



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

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 17, 2024

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Cable Franchise Agreement
2. Public Hearing - CDBG - Relating to the Cedarcrest Center
3. Presentation - Master Plan Update

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Jaida Carland - Concern over the Impact of Parking Ticket Rates on Small Businesses and their Employees
2. Petition - Reduction of Speed Limit - Upper Roxbury Street
3. Kenneth Kost - Potential for Mixed Use Development on Gilbo Avenue Land
4. Jared Goodell - Proposed Amendment to Land Development Code - Side Setbacks

D. REPORTS - COUNCIL COMMITTEES

1. Presentation: Code and Fire Inspections
2. Robert C. Hamm – Request for Improvements in Sidewalks and Traffic Patterns - Intersection of Grove Street and Water Street

3. Staff Report on the Results of the Ward Optimization Weeks (WOW!) Program
4. Sale of City Property at 0 Grove Street
5. LWCF Grant Round 34 Acceptance - Robin Hood Renovation Project
6. 2024 Homeland Security Grant Program Award – Hazardous Materials Allocation

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Resignation of Lee Stanish from the Conservation Commission
2. Resignation of Ashok Bahl from the Congregate Living and Social Services Licensing Board
3. Resignation of Eloise Clark from the Conservation Commission

G. REPORTS - BOARDS AND COMMISSIONS

1. Ordinance O-2023-16-C: Relating to Permitted Uses in the Downtown Core and Commerce Districts

H. REPORTS - MORE TIME

1. Presentation – Route 9 – Old Sullivan Road Intersection

I. ORDINANCES FOR FIRST READING

1. Relating to Designated Loading Zones and Bus Loading Zones
Ordinance O-2024-16
2. Relating to Maintenance Parking Restrictions
Ordinance O-2024-21
3. Relating to Gilbo Avenue Parking Restrictions
Ordinance O-2024-22
4. Relating to Juneteenth Exception To Parking Regulations
Ordinance O-2024-23
5. Relating to Residential Parking Requirements
Ordinance O-2024-20

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

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

2. Relating to an Appropriation of Funds from the Solid Waste Fund to the State of New Hampshire
Resolution R-2024-34
3. Relating to the Appropriation of Funds from the Solid Waste Fund to the FY 25 Operating Budget
Resolution R-2024-37
4. Relating to Approving a CDBG Application for Cedarcrest Center
Resolution R-2024-36

L. TABLED ITEMS

1. Mayor Kahn - Reconsideration of Amendment #15 - Rules of Order - Voting and Conflict of Interest

NON PUBLIC SESSION

ADJOURNMENT

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



PUBLIC HEARING
Cable Franchise Agreement

Notice is hereby given that a Public Hearing will be held regarding the renewal of the franchise agreement with Spectrum TV for the operation of a cable television system in the City of Keene.

HEARING DATE: November 7, 2024

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, New Hampshire, this third day of October, two thousand and twenty-four.

Attest:

City Clerk

NOTICE OF PUBLIC HEARINGS
Community Development Block Grant Program
Thursday, November 7, 2024 – 7:00 p.m.
City Hall, Second Floor
3 Washington Street, Keene, NH

Three public hearings regarding a proposed application to the NH Community Development Finance Authority for federal Community Development Block Grant (CDBG) funds will be held at Keene City Hall on the date and time noted above.

Application Hearings

CDBG funds are awarded on a competitive basis in New Hampshire and may be used for projects which have primary benefit for low- and moderate-income persons. The City of Keene is eligible to apply for \$500,000 per program year in each of the following categories: housing, public facilities, and economic development, as well as \$750,000 for microenterprise technical assistance. Communities may also apply for up to \$25,000 for feasibility studies and \$500,000 for CDBG Emergency Grants annually.

A public hearing has been scheduled to provide specific information regarding grant requirements, and to provide information about the proposed CDBG application to be considered by the City Council.

The proposal to be considered by the City Council is a grant application for CDBG funds to support a feasibility study for improvements to the Cedarcrest Center for Children with Disabilities facility located at 91 Maple Avenue in Keene, New Hampshire. The project would provide Cedarcrest Center with cost estimates and preliminary architectural plans for the renovation of their HVAC system and bathing areas. Cedarcrest Center is a specialized pediatric medical facility and school providing comprehensive services to children with complex medical and developmental needs. It is the only center of pediatric post-acute care providers in the State of New Hampshire.

In conjunction with the application hearing, two additional public hearings will be held to address:

- The City’s Residential Anti-Displacement and Relocation Assistance Plan specific to the project; and
- The City’s updated Housing and Community Development Plan for CDBG projects.

Interested persons are invited to attend and comment on the proposed application and plans. If you need assistance to attend or participate in the hearing, please contact Elizabeth Dragon, Keene City Manager, five days in advance. Anyone wishing to submit written comments should address them in writing to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Jaida Carland
Through: Patricia Little, City Clerk
Subject: **Jaida Carland - Concern over the Impact of Parking Ticket Rates on Small Businesses and their Employees**

Council Action:

In City Council November 7, 2024.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Attachments:

1. Communication_ Carland

Background:

Jaida Carland is expressing her concern over the parking ticket amounts and their impact on small businesses, as well as the policies of the City's ticketing system. Ms. Carland provided a list of names of individuals who supported her petition to seek lower parking ticket fines and mandate fair practice among ticketing officers. The link to the petition can be found

here: <https://www.change.org/p/demand-reduction-in-parking-ticket-fines-and-fair-practices-in-keene-nh>

FROM THE DESK OF
Jaida Carland

October 10, 2024

Keene City Council
3 Washington Street
Keene NH 03431

Dear City Council members,

I am a small business owner and resident of Keene and I'd like to have a discussion about ticket rates and how they are harming small businesses. I and many others have been disheartened by the city's ticketing department and policies they are upholding. I started a petition this past month to bring light to Keene citizens concern. Since starting the petition, it has gotten almost 300 signatures in less than 4 weeks.

The rate of parking tickets do not take in account the minimum wage of \$7.25 in New Hampshire. Not to mention the amount of restaurants located downtown with the minimum wage of servers at \$3.75. The amount of employees and visitors that have openly discussed frustration since I started this petition is astounding. There has to be reform with the frequency and/or a reduction of ticketing prices.

I am asking to have a discussion at a future city council meeting. For a small business trying to make ends meet, the overly high prices of tickets are detrimental to our income and lessens our want to be in Keenes' center square/ Main Street. The frequency and price of tickets act like a tax on small business due to most repeat ticket recipients are owners and employees of businesses downtown. I believe this topic deserves serious attention and a group conversation to make things fair for everyone.

Sincerely yours,

Jaida Carland

A handwritten signature in black ink that reads "Jaida Carland". The signature is written in a cursive, flowing style.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Alan Huston
Through: Patricia Little, City Clerk
Subject: **Petition - Reduction of Speed Limit - Upper Roxbury Street**

Council Action:

In City Council November 7, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Petition_Roxbury Street Speed Limit_Redacted

Background:

A petition from residents of Roxbury Street is requesting that the current speed limit from the intersection of Roxbury Street and Water Street to the intersection of South and North Lincoln Street be reduced from 30 miles an hour to 20 miles an hour.

Dear Mayor Jay Kahn and the City Council, the residents of upper Roxbury Street, would appreciate your consideration of this petition requesting the current speed limit from the intersection of Roxbury and Water Street to the intersection of South and North Lincoln Street from 30 miles an hour to 20 miles an hour.

There is high foot traffic in this area with many residents, many of whom are children, walking to Robbin Hood Park. The traffic continually violates the present 30 miles per hour by extreme speeds.

NAME	ADDRESS	TELEPHONE OPTIONAL
Kevin Connolly	366 Roxbury Street	[REDACTED]
Mark Gumpfer	376 Roxbury St.	[REDACTED]
Gary Tateosian	394 Roxbury St	[REDACTED]
Lisa Tateosian	394 Roxbury St.	[REDACTED]
Michael Gartman	435 Roxbury St.	[REDACTED]
Brian Scala	403 Roxbury St. Apt 3	[REDACTED]
Melissa Thogode	" " "	[REDACTED]
Ida Marcone	381 Roxbury St	[REDACTED]
Matthew Burrill	369 Roxbury St.	[REDACTED]
Laura Rubiano-Gomez	367 Roxbury St.	[REDACTED]
Keith J Barassa	337 Roxbury St.	[REDACTED]
Nicholas Hart	315 Roxbury St.	[REDACTED]
LORI Lathens	305 Roxbury St.	[REDACTED]
Susannah Hayes	320 Roxbury St	[REDACTED]
Anna O'Kelly	334 Roxbury St	[REDACTED]
Melvin O'Kelly	" "	[REDACTED]
Nell Wiener	352 Roxbury St.	[REDACTED]
Marilyn Huston	362 Roxbury St	[REDACTED]
SARAH HUSTON	362 ROXBURY STREET	[REDACTED]
Isis Latham	9 Terrace St.	[REDACTED]
CONSTANCE VAN KIEK	5 NORTH LINCOLN ST	[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Kenneth Kost
Through: Patricia Little, City Clerk
Subject: **Kenneth Kost - Potential for Mixed Use Development on Gilbo Avenue Land**

Council Action:

In City Council November 7, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Gilbo Avenue letter to Council_Redacted

Background:

Mr. Kost is proposing the City Council study the 9 acres of downtown land along Gilbo Avenue as a potential site for mixed-use development.

