haul trash out of Beaver Brook and the Ashuelot River.

PROCLAMATION – ENERGY & CLIMATE COMMITTEE

Mayor Kahn presented a Proclamation to Michael Winograd, member of the City of Keene’s Energy and Climate Committee, declaring October 2024 as National Energy Awareness Month in Keene and the Mayor encouraged all citizens to celebrate by participating in energy and climate change education.

RETIREMENT RESOLUTION – JUSTIN PUTZEL

Mayor Kahn presented a Retirement Resolution to Justin Putzel, honoring his 17 years of service to the City of Keene Fire Department.

COMMUNITY RECOGNITION – JAMES RINKER – NH PRESS ASSOCIATION RECIPIENT

Mayor Kahn recognized James Rinker, NH Press Association Recipient. Mr. Rinker is a long-time resident of the Monadnock Region, born in Westmoreland and raised in Keene. He is a proud Keene High School graduate and chose to continue his studies at Keene State College. Mr. Rinker joined the Keene Sentinel in June 2021 as an intern and became a full-time newsroom member in January 2022. Starting as the paper’s first Digital Community Engagement Journalist, he stepped into his role as the Education and Business Reporter in April of 2024. Mr. Rinker was a 2023–2024 Complicating the Narrative Fellow through the Solutions Journalism Network, reporting on rural LGBTQ+ healthcare access and the politicization of gender affirming care in the state of New Hampshire. His work during the fellowship has since been recognized by the New Hampshire Press Association and the New England Newspaper and Press Association. Mayor Kahn stated that in the shadow of the Keene Sentinel’s 225th anniversary and the Pride Festival that just took place, this award was even more meaningful to link Mr. Rinker’s reporting awards to those two citywide celebrations. Most recently, said Mr. Rinker received the Dennis Joos Memorial Award from the New Hampshire Press Association. The award honors a New Hampshire journalist who makes a unique personal sacrifice in pursuit of covering an event or issue of significance. To readers, Mr. Rinker was honored for his work reporting on gender affirming care in the State through deeply personal columns and through news stories on State

legislative efforts to affect Granite Staters in the trans and greater LGBTQ+ community. On September 21, Mr. Rinker would travel to Providence, RI, to accept an award from the New England Newspaper and Press Association for his reporting over the past year on LGBTQ rights, and the LGBTQ community and gender affirming care in New Hampshire.

CONFIRMATIONS – LIBRARY BOARD OF TRUSTEES, PARTNER CITY COMMITTEE

The Mayor nominated Sam Temple and Karthik Gowda to serve as regular members of the Library Board of Trustees, with terms to expire June 30, 2027. The Mayor also nominated Eric Weisenberger to serve as a regular member of the Partner City Committee, with a term to expire December 31, 2024. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CONFIRMATION – CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

Mayor Kahn nominated Medard Kopczynski to serve as a regular member of the Congregate Living and Social Services Licensing Board, with a term to expire December 31, 2027. A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION – COUNCILOR REMY – MODIFICATION OR RESCISSION OF COUNCIL POLICY: R-2000-28: STREET AND UTILITY REQUIREMENTS AND STANDARDS

A communication was received from Councilor Michael Remy, suggesting that the Council review Resolution R-2000-28 and its consistency with RSA 674:41. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – CHARTER COMMUNICATIONS – REQUEST TO INSTALL A CONCRETE PAD AND UTILITY CABINET – 555 ROXBURY STREET

A communication was received from Charter Communications, requesting a license to install a concrete pad and utility cabinet at 555 Roxbury Street. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – JON LOVELAND – BIKE LANE DESIGNS IN THE DOWNTOWN PROJECT

A communication was received from Jon Loveland, sharing his continued concern over the downtown project; his communication includes a technical publication entitled “Not All Protected Bike Lanes are Safe.” Mayor Kahn accepted the communication as informational and asked that Councilors on the MSFI Committee review it in advance of their next meeting.

COMMUNICATION – GREATER MONADNOCK COLLABORATIVE – REQUEST TO USE CITY PROPERTY – CENTRAL SQUARE AND RAILROAD SQUARE – 30TH ANNIVERSARY CELEBRATION OF THE RELEASE OF THE FILM *JUMANJI*

A communication was received from Catherine Bergstrom and the Greater Monadnock Collaborative (GMC) Chamber of Commerce, requesting that Central Square and Railroad Square be reserved for a 30th anniversary celebration of the release of the film, Jumanji. The event would include a “stampede” parade, a scavenger hunt, food trucks and sidewalk vendors, as well as a car show featuring some of the vehicles that appeared in the film. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

PLD REPORT – RELATING TO THE REQUEST TO AUTHORIZE THE ISSUANCE OF A BUILDING PERMIT FOR THE PROPERTY AT 270 BEAVER STREET

A motion by Councilor Bosley to suspend Resolution R-2000-28, which would prevent the consideration of this request, was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 15 Councilors voting in favor.

A Planning, Licenses, and Development Committee report read, unanimously recommending that City Council authorize the issuance of a Building Permit for the property at 270 Beaver Street. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 15 Councilors present and voting in favor.

PLD REPORT – RULES OF ORDER AMENDMENTS

Amendment #1: Section 2. Special Meetings & Workshop Meetings

A Planning, Licenses, & Development Committee Report read, recommending the adoption of Amendment #1: Section 2. Special Meetings & Workshop Meetings. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. Councilor Bosley summarized the Committee recommendation by explaining that this amendment would codify the process of how workshops and special meetings are called, as well as what action can come out of those meetings. She said the PLD Committee thought it made sense to reduce the number of Councilors who can call one of these meetings in the absence of the Mayor. Doing so would prevent a quorum of any Standing Committee being involved in calling a workshop or special meeting. Additionally, with this amendment, the only official action that could come out of a workshop could be to send an item back to a Standing Committee. Councilor Bosley thought the PLD developed a clean amendment that she hoped the Council would support amendment #1. The motion to adopt amendment #1 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Amendment #2: Section 11. Right of Floor

A Planning, Licenses, & Development Committee Report read on a vote of 5–0, recommending the adoption of Amendment #2. Section 11. Right of Floor. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. Councilor Bosley summarized the Committee recommendation on amendment #2, by explaining that there was a lot of continued discussion at the PLD meeting about the best wording to use in this amendment. The Committee settled on adding the phrase “if able” to allow for a member of the

Council to determine if they are able to stand in a given moment or to remain seated without needing to request any formal approval and without any public discussion or disclosure.

Councilor Roberts stated that he wholeheartedly agreed with this because—having suffered four strokes—he felt somewhat embarrassed having people watch him sit back down mid-speaking, or he said someone might assume he is not paying attention or does not care about what is going on. Whereas he cares greatly, which is why he is present to contribute. As he had stated before, until his most recent stroke, he did not realize how many places had barriers to people with disabilities. So, he thought it was extremely important to implement this amendment so there are no barriers to anyone who wants to serve on the City Council, regardless of their abilities.

A motion by Councilor Workman to amend the language in **Amendment #2: Section 11. Right of Floor** to change “A member shall rise in his or her place and shall respectfully...” to “A member may rise in his or her place and shall respectfully...” was duly seconded by Councilor Williams.

Councilor Workman recalled that she spoke about this before the PLD Committee for many of the reasons Councilor Roberts mentioned. As the Chair of the Monadnock Diversity, Equity, Inclusion, & Belonging (MDEIB) Coalition, she felt that “may” would be the most inclusive term and way to address this. She had heard from many constituents about this, who were not mad but rather surprised the Council was giving this so much time and discussion because they thought that it should be a “no brainer” for many of the reasons she outlined at the PLD meeting. So, for all those reasons, Councilor Workman hoped the Council would come to an agreement.

Councilor Williams thanked Councilor Workman for the amendment. He agreed that with the amendment, sitting could be the default so that one would be doing nothing wrong if seated, and yet, everyone would still have the opportunity to stand. He thought this was a good way to do it. He expected that many Councilors would continue to stand, when possible, but there would not be a burden of expecting people to ask for an accommodation when it could just be given. Councilor Williams thought this was an important accommodation for the City Council to model to other organizations in the community.

Councilor Jones said he did not like the original amendment. He recalled his stance that standing should be an unwritten policy to recognize the dais when speaking. Still, he thought this was a good compromise, so he would vote to support this amendment.

Councilor Haas said that what holds the Council together with mutual respect is that Councilors obey these unwritten rules of order, like dressing well, addressing each other with respect, and not fighting. He said something as simple as this does not need to be written. Still, he was in favor of the amendment.

Councilor Chadbourne was comfortable with either sitting or standing. She said “may” sounds more optional and “shall” sounds more directional. Still, she felt like she could go either way.

Brief discussion ensued confirming the above amendment language from Councilor Workman.

Councilor Remy asked if the Rules of Order amendments were effective as they were voted in, and the City Attorney said yes.

The motion by Councilor Workman to amend the language in Amendment #2: by replacing the word “shall” with the word “map” and by removing the phrase “if able” so that the first sentence of Section 11 would read: “During regular or special meetings of the City Council, and when recognized by the Chair, a member may rise in his or her place, and shall respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other member’s or participant’s argument, stated position or vote. The amendment carried on a show of hands, with 15 Councilors present and voting in favor.

On a roll call vote with 15 Councilors present and voting in favor, amendment #2, as amended, was adopted unanimously.

Amendment #3: Section 15. Voting and Conflict of Interest

A Planning, Licenses, & Development Committee Report read on a vote of 3–2, recommending the adoption of Amendment #3. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. Chair Bosley summarized the Committee’s recommendation regarding amendment #3 by explaining that the PLD vote was mixed. Councilor Bosley said that the intent of this amendment was to further define family members 18 years of age or older living in a Councilor’s home and to disclose those family members’ boards, commissions, and employments on the City Councilors’ annual Conflict of Interest Disclosure forms. She added that this change was intended to provide the greatest amount of transparency for the public and for each Councilor to be able to follow-up on any special interests that might be occurring, even if it is unbeknownst to a Councilor that they might have a swayed opinion based on some familial relationship. She said it is a way for the Council to keep each other as honest as possible and it would allow members of the community to keep an eye on what Councilors’ interests are in the community. Councilor Bosley stated that she is in favor of as much transparency as possible, but she recalled that the PLD Committee was mixed on this topic, so she hoped for good discussion.

Councilor Williams stated that he was opposed to this because—while he appreciates the need for transparency—he thought this would go a little too far. He called for balance and said this would come at the cost of Councilors’ spouses’ and kids’ privacy, who he said did not run for public office. Councilor Williams said he did not necessarily feel comfortable sharing their employment or activity information with the public, knowing how sometimes members of the public react to things the Council does. The Councilor wanted to keep his family separate to some extent, so he said he would be voting against this.

Councilor Jones agreed with Councilor Williams that sometimes it is not necessary to make available where someone’s child is working as a part of a public document. Councilor Jones added the fact that although the State of New Hampshire does not recognize the term common law, it is possible to cohabitate in a partnership for 30 years, and he considers that the same as

being married, but that was not included in this process. So, he thought this was missing a step and said he would be voting against this amendment.

Councilor Tobin expressed that she had mixed feelings about this. While she did not have strong opinions about this for a while, the more she thought about it, it was confusing to her in the sense that marriages can be very different in terms of how finances are managed, and how spouses weigh each other's perspectives and expectations, among other factors. She added that there are cases outside of marriages in which people invest in each other and share finances and weigh others' opinions. Councilor Tobin said that reading this amendment would confuse her because if she read that someone's spouse had a list of organizations they were involved with, she would almost then assume that the spouse is also invested in those, so she would almost hold them accountable to speaking to that when they do not actually agree. So, she would vote against.

Councilor Haas said that transparency is of value everywhere, so he thought the more Councilors disclose into the public record about what might drive their interests and concerns would be worthwhile. He did not think that these public records would be explored and broadcast, though the records would still be available if someone wants to confirm why a Councilor voted a particular way. He said that today, there is too much hiding and anonymity in social media, which he said was working badly. So, Councilor Haas thought that people should stand-up for what they say and transparently back-up what surrounds them and their families.

Councilor Favolise stated that he was still undecided at this point after hearing the discussion so far, but he was imagining a scenario in which a Councilor may suggest on the floor that another Councilor may have a conflict on an item because of a spouse's disclosure or because of an adult child's disclosure. He said the prospect of that makes him pretty uncomfortable; that a Councilor's family would be brought into discussion on the Council floor. So, Councilor Favolise stated that he was open to some discussion "the other way," but he said he thought that would be a big hang-up for him on this matter.

Councilor Bosley said she had not planned to comment but she wanted to articulate once more what influenced her judgment on this. While she did not believe it was malicious, during her time on Council, she had been exposed to a Councilor supporting an amendment to allow allocation of funds for a board that a spouse was on. She noted that she had personally had to recuse herself from being in a position of making a judgment on her spouse's employer. She thought that in past instances, this conflict of interest form would have reminded Councilors that they needed to ask for a recusal if they were not aware they had a pecuniary interest, and it would have allowed the rest of the Council an opportunity to be aware of their fellow Councilors' interests in case someone might have needed a reminder. Councilor Bosley thought that this would protect Councilors from being put in a position of having to make decisions for their spouses' employers. While she understood Councilor Williams' points, Councilor Bosley stated that Councilors' jobs are to protect those relationships between their spouses and their employers and as Councilors, they have a higher level of scrutiny than their family members. Councilor Bosley said this disclosure form makes her feel more comfortable because at the beginning of the year, her fellow Councilors know where she stands and what topics she will ask to be recused from. She stated that when in a marriage, these are family decisions, and she would

hope that one's spouse is fully understanding of the time commitment and public scrutiny that Councilors are under; she said that even her children are fully aware of it and there is no avoiding in once one puts themselves in the public eye.

Councilor Chadbourne felt that both Councilors Bosley and Williams made good points. Councilor Chadbourne thought that the disclosure form addressed some of Councilor Bosley's concerns about boards or organizations that spouses serve. Councilor Chadbourne noted that no matter how transparent, Councilors could still be attacked and scrutinized. She said that if she was a Councilor's spouse, she would not be comfortable with this, and she would leave it to her spouse on the Council to address the conflict if it arose, but she would not want her information public. So, Councilor Chadbourne was leaning toward voting against this amendment.

