

10-17-2024

In the absence of the Honorable Mayor Jay V. Kahn, the City Clerk, Patty Little, 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, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Thomas F. Powers, & Mitchell H. Greenwald were present. Michael J. Remy, Andrew M. Madison, and Bettina A. Chadbourne were absent. The City Clerk declared that a quorum was physically present in the Council Chambers. A motion by Councilor Powers to elect Councilor Greenwald as the temporary Chair was duly seconded by Councilor Bosley. The motion carried unanimously with 12 Councilors present and voting in favor; Councilors Madison was absent. Councilor Chadbourne entered at 7:18 PM. Chair Greenwald took his seat at the dais. Chair Greenwald acknowledged that Councilor Remy requested to be allowed to participate remotely due to work travel; he was calling from a company office and might not have been alone/private at all times during the meeting. Hearing no objections, Chair Greenwald granted the remote participation and Councilor Remy joined the meeting remotely. Councilor Filiault led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the October 3, 2024, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Madison absent. Chadbourne was not present for this vote.

ANNOUNCEMENTS

Chair Greenwald shared a reminder that the City would be hosting the “Keene in Perspective and Retrospective” program on November 8. The event at the Historical Society will mark Keene’s 150th celebration as a City. Keene’s four living mayors 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. Chair Greenwald said he anticipated a lot of interesting discussion, as he and Councilor Filiault had just been reminiscing about stories of past Councils. He hoped other Councilors would attend.

Chair Greenwald also announced a special City Council meeting for the City Attorney interviews on Saturday, November 9, 2024, at 8:00 AM in the Council Chambers. The meeting is anticipated to last until 1:30 PM. It is important that all Councilors make arrangements to attend this meeting. The Chair also announced another Special City Council meeting for the City Manager review scheduled for November 19, 2024, at 6:00 PM in the Council Chambers.

Lastly, Chair Greenwald shared that the Keene Public Library would be hosting its Annual Book Sale: October 18, 10:00 AM–6:00 PM; October 19, 10:00 AM–5:00 PM; & October 20, 10:00 AM–2:00 PM. This was the 41st year of the Book Sale and Chair Greenwald encouraged the public to attend.

CONFIRMATION – ZONING BOARD OF ADJUSTMENT

Mayor Kahn nominated Zach LeRoy to serve as an alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2026. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Madison absent. Councilor Chadbourne not present for the vote.

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

A Planning, Licenses, & Development Committee report read, recommending that that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2024, and expire on March 30, 2025, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as additionally insured. In addition, the Keene SnoRiders, Inc. will be responsible (including all associated costs) for furnishing, installing and maintaining of all signage/markings; which shall be furnished and installed in accordance with the Snowmobile Trail Standards published by NH Department of Business and Economic Affairs and the Manual for Uniform Traffic Control Devices (MUTCD); all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover; no structures, including but not limited to buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road; snow windows shall be groomed to provide adequate sight distances in conformance with AASHTO Standards and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover. All crossing of public right of ways shall be made and maintained as perpendicular with the right of way being crossed.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Madison absent. Councilor Chadbourne not present for the vote.

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

A Planning, Licenses, & Development Committee report read, unanimously recommending that that the City Manager be authorized to do all things necessary to negotiate and to execute a standard form City license to Charter Communications for the installation by Charter Communications of a concrete pad and utility cabinet on City property located at 555 Roxbury 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 on a roll call vote with 13 Councilors present and voting in favor. Councilors Madison absent. Councilor Chadbourne not present for the vote.

CITY MANAGER COMMENTS

First, the City Manager, Elizabeth Dragon, reported that the Deputy City Manager, Rebecca Landry, had been working to create water and sewer bill stuffers. A copy of one would be going out in the next round of bills. It contained information about posting addresses so that emergency responders could locate a specific address in the case of an emergency. The stuffers will be also used to highlight job openings such as for the Finance Director, the Community Development Director, and the Highway Division Manager. The City Manager encouraged Councilors to actively recruit potential candidates for these open positions. Personal outreach is more effective than any ad campaign the City might employ.

Next, the City Manager informed the Council about a meeting she had with the SAU 29 School Superintendent the week before this meeting; also in attendance were the City's Director of Parks & Recreation, Carrah Fisk-Hennessey, and Youth Services Director, Alyssa Bender. This meeting was about how Youth Services could play a role in bullying and suicide prevention programs. The City Manager said it was an informative meeting and that Superintendent Malay offered to include Ms. Bender in future discussions.