10/16/2024

30 D Stonehouse Lane
Keene, NH 03431

Honorable Mayor Kahn and City Councilors

I am writing to propose a compelling case for studying the 9 acres of downtown land along Gilbo Avenue.

Background and Opportunity: Last semester, the Keene State School of Architecture conducted a study on the potential of mixed-use development in this area. Their findings underscore a significant opportunity to create a vibrant new downtown neighborhood on Gilbo Avenue. With Keene allowing seven-story buildings in the Downtown Growth District, Gilbo Avenue can accommodate more than 100 units per acre. Considering surface and structured parking, green spaces, ground-floor retail, and neighborhood amenities, this translates to a potential of around 900 apartments. We of course do not have to construct this much, but this does show the significant potential of this area to support a new neighborhood.

Parking Study and Comprehensive Development: While the city conducts the parking garage study, I believe it's essential to avoid isolating parking considerations and possibly siting a garage that does not account for future development along Gilbo Avenue, and that could site a garage that diminishes the full potential of using this property. Gilbo Avenue's unique advantage lies in its controlled ownership by just two entities, eliminating the need for complex parcel assembly. Let's explore the full development potential, integrating parking solutions into a complete neighborhood plan.

Urban Design Vision: To realize this potential, I propose engaging urban designers with the expertise to develop a small area master plan that helps us envision Gilbo Avenue at varying densities, identifying optimal areas for mixed-use buildings, parking facilities, open spaces, and other neighborhood amenities. A well-crafted vision will guide our efforts toward a thriving community.

This area development plan demonstrating the development potential along Gilbo Avenue, tied to the need for housing and the Urban Growth District's housing friendly zoning, will be an excellent tool to interest developers to build in Keene.

Advantages to imagining Gilbo Avenue as a district, and not parcel by parcel:

- Realize the full development potential of the Gilbo Avenue development.
- Prevent inefficient development and lost opportunities.
- Focus energy on a downtown development site, reducing need to build in more sensitive areas.
- Add to the great downtown environment.
- Add to our residential tax base.
- Ensure a lively active downtown.

What others are doing in NH

Just from one data source*, in 2023 there were 48 multi-family housing projects, funded by New Hampshire Housing, either under commitments or construction or complete. This includes supportive housing, age-restricted and general occupancy. Total units are 2,917. Of these, 14 units of supportive housing are in Keene. We need 1400 units in the next few years. Gilbo can accommodate much of this. Housing is being built in NH. We must attract some of that development activity here in Keene and Gilbo Avenue is one of the best places to build in Keene.

* <https://www.nhhfa.org/wp-content/uploads/2023/05/NH-Housing-Multifamily-Projects-Overview.pdf>

Options to procure a small area master plan

1. Engage an urban design firm. Cost estimate \$50 - \$100,000. This provides a detailed framework plan with programming information, engineering information and design guidelines.
2. Engage Plan New Hampshire (Plan NH), a 501(c)3 non-profit organization that conducts planning charrettes. Keene is a supporting member of Plan NH. This is how they describe their charrettes:

“A Plan NH charrette brings together diverse professionals to brainstorm recommendations to address challenges a community faces. Over a two-day period, the team visits the “target area” (e.g., downtown or significant neighborhood), talks with community leaders and members, and develops recommendations based on what they have seen and heard and also on their own professional knowledge of ideas and trends that could contribute to healthy and vibrant communities”.

Here is an example of a Plan NH Charrette for Manchester.

<https://plannh.org/wp-content/uploads/2024/05/Plan-NH-Mancheorganizationster-Beech-and-Maple-2023-Report-Corrected-030124.pdf>

The link below is the library of all their charrettes.

<https://plannh.org/library#charrette-reports>

The cost for this service is \$6,500. The result is a high-level vision. This is a good first look, but eventually needs a more in-depth small area master plan.

I look forward to discussing this at an upcoming council meeting.

Sincerely,



Ken Kost
30 D Stonehouse Lane



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Jared Goodell
Through: Patricia Little, City Clerk
Subject: **Jared Goodell - Proposed Amendment to Land Development Code - Side Setbacks**

Council Action:

In City Council November 7, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Goodell

Background:

Mr. Goodell is requesting that an amendment to the Land Development Code regarding side setbacks for land that abuts the Downtown Transition District be considered.

Jared Goodell
PO Box 305
Keene, NH 03431

November 4, 2024

Honorable Mayor Jay Kahn
Keene City Council
3 Washington Street
Keene, NH 03431

Via Electronic-Mail

Dear Mayor Kahn & City Councilors:

I respectfully ask that the Keene City Council amend the City of Keene Land Development Code to remove the 20ft interior side setback for land located in the downtown edge (DT-E) zoning district when the land abuts the downtown transition (DT-T) district.

I own a parcel of land at 7 Aliber Place that is unduly burdened by this code. My land is the only land in the City in which this code affects.

The existence of this code is currently delaying six units of affordable housing from coming to the rental market in Keene.

Sincerely yours,


Jared Goodell



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Presentation: Code and Fire Inspections**

Council Action:
In City Council November 7, 2024.
Report filed as informational.

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the presentation on Code and Fire Inspections be accepted as informational.

Attachments:
None

Background:
Chair Greenwald asked to hear from Fire Marshall Rick Wood.

Richard Wood, Fire Marshall and Building Official, stated that he has been with the City for about six months. He continued that the work has been busy and very rewarding. He is here with Fire Chief Jason Martin, having asked him to come, as one of the features of his position was the idea of trying to create more of a unified front.

Chief Martin stated that he wanted to express his appreciation and support of Mr. Wood's work, and the collaboration and engagement he has been doing. He continued that Mr. Wood keeps him well informed of issues that might be coming up, and good things that are happening. He thanks Mr. Wood and Lt. Manke for their work with Fire Prevention Week.

Mr. Wood stated that one of his primary reasons for joining the City was the idea of trying to evaluate where the City is at with its permitting, inspection, and enforcement systems. The goal was to create a continuously improving customer experience, through engagement, transparency, efficiency, collaboration, and communication, leading to a City approach instead of a departmental approach. Tonight, he will give an update on the team's progress.

Mr. Wood continued that first is the intention of customer-centric culture. Step one is the idea that (City officials) are facilitators, not regulators, which is a difficult transition for some folks. He is proud of the team's work, regarding training, mentorship, and recognition. This week, Plans Examiner Mike Hagan is at the International Code Council's annual business meeting and Code Action Hearings,

where he provides input on the next series of codes. Last night, Mr. Hagan was presented with his Master Code Professional credential, which only 1,000 people have achieved in the 25 years it has been available worldwide. Mr. Hagan does a great job with the City's team.

He continued that all staff attend monthly trainings, typically with the Building Officials Association. He commends Ryan Lawliss, Housing Inspector, who is finishing his Master's degree in Public Health and recently was accepted to take the exam for a national credential as a registered Environmental Health Specialist and registered Sanitarian. The team supports him in that effort. In November, Mr. Lawliss and Lt. Manke will attend Complaints, Warrants, and Citations, a cutting-edge training program at the NH Fire Academy. Lt. Manke and "TJ" have applied for the Plan Review for Fire and Life Safety training at the National Fire Academy, which they will attend in January if they are accepted. He himself was one of the subject matter experts who wrote the last rewrite of the program, which is about 50% Building Code and 50% Fire Code. It is a great opportunity for each discipline to see the aspects from the other side.

Mr. Wood stated that regarding community engagement, they took an opportunity with the Ward Optimization Week program initiative to do some outreach. He continued that they held a meeting in each ward, which he considers a success despite limited advertisement. Four out of five wards had at least one person participate in each meeting, about an hour and 20 minutes. They had open discussions about various items and ways they (City staff and residents) can work together as partners. The team plans to do that about every six months. They also gave presentations to the Kiwanis Club, Rotary Club, and Masiello Realty in the past month or so, regarding Code changes and housing initiatives such as the Cottage Court, the new State law that changes some flexibility for redevelopment of up to four units.

He continued that the team is also focused on the idea of a proactive development code approach through engagement. Someone with a concept can reach out to the team, who can provide early on-site visits and engage in conceptual conversations about what the challenges might be, so that people do not spin their wheels in one direction and potentially miss something that could be critical. The intention is to circumvent conflicts down the road by having the conversations early and more of a partnership approach.

Mr. Wood continued that the team recently became a preferred provider for the International Code Council's training program, so they have the ability, through some of the outreach and training they anticipate doing, to issue continuing education credits for professionals, contractors, and even residents. They anticipate offering training in Code changes, how to get a building permit, and other topics.

Mr. Wood stated that the team has simplified the permitting and inspection. He continued that they are online now, about two months in, for the gas and oil permitting. It is going well, often turning permits around in less than 24 hours. There is now a greater participation rate from the trade and more engagement. City staff typically do same-day inspections, working hard to not be a burden to the industry and to remove barriers. Along that same line, the team looked at how to adjust its processes. For example, a roofing crew typically shows up at 7:00 AM to do a roof and has it complete by sundown. The challenge is how to manage that from a compliance and inspection process. The team has developed a compatible process, meeting the trade where they are at instead of holding them up by making them meet with the City where the City wants them to be. The team has also eliminated duplication between some departmental functions. For example, the Fire Department no longer permits for smoke detectors; that is part of the regular building permit. It reduces one more step for developers. They also eliminated Fire Department review and inspection of single-family homes. In the Community Development Department, the codes are unified in that approach; there is no reason to have multiple inspectors going out to look. The team has great

people who are credentialed and experienced. Often, the person asking for the inspection gets a simultaneous inspection from the Building Official and Fire Official instead of multiple ones. This has been well received.