Councilor Haas said that by putting this information in the public record, Councilors would be protecting themselves against what people may infer, spread rumors about, or write anonymously about Councilors and their families' motivations in public. With this disclosure, Councilor Haas thought it was a way for Councilors to have more open transparency at the beginning of each year. He also wanted to challenge everyone to think about what the citizens of Keene would think about this; there was a lot of conversation about Councilors here and Councilor Haas said he did not like that. He said he likes what the citizenry would want, not what the Council would want.

On a vote of 7–8, the motion to carry out the intent of the Committee recommendation on Amendment #3 failed. Councilors Bosley, Remy, Haas, Madison, Roberts, Workman, and Greenwald voted in the minority.

Amendment #4: Section 25. Communications

A Planning, Licenses, & Development Committee report read on a vote of 3–2, recommending the adoption of Amendment #4. A motion by Councilor Bosley to carry out the intent of the Committee recommendation was duly seconded by Councilor Jones. Councilor Bosley summarized the Committee recommendation regarding amendment #4 by explaining that the PLD Committee was mixed on this amendment as well. So, she touched on some key points in hopes of a broader Council conversation in advance of later motioning to send this back to PLD for more work with the Council's guidance. She did not think this amendment was ready to vote on at this meeting, despite progress during the PLD meeting on alternative language. She noted that Amendment #4 also included housekeeping items, with the first being that the City Clerk will accept communications up until 4:00 PM on the Tuesday following a Council meeting. Additionally, communications containing language that is defamatory, personal, or argumentative will not be accepted by the Clerk. Councilor Bosley noted that she also checked with the City Clerk, who pointed out that Section 26 of the Rules of Order does not allow the Clerk to indiscriminately dismiss communications. The City Council's Rules require that the City Clerk call the Mayor and the City Manager—and the City Attorney by default practice—to hold a separate discussion about every communication before a decision is made regarding whether the communication would be placed on a Council agenda.

Councilor Bosley continued summarizing the Committee report, explaining that the larger issue in this Amendment was that the Council showed interest in codifying a policy on national and international issues, which she said she supported. In the absence of a policy, she said the Council was open questions about its commitment to its actions. So, Councilor Bosley thought the Council needed to come up with something. In the case that a communication about national or international business is deemed non-germane to the City of Keene, she said a Councilor would need to request a suspension of the Rules of Order at the City Council and a 2/3 majority of the Council would have to agree for that communication to be referred to a Standing Committee. Councilor Bosley said the PLD Committee thought that was a high bar, so they tried to consider alternatives. For example, the Council had just adopted a Rule amendment to allow six members of the City Council to call a special meeting, so she wondered if six Councilors could come together—two from each Standing Committee—to get a communication on the agenda. Other ideas included a simple majority or a certain number of registered Keene voters petitioning the City Council. So, Councilor Bosley stated that there were some ways to circumvent this as a general policy that the PLD committee wanted to consider.

Councilor Remy said he was not aligned with the statement that it would take a suspension of the Rules of Order to pick up a non-germane Communication, because he said that Section 26 of the Rules allows for it. He quoted Section 26, “except as otherwise provided by these Rules, items of business not resolved to the satisfaction of their sponsor may be placed on the Council agenda by the Mayor, any member, or the City Manager.” He said that quote basically said that any Councilor could place a communication on the agenda if they were not happy with how it was handled. The City Attorney, Tom Mullins, said the problem was that those were two different Rules that could not be read together. Section 26 has general language about what happens to a communication, whereas Section 25 is more specific, so the City Attorney said the more specific language has priority over the general language.

Councilor Filiault said he knew the Council—especially the Planning, Licenses, & Development Committee—had worked hard “trying to create a new mousetrap” with this amendment, but he said that this Rule was not broken, so he did not think it needed to be fixed. He said the existing process had worked well for a long time: a communication is submitted, and the Mayor makes a decision about what Standing Committee it goes to, or whether to accept it as informational. Councilor Filiault said that, of course, there had been a couple of examples in which the Mayor had accepted something as informational and a Councilor had used Section 13 of the Rules of Order, which is the Right of Appeal. Councilor Filiault said this Rule of Order was already set-up properly and had worked; if a simple majority of the Council decides that they disagree with the Mayor, then a communication would be sent to Committee.

Councilor Madison recalled that Councilor Filiault left the meeting when the last non-germane item was brought before the Council and the Mayor’s decision was challenged by Councilor Williams. Councilor Madison said the Council followed its Rules then, and Councilor Williams was unable to get a second for his motion challenging the Mayor. Councilor Madison continued, stating that frankly, he did not think the Rule worked based on conversations with Councilors and constituents, so he thought a new policy was needed. He also recalled that at the last PLD

meeting, he and Councilor Williams were able to have a good conversation about establishing a threshold of 50 resident voters of the City of Keene who would sign a petition to bring a non-germane item to the City Council, which would then be automatically referred to a City Committee. Councilor Madison thought it was a good idea to refer this back to PLD to discuss this option further.

Councilor Tobin said that to the greatest extent possible, she likes staying within the boundaries of what the Council can do. She recalled reading past communications and wishing the writers had included details about how the issues were impacting Keene residents, so there would be an action she could do something about. She said that perhaps when certain things happen in the world and one population is impacted more, there could be an extra layer of protection or awareness that could be contributed locally. Still, Councilor Tobin said that anytime the Council is discussing global issues, they are not discussing the local things they could do something about. While a stop sign might be boring, she said those are the decisions the Council is empowered to make. She also did not think it would be fair to expect the City Clerk to sort through all communications and make these judgements alone. The Councilor asked for some aspect of education as well. For instance, she thought that many people—herself included—would not always know which issues are local, State, or Federal. She said that perhaps there would be an opportunity to indicate to the Council why a communication is deemed non-germane and how to contact the individual who submitted the communication for more information.

Councilor Remy said he disagreed with the assertion that this Rule was not broken given that a member of the public was arrested at the meeting that was referenced. So, he thought the Council needed more clarity on its position so that does not happen again.

Councilor Workman said this Rule amendment would allow for the public to be heard in a more fair and measured way. She agreed with Councilors Williams and Madison's suggestion to have a threshold of a number of Keene constituents who sign a petition. Councilor Workman thought the Council had become really comfortable with having short meetings more often than not. However, she said they were elected to have long meetings and listen to the public even if the Council does not always like it. She said that sending more communications to Standing Committees also opens more dialogue with the community because sometimes a petitioner might arrive with a specific request that could lead to a compromise and other input from other community members that would not happen if deemed non-germane. So, Councilor Workman did not think that cutting off communications would be worthwhile to the Council and community.

Councilor Greenwald wanted to provide a different perspective. He stated that the City Council is hired to deal with local issues like basketballs and potholes. He did not want the Council to be used by individuals that want a forum for their issues, when they know that there is nothing the Council can say or do that would make any difference. He referenced a recent short letter to the Keene Sentinel editor indicating that the Israeli Prime Minister ought to pay attention to the Keene City Council's recent focus on this issue and solve it quickly. Councilor Greenwald said he did not want his time to be sucked-up by those who want to use the Council a platform for

their issues. He said Rule 25 had worked well to date, despite this one incident. He said that if a Councilor was really concerned, they could always move to suspend the Rule. Councilor Greenwald said the Council had enough on its hands trying to run the City and maintain a reasonable tax rate, etc. He said he heard the opposite from constituents: that they do not want the Council focusing on non-germane issues because the Council is not doing a great job with local issues anyway, so they should focus on what they can do.

Councilor Favolise stated that at this point, he supported sending this back to the PLD Committee. He said he was cognizant that this came out of PLD with a 3–2 vote. He did not want to comment on the merits of some of the ideas hanging out there from the Committee without having a final draft in front of him, but he did think there was further discussion to be had. Councilor Favolise said he certainly had heard from constituents on both sides of this issue. He did not see a problem if PLD would like to spend more time with the Rules of Order.

A motion by Councilor Bosley to refer “Amendment #4: Section 25. Communications” back to the Planning, Licenses, & Development Committee was duly seconded by Councilor Filiault.

Councilor Haas noted that the referral back to PLD was the Committee’s intent, as indicated by the split vote and lengthy discussion. He added his strong agreement with Councilors Greenwald and Filiault. However, as Councilor Greenwald pointed out, Councilor Haas said the Council encountered a hot button issue and it might not have worked well this time. So, even if PLD revisits the existing process and determines that it does work, he said the Council should reinforce parts of it that will make it work better in the future. Councilor Haas said that is the intent and that would be worth it.

Councilor Bosley added that by not referring back to PLD, all the housekeeping items in this Rule would be lost, so she hoped that regardless, the Council would allow for further efforts to clean-up this Rule.

Councilor Madison agreed that this was worth more discussion by PLD. He said it was clear that the Council had hit a nerve in the community, noting that members of the public spoke about this at the prior PLD meeting. He said that constituents were clearly concerned and while the Council’s job might be roads, etc., Councilor Madison said their job is also to represent the constituents and their interests. Because there was public interest in this matter, he said the Council should explore it as far as possible. He hoped his colleagues would be open minded. He reminded them that at the beginning of this conversation at PLD, he was on the opposite end of the spectrum as Councilor Williams, but by the end, they found agreement. So, Councilor Madison asked is fellow Councilors to pay attention to the upcoming PLD discussion and to participate if possible.

Councilor Jones agreed with sending this Rule back to PLD. However, he asked City staff to present the PLD Committee with the steps every communication goes through (i.e., the various staff members) when it comes to the City so that the Council and taxpayers have a better understanding of what they are paying for; there is a cost to taxpayers for everything City staff does.

Councilor Chadbourne recalled a challenge of Councilors being unable to speak at Standing Committee meetings if a quorum of the Council were present. The City Attorney said that was correct, if 8 or more Councilors are present at Standing Committee meeting, Councilors in the audience cannot ask questions or speak as members of the public after a motion has been made and seconded. So, Councilor Chadbourne replied that Councilors would not be able to speak on the issue if a quorum was at the PLD meeting anyway. The City Attorney replied that—quite frankly—this was one of the reasons why he requested that the Council have this conversation this evening, because he wanted to get a sense of how the City Council at large felt about this. This would not prohibit Councilors from submitting communications to a Standing Committee Chair. The City Attorney said this would open the conversation at PLD about what they heard at this meeting. He said—again quite frankly—that there had been some proposals mentioned that he needed to research more to determine if they are possible. He appreciated Councilor Chadbourne’s comment.

Councilor Chadbourne said the tricky part about Councilors submitting written communications to the Committee Chairs is that it prohibits the ability for organic back-and-forth conversation. With that in mind, Councilor Chadbourne said she wanted to make a statement for the record. She said the business of the City should always come first, but Councilors are elected by constituents to represent them and if they have concerns, they should be able to voice them. Her concern was that the Council receives so many communications. She remembered 2016–2019, when the Council received so many communications and spent over 40 hours—including the City Attorney’s time—discussing whether to be a sanctuary city. Having said that, she did not think that most current Councilors were on the Council then. At the same time, Councilor Chadbourne recalled that in the State of NH, there were no laws protecting transgender citizens, to the extent that they could be denied jobs and housing, with no protections even in Keene’s own employee handbook. The Council was approached by a group because the State legislative body kept tabling it. So, the group went city-to-city and town-to-town seeking support, and 10–12 signed communities signed on, including Keene with the handbook changed to protect anyone transgender or transitioning. After so many cities did so, the State followed suit. Councilor Chadbourne commented on how important those protections are now with some of the trans discrimination that was happening nationally; she said states influence other states, citing other issues like women’s rights and reproductive rights. She agreed that the City’s business is potholes and sewage. However, Councilor Chadbourne said the Council does have some influence, and what happens at the City level affects the State, which can affect the national level. Still, she was concerned with the possibility of being flooded with non-germane communications. She agreed that the Council already has a mechanism to accept something as informational or listen and still accept it as informational. Councilor Chadbourne said she would reflect on this more before the next PLD discussion.

Councilor Greenwald pointed out that the matter at hand was the referral back to PLD, not the actual amendment, so he asked his colleagues to stay focused on that.

Councilor Filiault disagreed with Councilor Madison’s statement that this system does not work. Councilor Filiault said it does work, as evidenced by the last non-germane issue under

discussion, when Councilor Williams challenged the Mayor's decision, but none of the other 14 Councilors seconded the challenge. So, he said the system worked.

Mayor Kahn pointed out that the Rule said "not germane to either the State or the City." So, a matter before the State would be considered germane to the City.

The motion to refer Amendment #4 back to the PLD Committee carried unanimously.

Amendment #5: Section 32. Report by Committee

A Planning, Licenses, & Development Committee report read, recommending the adoption of Amendment #5. A motion by Councilor Bosley to carry out the intent of the Committee's recommendation was duly seconded by Councilor Jones. Councilor Bosley summarized the Committee recommendation regarding amendment #5 by explaining that this amendment was another housekeeping item. The City had always done this, but this would codify clearly in the Rules that after a public hearing at City Council, no further public comment will be accepted at the subsequent Standing Committee meeting. At that point in the process, the public would have had at least two opportunities to comment on the item under discussion, so that following Committee meeting is strictly for Committee collaboration and final recommendation back to the Council.