The City Manager also informed the Council about the Housing Champions Program from the State of NH. She explained the New Hampshire Legislature created this program and provided \$5 million in funding. The purpose of this program is to enable municipalities to voluntarily engage in the Housing Champion designation process and subsequently benefit from additional funding opportunities made exclusively available to those who are designated as Housing Champions. While the City Manager said it is not a lot of money—only \$5 million for the entire State—the City Manager thought the City of Keene could qualify. Municipalities interested in earning this designation may apply until November 15. By earning the designation, communities become eligible for two additional funding sources: Infrastructure Funding and the Per-Unit Production Grants. City staff were in the process of preparing the application, although the City Manager said no direct funds come with the Housing Champion designation itself. Upon receipt,

communities are eligible to apply for grant funding for infrastructure investments supporting housing and a per-unit housing production program modeled after the Municipal Per Unit program in the federally funded Invest NH program. The City Manager explained that the total of \$5 million appropriated for FY 2024–2025 was broken down as follows: \$1.5 million for housing production and \$3.5 million for infrastructure.

Lastly, the City Manager reported on winter parking and shared a press release prepared by Deputy City Manager, Rebecca Landry. The City Manager said there had been more conversations and questions, which led to identifying some conflicting language elsewhere in the Code. Staff were working on additional Ordinance revisions to the summer maintenance section, which would be brought forward to the Council soon.

REPORTS – CITY OFFICERS AND DEPARTMENTS – ACCEPTANCE OF DONATIONS – FINANCE DIRECTOR

A memorandum was received from the Finance Director, Merri Howe, recommending that the City Council accept the donations totaling \$6,000 and the City Manager be authorized to use each donation in the manner specified by each donor. A motion by Councilor Powers to accept the donations totaling \$6,000 and that the City Manager be authorized to use each donation in the manner specified by each donor was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent. The Mayor & Council thanked the donors:

- The Gallup Foundation generously donated \$5,000, helping to maintain and sustain the Keene International Festival’s presence in our community.
- To cover the costs of Community Night events associated with the new “Ward Optimization Weeks” (WOW!) initiative, C&S Wholesale Grocers, through their Mini Grants Committee, generously donated \$1,000.

REPORTS – CITY OFFICERS AND DEPARTMENTS – RULES OF ORDER AMENDMENTS - SECTION 17 “MOTIONS” AND SECTION 26 “REVIEW OF ITEMS OF BUSINESS” – CITY ATTORNEY

A memorandum read from the City Attorney, recommending that the proposed amendments to the Rules of Order be referred to the Planning, Licenses, and Development Committee for consideration along with its ongoing discussions about Communications. Chair Greenwald referred the proposed amendments to the Rules of Order to the Planning, Licenses, and Development Committee.

REPORTS – CITY OFFICERS AND DEPARTMENTS – INVEST NEW HAMPSHIRE MUNICIPAL DEMOLITION GRANT - BUILDING AT 160 WATER STREET

Because this was a time-sensitive matter and would thus require a suspension of the Council’s Rules of Order, Chair Greenwald welcomed an introduction from the City Manager, Elizabeth Dragon. The City Manager explained that the Council had already granted her the authority to apply for, accept, and expend this Invest NH grant. This is the demolition grant through investment for the Findings Building as a part of the Skate Park program. However, when the

City went out to bid for this the first time, the bids were well above the funds that the City had allocated for the project, so the City had to find an additional funding source. When the City went out to bid again, there were no bids. Now, she said the City had run out of time, and she had talked to the State about extending this grant and the State agreed. So, the City Manager asked for the ability to extend the timeline for the grant.

A motion by Councilor Powers to suspend the Rules of Order to act upon the grant application to Invest NH Municipal Demolition Grant was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent.

A motion by Councilor Powers to recommend that the City Manager be authorized to extend the grant timeframe and accept and execute the Invest NH Municipal Demolition Grant award for \$117,000.00 for the property located at 160 Water Street was duly seconded by Councilor Remy.

Councilor Favolise recalled—as he had said in the past—that he likes to say a word for projects in his Ward. This property makes up one of the borders of Wards One and Two. Councilor Favolise wanted to say how exciting it is, as a Councilor representing parts of East Keene, to see continued investment in East Keene through the Skate Park initiative, and this grant is part of it.

Chair Greenwald said a challenge would be to find a demolition contractor to do this work, which could delay the project. He said he was often asked the same question being on the other side of this border in Ward Two, so he hoped someone would take on the work this time.

The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent.