Mr. Wood continued that proactive service delivery is the next pillar. (Examples are) voluntary review and comment on design and development concepts, and voluntary project design reviews. When people come in with a preliminary schematic design, the team looks at it with them and provides feedback, before they get too far into the process. It reduces costs for developers and prevents the need for them to re-do elements. Regarding regular and frequent presence on projects, the team does not just wait for inspection requests for larger projects; they regularly make site visits to give the contractors opportunities to connect.

Mr. Wood stated that the team is also working on enhancing the review and management of enforcements. They have had challenges for Code Enforcement and have done community outreach on that. They hold a weekly case meeting. All the inspectors, including the Fire Department, meet with him every Tuesday morning to review the complex cases and strategize together. Along that same line, they have improved the transparency and communication with the public. He would love to hear the public's feedback on this. There is an online system for complaints. You can search by address and see the status (of a complaint). To increase transparency, the team now writes the activity in a way that is for the consumer, instead of writing the activity as if it were notes for staff. Staff changed the way they view what they put into the system in those fields, to make sure it has the information the end user needs. They audit the open cases monthly to make sure they are doing what they need to do and nothing falls between the cracks.

Mr. Wood continued that he previously reported on the International Accreditation Service (IAS)'s Building Department Recognition (BDR) Program. They are still in that long process. It is about benchmarking where they are at in relation to a national body that does accreditation.

He continued that lastly, he wanted to tell the MSFI Committee what to expect in the next quarter. They can expect some legislative updates; Chapter 18 has been out there for a long time, which the team will button up. That will be a Housing and Property Standards chapter; they are separating out Building Standards. They will come to the Committee with changes to Chapter 34 on Fire Alarms, and present Chapter 42 on the Fire Prevention Code, Chapter 44 as the new Building Code chapter. Those should be coming to the Committee in the next six weeks. The intent is to unify and simplify, so they do not have, for example, things that compete/conflict with State Code. They continue to work on the IAS.

Chair Greenwald thanked Mr. Wood for the great presentation. He continued that he can say from personal experience that the City's answer seems to be closer to "yes" than to "no" when someone comes in to the Community Development office. It is a matter of what needs to be done, not being told "no." He thinks the team is making some good changes.

Chair Greenwald asked if Mr. Wood might come to the next MSFI Committee meeting with more detail about the fire alarm/master box changes. He continued that apparently the master box system is being discontinued. Mr. Wood replied that that is an ongoing project. It will entail the rewrite of Chapter 34 as well. They are two parallel pieces. The Fire Chief and leadership team are managing the master box piece, as they work collectively on the rewrite.

Councilor Tobin stated that she had the opportunity to speak with Mr. Wood at a ward meeting and from his presentation tonight, she is excited to hear of the team's customer-centric approach and how they meet people where they are and remove barriers. She continued that that is a big part of making tools and the development process more accessible. She appreciates their work.

Chair Greenwald asked for public comment.

Jared Goodell of 39 Central Sq. stated that he has had building permits for different projects over the last six years and never was a fan of dealing with the Building Department. He continued that he previously was a frequent complainer, but he felt the need to come tonight to say that Mr. Wood has been a fantastic addition to the City. He thinks he is doing a great job, and he echoes Chair Greenwald's comments about how the answer is now closer to "yes" than "no." He commends Mr. Wood's work.

City Manager Elizabeth Dragon stated that she wants to recognize Rick Wood for the good work he has done in the past six months. She continued that it has been a heavy lift, and he has made a lot of progress. She is excited about the future. She also wants to recognize the Fire Chief, the City employees on the fourth floor, and the inspector at the Fire Department. These changes were not easy for them. She is proud of them for stepping up.

Mr. Wood stated that he wants to thank the City Manager, because too often, people forget that "it's the people – the people we serve, and the people who serve." It is important for people to know they are appreciated. He appreciates the people in this room letting them know that.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the presentation on Code and Fire Inspections be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Robert C. Hamm – Request for Improvements in Sidewalks and Traffic Patterns - Intersection of Grove Street and Water Street**

Council Action:

In City Council November 7, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication be referred to City staff.

Attachments:

None

Background:

Chair Greenwald asked to hear from Robert Hamm.

Robert Hamm of 59 Valley St. stated that this letter is about the intersection of Grove St. and Water St. He continued that first; he wants to thank the City for responding so quickly to a need at that intersection. Putting up the four-way stop was a superb initial response. Then, not waiting for this meeting to add the markers that say “All way stop” made a difference, too. The letter has his name on it but it is a collaborative effort by the neighborhood. Many folks are in conversation about how to make the intersection better and Water St. more livable.

Mr. Hamm continued that the neighborhood likes what has been done so far and thinks there is more that can be done. They are mainly concerned with the left turn lane, which makes the intersection confusing at times. They believe the left turn lane needs to be eliminated and they need to make provisions for a sidewalk on the Grove St. side. The elimination of the turn lane and restriping of the road would mean the traffic squeezes appropriately and they do not have three lanes coming from Grove St. onto Community Way. It is hard to tell what is happening there. Pedestrians struggle as they come onto Community Way from Grove St. The Grove St. sidewalk is on the east side, and the Community Way sidewalk is on the west side. The neighborhood likes the pedestrian lights that were moved to the bike path. It is helpful to have them on the bike path, but sometimes drivers are busy trying to negotiate the four-way stop and forget pedestrians are trying to cross, too. Then drivers watch other drivers but not the pedestrians. Some kind of pedestrian control (would help), with a flashing light, or a crossing of a different color, or something else. The neighborhood appreciates

what the City is doing.

Don Lussier, Public Works Director, thanked Mr. Hamm for bringing this forward. He continued that in many ways he agrees that the intersection is confusing in its configuration. He thought it would help to review the intersection's history and explain how they got here. The existing conditions are an outgrowth of the 2006 Planning Board review of the Railroad land development project that was brought forth by the Monadnock Economic Development Corporation (MEDC). In 2006, the MEDC's plan included several development projects on the Railroad property, including the two buildings at 51 Railroad St. and the Marriott. One development project was a large, indoor, athletic arena, which has not come to pass. Instead, there is the Co op. There have thus been changes to the original plan from 2006. As they do with any development plan, the Planning Board required a traffic study to see how the project would impact the surrounding road network. That found, based on the projected development and the expected land uses, a total of 490 vehicle trips in the peak hour, to be generated by that project. Most likely, that number has not been realized. The traffic study recommended the turning lanes.

Mr. Lussier continued that in 2012, the City prepared to do infrastructure improvements to support the Railroad land development, including reconstruction and infrastructure on Eagle Ct., Cypress St., Grove St., and Railroad St. That was completed in 2012. As part of that, City staff presented the traffic study's recommendations to the MSFI Committee, including the traffic study's projected traffic volumes for when the project was fully built out, and a plan to prepare the street for that projected traffic volume while they were already reconstructing the street and doing infrastructure work. The Committee and Council agreed. The Engineering Division brought forward a couple of recommendations. A recommendation at Grove St. and Marlboro St. was to add a turning lane, so now you have a left and right turning lane. Two alternatives were discussed for the Grove St./Water St. intersection. One would have expanded the roadway toward the west, and the other was to expand the roadway toward the east. During that time, Kurt Blomquist discussed how expanding it towards the east would be easier, because it was a vacant parcel and would not have the dramatic impact on the property, but it would make for awkward geometry. The final decision was to not have that major impact on the residential property and instead have that greater impact on the vacant parcel. The City negotiated with the property owners, acquired the property, and did the project.

Mr. Lussier stated that that is the historical context behind the geometry seen today. He continued that Mr. Hamm mentioned that the sidewalk on the west side of Grove St. was sacrificed for lane widening, but to clarify, there never was a sidewalk on the west side of that section of Grove St. In 2012, an asphalt sidewalk on the east side was replaced with concrete and granite. Thus, the City did not sacrifice an existing sidewalk; they expanded it without adding a sidewalk.

Mr. Lussier continued that the neighborhood letter proposes eliminating the left turn lane. Although the City does not have detailed counts of turning movements per lane, gross traffic counts for that intersection show about 159 vehicles northbound on Grove St. during the peak hour. Probably a more detailed traffic analysis would show the left turn lane is not warranted. That said, the Railroad development property still has undeveloped land. Two vacant, adjacent parcels on the east side of Community Way, owned by Whitney Brothers, are ripe for development. They do not know what that land use might be or what kind of traffic impacts it might have in the future. The concerns discussed in 2012, about ensuring they are planning for future growth, stand up today. Regarding the letter's recommendation of adding the sidewalk on the west side of Grove St. from Water St. to Willow St., if the Council wants to go forward with a sidewalk on that side of the street, staff recommends it extend from Water St. to Willow St.'s existing sidewalks. They do not want just a section. It is a total of about 570 feet. That is not budgeted, nor is it in the CIP, so they would have to move forward through that process.