The motion to adopt amendment #5 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Amendment #6: Section 33. Resubmission of Items Previously Considered

A Planning, Licenses, & Development Committee report read, recommending the adoption of Amendment #6. A motion by Councilor Bosley to carry out the intent of the Committee recommendation was duly seconded by Councilor Jones. Councilor Bosley summarized the Committee recommendation regarding amendment #6 by explaining that this amendment was another clarification. The Council's current practice was to not take up an identical item within the same calendar year and this Amendment would change the wording to include items accepted as informational. The City Attorney, Tom Mullins, noted that there was also the addition of the City Clerk placing communications in the Councilors mailboxes. The motion to carry out the committee recommendation on Amendment #6 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – 2025 LAW ENFORCEMENT SUBSTANCE ABUSE REDUCTION INITIATIVE GRANT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2025 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$25,000.00. (FY25 Project Account # 70G01225). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Williams stated that he would be voting against this as he had for several years, which he said did not reflect a lack of respect towards the Keene Police Department. He did not support

this because substance use disorder is a medical issue and he said we cannot arrest our way out of the problem. Mayor Kahn said he felt compelled to State that he receives more correspondence about these investigations and follow-through than anything else concerning the citizens of Keene. The motion carried with 14 Councilors voting in favor and 1 voting in opposition. Councilor Williams voted in the minority.

FOP REPORT – FY24 DOJ BYRNE JUSTICE ASSISTANCE GRANT (JAG)

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, NH, and to accept and expend the U.S. Department of Justice FY24 Byrne JAG in the amount allocated to the city in the amount of \$4,684.00. (Acct # 70G00225). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – RELATING TO THE ACCEPTANCE OF A DONATION: GREATER KEENE YOUTH BASEBALL AND SOFTBALL ASSOCIATION PAVILION

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept the donation of a 27' x 22' pavilion, estimated at nearly \$40,000 of work - and gifts – in-kind, by the Greater Keene Youth Baseball & Softball Association. This donated pavilion will be located at the far end of the parking lot near the Wheelock Park youth ballfields. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF NEW HAMPSHIRE JUVENILE COURT DIVERSION NETWORK (SBIRT) FUNDING FOR YOUTH SERVICES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and administer funds in the amount of \$56,488.04 provided by the New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF A GRANT – ELECTION EQUIPMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend the 2024 Rural and Nonmetro Election Infrastructure Grant from the Center for Tech and Civic Life in the amount of \$20,000 to be used for qualifying expenses in the categories of equipment and materials, technological components or key human components that support the security of elections. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – PROFESSIONAL SERVICES CONTRACT FOR FINAL DESIGN OF THE LOWER WINCHESTER STREET RECONSTRUCTION PROJECT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with McFarland Johnson, Inc. for an amount not to exceed \$1,371,000 for the preliminary and final design phase of the Lower Winchester Street Reconstruction Project. The funding source will be split between the General Fund Water Fund and Sewer Fund through the following accounts: 75J0026B, 34JI016B, and 32JIO10B. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Mayor Kahn asked if the City's portion would be \$247,000. Councilor Powers and the City Manager said yes. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF WATER DISTRIBUTION IMPROVEMENTS ON RT. 101

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with Clough, Harbour & Associates for an amount not to exceed \$60,000.00 for the Preliminary Design of water distribution system replacement on Route 101 and Swanzey Factory Road. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

The City Manager noted that this work would be in conjunction with the State of NH, which went through a competitive process and selected Clough, Harbour & Associates, so the City also selected them. Councilor Haas asked about the timing of the State's work on RT. 101. The City Manager could not say for sure; they were doing design work at this time, so she thought possibly in the next construction season. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – REALLOCATION OF CAPITAL FUNDS – RECREATION CENTER

A Finance, Organization, & Personnel Committee report read, recommending that the City Council reallocate \$174,334 from the Municipal Building Capital Maintenance Projects (65J0002) to the Brian A. Mattson Recreation Center Renovation Project (65M0004). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – INVESTNH HOUSING OPPORTUNITY PLANNING (HOP) GRANT APPLICATION – SHORT TERM RENTALS

A Finance, Organization, & Personnel Committee report read, recommending that the City Council write a letter of support for an application to the InvestNH HOP Grant program to hire a consultant to assist the City with developing regulations for short-term rental properties. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Favolise knew there was some discussion about this at Committee. He was not sure it was clear from the minutes about who does the letter writing if the Council approved this. Mayor Kahn said he offered. The City Manager said it could be whoever the Council designates. She said the letter would let the State of NH know that it is a position taken by the City Council, so she said it could come from the Mayor's office indicating the Council's position. Councilor Favolise asked if there should be something in the motion about who should write the letter. The City Manager said yes.

Councilor Bosley noted that the Short-Term Rental Property Ordinance had been sitting on More Time at the Joint Planning Board-Planning, Licenses, & Development Committee because PLD recognized some time ago—when writing the Cottage Court Ordinance—that this was important for the community. So, Councilor Bosley said she fully supported anything to move this process along because she knew that the Community Development Department was very busy with projects the Council had assigned to them. So, she thought this was a great addition.

In response to Councilor Favolise's previous question regarding amending the motion to indicate that the Mayor's office would write the letter to the State of NH on behalf of the City Council, the City Attorney, Tom Mullins, stated that it could be considered a Scrivener's error and the motion should have said that the City Council authorized the Mayor to write the letter. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – INVESTNH HOUSING OPPORTUNITY PLANNING (HOP) GRANT APPLICATION – HOUSING OPPORTUNITY ZONES

A Finance, Organization, & Personnel Committee report read, unanimously recommending that the City Council write a letter of support for an application to the InvestNH HOP Grant program to hire a consultant to assist the City with developing and promoting a Housing Opportunity Zone program in the City. A motion by Councilor Powers to carry out the intent of the Committee report, which says the Mayor will write a letter on behalf of the City Council in support, was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began by reminding everyone about the Master Planning process. The project is designed to proceed in two phases: (1) the visioning phase, and (2) the comprehensive planning phase, which would kick-off on October 5 with a Summit meeting at Heberton Hall led by the consultant team. She highly encouraged anyone, and every City Councilor, to attend.

Next, the City Manager shared some good work being done by the Keene Police Department. Since starting with the City, Social Worker Kailyn Mello, had 66 referrals, 21 of which had been due to primary substance use. Her top referrals had been for a mental health treatment, followed by resources for unhoused individuals, and the third being substance use treatment. A large majority of those individuals with substance use issues also have underlying mental health concerns, which is why the referrals for mental health are higher. Similarly, a large majority of the unhoused population are struggling with those same co-occurring disorders, and of the 66

referrals that Ms. Mello had conducted, seven were juveniles and two of those juveniles reported concerns regarding substance use. Referrals for substance use issues were to The Doorway, Avenues, Live Free Recovery, Anew Behavioral Health, Youth Services (for the juveniles), Keene Serenity Center, Cheshire Medical Emergency Department, SMART Recovery Online, and many local and online AA meetings. Ms. Mello has an extensive list of resources for substance use treatment and she has made connections with many local and State providers. The City Manager said that is exactly what the City was hoping for, so it had been a great success so far. She explained that one barrier to accessing treatment had been health insurance and the other was the willingness to follow through on the client's part. The City Manager was glad to report Ms. Mello's great work.

The City Manager also reported that the WOW—Ward Optimization Weeks program—was going well. Ward 1 was finished with 98 requests received through SeeClickFix, and everyone was still encouraged to use the app, which is a great way for the City to track issues that people are reporting and report out when they are resolved. Ward 2 was underway. She said the maintenance items included things like repainting crosswalks, replacing traffic signals, trimming roadside vegetation, sidewalk maintenance, painting fire hydrants, repairing leaking valves, cleaning sewer mains, repairing drains, park and trail maintenance, as well as general maintenance including graffiti removal and removal of litter. She said it had been a good project so far and that other departments had jumped on the concept, such as the Parks & Recreation with Ward Weeknights, activities through the Community Development Department, and one-on-one neighborhood outreach by the Fire Marshall.

The City Manager announced that Jason Martin was promoted from Acting Fire Chief to Fire Chief and that he selected Greg Seymour as the new Deputy Fire Chief. Also, Public Works Director, Don Lussier, selected the new City Engineer, Bryan Ruoff, who started Monday, September 16.

Next, the City Manager explained that during the Council's vacation, there was follow-up regarding an August 12 letter from a resident, Pat Walker, at 17 Thompson Road related to the replacement of a fence on her property as a part of the City's Thompson Hill Road Project. The City was able to work with Ms. Walker to address her concerns. She wanted a fence that was more expensive than the in-kind replacement, so she agreed to pay the difference. The City executed an agreement with Ms. Walker and collected the difference in costs for the more expensive fence, and the fence had been ordered. Therefore, the City Manager believed that issue had been resolved. However, the City Manager said that Ms. Walker had one remaining issue related to boundary lines that would take several months to complete through a process with the City Council to take a sliver of her property that would become City right-of-way because of the location of the wall. The City Manager explained that when the work began, the road was not in the exact right place, so some additional was needed as the improvement were underway. The City Manager understood that Ms. Walker was anxious to have this finished, but the City Manager said this work takes time and there was survey work remaining to finished with the City Attorney's office.

The City Manager also updated the Council about concerns related to call volume and staffing concerns at the Fire Department. The week of this meeting, the Keene Fire Department Union representatives presented data related to call volume and the need for additional staffing; there would be another meeting in two weeks. The City Manager said the plan is to review the staffing report that was created a couple of years ago and compare that data to current data to determine what has changed. The City Manager had also requested data related to call coverage by the Cheshire County EMS system.

Next, the City Manager updated the Council on three solar projects they approved that Revision Energy was developing. The two small projects—one at Rose Lane and one at Monadnock View Cemetery—involved use of a small parcel of land to develop solar projects for local nonprofit off takers. The City Manager stated that these are not City off takers and that City’s accounts are not tied to this; these are for non-profits. Revision Energy is working with Keene Housing for the Rose Lane project and Cedarcrest for Monadnock View Cemetery due to the proximity. In both cases, these are unusable parcels of property that will generate a small lease payment for the City and support a local nonprofit. These nonprofits will purchase the energy. These projects could come online in 2025. The City Manager said the third project at the Dillant Hopkins Airport is much larger at approximately 1/3 of a MW to offset a significant portion of electricity used at the Airport by all of the users. This project is also looking at the possibility of EV charging for aircraft. The next step in the process includes site survey and plan development, which would happen over the coming months and then would appear before the Planning Board for review by the end of 2024, but the City Manager said it would be another year before any construction.

Lastly, the City Manager shared some creative work from the Highway Division crew related to benches. Recently, there had been repeated incidents of vandalism involving the benches on Gilbo Avenue to the extent that some were even uprooted and overturned. In response, the Highway team—likely motivated by both the need to address the damage and their frustration with the ongoing issues—took the initiative to fabricate durable granite benches using extra blocks and recycled curbing from the City’s material yard. They created new, more resilient benches. The posts have been securely buried for stability, and the tops have been affixed using exterior-grade construction adhesive to ensure longevity, trying to make them as strong as possible. The City Manager thanked the Highway team for their resourcefulness and commitment to maintaining the City’s public spaces.

REPORT – ACCEPTANCE OF DONATIONS

A report read from the Finance Director, Merri Howe, recommending that the City Council accept the donations listed below and that the City Manager be authorized to use each donation in the manner specified by the donor. A motion by Councilor Powers to carry out the intent of report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor. Mayor Kahn and the Council expressed their thanks to the donors.

FOP REPORT – MORE TIME – JARED GOODELL – PLEDGE OF DONATION FOR THE PURCHASE AND INSTALLATION OF A SAFE HAVEN BABY BOX

A Finance, Organization, and Personnel Committee report read, unanimously recommending putting this item on more time. Mayor Kahn granted more time.

ORDINANCES FOR FIRST READING – RELATING TO WINTER MAINTENANCE
PARKING RESTRICTIONS – ORDINANCE O-2024-14

A memorandum read from the Assistant Public Works Director, Duncan Watson, recommending that the City Council refer Ordinance O-2024-14 to the Municipal Services, Facilities, and Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-14 to the Municipal Services, Facilities, and Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATIVE TO MINIMUM LOT SIZES IN THE
MEDIUM DENSITY, HIGH-DENSITY, AND DOWNTOWN TRANSITION DISTRICTS –
ORDINANCE O-2024-17

A memorandum read from Mari Brunner, Senior Planner, recommending that the City Council refer Ordinance O-2024-17 to the Joint Committee of the Planning Board and the Planning, Licenses, and Development Committee for a public workshop. Mayor Kahn referred Ordinance O-2024-17 to the Joint Committee of the Planning Board and the Planning, Licenses, and Development Committee for a public workshop.

ORDINANCE FOR SECOND READING – RELATING TO AN AMENDMENT TO LAND
DEVELOPMENT CODE – CHARITABLE GAMING FACILITY – ORDINANCE O-2023-16-B

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2023-16-B. A motion by Councilor Bosley to adopt Ordinance O-2023-16-B was duly seconded by Councilor Jones.

Councilor Favolise stated that he had worked hard on some remarks but would just paraphrase and give an abridged version because the hour was drawing late. The Councilor stated that there are some parts of this Ordinance that he likes a lot. He said he had long believed—even before he got on the Council—that we should be preserving downtown parking and that preserving downtown parking means preserving downtown parking that can actually be used by everybody and that is not going to be taken up by a specific use or monopolized by a specific business downtown. So, he said that to the extent that this Zoning Ordinance that was in front of the Council would accomplish that, he supported it. Councilor Favolise said he could also support some of the provisions around not having flashing neon dollar signs across from elementary schools. He said there are some commonsense parts of this Ordinance that he likes. That said, Councilor Favolise stated that there is a lot about this Ordinance he does not like as well. He said he did not want to belabor this point because he had certainly shown up at Joint Committee and said that he thinks the restrictions related to electric vehicle charging stations are unfair. He thinks some of these restrictions target a specific business that some Councilors or community members would not patronize in their free time. Councilor Favolise said that is fine and that he had heard some arguments—certainly at the last PLD meeting—that people are gambling irresponsibly, and that irresponsible gambling is a problem. He said he does not necessarily disagree with that, and that people do a lot of things irresponsibly, including drinking

irresponsibly and yet bars in the Land Development Code do not seem to come in for quite as much scrutiny as this charitable gaming use would.