BPPAC REPORT – BICYCLE & PEDESTRIAN PATH ADVISORY COMMITTEE – BICYCLE SAFETY STUDIES

A report received from the Chair of the Bicycle & Pedestrian Path Advisory Committee, Sam Jackson, providing various studies that support the safety of covered bike paths. Chair Greenwald accepted the report as informational.

MORE TIME – PLD REPORT – GREATER MONADNOCK COLLABORATIVE – REQUEST TO USE CITY PROPERTY – CENTRAL SQUARE AND RAILROAD SQUARE – 30TH ANNIVERSARY CELEBRATION OF THE RELEASE OF THE FILM JUMANJI

A Planning, Licenses, & Development Committee report read recommending that the request be placed on more time to allow additional protocol meetings to be held. Chair Greenwald granted more time.

MORE TIME – PLD REPORT – RULES OF ORDER AMENDMENT #4: SECTION 25. COMMUNICATIONS

A Planning, Licenses, & Development Committee report read recommending placing Rules of Order Amendment #4: Section 25. Communications on more time. Chair Greenwald granted more time.

ORDINANCES FOR FIRST READING – RELATING TO LICENSES AND PERMITS –
ORDINANCE O-2024-18

A memorandum read from the Deputy City Clerk, Terri Hood, recommending that Ordinance O-2024-18 be referred to the Planning, Licenses, and Development Committee for their review and recommendation. Chair Greenwald referred Ordinance O-2024-18 to the Planning, Licenses, and Development Committee.

ORDINANCES FOR FIRST READING – RELATING TO AMENDMENTS TO THE LAND
DEVELOPMENT CODE, BUILDING HEIGHT IN THE COMMERCE DISTRICT –
ORDINANCE O-2024-19

A memorandum read from Mari Brunner, Senior Planner, recommending that Ordinance O-2024-19 be referred to the Joint Committee of the Planning Board/Planning, Licenses, and Development Committee for a public workshop. Chair Greenwald referred Ordinance O-2024-19 to the Joint Planning Board/Planning, Licenses, and Development Committee.

RELATING TO STREET AND UTILITY REQUIREMENTS AND STANDARDS –
RESOLUTION R-2000-28

A Planning, Licenses, & Development Committee report read, recommending the rescission of Resolution R-2000-28. Chair Greenwald filed the report. A motion by Councilor Bosley to rescind Resolution R-2000-28 was duly seconded by Councilor Jones.

Councilor Bosley briefly explained the rationale for rescinding Resolution R-2000-28, recalling that this had appeared before the Council a few times in the prior months regarding potential developments that had requested building permits. This policy was 24 years old, and Councilor Bosley said it was wholly in need of a rewrite. She explained that the City is governed by NH RSA 674:41, so rescinding this Resolution would not leave the City without some direction. She said the PLD Committee discussed at length the need for a new policy, so Councilor Bosley said the Council would hear her ask the City Manager to bring forth something in that regard soon. For now, she thought it was important to rescind this Resolution.

The motion to rescind Resolution R-2000-28 carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent.

A motion by Councilor Bosley to recommend that the City Manager submit proposed criteria for the City Council to consider when determining whether or not to authorize the issuance of a building permit on a Class VI Road, or a private street, was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent.

10-17-2024

RELATING TO AN APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND –
RESOLUTION R-2024-34

A memorandum read from the Assistant Public Works Director, Duncan Watson, recommending the adoption of Resolution R-2024-34 relating to the appropriation of funds from the Solid Waste Fund. Because this Resolution was not time-sensitive, Chair Greenwald referred Resolution R-2024-34 to the Finance, Organization, and Personnel Committee.

RELATING TO NORTHERN BORDER REGIONAL COMMISSION GRANT PROGRAMS –
RESOLUTION R-2024-35

The City Manager, Elizabeth Dragon, recalled that she referenced this grant application at the October 3 Council meeting. Because the last FOP meeting was canceled, and this grant application had to be submitted the day after this meeting, the City Manager needed the Council's authorization to move forward with this grant at this meeting. She recalled that the City was not successful in securing the RAISE Grant, so the Public Works Director, Don Lussier, did not stop there and he had been pursuing other grant opportunities. This was one major opportunity that could potentially fund a significant portion of the solar pavilion on Gilbo Avenue.

A motion by Councilor Powers to suspend the Rules of Order to act upon the Resolution was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent.

A motion by Councilor Powers to adopt Resolution R-2024-35 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilors Madison was absent.

ADJOURNMENT

There being no further business, Chair Greenwald adjourned the meeting at 7:35 PM.

A true record, attest:



City Clerk