Mr. Lussier continued that he thinks the letter had a typo in one recommendation, which he assumes referred to the sidewalk on the east side of Community Way north of Water St. He would recommend against that. The City only owns the first 270 feet of Community Way. The rest is owned by MEDC or its parent organization. If the City were to build a sidewalk there, it would be a sidewalk to nowhere. The letter then suggested flashing beacons. The Manual on Uniform Traffic Control Devices (MUTCD) was recently updated with allowances for the Rectangular Rapid Flashing Beacons (RRFBs) that the City uses at intersections, such as the ones at the bike trail. However, the MUTCD's guidelines specifically prohibit using RRFBs at stop-controlled intersections. The City could not put RRFBs (where the letter requests them). If they wanted to use a signal, it would have to be a pedestrian hybrid beacon or a full traffic control signal, which is very costly. Beyond that, he can say even without a formal engineering study that it is unlikely that intersection would satisfy the warrants for a full traffic control signal. He does not think Public Works could recommend this.

Mr. Lussier continued that the letter also recommends different colored crosswalks, which people tend to love, but again, the MUTCD specifically prohibits anything that is not standard coloring or anything that distracts from a driver knowing what the meaning of that pavement marking is. Public Works could not recommend this. The last recommendation in the letter (the addition of "all-way stop" markings to the stop signs) has already been taken care of.

Mr. Lussier stated that in summary, his recommendation to the Committee is to wait a little while and see how the all-way stop controls are working. He continued that although it is too soon to know, he has personally observed that drivers are stopping. The vast majority have gotten used to the idea that it is now a four-way stop, and are driving appropriately. He recommends waiting to see if this all-way stop control resolves the majority of the problems before they do anything else. If the Committee wanted to go forward with a more intensive traffic control, like a signal, it would require a traffic study, and again, he is confident that the study would not warrant a pedestrian hybrid beacon system or full traffic signal. Finally, if the Committee wants a sidewalk added to the west side, he thinks that would be great to have, but that should come through the CIP process. He would caution them that many neighborhoods have asked for new sidewalks, and the City has consistently replied that they need to address the 21 miles of sidewalks in substandard condition before building any new ones.

Councilor Tobin asked if Mr. Lussier had a specific time period in mind for the "wait and see" approach. She asked if it would be best practice to revisit it in, for example, six months or a year. Mr. Lussier replied that the MUTCD's standards for determining when something like an all-way stop or traffic signal is needed involve looking at the number of crashes over a one-, three-, or five-year period. He continued that he recommends waiting a year to see how the intersection is working, getting a report from the Keene Police Department (KPD) about any issues that they are finding, and then considering next steps.

Councilor Workman thanked Mr. Lussier and stated that she leans toward the solution of (eliminating the left turn lane). She continued that she does not love the idea of having the sidewalk on two sides of the street. It makes sense to have a connecting path, not a sidewalk to nowhere. She is in favor of it going through the appropriate CIP process and agrees that not doing so would be a disservice to the other neighborhoods' sidewalk requests and needs. However, she does not want to just accept this as informational, and wants them to look at this more, so she will be making a motion to refer this to City staff.

Councilor Filiault replied that he agrees with Councilor Workman. He continued that he was on both committees in 2006 and 2012 and remembers the process of both studies. He remembers the plans for the sports complex, then the eastside bypass, but neither of those came to be. It shows how things evolve and change, despite what a study might say at the time. He thinks the (letter's) points

are valid, and the Council has listened, and there is now a four-way stop sign there, so they are progressing. He would not object to eliminating the left turn lane, but he knows from experience not to just jump on something and risk having to rescind it. He agrees with sending this to staff to look at it more in depth, not expecting a report back in the next couple of months, but after Public Works has had the chance to do a traffic study on that intersection.

Councilor Favolise stated that he agrees with Councilor Workman about not wanting to just accept this as informational and be done with it. He continued that this intersection is in his ward and he appreciates the community's involvement in finding solutions. He, too, is open to further discussion about the need for the left turn lane, which he sees creates a weird misalignment at the intersection. Although he voted against installing the four-way stop sign, a constituent recently told him it is working, and he has been pleasantly surprised to see people have quickly adapted to it. He supports referring this matter to staff for additional conversation about this intersection that residents have identified as problematic in a couple of different ways.

Chair Greenwald asked for public comment.

Vickie Morton of 275 Water St. stated that she agrees that the four-way stop has worked, although she has noticed that some drivers "slide" through when it is their turn instead of actually stopping. She continued that her real concern about the intersection is pedestrian safety. Many people on Water St. use bikes and scooters. Traffic does not stop for pedestrians. Many people do not use the bike lanes to go through the intersection. She thinks more schoolchildren are using the intersection, and coming from the west side of Grove St. or Community Ave., they have to cross the street to get to the east side walkway on Grove St. to walk to school. She is glad they are considering a study, because there are still issues.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication be referred to City staff.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Staff Report on the Results of the Ward Optimization Weeks (WOW!) Program**

Council Action:
In City Council November 7, 2024.
Report filed as informational.

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the item as informational.

Attachments:
None

Background:
Mr. Lussier stated that he is here to report to the Committee on a pilot program staff has done over the past several weeks. He continued that he pitched this idea to the City Manager, to do a week of focused maintenance in each of the wards. There were a few different goals. They wanted to encourage people to report the things that are frustrating them in their neighborhoods so staff could respond to them, and they wanted to generally spruce up the neighborhoods. He also wanted to try being more efficient in how they are doing the work. Rather than responding to a customer request in (one part of the city) and then another customer request (in a different part of the city), staff tried to gather the requests up and address them while they were in the neighborhood. After he pitched this idea to the City Manager, she passed it along to other department heads. The Fire Department participated, with the community outreach Mr. Wood spoke of earlier. The Community Development Department did a community night in each ward, held at a City facility, where they welcomed people to come in, talked with them about ideas for their neighborhood, and solicited feedback on the Comprehensive Master Plan update. (Public Works) gave Community Development staff a tablet that people at the events could use to report problems in their neighborhood. He thinks that was well received.

Mr. Lussier continued that they started advertising this program on October 16. In the eight weeks between when they started advertising it and when the program ended, they received 184 requests for maintenance and improvements from the public, through the See Click Fix program. That is a substantial uptick in their normal sort of reporting, which was great to see. He hopes that people will continue to use See Click Fix now that they have discovered it. Not all of the things staff did were

due to customer requests or reports; they did many things staff had planned to do as well, for a total of 682 individual tasks completed by the crews. That includes 101 sewer mains cleaned, 284 hydrants painted, 99 locations of roadway tree trimming, 12 streets with crack sealing, 13 locations with sidewalk repairs, and 29 streets with patching. Altogether, it was about \$109,000 worth of effort, between labor, equipment, and materials. This does not mean they just spent \$109,000 that was not in the budget. That is the value of the work, but crews were working during normal business hours, using equipment they already had, and the materials were things like pavement mix and road signs, already in the normal operating budget. This was all operating budget stuff, but it was just a very concentrated way of getting the work done. Altogether, it represented a little over 2,500 hours of labor. He thinks it was a successful endeavor. They have received good feedback from people. He would like to hear what the Committee's perception is and what they have heard from their constituents, and whether they would like to see this program continue.

Chair Greenwald replied that he has heard positive things. He continued that he congratulates Mr. Lussier and the team for being creative.

Councilor Filiault stated that he has only heard one negative comment. He continued that some older constituents are not tech-savvy, so next time, he recommends pushing more information about how people can submit requests through other, non-computer methods, such as calling the Dan Mitchell radio show or dropping off a letter at the Public Works Department. All the other feedback he has heard about WOW has been positive.

Mr. Lussier replied that staff did try to remind folks that if they were not using the computer, they could call Public Works. That is always the fall back. They tried to push that information out, but probably could have done a better job of communicating it.

Councilor Favolise stated that it is surprising and great to hear government employees thinking of ways to do things more efficiently. He continued that he appreciates the efforts and wants to talk about the interdepartmental work here, because to him as a public official, community night in his ward was helpful. It was the ability to be in a centralized location and hear from constituents, see the engagement, and see the showcasing of green space and recreational spaces. It was a good opportunity to get input on the master plan process. He does not see any reason to not continue this program into the future. He would like them to double down on the interdepartmental programming, which was great.

Mr. Lussier replied that (Parks & Recreation Director) Carrah Fisk-Hennessey was at this meeting earlier tonight but had to leave early. He continued that the Parks & Recreation Department participated in WOW. Every Wednesday, they pushed out social media information, using social media to highlight a particular space in each ward and to talk about specific improvement projects that were completed over the past year. Thus, people not only know about the spaces, but know that the City is taking care of them and working actively to improve them. Ms. Fisk-Hennessey gave some statistics, which are in the agenda packet. The Parks & Recreation Department received over 52,000 views of those social media postings during the five-week program. The number one post that received a lot of attention was the one about the amphitheater accessibility improvements.

Councilor Tobin stated that she was excited when this program was announced, and she thinks the number of departments that jumped on is a testament to what a great idea it was. It is great to be efficient. She heard a lot of positive feedback about the program. It is a great way to focus on neighborhoods and the community around us, because it is easy to get lost in a city and just think of downtown as the center, but really, there are many communities here. She thanks Mr. Lussier and those involved. There is room for growth and getting the word out, and she is excited to see what it looks like next time.

The City Manager congratulated the Public Works Director for this innovative approach. She continued that sometimes government employees get a bad rap, maybe because of state-level and federal government, but local government is creative and innovative. The City has a great team, and she sees it across the board.