Councilor Favolise continued, stating that he does recognize that there has been a lot of compromise, and there has been a lot of work on the part of PLD, the Planning Board, City staff, and certainly members of the public showing up and getting involved. This has been a long process. He said that if this Ordinance is going to take effect, then he wants to make sure that it is the best possible version of this Ordinance, regardless of whether he ends up voting for it or not. He said there is one use standard in the Ordinance that has bothered him from the beginning, since he first started reviewing, and it continues to bother him because even some of the use standards in the Ordinance such as the minimum square footage, that he does not like and that he does not personally support, he can see how they are related to and germane to the use. The inclusion of an electric vehicle charging station minimum within the Ordinance when the City does not do that for any other use in the Land Development Code, and which the City does not have an overarching policy for—although he stated that he understands that the Energy and Climate Committee is working on something to bring forward to Council at some point that would be an overarching policy for the Land Development Code—he said the City does not have that right now. So, Councilor Favolise stated that he thinks singling out casinos as the only use where the City is applying this standard is arbitrary and he stated that the City’s Zoning Code can be a lot of things, its Zoning Code can include parts that he does not like and that individual Councilors do not like, but Councilor Favolise said it should not be arbitrary. With that, he looked to the City Attorney for guidance on the exact language needed to amend the proposed Ordinance to strike the language requiring electric vehicle charging stations.

The City Attorney confirmed that Councilor Favolise was opposed to the Parking and Traffic Standard in subparagraph six of the proposed Ordinance, which says that “2% or two of the required parking spaces, whichever is greater, shall be equipped with electric vehicle charging stations.” Councilor Favolise confirmed that he wanted to strike that quoted standard from the proposed Ordinance. The City Attorney noted that from his perspective that would be a material change of the Ordinance, which would require the Ordinance to go back through the Joint Committee process for public comment.

A motion by Councilor Favolise to amend the motion on the floor by deleting subparagraph six of the Parking and Traffic Use was duly seconded by Councilor Jones.

Councilor Favolise said he recognized that Chair Bosley, the PLD Committee, and the Planning Board had done a lot of hard work, and he said it was not his intent to needlessly throw this back a step in the process. He said he does think, though, that the Council needs to be thoughtful about the process here. He said this is not about charitable gaming facilities, this is not about electric vehicles, this is about the process and how we should be applying different aspects of our Zoning Code, and whether we should be applying specific standards to specific uses that Councilor Favolise said would probably be better for us to discuss having a policy that is Land Development Code-wide. So, Councilor Favolise urged the Council—as painful as he said he knew it was going to be for PLD and the Planning Board, and he did apologize, if this

amendment passed—to join him in supporting this amendment so they could get this Ordinance closer to its best version.

Councilor Lake understood Councilor Favolise’s point about this being the only spot in the Land Development Code with this requirement. However, Councilor Favolise did allude to the fact that in Keene’s Clean Energy Plan it says that the City would develop guidelines around EV infrastructure within the City. Councilor Lake said it was something he had been investigating as part of the Energy and Climate Committee and he thought this was a good first step to actually getting that into the Land Development Code. He said this is not an uncommon piece of legislation around the country; there are cities and towns all around the U.S. that are putting this into their land development codes, with very similar language. So, Councilor Lake said thought this would be good legislation and did not see a need to remove it.

Councilor Greenwald asked the City Attorney how material the EV parking requirement was to the rest of the work in the charitable gaming Ordinance. He inquired whether this language could be deleted without triggering the entire process to be redone. The City Attorney replied that he was only stating his opinion for the Council to do with it what it wanted. The City Attorney’s answer to the Councilor’s question was that the City Attorney did not know. The City Attorney continued, by stating that the public had an opportunity to review the Ordinance and the public may or may not have some opinion with respect to the electric charging stations. He said it would be a fairly significant change from his perspective in terms of the substance of the information, even though it does not sound like much. So, the City Attorney’s suggestion was that it would need to through the process again, but that was the Council’s decision to make.

In response to a question from Councilor Bosley the City Attorney stated that in his opinion, the practice of the Council had been—and he thought appropriately so—that unless there is a fairly small change or Scrivener’s error, more substantive changes like deleting a use standard from an Ordinance that had been publicly vetted and that the public had an opportunity to speak to at a public hearing, should go back to the process so that the public has an opportunity to do that again. The public could not do that during this Council meeting. The City Attorney’s opinion was that if the amendment passed, putting it back into the public Joint Committee process would be the safest course of action, but he said the Council could seek the Community Development Director’s advice too. Mayor Kahn asked if referral to the Joint Committee needed to be added to the motion to amend and the City Attorney said no, if the amendment passed, from his perspective, then it should go back to the Joint Committee.

Councilor Roberts agreed with Councilor Lake that when traveling around the country, you will see a lot of new developments (housing, business, hotels, etc.) with these charging stations, with some getting government tax credits. Councilor Roberts noted that Keene has 2030 and 2050 clean energy goals and it is almost 2025, so he did not see why this should be a one off standard. He said it should be in every plan going forward to meet the City’s goals, while the City is hard pressed to meet its 2030 goals. So, Councilor Roberts said the Council should keep the standard in the Ordinance and move on.

Councilor Remy said he did not like that the standard was in this Ordinance as a one off, as he thought it should be in everything because he thought it would be a good practice overall. While he did not think the amendment would be a major change to the Ordinance because he did not recall many public comments on this throughout the process except from Councilor Favolise. However, Councilor Remy said he could not recall the Joint Committee discussing to remove it either. He asked if it could not go to PLD with open comment instead of the Joint Committee, because if it goes to the Joint Committee it has to come to the City Council and PLD and back to Council again.

Councilor Bosley replied that unfortunately, with a material change to the Ordinance, the Planning Board needs to vote on whether the change complies with the Master Plan, which is why it would have to go back to Joint Committee. She recalled that more members of the Planning Board than the PLD Committee were interested in eliminating this standard. Councilor Bosley stated that she had noted her objections to the Joint Committee several times for this particular reason, because the Planning Board's membership outweighs the PLD Committee's in that forum. So, she recalled discussion about this use standard, and she thought it was reduced to what was in the proposed Ordinance before the Council. Councilor Bosley agreed with Councilor Roberts that the proposed Ordinance moved the City in the direction of meeting its goals and she thought it was important for the Council to move in that direction. Still, after hearing from Councilor Favolise, Councilor Bosley said that if there would be a recommendation coming from the Energy and Climate Committee on a plan for this to be implemented across the Land Development Code in all uses, Councilor Bosley agreed that would be a much more appropriate way of managing this issue, versus assigning these erratically to uses as they come up. She referred back to developing the Cottage Court Ordinance and Councilor Madison's concern about Airbnbs, and the consultant's advice to not muddy the Ordinance with that type of restriction on short term rentals and to create an ordinance relating to the use of Airbnbs that covered the City as a whole. Councilor Bosley said she thought that was what the Council was getting at here too. She said she did not want to see this keep coming around on her agenda for three more months, so she said she would support Councilor Favolise's plan to remove it if it was accompanied by a plan to apply this more generally across all new uses in the Land Development Code, which she said would be more appropriate.

The City Attorney said that Councilor Bosley made an excellent point in that the Planning Board is statutorily required to make a determination as to whether the Ordinance is in compliance with the Master Plan. The City Attorney could not tell the Council whether the Planning Board would make an opinion one way or the other on this, but he said that if the amendment passed, this would really need to go back into the Joint Committee process for that statutory reason alone.

Councilor Workman said that without having the general Land Development Code address this, the optics made her cringe because it looked as though the City was targeting one specific type of establishment. She said she understood that there was something in the works with the Energy and Climate Committee, but without that, she did not feel comfortable imposing this on one

specific type of business at this time. So, Councilor Workman supported the amendment so it could go back to the Joint Committee for more discussion.

Councilor Greenwald stated that he agreed with the City Attorney.

Councilor Madison said this had been discussed ad nauseum, noting that it was a 2023 Ordinance, and it was approaching 2025. The Councilor expressed his discontent at how long this process might end up going on for. He said this needs to move forward because there had been ample time for Councilors and the public to comment on the Ordinance. Councilor Madison expressed that he was very unhappy with what he felt was a last-minute amendment when this had been discussed ad nauseum.

Councilor Haas said that there are plenty of other differences in the use standards between different occupancies. He said this is a new defined occupancy and that it is time to move forward into the future, which means bringing in electric charging stations where parking is required. Councilor Haas anticipated that any new occupancy that comes before the Council will have an obligation to provide electric charging stations as part of the parking. So, he thought this would be the first step in a direction that the City was going to go anyhow.

Councilor Williams supported including the electric charging stations because parking lots have a lot of negative environmental impacts, and this is a way of mitigating those. He was also concerned that without electric charging stations at the casinos, when people go and spend their whole day and need to plug in their cars, they will need to find some other charging stations in the City, which will limit the City's overall capacity. Councilor Williams noted that the City was looking into grants and probably having to spend money at some point on these charging stations, so he said this seemed like a good way to start.

Mayor Kahn commented that these charging stations are all over Europe.

On a vote of 8–7, the motion to amend the motion on the floor by deleting subparagraph six of the Parking and Traffic Use carried. Councilors Tobin, Williams, Haas, Madison, Roberts, Lake, and Powers voted in the minority.

The City Attorney suggested a motion referring the Ordinance back to the Joint Committee to see if it would pass, and otherwise, it would revert to the main motion on the Ordinance.

A motion by Councilor Bosley to refer Ordinance O-2023-16-B to the Joint Committee of the Planning Board and the Planning, Licenses, & Development Committee was duly seconded by Councilor Jones.

Discussion ensued briefly to confirm that it would be in the background notes that there was an overall suggestion for this EV standard to be applied more generally across the Land Development Code.

The motion to refer Ordinance O-2023-16-B to the Joint Committee of the Planning Board and the Planning, Licenses, & Development Committee carried on a vote of 13–2. Councilors Madison and Roberts voted in the minority.

Councilor Madison stated his hope that those who decided this was the best time to discuss this matter would make their thoughts heard at the next several public meetings instead of at the last minute.

Councilor Roberts asked—hypothetically—what would happen if the Planning Board decides the two EV charging stations must remain in the Ordinance and the Council disagrees. Would it keep going back-and-forth? The City Attorney said that is not hypothetical, it is certainly possible, as the Planning Board would have to decide that the Ordinance as a whole—including or not including this language—is in compliance with the Master Plan. That is the Planning Board’s function.

Councilor Remy stated that he thought the Planning Board would have a hard time finding this Ordinance—as it was proposed at this time—not in compliance with the Master Plan. He said it is a black-and-white decision of yes-or-no it is in compliance or not.

Councilor Bosley asked, if the Joint Committee ultimately keeps the EV charging stations in the Ordinance, since there would have been no official material change, would the public hearing process have to reoccur or could the Ordinance return directly to Council. The City Attorney replied that the Council’s process is to appoint the Joint Committee for that public hearing process.

Councilor Favolise stated that while he could not speak for any other Councilor, he could certainly say that the minutes of the PLD, Planning Board, and Joint Committee meetings will reflect his presence there raising the question about the EV charging stations. So, for the benefit of members of the public who maybe do not inspect the minutes of the PLD, Planning Board, and Joint Committee, Councilor Favolise wanted to make that clear.

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

A Planning, Licenses, and Development Committee report read, unanimously recommending the adoption of Ordinance O-2023-17-B. Mayor Kahn filed the report. A motion by Councilor Bosley to adopt Ordinance O-2023-17-B was duly seconded by Councilor Jones.

The City Attorney advised that because this is not technically a part of the Zoning Ordinance this would not go through the Joint Committee process so it should be referred back to the PLD Committee.

A motion by Councilor Bosley to refer Ordinance O-2023-17-B to the Planning, Licenses, and Development Committee was duly seconded by Councilor Filiault. On a vote of 13–2, the motion carried. Councilors Madison and Roberts voted in the minority.

RESOLUTION – IN APPRECIATION OF JASON K. THOMPSON UPON HIS RETIREMENT – RESOLUTION R-2024-30

A memorandum read from the HR Director, Elizabeth Fox, recommending the adoption of Resolution R-2024-30, in honor of Jason K. Thompson’s retirement after 18.5 years of service to

09/19/2024

the City with the Keene Police Department. A motion by Councilor Powers to adopt Resolution R-2024-30 with appreciation was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

RESOLUTION – IN APPRECIATION OF MARY F. LEY UPON HER RETIREMENT –
RESOLUTION R-2024-31

A memorandum read from the HR Director, Elizabeth Fox, recommending the adoption of Resolution R-2024-31, in honor of Mary F. Ley’s retirement after 15 years of service to the City with the Public Works Department. A motion by Councilor Powers to adopt Resolution R-2024-31 with appreciation was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

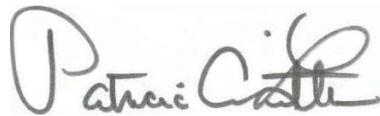
TABLED ITEMS – REQUEST TO ACQUIRE PROPERTY LOCATED AT 0 WASHINGTON
ST. EXTENSION FOR CONSERVATION PURPOSES – CONSERVATION COMMISSION

Mayor Kahn noted that this was a housekeeping matter that he was taking from the table. The request was tabled at the July 18 Council meeting to the August 1 Council meeting. The Council neglected to take it from the table at their August 1 meeting, so this was to correct that omission by filing the request into the record as informational.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:45 PM.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Nomination - Zoning Board of Adjustment**

Council Action:

**In City Council October 3, 2024.
Nomination tabled until the next regular meeting.**

Recommendation:

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

Zoning Board of Adjustment

Zach Leroy, slot 6, Alternate
30 Hanover Street

Term to expire Dec. 31, 2026

Attachments:

1. LeRoy, Zachary_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Friday, July 12, 2024 5:25:52 AM
Attachments: [Outlook-g4uhfsqj.png](#)

please redact and save.



Patricia Little
CITY CLERK

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

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>

Sent: Tuesday, July 9, 2024 11:10 PM

To: Helen Mattson <hmattson@keenenh.gov>

Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 07/09/2024 - 23:10</p>

<p>Submitted values are:</p>

First Name:

Zachary

Last Name:

LeRoy

Address

30 Hanover St, Keene, NH 03431-2858, USA

How long have you resided in Keene?