Deputy City Manager Andy Bohannon stated that he wants to thank Mr. Lussier, because what was originally a Public Works idea about trying to optimize each ward became something other departments wanted to participate in. He continued that the City has many new department heads, and it was somewhat of a challenge, but it was nice to see everyone coming together. The Library was also involved in some of the events. Staff from many departments were able to get out and meet people, and at a different time than they typically do. It was really good. Mr. Lussier said that that 682 tasks were completed, but there were other tasks that they saw (needed to be done) which they went back later to do, as a result of this. Everyone did a great job.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the item as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Sale of City Property at 0 Grove Street

Council Action:

In City Council November 7, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4 – 0, the Finance, Organization and Personnel Committee recommends that the City Council finds that it is within the public interest to authorize and does therefore authorize the City Manager to do all things necessary to sell, as justice may require and through a public Request For Proposal process, City property located at 0 Grove Street, parcel # 585-057-000-000-000, and to negotiate and execute a purchase, sale, and development agreement or agreements for said property for a purpose to include residential development. The authority to sell and to negotiate the required documents shall continue indefinitely unless rescinded.

Attachments:

None

Background:

Deputy City Manager Rebecca Landry addressed the committee first. Ms. Landry stated this item is in reference to the sale and development of property at 0 Grove Street located at the corner of Grove Street and Water Street. Ms. Landry stated the sale of this parcel supports the City's effort at selling City owned land in support of the City's housing goals.

This property was acquired by tax deed in 2019. Staff has done a thorough review of what can be done with this property. She noted the motion has language that helps meet the requirements of RSA 80:80.

The property is a vacant parcel of land in the residential preservation zone where "cottage court" development would be permitted, subject to obtaining a conditional use permit. The purpose of the RFP would be to enter into a contract with a developer who has the experience and financial capacity to undertake the project.

Councilor Chadbourne inquired why the proposed motion refers to *development agreement or agreements* and asked why it would be agreements on such a small lot as it would only be one purchaser. City Attorney Mullins stated this would be the expectation, but the City doesn't know if

there might be a situation where they would have to consider other agreements that may be necessary.

The following motion was made by Councilor Chadbourne and seconded by Councilor Lake.

On a vote of 4 – 0, the Finance, Organization and Personnel Committee recommends that the City Council finds that it is within the public interest to authorize and does therefore authorize the City Manager to do all things necessary to sell, as justice may require and through a public Request For Proposal process, City property located at 0 Grove Street, parcel # 585-057-000-000-000, and to negotiate and execute a purchase, sale, and development agreement or agreements for said property for a purpose to include residential development. The authority to sell and to negotiate the required documents shall continue indefinitely unless rescinded.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **LWCF Grant Round 34 Acceptance - Robin Hood Renovation Project**

Council Action:

In City Council November 7, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend a Land and Water Conservation Fund Grant Round 34 award for \$500,000.00 for the Robin Hood Renovation Project.

Attachments:

None

Background:

Deputy City Manager/HR Director Beth Fox stated she is before the Committee regarding acceptance of an LWCF grant for the Robin Hood Park project in the amount of \$500,000 for redevelopment of this park in FY27. Ms. Fox noted there is currently a conceptual planning process that is expected to be completed soon. The National Park Service has approved the Robin Hood Park project, awarding the City \$500,000 with a three-year execution window and a one-year extensions if needed.

Ms. Fox went on to say the concept plan was developed with continued community input which was the driver. The City's commitment to the public process around this project helped secure the full LWCF award and noted the diligent efforts of City staff should not go unrecognized.

The timeline for this project is to have a draft scope of work by January of 2026. In late spring of 2026, the scope of work will be reviewed with engineering and purchasing staff working on the bidding and interviewing processes which will happen in March 2026. The project is expected to begin in August 2026. The purpose of the project is to replace aging infrastructure while recognizing the diverse natural features of the park, including trails, pond, glacier boulders and other items.

The first year of the project will focus on the demolition and reconstruction of the pool. The second year will encompass the rest of the park's redevelopment which includes a new playground, pavilion, restrooms, multi-sport court, additional parking and ADA compliance items. Ms. Fox stated this project is in the Capital Improvements Program funded in FY27 and this grant is a component of the

funding that the City was hoping for.

Chair Powers noted this has been a long process, but the efforts have paid off.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend a Land and Water Conservation Fund Grant Round 34 award for \$500,000.00 for the Robin Hood Renovation Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2024 Homeland Security Grant Program Award – Hazardous Materials Allocation

Council Action:
In City Council November 7, 2024.
Voted unanimously to carry out the intent of the report.

Recommendation:
On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend the 2024 Homeland Security Grant Program Award – Hazardous Materials Allocation in the amount of \$25,000.

Attachments:
None

Background:
Fire Chief Martin was the next speaker. He stated the reason he is before the Committee pertains to the acceptance of the 2024 Homeland Security Grant program. This allocation is for hazardous materials, training and equipment. There is no local contribution or match required from the City. The Fire Department intends to use these funds for combustible gas training and purchase of new equipment.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute and expend the 2024 Homeland Security Grant Program Award – Hazardous Materials Allocation in the amount of \$25,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Patricia Little, City Clerk
Subject: Resignation of Lee Stanish from the Conservation Commission

Council Action:

In City Council November 7, 2024.

Voted unanimously to accept the resignation with appreciation for service.

Recommendation:

That the City Council accept the resignation of Lee Stanish from the Conservation Commission.

Attachments:

1. Resignation_Lee Stanish

Background:

Ms. Stanish is moving out of state and has submitted her resignation from the Conservation Commission. She served on the Conservation Commission as an alternate member since December 2022.

Mari Brunner

To: Mari Brunner
Subject: Re: Sep. 16 Conservation Commission Agenda Packet

From: Lee Stanish
Sent: Wednesday, September 11, 2024 4:32 PM
To: Mari Brunner <mbrunner@keenenh.gov>
Subject: Re: Sep. 16 Conservation Commission Agenda Packet

Hello Mari,

As you now know, this will be my last meeting with Cons Comm. I just wanted to say how great it has been to be involved in this group. The issues are so important to the community and the members clearly are committed and knowledgeable.

I've really enjoyed learning and contributing, and particularly getting to know everyone. It's been a bright spot in my time living here in Keene.

Thanks also to you for everything you do to keep us organized and to understand the policies and laws.

-Lee

Lee Stanish, PhD

INSTAAR Affiliate

Boulder, CO, USA

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CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Corinne Marcou, Administrative Assistant
Through: Patricia Little, City Clerk
Subject: **Resignation of Ashok Bahl from the Congregate Living and Social Services Licensing Board**

Council Action:

In City Council November 7, 2024.

Voted unanimously to accept the resignation with appreciation for service.

Recommendation:

That the City Council accept the resignation of Ashok Bahl from the Congregate Living and Social Services Licensing Board.

Attachments:

1. Bahl Resgination_redacted

Background:

Mr. Bahl is unable to continue serving on the Board due to a change in life circumstances.

Corinne Marcou

From: [REDACTED]
Sent: Tuesday, September 24, 2024 1:18 PM
To: Corinne Marcou; Jesse Rounds
Subject: Resignation from the Congregate Living Board

Good afternoon

I am unfortunately going to have to resign from the Congregate Living Board.

I apologize for any inconvenience this may cause.

Thank you,

Ashok Bahl



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.3.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Patricia Little, City Clerk
Subject: **Resignation of Eloise Clark from the Conservation Commission**

Council Action:

In City Council November 7, 2024.

Voted unanimously to accept the resignation with appreciation for service.

Recommendation:

To accept the resignation of Eloise Clark from the Conservation Commission with gratitude for her years of service.

Attachments:

1. Resignation_Eloise Clark

Background:

Ms. Clark has served on the Keene Conservation Commission for several years, most recently since February 2017. She had previously served on the Commission from July 2004 through December 2009. During her time with the Commission, she has served as both Chair and Vice Chair and has participated on various subcommittees and work groups. Her resignation is attached.

Mari Brunner

From: Eloise Clark
Sent: Monday, October 21, 2024 7:47 PM
To: Mari Brunner
Subject: Conservation Commission membership

Hi Mari,

For a number of reasons, I will be leaving the Con Comm. I'll serve till the end of the year and rotate off. That leaves two years of my term to fill. I know I don't get to determine that but I would recommend Ken Bergman to fill that slot.

Thanks for all you do,
Eloise Clark

Sent from my iPad



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Patricia Little, City Clerk
Subject: **Ordinance O-2023-16-C: Relating to Permitted Uses in the Downtown Core and Commerce Districts**

Council Action:

In City Council November 7, 2024.

Public hearing set for Thursday, December 5, 2024, at 7:00 PM.

Recommendation:

A motion was made by Roberta Mastrogiovanni that the Planning Board find that Ordinance O-2023-16C is consistent with the 2010 Comprehensive Master Plan. The motion was seconded by Armando Rangel and carried on a roll call vote.

A motion was made by Councilor Williams that the Planning, Licenses and Development Committee request the Mayor to schedule a public hearing on Ordinance – O-2023-16C. The motion was seconded by Councilor Haas and carried on a unanimous vote.

Attachments:

1. O-2023-16-C Redline
2. O-2023-16-C Clean_referral

Background:

At the October 15 Joint Planning Board and PLD Committee meeting, the Committee voted to amend the ordinance and create a "C" version which includes two changes. The first is to expand the 250-foot distance requirement to include multifamily residential uses (in addition to single- and two-family uses), and the second was to remove the requirement to provide electric vehicle charging stations. A reline and a clean copy of the ordinance with these changes is attached to this memo, and an excerpt from the draft minutes of the meeting where this item was discussed is included below.

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

Councilor Bosley addressed the committee and stated there have been some changes at council in the last year. She stated one of those was the addition of Councilor Favolise who raised an issue regarding EV stations.

She indicated the idea of the EV charging stations was a contentious point at Council. Several councilors who, regardless of their opinion about EV charging stations, felt like it was unfair to target a use with a specific requirement and is something the Council wants to see as a separate ordinance.

The Council feels the Energy and Climate Committee is studying this issue and has some recommendations that would be brought before Council as to what an ordinance draft should look like for the addition of EV charging stations throughout the city. Council feels it is burdensome to an applicant if this item is added to specific uses until a policy is made on it. The Council voted 8-7 to amend this item to remove the EV charging station which requires this item comes back before the Joint Committee. Another public hearing will also need to be scheduled.

The Chair asked for staff comments. Ms. Brunner stated the Councilor has reviewed the item well and referred to Standard E - Parking and Traffic Substandard 6: "...2% or two of the required parking spaces, whichever is greater, shall be equipped with electric vehicle charging stations." This is the use standard Council wants removed, which would now create a C version of the ordinance.

Councilor Haas stated this is the only issue that was raised at Council; otherwise, the ordinance seemed to be ready for approval. He hoped it can be moved forward soon. Councilor Williams stated he was one of those who voted against sending it back through the process. He felt even though he feels EV charging stations are important he would like to move this item back to Council.

Mr. Kost clarified the only change is the EV charging station and the idea is that the charitable gaming use goes into the Commerce District; the streets and distances discussed previously have not changed.

Councilor Bosley stated the EV charging stations became a contentious issue for Council. The Council felt if this was voted down it won't have the opportunity for a vote until the next calendar year.

Councilor Remy stated that since this item was sent back, he has received feedback from constituents around the distances, particularly as it relates to Key Road because there is a large residential development that is not zoned residential which is located behind some of those zones that were identified as eligible. There was a suggestion to extend the distance to make it so that it is not built right next to that residential development.

Councilor Williams felt a solution would be to look at rezoning that area residential. The Chair felt neither of those seem like a quick fix. Councilor Bosley stated there was some concern about having this use adjacent to residential and the Committee decided to limit [the distance requirement] to one and two family residential instead of multifamily residential. The Joint Committee was in agreement at the time that it should be prohibited from being adjacent to any sort of residential use. With that the Chair asked for public comments.

Mr. Jared Goodell, 39 Central Square Keene addressed the committee and noted as Councilor Remy had indicated #3 and #4 indicated *250 feet from any single family or two family dwelling a casino would not be allowed* and same for a residential zoning district. He noted the Key Road area which was added at the last meeting is surrounded by residential to the north and then to the west of that is another development - Princeton Properties. Mr. Goodell suggested subsection C #3 to single family,

two family or commercial residential unit.

Another change Mr. Goodell proposed was in reference to “playgrounds”. He indicated he has seen on many occasions where a grandparent, parent or guardian has left a child on a playground or in a car while they are inside a casino and stated he was concerned about a casino being located near a public park or even a private playground that services five or more units.

The committee referred to a zoning map of Key Road. Councilor Bosley asked why the area where the residential properties are located is zoned commercial. Ms. Brunner stated she had raised this issue a while ago and stated she wasn’t sure of the history for why it is zoned commercial. It was noted that the adjacent area is high density. Ms. Brunner stated the process to rezone this area would be a zoning map amendment and would go through an ordinance process. The Chair closed the public hearing.

The Chair noted the committee has a revised ordinance with clear direction from City Council to eliminate Item B - #6 “EVs”.

The second issue is whether the committee wanted to offer a modification to include not just one- and two-family residences but multi-family residences as well. The alternative is to leave the wording as-is and pursue a zoning map adjustment amendment for the Key Road area.

Councilor Remy stated the hesitation he has with a zoning map change versus just changing the language to refer to multifamily is because the city allows housing in multiple zones. He stated his preference is to change the phrasing to include multi-family properties, not just one- and two-family properties.

Councilor Williams stated his only concern with that suggestion is that he did not want to discourage development of multi-family units in commercial zones.

Councilor Bosley asked staff if a casino is located in an area whether a developer could construct a residential property in close proximity. Ms. Brunner stated if a developer came in and wanted to do a mixed-use, they wouldn’t be able to have a casino and develop the multifamily on the same property. If a casino was proposed after a multifamily has already been located on a site, they would have to meet the setback requirements. If the casino was built first and then multifamily development is proposed, that would be allowed. Councilor Bosley clarified the language in this ordinance would not prevent further development of residential units in a commercial zone that already housed a casino, because that would be happening with the understanding that the casino was already there. Ms. Brunner agreed and added because the use restriction applies to the casino use and not the multifamily use.

Mr. Kost stated if a developer came in with a mixed-use community to include housing, casino, commercial uses, etc. he felt the city would have the opportunity to look at that development and perhaps make the appropriate changes with a variance.

Councilor Haas stated a residential area will prohibit a charitable gaming facility based on the distances, but if a charitable gaming facility goes in first and then residential wants to be built within the distance limitations in a commercially zoned area the city allows – they will not be precluded from that. The distance limitation works one way only for the charitable gaming, not for future residential. Ms. Brunner agreed that was correct. Councilor Haas felt the easier path would be to add multifamily or other residential use excluding what zone it is located in. He stated he appreciates Mr. Goodell’s remark about playgrounds but felt that issue should be addressed at a future time.

Councilor Bosley stated she likes the direction this issue is going in; it honors her opinion from the previous meeting and does not see this as being an issue at Council.

Chair Farrington stated what the committee is looking at is Item 3 - Use Standards. *no charitable gaming facility shall be permitted within 250 feet of any single family or two-family dwelling.*

Ms. Brunner suggested the following language for a motion: No charitable gaming facilities shall be permitted within 250 feet of a single family, two-family or multifamily dwelling.

Councilor Haas made a motion that the Joint Committee adopt the language as just stated to include language which states: No charitable gaming facilities shall be permitted within 250 feet of a single family, two-family or multifamily dwelling. The motion was seconded by Councilor Bosley.

Ms. Brunner asked whether the committee would like to add language regarding the EV Stations.

Councilor Haas withdrew his motion. Councilor Bosley withdrew her second.

Councilor Haas made an amended motion that the Joint Committee adopt the language as just stated to include language which states: No charitable gaming facilities shall be permitted within 250 feet of a single family, two-family or multifamily dwelling. To also remove the EV Charging Station requirement. The motion was seconded by Councilor Bosley.

Mr. Rangel confirmed that the Joint Committee was amenable to removing the issue with EV charging stations as it is going to be discussed at a different venue. The committee stated it will be discussed under a different ordinance. The Energy Committee is going to be taking on this task. The motion carried on a roll call vote.

A motion was made by Roberta Mastrogiovanni that the Planning Board find that Ordinance – O-2023-16C is consistent with the 2010 Comprehensive Master Plan. The motion was seconded by Armando Rangel and carried on a roll call vote.

A motion was made by Councilor Williams that the Planning Licenses and Development Committee request the Mayor to schedule a public hearing on Ordinance – O-2023-16C. The motion was seconded by Councilor Haas and carried on a unanimous vote."



CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).
2. Use Standards
 - a. Only one Charitable Gaming Facility shall be permitted per lot.
 - b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:
 - i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
 - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
 - iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.

- iv. Land with frontage on Key Road.
 - v. Land with frontage on Ashbrook Road.
 - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
 - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family, ~~or Two-Family~~, or Multifamily dwelling.
 - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.
- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
 - iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
 - iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
 - ~~vi. Two percent or two of the required parking spaces, whichever is greater, shall be equipped with electric vehicle charging stations.~~
2. Amend Section 8.4.2.C.2.a, "Specific Use Standards" of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
- a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth Districts.

3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8 and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” under Commercial Uses as permitted with limitations.
4. Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

Jay V. Kahn, Mayor



CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).
2. Use Standards
 - a. Only one Charitable Gaming Facility shall be permitted per lot.
 - b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:
 - i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
 - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
 - iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.

- iv. Land with frontage on Key Road.
 - v. Land with frontage on Ashbrook Road.
 - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
 - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family, Two-Family, or Multifamily dwelling.
 - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.
- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
 - iii. Proposed uses or development shall comply with the City’s Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
 - iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
2. Amend Section 8.4.2.C.2.a, “Specific Use Standards” of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
- a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth Districts.
3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8 and Table 5.1.5

“Permitted Uses” in Article 5 to display “Charitable Gaming Facility” under Commercial Uses as permitted with limitations.

4. Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

In City Council November 7, 2024.
Public Hearing set for Thursday,
December 5, 2024, at 7:00 PM.



City Clerk

Jay Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Presentation – Route 9 – Old Sullivan Road Intersection**

Council Action:

**In City Council November 7, 2024.
More time granted.**

Recommendation:

On a vote of 5 - 0, the Municipal Services, Facilities, and Infrastructure Committee recommends placing this matter on more time to allow the City Manager, through City staff, to coordinate with the NH Department of Transportation to produce an action plan for presentation at the November MSFI meeting.

Attachments:

None

Background:

Chair Greenwald asked to hear from the Public Works Director and representatives from the NH Department of Transportation (NHDOT).