20 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Self employed

Occupation:

Contractor/ Realtor

Retired

No

Have you ever served on a public body before?

No

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

Airport Development & Marketing Committee, Building Board of Appeals/Housing Standards Board of Appeals, Conservation Commission, Energy and Climate Committee, Keene Housing Authority, Partner City Committee, Planning Board, Zoning Board Adjustment

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

Zoning or Planning

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

Housing

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

Energy or conservation

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

Entrepreneur, diverse industry experience, experience on many non profit boards, passion for the city and her future success

Suggest other public bodies of interest

Economic development, affordable housing, land use

Please provide 2 personal references:

Esie Fifield

ediefifield@masiello.com



References #2:

Robin Smith < br />[robin](#)



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Jared Goodell
Through: Patricia Little, City Clerk
Subject: **Jared Goodell - Withdrawal of Donation - Safe Haven Baby Box**

Council Action:
In City Council October 3, 2024.
Communication filed as informational.

Recommendation:

Attachments:

1. Communication_Goodell

Background:

Mr. Goodell is withdrawing his communication relating to the potential donation of funds towards a safe haven baby box.

Jared Goodell
PO Box 305
Keene, NH 03431

September 24, 2024

Ms. Patricia Little
Keene City Clerk
3 Washington Street
Keene, NH 03431

Clerk Little:

On July 6, 2024, I submitted a letter to Mayor Kahn and the Keene City Council offering a donation for a Safe Haven Baby Box to be installed in the City of Keene (the "Letter").

At this time, and after consultation with city staff, I am withdrawing the Letter and request that the City Council take no action relating to the same. At such time when it is more timely, I reserve the right to resubmit the donation offer for a Safe Haven Baby Box.

Regards,



Jared Goodell



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: October 3, 2024

To: Mayor and Keene City Council

From: Jeremy Evans
President - Keene Sno-Riders

Through: Patricia Little, City Clerk

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

Council Action:
In City Council October 3, 2024.
Referred to the Planning, Licenses and Development Committee.

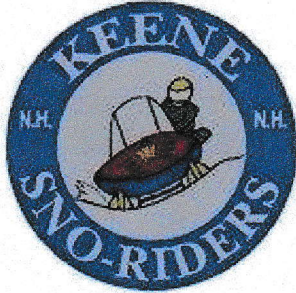
Recommendation:

Attachments:

1. Communication_Keene Sno-Riders

Background:

Mr. Evans has submitted the annual request for use of City property to operate snowmobiles on certain City trails and rights-of-way for the 2024-2025 winter season.



Keene Sno-Riders, Inc
PO Box 1511
Keene, NH 03431
Keenesnorider@ne.rr.com

September 26, 2024

To the Mayor and City Council

The Keene Sno-Riders, snowmobile club is seeking renewal of permission for snowmobiles to utilized city right-of-ways along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street, to the property of Perry Kiritsy at 471 Winchester Street. The requested approval would run from December 15th, 2024, through March 30th, 2025, snow conditions permitting.

We currently have permission to use the following properties:

Emile J Ledger	460 Winchester St	Tax map: 84-02-001
Kiritsy LLC.	471 Winchester St	Tax map: 911-26-043
Emile Bergeron	Base Hill	Tax map: 911-26-055
State of NH		Tax map: 911

We are requesting renewal of license for permission to cross the following City of Keene properties

Access to a portion of the Old Gilsum Road of approximately one mile to the Gilsum town line
Crossing of Winchester Street at Krif Road
Crossing of Production Ave approximately 200 ft south of Route 9

We are available to answer any questions or concerns which you may have.

Thank you for your consideration.

Jeremy Evans, President, Keene Sno-Riders, Inc.
Phone 603-315-7546
Email jse6216@yahoo.com



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Councilor Ed Haas
Through: Patricia Little, City Clerk
Subject: Councilor Ed Haas - Reconsideration of Ordinance O-2023-16-B

Council Action:

In City Council October 3, 2024.

On a vote of 12 in opposition and 2 in favor, the motion to reconsider the referral of the Ordinance back to the Joint Planning Board and Planning, Licenses and Development Committee failed to carry.

Recommendation:

Attachments:

1. Reconsideration_Haas_0-2023-16-B

Background:

Councilor Haas is requesting the reconsideration of Ordinance O-2023-16-B pursuant to Section 20 of the Council's Rules of Order.

September 25, 2024

City of Keene

City Clerk

#3 Washington Street

Keene, NH 03431

Oct 3 2024 COUNCIL AGENDA ITEM: Council Action regarding Charitable Gaming
Ordinance O-2023-16-B

Ms. Little:

On September 19, 2024 City Council voted to return this ordinance to PLD after the item related to provision of electric charging stations was removed.

Please add to the agenda my motion to reconsider returning it to PLD. If the motion succeeds a second motion will be offered to adopt the ordinance as modified.

Thank you for your help in this matter,

A handwritten signature in blue ink that reads "Edward J. Haas". The signature is written in a cursive style with a large initial "E".

Edward J. Haas

Councilor-at-Large

114 Jordan Road
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Councilor Ed Haas
Through: Patricia Little, City Clerk
Subject: Councilor Ed Haas - Reconsideration of Ordinance O-2023-17-B

Council Action:

In City Council October 3, 2024.

On a vote of 12 in opposition and 2 in favor, the motion to reconsider the referral of the Ordinance back to the Planning, Licenses and Development Committee failed to carry.

Recommendation:

Attachments:

1. Reconsideration_Haas_O-2023-17-B

Background:

Councilor Haas is requesting the reconsideration of Ordinance O-2023-17-B pursuant to Section 20 of the Council's Rules of Order.

September 25, 2024

City of Keene

City Clerk

#3 Washington Street

Keene, NH 03431

Oct 3 2024 COUNCIL AGENDA ITEM: Council Action regarding Charitable Gaming
Ordinance O-2023-17-B

Ms. Little:

On September 19, 2024 City Council voted to return this ordinance to PLD after the item related to provision of electric charging stations was removed.

Please add to the agenda my motion to reconsider returning it to PLD. If the motion succeeds a second motion will be offered to adopt the ordinance as modified.

Thank you for your help in this matter,



Edward J. Haas

Councilor-at-Large

114 Jordan Road
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Mayor Kahn - Reconsideration of Amendment #15 - Rules of Order - Voting and Conflict of Interest**

Council Action:

**In City Council October 3, 2024.
Tabled until the November 7, 2024 meeting.**

Recommendation:

Attachments:

1. Communication_Kahn_Reconsideration_Conflict of Interest

Background:

Mayor Kahn is requesting the reconsideration of the Amendment to Section 15 of the City Council Rules of Order relating to Voting and Conflict of Interest, pursuant to Section 19 of the Keene City Charter.



Date: September 30, 2024

To: City Councilors

From: Jay Kahn, Mayor

Subject: Reconsideration of Rules of Order – Conflict of Interest

Section 19 of the City Charter provides that the Mayor can require reconsideration of any vote at the next regular City Council meeting. Herewith, I am adding to our October 3rd meeting a reconsideration of changes to Section 15, Voting and Conflict of Interest.

I acknowledge that my sense of ethics and public interest are shaped by many years in public service positions, where I've been asked to document sources of income and positions held in other bodies for both me and my spouse. Personally, I consider this a low bar for earning public confidence that I'm not acting out of self-interest to benefit myself or my family.

We are all subject to influence from family, friends, supporter and experience. It's impossible to document all of that. But we can lower public suspicion of our motivations by disclosing any benefit that might result from our roles in city government. For instance, my wife is a CASA volunteer, and I should not engage in advocacy for city funding decisions on this organization. Likewise, she is a retired public school teacher receiving benefits from the New Hampshire Retirement System. I should not participate in discussions regarding state retirement policies, from which my wife might benefit more than other state retirees. Similar situations exist for most other City Councilors such as relationships to the Keene Public Library, Keene Housing Authority, Keene Housing Kids Collaborative, Southwest Community Services, Planned Parenthood, Keene Downtown Group, Keene Young Professionals, Rotary, Keene State College, etc.

Were Keene a smaller city or a 3 person select board, we would disclose these conflicts, but all would likely vote following disclosure, but perhaps not enter into discussion to avoid undue influence on our colleagues. However, that's not the case for the Keene City Council. We are a body of 15 councilors where disclosures of potential conflicts of ourselves or our family member interests would seldom or never eliminate so many councilors that we would lack a quorum for a vote.

Some might argue that disclosure of spousal interest and interests of other adults living in our household doesn't go far enough. Perhaps that's true. But the perfect shouldn't stand in the way of the good. We can and should hold ourselves and each other to a high standard by which to avoid suspicion of conflicts of interest.

I ask that we reconsider the September 19th vote on amending Section 15 of the Council's Rules of Order as recommended by the PLD Committee.

Cc: City Manager, City Clerk, City Attorney



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.6.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Mayor Kahn - Proposed Amendment to the Land Development Code - Permitting "Blade" Signs in the Industrial Zone**

Council Action:

In City Council October 3, 2024.

Referred to the Joint Planning Board and Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Kahn_Blade Signs

Background:

Mayor Kahn is requesting consideration for an amendment to the Land Development Code that would allow "blade" signs in the Industrial Zones of the City.



September 30, 2024

Dear Councilors,

I am writing to request an amendment to the City's prohibition on animated signs that would permit "Blade Signs" in Industrial Zones. Most important to the current prohibition defined in Keene's Land Development Code Article 10.3 is that the sign "does not interfere with travel or maintenance of the public right of way." While the current prohibition makes sense in a commerce and residential zones, I believe this prohibition is overly restrictive when applied to an industrial zoned property. I ask that the Council add an exception for blade signs at industrial zoned properties and help the City's manufacturers recruit the personnel necessary to grow and sustain their businesses.

Sincerely,

A handwritten signature in black ink that reads 'Jay Kahn'. The signature is written in a cursive, flowing style.

Jay Kahn
Mayor

Cc: City Manager Dragon
City Attorney Mullins
City Clerk Little



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.7.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Jonathan P. Loveland
Through: Patricia Little, City Clerk
Subject: Jonathan P. Loveland - Concerns with Safety of Proposed Bike Lanes Included in Downtown Project Plan

Council Action:
In City Council October 3, 2024.
Communication filed as informational.

Recommendation:

Attachments:

1. Jon Loveland Letter - MSFI - Downtown Infrastructure Project 100124

Background:

Mr. Loveland observed the discussion at the September 25th MSFI meeting relating to the potential submittal of an Ordinance regulating the proposed bike lanes included in the Downtown Project and wanted to share his perspective and concerns regarding safety.

Tuesday, October 1, 2024

Councilor Mitchell H. Greenwald
Chair, Municipal Services, Facilities & Infrastructure (MSFI) Committee
3 Washington St.
Keene, NH 03431

cc: Randy L. Filiault, Vice-Chair, MSFI Committee
Catherine I. Workman, Member, MSFI Committee
Laura E. Tobin, Member, MSFI Committee
Jacob Favolise, Member, MSFI Committee
Jay Kahn, Mayor
Elizabeth A. Dragon, City Manager
Patricia A. Little, City Clerk

via Electronic Mail

RE: Downtown Keene Infrastructure Project

Dear Chair, MSFI Committee, Members of the MSFI Committee, Mayor, and City Manager:

The Municipal Services, Facilities, and Infrastructure (MSFI) Committee of the City of Keene recently held a meeting which I observed via YouTube in its entirety. I think we all can agree that attendance was extremely sparse, and it is impossible to assign any relative significance to the statements of a very small number of attendees, even if they include the Mayor, regardless of their position on the agenda for the evening.

There is no City ordinance that can make the proposed bike lanes safe. No speed limit and no education campaign, or even educational or license requirement, can ensure that accidents will not happen, that collisions will not happen, or that an accident or collision will not result in an injury, perhaps serious. A speed limit presumes there is an acceptable speed for the collisions that will occur with so many unprotected users crossing so many potential pathways in this layout.

How many people who are aware of your new ordinance will temporarily “forget” about it because they are distracted (say because they are looking at their smartphones) or overlook due to the necessities of the moment with so many users forced to occupy the same space? How many teenagers or college-age students will be aware of your ordinance, and even if they are, will they willfully ignore it? How many visitors from out of town who represent all types of users of Downtown will be aware of your ordinance? I am reminded of the sheer number of drivers who, for reasons known only to them, occupy “high occupancy vehicle” or HOV lanes as single drivers, despite knowing full well the monetary penalty. At least in this circumstance (the HOV example) the responsible party did not knowingly put public health and safety at risk, but only sought to control behavior and enhance capacity.

There are also no additional design features that can make the proposed bike lanes safe. This is because the design features that the citizens of Keene insisted that you keep in Downtown dominate and render your bike lane design unsafe regardless of your ordinance or additional design features, and you cannot remedy or mitigate the limitations and recklessness of your design. The citizens of Keene insisted you maintain the status quo regarding parking and the tree component of the aesthetics of Downtown.

You need to realize you do not have a “design.” You have a planner’s or architect’s visualization of a layout. Just because you have a rendering (in other words a very pretty and expensive sketch) does not mean you have a design. Just because they can find “space” for bike lanes does not mean you have a design. You need to consider usage and safety, and this means you need to consider more than just the space available, or the space made available. You need to consider operations and human behavior through conscientious study before you have a design.

Because you located these bike lanes where you did, you created a number of obstructed views for the multiple opportunities for crossing the bike lanes:

- A large number, aligned in row of dense, diagonal parked cars that obstruct views,
- A row of trees that obstruct views,
- Other appurtenances in the sidewalk that obstruct views,
- A number of buildings on corners that obstruct views.

These obstructed views invite accidents or collisions amongst multiple users regardless of any ordinance and regardless of any other additional, yet marginal, design features.