Mr. Lussier stated that he would like to introduce the new City Engineer, Bryan Ruoff, who has been doing great work since joining the team a month and a half ago. He continued that also present tonight is Lt. Chidester from the KPD. This has been a collaborative effort between the Engineering Division and the KPD. He introduced Frank Linnenbringer from NHDOT District 4, the Assistant District Engineer, also a member of the City's Roadway Safety Action Planning Committee.

Mr. Ruoff stated that he will give a slide show presentation about the Rt. 9/Old Sullivan Rd. intersection's history, crash history, constraints and ownership, and a summary of public feedback. Beginning with the question of why they are here, the Engineering Division responds to serious traffic incidents and assists the KPD in performing accident surveys, for major accidents that involve a loss of life, major injury, or known or suspected crime. The City's consultant engineer reviewed this intersection as part of the Safe Streets for All program and provided recommendations. The team has been looking at this intersection since before the most recent accident, and due to the most recent accident, they are here soliciting public feedback and presenting that for the Committee.

Mr. Ruoff continued that the KPD has compiled the crash report data. There have been four incidents

that fit the criteria in the past 18 months, and nine in the last 12 years. In response, the team solicited public feedback and outreach in the form of letters to abutting in the neighboring areas of Keene. Due to the volume of feedback they received, they convened a public meeting on October 10. The presentation includes the summary of the public's stated safety concerns and recommendations. The team has also discussed with NHDOT what is feasible, and NHDOT is here to talk about that as well.

Mr. Ruoff stated that Sullivan Rd. intersects both the southerly side and northerly side of Rt. 9. He continued that the eastbound lane on Rd. 9 is a single lane at the intersection while the westbound starts the passing lane at the same location, which causes difficulties with the fact that people are looking to turn left onto Sullivan Rd. while cars are also looking to speed up to pass at the same location. He showed an overhead map and continued that even though Sullivan Rd. is a City-owned road, the State right-of-way extends roughly 60 feet on either side of the intersection. He showed photos of the views eastbound and westbound on Rt. 9, and of the line of sight on both sides of Sullivan Rd. He continued that the Keene/southerly side of Sullivan Rd. is the side the team would potentially look to close, as it would have the least impact on traffic in this area, as a potential immediate solution.

Mr. Ruoff stated that regarding the feedback they received from the public, the crash history reports give good information about what occurred as parts of accidents, but they do not give information about the "near miss" situations. (The team's questions were) what allowances people are making to safely turn on or off this road and in this intersection, what people are observing, and what they are doing to try and stay safe at this intersection. Many people indicated that they slow down to turn onto Sullivan Rd. in either direction, for both right and left turns. People traveling on Rt. 9 often let traffic pass prior to turning onto Sullivan Rd. The limited line of sight has been observed by people on Sullivan Rd. looking to either cross or turn onto Rt. 9. Because of the passing lanes on Rt. 9, many cars speed up at the passing lane while other cars are slowing down to make a turn, which creates a unique and dangerous condition. In addition, people noted there is limited visibility on Sullivan Rd. from Rt. 9 at nighttime.

Lieutenant Joel Chidester stated that using KPD records, he has completed detailed reviews of the past five years of collisions that occurred at this intersection. He is the team commander of the KPD's Collision Analysis Team. They respond to all serious motor vehicle collisions with serious bodily injury or fatality that occur in Keene.

Lt. Chidester stated that the first serious collision in the five-year window was in 2019. He continued that it involved two vehicles. The first driver on the northern side of Sullivan Rd. attempted to cross Rt. 9 to the other side of Sullivan Rd. The other driver was westbound on Rt. 9, going up the hill. The first driver crossed the road in front of the oncoming vehicle, which struck the crossing car, and the occupant in the crossing vehicle had serious injuries. There were no more serious collisions in this intersection until 2023. Alarmingly, the serious collisions for this section of the roadway began increasing in frequency.

He continued that a three-vehicle collision occurred in 2023, when a driver attempted to cross Rt. 9 from the northern side of Sullivan Rd. to the southern side, and in doing so, struck a vehicle traveling westbound up the hill on Rt. 9. That vehicle was pushed into the eastbound lane where it was struck by a box truck coming down the hill. The driver of the vehicle that was struck suffered serious injury and will likely never regain full use of her arm from this crash. That driver was unable to be here tonight but has repeatedly expressed interest in seeing this intersection modified to prevent such crashes in the future.

Lt. Chidester continued that there was another three-vehicle collision in 2024. The first vehicle was

stopped, waiting to turn left onto Sullivan Rd to go north. The second vehicle was traveling eastbound on Rt. 9 and failed to observe the vehicle stopped in the lane ahead as it waited to turn. The second vehicle struck the first from the rear and pushed it into the westbound lane, where it struck a third vehicle. The third vehicle was forced into the guardrail. There were serious injuries to one or more occupants in all three vehicles.

He continued that the next collision in 2024 also involved three vehicles. The first vehicle was stopped in the westbound lane of Rt. 9, waiting to turn left on Sullivan Rd. Westbound traffic on Rt. 9 would essentially perceive that lane as a passing lane. The first vehicle was struck from behind by the second vehicle, which pushed them into eastbound lane, where they were struck by a tractor trailer truck that was coming down the hill. The truck was unloaded and was able to bring his vehicle to a decelerated stop at a remarkably short distance, and that is the only reason why this was not either a serious injury or fatality.

Lt. Chidester continued that the final collision, also from 2024, was a two-vehicle collision. A motorcycle was traveling eastbound on Rt. 9, coming down the hill. A vehicle traveling westbound was attempting to turn onto Sullivan Rd. to the south, turned in front of the oncoming motorcycle, which impacted the rear of the turning vehicle. The motorcycle rider was ejected and suffered serious injury.

Mr. Ruoff stated that the team received good feedback from the public. He continued that NHDOT can speak to many of the good recommendations they were given, because many were suggested for in NHDOT's right-of-way. They received about 20 emails, three phone calls, two or three calls to the radio station, and one person came in person to talk and drew him a map of a proposed solution. The public meeting had nearly 50 attendees.

He continued that he will summarize the public's recommendations for corrective actions for this intersection. Most common was the installation of a flashing yellow light on Rt. 9 for traffic traveling in either direction. The second most frequently submitted recommendation was reducing the posted speed on Rt. 9 approaching this intersection.

Mr. Ruoff continued that other suggestions were:

- Raise the grade of Sullivan Rd. at Rt. 9 so there is better sight distance along Rt. 9
- Install rumble strips on Rt. 9 approaching the intersection, similar to the Shaw's roundabout in Peterborough
- Restripe the westbound lane for a left turn only, so that cars are not trying to pass and turn in the same lane
- Install "no passing" or "not safe to pass" signs on Rt. 9
- Install lights on light poles on Sullivan Rd. to provide better views of the road at night
- Reconstruct and reconfigure the intersection
- Widen Rt. 9 prior to the intersection to provide a dedicated passing lane
- Replace the intersection with a roundabout
- Build an overpass for Rt. 9 to go over Sullivan Rd.
- Install "dangerous intersection ahead" signs on Rt. 9 prior to Sullivan Rd.
- Install speed cameras on Rt. 9
- Provide additional police patrols
- Clear the vegetation along Rt. 9 to provide additional sight distance for cars pulling out of Sullivan Rd.
- Prohibit left turns onto and off of Rt. 9

- Replace the guard rail on Rt. 9 with wire guardrail to improve the sight distance

Mr. Ruoff continued that these recommendations that were received can be implemented by the City of Keene because they involve the City's right-of-way of Sullivan Rd.:

- Close Sullivan Rd.
- Close Sullivan Rd. but provide gated access for emergency vehicles
- Keep Sullivan Rd. open
- Submit detailed Officer reports to traffic software indicating that there are speed checks at that location

Mr. Ruoff stated that a map shows the areas for Sullivan Rd. south of Rt. 9 that are serviced by the road. He continued that Concord Rd. intersects, but it continues along to Rt. 9, so there is still another point of access at that point. Moore Hill Farm Rd., Concord Rd., Nims Rd., and a portion of Jordan Rd. are serviced by Sullivan Rd. for access to Rt. 9. For traffic traveling eastbound on Rt. 9, a closure would add roughly a four-mile detour for Keene residents for closing Sullivan Rd. south at this intersection. From Sullivan Rd. north, there are fewer Keene properties, but there is not a dedicated route to replace Sullivan Rd. Thus, from the team's preliminary review of this, they do not think it is a viable means of closing this, especially based on the feedback they received at the public meeting.

Mr. Ruoff continued that the team has coordinated initially and discussed with NHDOT at this point, and he invites Frank Linnenbringer to speak to some of the recommendations that have been provided for Rt. 9.

Mr. Linnenbringer stated that he is here tonight with Amanda-Joe Zatecka [Senior Highway Safety Engineer with NHDOT]. He continued that while it is NHDOT's right-of-way, from NHDOT's perspective, a street road is the same as a driveway. The owner of the driveway can propose improvements through a driveway permit and NHDOT can review and issue a permit so the owner can make those modifications. The City is more than able to put forward a proposal and NHDOT will review it and see if they can approve it.