Moreover, the MSFI committee needs to review the truly marginal benefits of these bike lanes. Consider this: 1) The average walking speed of a pedestrian is 3 miles per hour (mph or 264 feet per minute or ft/min), and 2) a typical speed of a hybrid, recreational cyclist in an environment similar to Downtown Keene is 9 mph (792 ft/min). Based on this, there are two tables that should have appeared in any study you conducted over the last two years, and in any public presentation you made to the citizens of Keene.

Table 1: Approximate Usage and Relative Usage by Group in Downtown Keene

Group	Value	Range
Vehicular (from NHDOT)	20,000	±5000
Pedestrian	1,700	Not determined
Bicycle (or similar)	40	Not determined
Number of Vehicle Crossings	15	
Number of Pedestrian Crossings due to Parking	240	Parking turnover not determined

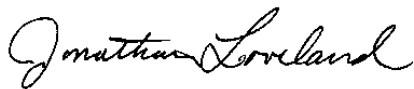
Table 2: Marginal Benefits to Cyclists with the Proposed Bicycle Lanes

Location/Path	Approx. Distance	Pedestrian Transit Time	Cyclist Transit Time	Benefit to Cyclist
	feet	minutes	minutes	minutes
Across Top of Central Square	270	1	0.3	0.7
West St. to Winter St. or Roxbury St. to start of Washington St.	210	0.8	0.3	0.5
Gilbo Ave. to West St.	400	1.5	0.5	1.0
Emerald St. to West St.	950	3.6	1.2	2.4
Water St. to start of Washington St.	1700	6.4	2.1	4.3

From this analysis, you can see the extremely poor nature of the trade-off you are making by locating these bike lanes where you have. The benefit to the cyclist around Central Square is a matter of seconds. At most, if a cyclist transits the entire length of the Main Street bike lane, they will save 4 minutes. By any definition, this is a marginal benefit. In exchange, you have risked the personal safety of every user of Downtown Keene, including the cyclists! There are simply too many vehicle and pedestrian crossing opportunities and simply too high a density of pedestrian use, with obstructed views, to make these bike lanes in Downtown Keene safe. The odds and the likelihood of accidents and collisions is remarkably high, regardless of fault, responsibility, or mechanism.

The citizens of Keene should rightly question your judgement and consider the appropriate remedy if you continue with this bike lane layout. Your layout is tantamount to placing a bike lane in a pedestrian mall, which is a layout no other responsible city has undertaken. In fact, other cities expressly disallow bicycle use under similar circumstances. If you implement this design, upon the very first accident or collision that occurs, the City should be sued.

Sincerely,



Jonathan P. Loveland, PE
 Irvine, CA
jploveland@yahoo.com
 949.213.7734

Cc:

Rfiliault@keeneh.gov
cworkman@keeneh.gov

ltobin@keeneh.gov
jfavolise@keeneh.gov
mayor@keeneh.gov
Edragon@keeneh.gov
Plittle@keeneh.gov



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Downtown Bike Lanes Policies**

Council Action:

In City Council October 3, 2024.

Voted with 13 in favor and one opposed to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager submit a proposed Ordinance for the establishment of appropriate rules for the operation of bicycles in the Downtown Core.

Attachments:

None

Background:

Chair Greenwald asked to hear from Elizabeth Dragon, City Manager.

The City Manager stated that she wants to thank the Bike Lane Policy Committee that has been working on this issue since the committee formed in March, and the Bicycle Pedestrian Path Advisory Committee (BPPAC), which also helped shape what is before the MSFI Committee tonight. Between these two groups, there have been great conversations, which have brought us to a really good point.

She continued that protected bike lanes physically separate cyclists from vehicle traffic, significantly reducing the risk of collision. Protected bike lanes encourage people to cycle, including with e-bikes, rather than drive, helping reduce the city's carbon emissions and environmental footprint. Research suggests that areas with bike-friendly infrastructure see increased foot traffic, benefitting local businesses. Cyclists are more likely to stop and patronize shops and cafes than drivers are, especially in areas with limited parking. Bike lanes provide a low-cost transportation option, offering accessibility to residents of all incomes. Currently, we see bikes and scooters on the city's sidewalks, which is already creating a safety and enforcement concern. Moving them to the bike lanes would improve pedestrian safety on the sidewalks. Given the current concern of riders on the sidewalks, she does not recommend being overly reliant on police enforcement mechanisms. In her opinion, design is key to slowing down all who travel in the bike lanes. If there are frequent stops, changes in surface, warning and traffic control signs, tighter turns, and raised crosswalks, these elements will naturally slow down users. The short distances between the stops will make it more difficult for a motorized user to pick up speed. These design decisions are all part of the final design

process soon to begin at the MSFI Committee.

The City Manager continued that tonight she has examples that were presented and discussed with the Bike Lane Policy Committee to help visualize the bike lanes' anticipated design elements. These examples show the stopping places and the turns incorporated to slow them down. The Bike Lane Policy Committee was comprised of various stakeholders, many of whom were selected by the Mayor. The group began their work in March and met for several months. Public Works staff and Stantec consultants attended, answered questions, and offered resources. Will Schoefmann was the staff liaison for this group as well as for the BPPAC, working through these topics with the BPPAC members as well. She thanks them all for their work, efforts, and thoughtful suggestions and recommendations.

The City Manager continued that the Bike Lane Policy Committee reviewed and discussed existing bike laws. Tonight the MSFI Committee has a handout of NH's existing bike laws. RSA 265-149 allows cities and towns to make ordinances, bylaws, or regulations regarding the use and equipment of bicycles, except mopeds, on its ways. Currently, Chapter 94-466 of the City of Keene's ordinances related to traffic, parking, and public ways primarily defines streets where bicycles are prohibited on the sidewalk. The MSFI Committee has that before them as well.

The City Manager continued that RSA 265-144(A) governs electric bikes. She has a correction to page 2 of her memorandum, where it talks about class 3 e-bikes exceeding 750 watts. They are actually not automatically prohibited in bike lanes, but they could be. In NH, class 3 e-bikes, which typically have motors exceeding 750 watts, are generally prohibited from being ridden on bicycle or multi-use paths, unless they are within or adjacent to a highway or roadway. Local jurisdictions, such as cities or towns, may have specific regulations that could allow or further restrict them. Thus, the (City Council) has the ability to allow them if they want to, but generally, class 3 e-bikes are prohibited. Class 1 and class 2 e-bikes may be ridden on bike lanes or on multi-use paths where bicycles are permitted, unless the (City Council) creates an Ordinance or rule to prohibit them.

The City Manager continued that the recommendations of the Bike Lane Policy Committee members and the BPPAC members are included in the memorandum. For key regulations for bike lane use, they are recommending the following:

- Cyclists must yield to pedestrians in bike lanes and at crosswalks, per RSA 265-37.
- Obey traffic controls: Cyclists must follow all traffic signals and stop signs, especially during downtown events.
- No parking and loading in bike lanes: Bicycles and vehicles must not park or obstruct bike lanes to ensure their availability for cyclists.
- Safe speed and direction: Cyclists should travel at safe speeds and ride in the direction of traffic, per Keene's Code of Ordinances, Sec. 94-465.
- Lighting requirements: Bicycles must have front white and rear red lights if operated between a half hour after sunset and a half hour before sunrise.

The City Manager stated that the safe speed and direction regulations are probably the most controversial ones, and the issue she has heard the most about. She continued that the regulations being proposed refer to "safe speeds," not a set speed limit, because she believes, again, that design is the way to get to that without adding the requirement for more enforcement.

She continued that the Bike Lane Policy Committee also came up with several safety recommendations. They recommend prohibiting class 3 e-bikes and motorized personal vehicles exceeding 750 watts from bike lanes, consistent with State law. They recommend requiring helmets for cyclists under 16 years old and requiring children between 1-4 years old, weighing up to 40 lbs.,

to be secured in a harness and properly seated on a bicycle.

The City Manager continued that the Bike Lane Policy Committee has several things they encourage bicycle users to do, such as the use public and private bike racks, which will be available throughout downtown Keene. A map of the bike rack locations will be made available. The committee says, "These regulations and guidelines are designed to enhance safety, promote cycling as a viable mode of transportation, and ensure harmonious use of public spaces in the city." The committee came up with a lot more information and a detailed presentation, to be included on the City's website and referenced here.

The City Manager continued that the committee talked a lot about the importance of community engagement and education, especially with the introduction of the bike lanes in the downtown, and many people's lack of familiarity with bike rules in general. They felt it was important to do an outreach and awareness campaign, educate cyclists and the community about trail safety, speed expectations, and the importance of slowing down in certain areas. They can do this through signage, local campaigns or outreach events, and engagement with cyclist groups. They also recommend working with local cycling organizations or trail user groups to develop guidelines and promote safe riding practices can be a proactive way to reduce speeds.

The City Manager stated that that concludes her remarks tonight, and she knows members of the Bike Lane Policy Committee are present tonight and might want to add comments. The next step is a recommendation from the MSFI Committee, regarding drafting an Ordinance, and following through with the recommendations of the Bike Lane Policy Committee. Any Ordinance would then move to the PLD Committee for consideration.

Chair Greenwald thanked the City Manager for her presentation. He continued that he promised Vice Chair Randy Filiault that he would pass on his comments for consideration. Councilor Filiault does not want anything motorized in the bike lanes, which means class 1, 2, or 3 (e-bikes). Chair Greenwald thinks that trying to figure out which is which, from a distance, is quite problematic.

Chair Greenwald continued that he had personal experience with bike lanes during his recent trip to Norway, Sweden, and the Netherlands. Bike lanes are very well used in Europe. People seem to know how to handle it. However, every time (he and other visitors) stepped out of their bus and onto the sidewalk, their guide made it very clear that the bicyclists do not stop. That raises a concern. He has been concerned, since the beginning, about the safety of bike lanes. A huge amount of education will be necessary, not just for youth, but also for older folks who are using bicycles due to not being allowed to use their cars anymore. It is a leap of faith. He would like to hear from members of the Bike Lane Policy Committee.

Mayor Jay Kahn, 135 Darling Rd., stated that he was a member of the committee. He continued that the committee considered multiple perspectives on this. He gives credit to Mr. Schoefmann, who shepherded gathering and synthesizing the information and helped the committee arrive at the conclusions that the City Manager presented tonight. Councilor Ed Haas was very helpful, being a go-between with the BPPAC and the Bike Lane Policy Committee. He thinks there was good collaboration. The Public Works Department worked well with Stantec to gather evidence, if there was such that they were familiar with. He thinks this is a good start on the document. There are three years before this Ordinance can go into effect, and he encourages experimentation. He encourages them to consider whether there is a proper speed limit. The City has leaned into the need for alternative modes of transportation through Keene's Main St., which is good. This experiment needs to go forward, and they are creating the opportunity for it to go forward.

The Mayor continued that he thinks they need to lean into the need for people concerned for their

pedestrian safety, and he thinks there is opportunity to do that. One of the State statutes suggests 10 mph (as a speed limit). It is not guidance for the City's document, nor for the State's; it just says you ought to be able to stop within 25 feet if you are going 10 mph. He assumes cyclists and pedestrians have differing perspectives on how fast cyclists ought to be riding. They have the time to do a test, and they have the mechanisms, which are the speed signs that activate when cyclists ride past them. You can find out what a pedestrian experiences, by looking at those signs, which show whether a bicyclist is traveling at 7, 8, or 10 mph. If they set up a proper experiment, the City has officers who could use the speed guns to also measure how fast a vehicle is going. They have the opportunity to test 8 mph, 10 mph, or faster. He hopes they try to gather that evidence. It annoys him when people say, regarding public policy, "I'll know it when I see it." They do not need to rely on intuition. They have the time and mechanisms to do a true experimentation and gather input from pedestrians and bicyclists, so both parties can advise the City on speed guidance to work into the rules. He asks the MSFI Committee, when they are making a motion, to consider recommending the gathering of evidence from Keene's residents and bicyclists so they can craft some guidance that provides better knowledge about speed limits than what exists in the current rules as presented to the MSFI Committee.

Chair Greenwald asked the City Attorney what State law allows for if the rules are violated, such as misdemeanors.

Amanda Palmeira, Assistant City Attorney, replied that there are two penalties for violations of any Ordinance governing bicycles. She continued that one penalty in the statute is a violation-level offense, so it will not go up to the misdemeanor level. The other penalty is the City taking the bicycle. It seems like the statute intended that to be for bicycles with faulty or problematic equipment, but it technically does include uses, if they wanted to go that way. Chair Greenwald replied that it certainly would get someone's attention, if the City seizing someone's e-bike.

Chair Greenwald stated that his question for the City Manager is that this is a broad, non-specific set of thoughts. He asked if a speed limit and penalty would be at the Ordinance level, if they did want to insert that.

The City Manager replied yes. She continued that bikes, especially class 1 or 2 e-bikes, do not have speedometers informing cyclists of their speeds. She continued that that could be problematic in terms of enforcement. Those are issues they can discuss further when they get to the PLD Committee level. Chair Greenwald replied that his bicycle has a speedometer. People can buy them.

Councilor Favolise stated that with what the MSFI Committee has in front of them, and some endorsement from the BPPAC, he is happy to move forward in the process and let the PLD Committee look at the Ordinance. He continued that he does not bike or know much about bikes, but he knows some PLD Committee members are avid cyclists in the community and can provide expert opinions.

Councilor Favolise continued that he, too, is rather uncomfortable with the term "reasonable speed," because people have differing opinions on "reasonable." He questions what enforcement of that looks like, in the same way that the City Manager raised questions about what the enforcement of a numerical speed limit looks like. Beyond that, he looks forward at the committee level to diving into the final design.

Councilor Workman stated that she has two concerns with what has been proposed tonight. She continued that first, she shares Councilor Favolise's sentiments on defining a speed. She would like to see it defined in some way. She has concerns about police officers being the ones to enforce

this. She asked if it is mandatory for it to be police officers, or whether it is something Parking could do while they are already on Main St.

The Assistant City Attorney replied that they would have to think about that more when they get to the Ordinance conversation, but her gut instinct is no. She continued that the statute clearly makes it a violation, a criminal-type process. However, there are the provisions that allow the City to create its own ordinances, so there could be an opportunity there.

Councilor Tobin stated that she loves the idea of community engagement, which is a great way to bring everyone into the process. She continued that her questions, which she does not need answers to right now, are whether pedestrians are allowed in the bike lanes; whether tricks are allowed, since this encompasses skateboarders and different types of bicycles, or if people are expected to just go straight; and whether stopping is permissible in the bike lane. She also wants clarification about whether bicycles would be allowed during downtown events.

The City Manager replied that currently, downtown events are licensed space, so the bike lanes would stop at the point where the event is licensed.

Councilor Tobin stated that in terms of following the rules of the road, she does not know if the rules for bike lanes should include words such as “and other signs.” She continued that it might seem like stating the obvious, but bikes might need to stop in places where cars do not. She agrees about the posted speed limits, or somehow communicating that even if there are not necessarily ways to enforce it, it would be helpful to have an advised or expected speed limit.

Chair Greenwald stated that as this moves forward, the background notes should indicate that the Committee and the Mayor would like to see a number at some point (for the speed limit), and penalties for abusers. He continued that regarding Councilor Tobin’s comments about tricks, they will see many (electric) skateboards or scooters, probably more than bicycles, because they are inexpensive. They can just as easily run into a pedestrian. It is all about the riders’ behavior. It is a leap of faith to educate people and expect them to be responsible. If it does not work, the bike lane will become sidewalk again, which would be for a future Council to deal with.

Councilor Workman stated that they might want to change “encourage the use of bicycles for commuting, shopping, and recreation” to specify that those are the only permitted uses in the bike lanes. She continued that people could go to the Keene Bike Park for (tricks/other uses). Chair Greenwald replied that he is sure the PLD Committee will spend lots of time on this.

Chair Greenwald asked for public comment.

Autumn DeLaCroix of Court St. stated that she is a member of the BPPAC. She continued that in Sweden, the Netherlands, and Norway, probably the bike lanes Chair Greenwald saw were long and gently curved or straight, without interruptions every 10 to 30 feet, and without constant sharp turns, like the bike lanes on (Keene’s) Main St. will have. She does not think they will see anyone (riding) more than 12 (mph) in a 25-foot section.

Chair Greenwald replied that as the Mayor said, they have plenty of time to test this out.

Sam Jackson of Court St., BPPAC Chair, stated that she agrees with Councilor Filiault’s concern, regarding e-bikes in the bike lanes. She continued that the maximum speed of class 1 and 2 e-bikes tends to be 20 mph. If they dropped the Main St. speed limit for automobiles to 20 mph that matches the cap of e-bikes and would probably make it feel safer for them to be there instead of on a bike lane. If someone is choosing the bike lane for safety, that could give them another option instead.

Chair Greenwald replied that that makes sense. He continued that following what Ms. Jackson is saying, if someone is in such a hurry on an e-bike, they can ride with the traffic. Ms. Jackson replied yes, the bike lane does not take away that opportunity. She continued that the same is true for racing cyclists. The bike lane is not a good place for someone in training and trying to ride very fast. Ms. Jackson continued that she wants to thank the City Manager for the way she presented the (proposed bike lane policies), which she thought was very well done.

Mike Zoll of 18 Summer St. stated that he was on the committee, which he thanks the City Manager and the Mayor for forming. He continued that what he hears the group talking about tonight is everything that the Bike Lane Policy Committee talked about for about six meetings. The committee did a lot of pondering about speed and thought a lot about what other cities like Keene are doing. It is wonderful that the MSFI Committee is struggling with this, because this is exactly what the Bike Lane committee did, and probably what the BPPAC did in many ways. The City Manager's opening comments about design were profound. Design will truly affect the speed. He, too, has traveled to the places Chair Greenwald spoke of, as well as other places where bicycles are prominent. When he was an undergrad in CA there were 30,000 bikes a day on campus, and he participated in a committee that worked on how to keep 30,000 bicyclists and tens of thousands of pedestrians safe. It is good to struggle with this. He thinks the design is perfect. The Committee struggled with the speed issue, too, and he thinks coming up with "safe" was the wise way to go for now. He likes the Mayor's comments about how they can figure it out in the coming months and years. The testing is a great way to go and looking to see what other communities are doing, what has worked, and what has not. He thanks everyone for their work on this. Keene is going in the right direction, promoting bike and pedestrian safety, infusing the downtown with a sense of vision and future.

Rowland Russell of High St, BPPAC Vice Chair, stated that over the months that the BPPAC has been discussing this, they were making distinctions between recommendations and regulations. Regulations that they have discussed tonight will move into ordinance material. He appreciates the comments tonight and thanks everyone who has been involved, including the Bike Lanes Policy Committee and the City Manager. He thinks there is more work to do with community partners, like Pathways for Keene, the BPPAC, the New England Mountain Bike Association, and other groups that are doing community rides. They need to work on the behavioral changes and the education and outreach, to make the recommendations they have been talking about part of the culture. He looks forward to working with the community partners, the MSFI Committee, and the City Council to help bring that about.

Chair Greenwald thanked everyone for their input and stated that everyone will have further opportunities to speak as this moves through the PLD Committee. He asked if the Committee or public had further comments. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager submit a proposed Ordinance for the establishment of appropriate rules for the operation of bicycles in the Downtown Core.

Chair Greenwald asked if William Schoefmann wanted to add anything.

Mr. Schoefmann replied not unless the MSFI Committee had any questions about BPPAC support, which he thinks the BPPAC members spoke to. Chair Greenwald replied that he thanks Mr. Schoefmann for his great work.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Rebecca Landry, Deputy City Manager
Through: Elizabeth Dragon, City Manager
Subject: **Cable Franchise Renewal Agreement and Public Hearing - Assistant City Manager Landry**

Council Action:

In City Council October 3, 2024.

Public hearing set for November 7, 2024 at 7:00 PM.

Recommendation:

That a public hearing is scheduled on the Cable Television Franchise Agreement with Spectrum Northeast, LLC.

Attachments:

None

Background:

Cable Franchise Agreements are regulated by federal law to ensure public access to the Cable TV system and with reasonable expectations of the providers. Although the City and Spectrum generally make a reasonable effort to negotiate locally specific provisions, providers have little responsibility or accountability to meet municipal requests beyond what is required by State and Federal law. As Spectrum's Franchise Agreement with the City is due for renewal, a public hearing is important, and there are some likely new terms to highlight.

- The pending renewal Franchise Agreement with Spectrum would increase the standard installation requirement from 150 feet to residences within 200 feet of the existing cable TV system.
- The cable TV system would be extended to areas where there are 20 dwelling units or more per mile of the cable system, which is an increase from the previous density requirement of 15 units per mile.
- The term would be 20 years from the date of execution.
- The maximum franchise fee would continue to be 5% which is the maximum allowed by law, and, with the current fee at 3.5%, would be limited to no more than a total 1% increase in any calendar year.
- The City would have 12 months to request an audit of Spectrum's cable TV revenue relative to what the franchise fee can be applied to.
- The agreement would continue to require that basic cable service be available to all subscribers, which is required by law.
- An HD format channel would be available to replace a current, SD channel subject to a commercial services agreement.

- The performance bond would increase from \$10,000 to \$50,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Relating to Winter Maintenance Parking Restrictions
Ordinance O-2024-14**

Council Action:

In City Council October 3, 2024.

Report filed as informational. Voted unanimously for the adoption of Ordinance O-2024-14.

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-14.

Attachments:

1. ORDINANCE O-2024-14 - Winter Maintenance Parking Restrictions_Adopted

Background:

Chair Greenwald asked to hear from staff regarding Ordinance O-2024-14.

Duncan Watson, Assistant Public Works Director, stated that they have managed to avoid this for over 32 years, but no longer. He continued that this relates to the lifting of the winter maintenance parking restrictions that are currently in place. The City has a blanket ban in place, meaning from November to April, no on-street parking is allowed overnight. This Ordinance would lift that blanket ban and switch to a situational ban, dependent on the announcement of a winter weather event. They left the details of how Public Works plans to notify people purposefully vague, because they do not yet know how this will go. They currently have a good notification system in place, which they will utilize to begin with, and they have other tools in the toolbox to use later on, if that is deemed necessary. Some of those tools would have a cost. For example, they could add a module to the LED streetlights, which would add a publicly visible signal as a warning that a winter parking ban is in effect. He just spoke with the City's streetlight vendor and does not yet have the cost estimate for that. He was not planning to bring that forward because he does not feel it is necessary yet. They would want to first see how the current notification system goes.

Mr. Watson continued that Public Works is not involved in enforcing the parking ban; that is the Police Department's role. Public Works will not get into the towing business. If people violate this Ordinance, they will be ticketed. The public and private sectors' towing infrastructure is not conducive to mass towing events, so Public Works hopes the notification system works. They will adjust it if necessary. If the Public Works Director were here tonight, he would probably say that the

first storm or two might be a bit bumpy, but staff will learn along with the public and adjust appropriately and bring forward other solutions for consideration if necessary. He thinks this will be good news for the majority of people who have been asking for this change in winter parking over the years. Public Works staff in general support it, but do not want to be damaging vehicles that are parked in the public way, which is their primary concern. There will end up being some unhappy people who get plowed in on occasion, if they leave their vehicles on the street. After a while, there will probably be a ticket along with that. Staff hopes for good compliance and hopes the word-of-mouth spreads. This ordinance will give people many more parking options than they currently have.

Chair Greenwald asked if this also affects the parking lots. Mr. Watson replied that it already does; there is alternating lot parking with the winter ban. He continued that people will be allowed to park (overnight) when there is not a ban. Staff is looking at installing permanent variable message boards on the parking lots. They are working on finding a good system for that, so they can better inform the public, knowing that the alternating lots gets confusing for people.

Chair Greenwald asked if Main St. overnight parking is included in this. Mr. Duncan replied that those are metered lots, but yes, in theory, there is nothing to stop someone from parking downtown. There are not carve-outs for restrictions. Chair Greenwald replied that he is happy to hear that.

Councilor Michael Remy of Castle St. stated that he appreciates the work on this, which is a great compromise. He continued that he knows how much thought has to go into this, because clearing out snow is such an intricate process. He would love for this to be tied to the National Weather Service alerts, but he thinks where it is now is great. He wants to be really thoughtful. Currently, the ban is only at night. With the way this is written, the ban could be during the day, if needed. He wants them to be thoughtful and not institute many daytime bans for Main St., although he understands there may be times when it is beneficial to block off certain sections if there is a big storm, which they currently do not have the ability to do.

Councilor Tobin stated that she assumes that during a ban, everyone who normally would park on the street would have to find a lot to move their car to. She asked if there is any concern about those people trying to find out where they can park in that period of time. Mr. Watson replied that currently, the Parking Division has extensive maps available to show people where to park during a parking ban. That will be another resource they use to help inform the public of the alternatives. The winter parking ban will essentially end up being a small fraction of what it used to be. This situation will massively improve the parking. Yes, there will be a scramble during an actual winter storm event that people are notified of, but that happens now anyway.

Councilor Tobin replied that she thinks it is great, and just wants to make sure that in the communication it is incorporated into that. (For example), "This is where you can park on Thursday," so when there is a ban, maybe (it is) more specific, if possible. Mr. Duncan replied that they cannot put too much information in a notification, so they would probably say, for example, "For parking alternatives, go [here]."

Rebecca Landy, Deputy City Manager, stated that those maps are already at keenenh.gov/parking. She continued that there are a number of different maps, based on people's needs. They are Google maps, and from your phone, you can navigate to the lot available on Monday night versus the one available on Tuesday night. They tend to send people to various lots depending on the night of the week so Public Works can plow a certain lot when there is no parking allowed there, versus a night when people are directed to park there. They will continue that practice.

Chair Greenwald stated that this will work. He continued that it will surely be better than having four months of no overnight parking allowed. He asked if members of the public had any questions or comments.

Ian Matheson of Court St. stated that he thanks the City Manager and staff for submitting this Ordinance. He continued that as a downtown resident who struggles with winter parking, it is great to see this come forward and it will definitely help people who want to move downtown, because now they will have the option to park in the winter. He asked if the parking lots will still have overnight parking on alternating nights, or if the lots will be entirely unavailable during a ban.

Mr. Duncan replied that during a winter parking ban there will be alternating lots, but not otherwise. Mr. Matheson asked if he means it will be as it is now, where you can park in whatever lot you need to when there is no ban. Mr. Watson replied yes.

Mr. Matheson continued that his other question is about Section 4.A., which says, "a declaration will be made no less than six hours prior to the starting time of the ban." In the current Ordinance, Section C talks about closing for maintenance "at least five days prior". He asked if that will change with the implementation of this Ordinance, because they contradict each other.

Mr. Watson replied that maintenance is different from snow plowing. He continued that maintenance is something like repairs, crack sealing, or line painting. Mr. Matheson asked if something could be put in this Ordinance to clarify that, maybe a definition section clarifying "winter parking ban" versus "maintenance," so people do not get confused. Mr. Watson replied that when staff looked at this, they focused specifically on this (winter parking) aspect of the Ordinance, but the Ordinance encompasses more. Once they get some experience with implementing this Ordinance, the intention is to come back and clean up the language, once they experience what works and what does not work.

Mr. Matheson thanked Mr. Watson. He continued that it will be great to be able to park downtown in the winter. In his opinion, people who park on the street during a ban should have their vehicles plowed in instead of towed. That would be more effective.

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

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-14.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Winter Maintenance Parking Restrictions

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by removing Sec. 94-95 (a) “Snow maintenance period” in its entirety and replacing it with the following bolded text:

(a) *Winter maintenance period.*

- 1) **The Public Works Director or their designee (“Director”) shall be empowered to declare a Winter Weather Parking Ban whenever the existing conditions warrant or weather forecasts predicting snowfall, sleet, freezing rain, or other inclement weather indicate that the execution of necessary highway maintenance activities will require the prohibition of parking on city streets or municipal lots. Once a Winter Weather Parking Ban is declared, it shall continue until such time as it is terminated pursuant to the provisions of this ordinance. The Director may declare a Winter Weather Parking Ban at any time and for any duration necessary to conduct highway maintenance activities.**
- 2) **No vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the city and owners of all vehicles or trailers so standing during a declared Winter Weather Parking Ban shall be deemed in violation of RSA 262:31 et seq.**
- 3) **The Police Chief or his/her designee is hereby authorized to enforce the provisions of this section as provided for in Sections 94-181 through 94-184, pertaining to penalties, towing, immobilization and appeals.**
- 4) **The Director shall notify the public when a Winter Weather Parking Ban starts and ends by using available methods for communicating messages to the public, which may include but not be limited to an automated push notification system, the City’s website, social media, texts, signage, and telephone notification.**
 - a. **The declaration shall be made no less than six (6) hours prior to the starting time of the ban.**
 - b. **The declaration of a Winter Weather Parking Ban may be made applicable to all City streets, certain streets, or streets within a defined perimeter.**

- c. **The declaration of a Winter Weather Parking Ban may be made applicable to all public surface parking lots or only certain lots.**



Jay V. Kahn, Mayor

In City Council September 19, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.



Patricia Castle
City Clerk

PASSED: October 3, 2024

A true copy, attest:



Patricia Castle
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: October 3, 2024
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Relating to FY25 Fiscal Policies
Resolution R-2024-32**

Council Action:

In City Council October 3, 2024.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

That Resolution R-2024-32 relating to FY25 Fiscal Policies have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2024-32_Referral
2. R-2024-32 Relating to Fiscal Policies-9 18 24 markup copy

Background:

Shortly after the beginning of each new fiscal year the fiscal policies of the City are reviewed and updated to provide guidance for fiscal management and decision-making. This is also the time of year when the City Manager and staff start planning for the next fiscal year.

The update to the fiscal policies is the first step in the budget process. This document sets the boundaries for which both the Capital Improvements Program and City Operating Budget need to stay within while providing direction that incorporates City Council goals and objectives.

The updates to the FY25 fiscal policy are a combination of housekeeping items, clarifications, and explanatory modifications. It also includes a new alignment resulting from the recent change in the City's organization chart modified for the two Deputy City Manager Positions. Changes also include the formalization of the newly created Compensated Absences Fund due to a recent GASB update, and a change to the Consumer Price Index (CPI) used to limit the property tax revenue increase. The red-lined version of the Fiscal Policy outlines the changes effective for FY25 and for the preparation of the FY26 budget.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to FISCAL POLICIES

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

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible; and

WHEREAS: The City Manager is hereby granted the authority to appoint a designee to temporarily perform the duties and responsibilities of the City Manager in his or her absence; and

WHEREAS: The City Manager will in writing inform the City Council of the temporary appointment including name and dates of appointment; and

WHEREAS: The Deputy City Manager designated by the City Manager shall be vested with all of the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, State Statute, the City Budget, or by any city ordinance, resolution, agreement, document or other authority; and

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior fiscal policies and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

Strategic Governance links both operational and capital budgets to long term goals established by the City's Master Plan and prioritized through the City Council goal's process. Departments prepare budgets with proposed strategies to advance the goals of the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget. This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high level goals and ensures budget dollars are tied to community and council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
 - 8) Compensated Absences Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of October each year.
- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Outside Agencies seeking funding from the City shall complete an application substantiating their request, the necessity of the services provided, and financial impact on the City if services were not provided. All applicants shall meet eligibility criteria set by the City and eligible applications shall be reviewed by a committee consisting of at least 2 City Councilors, and representation from Human Services, Finance, Community Development, and Police Departments. The committee shall put forth a list of Outside Agencies to the City Manager with recommended funding to be included in the budget.
- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services. Payments for contracted professional services rendered by temporary employment agencies shall be accounted for from the operating budget of the department. The corresponding budgetary funding shall remain within the personnel

budget to ensure proper financial management and transparency.

- G. It is the City's policy to permit employees to accumulate earned and unused leave. The City shall maintain an amount equivalent to the total of the earned and unused leave at the close of each fiscal year in a Compensated Absence Fund. All vested earned leave is accrued when incurred and paid to the employee upon separation of employment as specified in the City's then current Employee Handbook and/or current Collective Bargaining Agreements, from the Compensated Absence Fund.
 - H. A periodic budget status report for each fund will be provided to the City Council.
 - I. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
 - J. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
 - K. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
 - L. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
 - M. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Northeast Region-New England Consumer Price Index (CPI) as published by U.S. Bureau of Labor Statistics net of expenditures required by Federal law, State Statute, and debt service payments and capital leases. The Consumer Price Index (CPI) is used to align property tax increases with the overall inflation experienced by its citizens. The objective is to keep the cost of City services as a stable percentage of a taxpayer's overall expenses. The CPI of the Northeast Region measures the changes in prices of all goods and services purchased by households in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, that accurately reflects inflation in the City's region and is reported monthly.
 - 2) Property Tax Credits and Exemptions.

All exemptions and credits will be reviewed with the City Council at least every five (5) years in conjunction with the City revaluation unless there are legislative changes that cause a review to occur on a more frequent basis.
 - 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.
- II. Capital Improvement Program
- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.

- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$50,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$50,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than \$50,000.
- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
 - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include projects such as:
 - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.
- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:

- 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
 - a) Within the same fund and
 - b) Not funded with bond proceeds/debt and/or
 - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
- 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
 - a) Within the same fund and
 - b) Funded with bond/debt proceeds and/or
 - c) Funded with a new capital reserve appropriation.

PART 2 - Financial Policies

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds.
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds - shall be used to account for funds that must be used for a specific purpose.
 - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
 - iv. Compensated Absences Fund – shall be used to recognize, measure and disclose requirements for compensated absences. A liability for compensated absences is recognized for unused leave and leave that has been used but not yet paid or settled in accordance with GASB 101.
 - c) Capital Funds.
 - i. Capital Project Fund – shall be used to account for the capital projects funded by any of the governmental funds excluding the Sewer Fund and the Water Fund.
 - ii. Sewer Capital Project Fund – shall be used to account for the capital projects funded by the Sewer Fund.
 - iii. Water Capital Project Fund – shall be used to account for the

capital projects funded by the Water Fund.

- iv. Equipment Capital Project Fund – shall be used to account for the capital projects/assets funded by the Equipment Fund.

2) Proprietary Funds.

a) Enterprise Funds.

- i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
- ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.

3) Internal Service Funds.

- a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
- b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

C. Designation of Revenues.

- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
- 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
- 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless accepted and directed by the City Council.

III. Fees and Charges

A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

- 1) In the case of general governmental services (such as fire protection, law

enforcement, or general street maintenance) there will be no user fee or charge assessed.

- 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery Standard for Fees and Charges.

Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to Cost Recovery Standard for Fees and Charges:

- 1) Fees and Charges may be set at something less than full cost recovery when:

- a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
- b) Collecting the fees and charges is not cost effective.
- c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
- d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
- e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.

- 2) Fees and Charges will be set at, or above, full cost recovery when:

- a) The service is also provided, or could be provided, by the private sector.
- b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
- c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
- d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.

- 3) Ambulance:

- a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
- b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
- c) There will be no charge for responses determined by the Fire Department to be "public assists."

D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.

E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.

- F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- G. Fees and charges shall be adopted by the City Council when required.
- H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.

IV. Bonded Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, including but not limited to RSA 33, 33B, 34, and 162K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
- G. The City of Keene issues bonds including but not limited to:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- H. Competitive sale or New Hampshire Municipal Bond Bank are the preferred methods of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement or capital asset.

V. Other Sources

- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
- B. To the extent they are available, the City of Keene will actively pursue other

funding sources including but not limited to:

- 1) Grants that reduce the City's initial investment in project/improvement.
- 2) Grants that contribute to the on-going debt service for city project(s).
- 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.
- 4) Public-private partnerships.
- 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset Management Programs

A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:

- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
- 2) Establishment of condition and functional standards for various types of asset.
- 3) Criteria to evaluate infrastructure and facility assets and set priorities.
- 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
- 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

A. Fund Balance.

Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:

- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
- 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
- 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
- 4) Assigned fund balance - includes amounts to be used for specific purposes

including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.

- 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.

B. Spending Prioritization.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

A. Objectives (in priority order):


- 1) Safety – the safety of principal is the foremost objective.
- 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
- 3) Yield – taking into account the priority objectives of safety of principal and liquidity, a market rate of return.

B. Authorized Investments:

- 1) US Treasury obligations.
- 2) US government agency and instrumentality obligations.
- 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
- 4) Certificates of Deposits in New Hampshire Banks (collateralized).
- 5) New Hampshire Public Deposit Investment Pool.
- 6) Certificate of Deposit Account Registry Service (CDARS).

Jay V. Kahn, Mayor

In City Council October 3, 2024
Referred to the Finance, Organization
and Personnel Committee.



City Clerk

Twenty-Four

Relating to FISCAL POLICIES

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible; and

WHEREAS: The City Manager is hereby granted the authority to appoint a designee to temporarily perform the duties and responsibilities of the City Manager in his or her absence; and

WHEREAS: The City Manager will in writing inform the City Council of the temporary appointment including name and dates of appointment; and

~~WHEREAS: The Acting City Manager filling the position designated in the city budget as "City Manager" shall be vested with all the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, State Statute, or by any city ordinance, resolution, agreement, document or other authority. Whenever the term "City Manager" is utilized in the Charter, State Statute, or any such ordinance, resolution, agreement, document, or authority, it shall mean the "City Manager" as so designated; and~~

~~The Deputy City Manager designated by the City Manager shall be vested with all of the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, State Statute, the City Budget, or by any city ordinance, resolution, agreement, document or other authority; and~~

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the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget. This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high level goals and ensures budget dollars are tied to community and council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

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- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services. **Payments for contracted professional services rendered by temporary employment agencies shall be accounted for from the operating budget of the department. The corresponding budgetary funding shall remain within the personnel budget to ensure proper financial management and transparency.**

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- I. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
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- L. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- M. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the ~~Boston-Cambridge-Newton, (MA-NH) CPI~~ **Northeast Region-New England Consumer Price Index (CPI) as published by U.S. Bureau of Labor Statistics** net of expenditures required by federal law, State Statute, and ~~excluding~~ debt service payments and capital leases. ~~The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant. The Consumer Price Index (CPI) is used to align property tax increases with the overall inflation experienced by its citizens. The objective is to keep the cost of City services as a stable percentage of a taxpayer's overall expenses. The CPI of the Northeast Region measures the changes in prices of all goods and services purchased by households in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, that accurately reflects inflation in the City's region and is reported monthly.~~
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- C. All capital projects or equipment purchases that have an estimated cost of at least ~~\$35,000~~ \$50,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least ~~\$35,000~~ \$50,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than ~~\$35,000~~ \$50,000.
- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
 - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include projects such as:
 - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.

- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:
 - 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
 - a) Within the same fund and
 - b) Not funded with bond proceeds/debt and/or
 - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
 - 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
 - a) Within the same fund and
 - b) Funded with bond/debt proceeds and/or
 - c) Funded with a new capital reserve appropriation.

PART 2 - Financial Policies

- I. Fund Structure
 - A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
 - B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds.
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds - shall be used to account for funds that must be used for a specific purpose.
 - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.

- iv. **Compensated Absences Fund – shall be used to recognize, measure and disclose requirements for compensated absences. A liability for compensated absences is recognized for unused leave and leave that has been used but not yet paid or settled in accordance with GASB 101.**

c) Capital Funds.

- i. Capital Project Fund – shall be used to account for the capital projects funded by any of the governmental funds excluding the Sewer Fund and the Water Fund.
- ii. Sewer Capital Project Fund – shall be used to account for the capital projects funded by the Sewer Fund.
- iii. Water Capital Project Fund – shall be used to account for the capital projects funded by the Water Fund.
- iv. Equipment Capital Project Fund – shall be used to account for the capital projects/assets funded by the Equipment Fund.

2) Proprietary Funds.

a) Enterprise Funds.

- i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
- ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.

3) Internal Service Funds.

- a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
- b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

- C. Designation of Revenues.
- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
 - 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
 - 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless **accepted and** directed by the City Council.

III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.
- 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
 - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.
- B. Cost Recovery Standard for Fees and Charges.
Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).
- C. Exceptions to Cost Recovery Standard for Fees and Charges:
- 1) Fees and Charges may be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
 - b) Collecting the fees and charges is not cost effective.
 - c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).

- e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
 - 2) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
 - d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.
 - 3) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be “public assists.”
 - D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
 - E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
 - F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
 - G. Fees and charges shall be adopted by the City Council when required.
 - H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.
- IV. Bonded Debt
- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, **RSA 34 and 162-K including but not limited to RSA 33, 33B, 34, and 162K.**
 - B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
 - C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
 - D. The City of Keene shall not incur debt that exceeds any limits set by State law.
 - E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.

- F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
- G. The City of Keene issues bonds including but not limited to:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- H. Competitive sale **or New Hampshire Municipal Bond Bank** are **is** the preferred methods of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement **or capital asset**.
- V. Other Sources
 - A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
 - B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 1) Grants that reduce the City’s initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City’s initial investment in a project.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset Management Programs

A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:

- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
- 2) Establishment of condition and functional standards for various types of asset.
- 3) Criteria to evaluate infrastructure and facility assets and set priorities.
- 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
- 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

A. Fund Balance.

Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:

- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
- 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
- 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
- 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
- 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.

B. Spending Prioritization.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

A. Objectives (in priority order):

- 1) Safety – the safety of principal is the foremost objective.
- 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
- 3) Yield – taking into account the priority objectives of safety of principal and liquidity, a market rate of return.

B. Authorized Investments:

- 1) US Treasury obligations.
- 2) US government agency and instrumentality obligations.
- 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
- 4) Certificates of Deposits in New Hampshire Banks (collateralized).
- 5) New Hampshire Public Deposit Investment Pool.
- 6) Certificate of Deposit Account Registry Service (CDARS).

Jay V. Kahn, Mayor