Mr. Linnenbringer stated that many of these (recommendations) are ones NHDOT will discourage, because traffic studies have proven that most of them are ineffective. He continued that flashing yellow lights tend to be ignored shortly after being installed. They looked at two options, the normal flashing beacon and an intersection warning beacon, similar to ones installed at intersections in Chesterfield and Peterborough. So far, the feedback NHDOT has is not supportive of them and they do not seem to be beneficial. It is unlikely that NHDOT will expand the use of those. Regarding the posted speed, the speed of travel tends to be what people are comfortable traveling on the road, less so what the sign says. He believes trucks are traveling at an average speed of 54.5 mph and vehicles are traveling at an average of 57 mph. That is the standard speed. Changing the speed limit is unlikely to affect the speed of traffic at the location.

Mr. Linnenbringer continued that regarding rumble strips on Rt. 9, this would be a new use that is not used anywhere else in the state. The rumble strips in Peterborough warn people to slow down while approaching the roundabout. Installing them here (at the Sullivan Rd./Rt. 9 intersection) would be a new use that would perhaps confuse drivers. NHDOT is a little confused about the idea of "no passing" signs on Rt. 9, because it is a truck passing lane, and the point of a passing lane is to pass. The sign would be in conflict. Raising the grade is an option, but it would be more on the

City's side of things. There are definitely some vertical concerns there because Rt. 9 is significantly higher than the rest of Sullivan Rd. Any modifications to bring that up to grade would carry back and have a larger implication.

He continued that the re-striping idea is something NHDOT has evaluated, and yes, if they wanted to remove the passing lane and re-stripe it as a left turn lane, that could be done. NHDOT would not want to do that without further study and an evaluation similar to what the MSFI Committee just talked about, regarding evaluating the (Water St./Grove St. intersection) to see if a turn lane is warranted. It does not serve any purpose to install unwarranted turn lanes, and they need to make sure there are no other traffic issues in the location that would be made worse by installing turn lanes. NHDOT would consider this option with a little more study.

Mr. Linnenbringer continued that installing lights and light poles would be a City issue, because NHDOT does not illuminate intersections with town or city roads on state highways. He ended up removing everything in 2012. If the City wants lights there, that would be the City's evaluation. He thinks most of the crashes occurred in daylight, so lights might not be the issue. Regarding the ideas of reconfiguring, widening, installing a roundabout, or installing an overpass, those are all larger building projects that would need to be submitted to NHDOT to go through the Ten Year Plan process. Keene currently has two other intersections under road safety audits that NHDOT is looking at to do improvements, so this would be a third. At some point, Keene needs to prioritize the order, because they cannot do them all. Regarding the idea of "dangerous intersection ahead" signs, NHDOT would highly discourage using that without a plan for what they are going to do. Those signs would be temporary in preparation for a solution, not as a long-term solution. Speed cameras are not allowed NH roads, but if the suggestion was for speed feedback signs, the City could apply to install those. NHDOT does maintenance agreements with towns and cities on those. Regarding the idea of removing vegetation, NHDOT has one over-the-rail mower that hits Keene once or twice a year. The City can mow it more if they want to. As he said, NHDOT treats it similar to a driveway, and the sight distance of a drive is the responsibility of the driveway owner.

Mr. Linnenbringer continued that NHDOT would possibly consider the idea of prohibiting left turns. There is concern that if they prohibit left turns, many people would turn right to get out and do a U-turn on Rt. 9 further down, which would not be a safer solution. Regarding the guardrail, he does not think NHDOT has ever gone from W-beam guardrail back to cable guardrail. NHDOT is unlikely to consider that. It has been W-beam guardrail since at least 2009, so he disagrees with those who say it was "recently switched."

He continued that the other recommendations were ones for the City. NHDOT has no opinion on whether the City should close the road; they neither oppose nor support it.

Mr. Ruoff asked Mr. Linnenbringer to speak more to the Ten Year Plan process that he mentioned.

Mr. Lussier replied that he can speak to that. He continued that Mr. Linnenbringer mentioned the two road safety audits. NHDOT periodically asks cities and towns where they want to see a road safety audit done. The City submitted two intersections to be studied. The Rt. 12/Wyman Rd./Corporate Dr. intersection was submitted three or four years ago. More recently, they submitted the Whitcomb's Mill Rd./Rt. 9 intersection. Both are still in the queue and the City does not know when they will occur. The Ten Year Plan is the NHDOT process by which the City can request funding for some of the bigger projects. For example, the lower Winchester St. project went through the Ten Year Plan program. Route 101 improvements is a Ten Year Plan project that is moving forward. They are long-term planning projects for the bigger infrastructure. The process begins with submitting a project nomination to the Southwest Regional Planning Commission (SWRPC). The local Transportation Advisory Committee looks at and ranks those and decides which projects to

move forward in the process. It is about a year to go through all the review. NHDOT then ranks and stacks the projects and develops their Ten Year Plan for infrastructure improvements.

Mr. Linnenbringer stated that for a Ten Year Plan, he would say they are probably looking at 5 to 10 years on a best case for a project to get there, because NHDOT just finished the process. It is a two-year cycle, so it would be two years before the next Ten Year Plan would be generated, and then it would be ranked in with all the other projects that area already in the plan. That is not to say it would not move up higher in the plan. There have been projects that have been in the Ten Year Plan for 30 or 40 years. It definitely could bump something else down the line, but it is ranked amongst all the other projects already sitting in the plan. Again, through that process, it is probably a 5- to 10-year best-case scenario.

Chair Greenwald stated that he does not want Mr. Linnenbringer to take this comment personally, but his reaction to Mr. Linnenbringer's presentation was that it was "twelve ways of saying 'no' to everything that came up." He continued that he cannot be that patient; he wants some solutions *now*. He hears that it is political, but he is very hopeful that Mr. Linnenbringer, along with City staff, can come up with some "Yes, we can do this before the snow flies" (action to take), before someone else gets into an accident. It is a bad intersection and everyone knows it. The crumpled guardrail on the Keene side of Sullivan Rd. shows that obviously, other, non-reported accidents have happened. Maybe they were reported but did not result in serious injuries. There have to be solutions. Over 50 people came up with great ideas, most of which were not (outlandish). Yes, a roundabout or underpass is a 10-30 year project, but there must be solutions they can do. He hopes Mr. Linnenbringer and Mr. Lussier can at least get something started, and he will encourage the City Manager to get some streetlights out there, if that is what will make it safer. They have to do *something*. This is his ward; he and his neighbors use this intersection regularly and see how horrible it is. He knows people from the neighborhood who call each other and ask how the road is and "Is it safe to go out today?" Yes, other intersections need improvement, but right now, he is focused on this one.

Councilor Filiault stated that he echoes much of what Chair Greenwald said. He continued that they do not want this to go on the Ten Year Plan, because they know that would mean in 20 years or never. Three of those accidents happened this year, so obviously, it is a serious intersection. It is not okay to just be told "no, no, no" (in response to possible solutions). They need to hear that something (can be done), or at least a "maybe." Regarding Chair Greenwald's comments about something needing to be done before the snow flies, he is in favor of the rumble strips, which Mr. Linnenbringer said would be a "new use." That is fine, because at the time when they did the roundabout down near Applebees, the State said, "We don't do roundabouts." Now they do, but it was a new idea at one time. Roundabouts were found to work and now they are popping up everywhere. The rumble strips in Peterborough work, and yes, they startle people, but that is what they are supposed to do. Rumble strips and grooves in the center lines do the job and it is inexpensive, as far as highway projects go. He asks if Mr. Linnenbringer can go back to his supervisors and request that the rumble strips and grooves be installed before the snow flies. That could at least slow the traffic down while the State (does studies) and tries to come up with something else. They need to do something *now*. This is more than just a couple accidents over a decade. Distracted driving is only increasing, not going away. They cannot do the Ten Year Project. They cannot wait for more people to be seriously injured or killed. They can do rumble strips and grooves now, and then in the spring, look for a more permanent solution.

Chair Greenwald stated that he wants to repeat that Mr. Linnenbringer is merely the messenger, and he hopes he does not take the Committee's frustration personally. He continued that Mr. Linnenbringer's presentation was very good. The Committee is just venting about the whole situation.

Councilor Favolise stated that he did not just hear “no, no, no” from the NHDOT presentation; he heard “no, no, no...except if it will cost the City time and resources and money.” He continued that that is another challenge, given that this is a shared intersection. Many aspects of this intersection concern him, such as the angles and sight lines, and the sloping of Sullivan Rd. He does not think rumble strips would solve the problem, but it probably would not hurt, either, and it is a potential solution. Ideally, he would like for the City Manager to announce the hiring of 20 more police officers to patrol all these traffic areas, because many of the (problems) are due to operator challenges.

Councilor Favolise continued that he has a question for Lt. Chidester, who presented about the major accidents and said there is no way to get data on the near misses. What about the minor accidents that could have been major, had someone been a second too late in slowing down? Lt. Chidester replied that they do have data on that. He continued that surprisingly, every collision from the past five years, in the police data, that involved more than one vehicle has been a serious collision. All other collisions at this location have either been single vehicles due to bad weather or animals.

Councilor Favolise asked the Public Works Director if he knows what the traffic counts are for this intersection. Mr. Lussier replied no. Councilor Favolise asked if he has traffic counts for Sullivan Rd. generally. Mr. Lussier replied no. Councilor Favolise replied that that would be helpful, long-term, to determine what is feasible. Mr. Lussier replied that a traffic study would include that data collection phase.

Mr. Lussier stated that he wants to add that Mr. Linnenbringer is a great person who has been a great partner with the City, and he appreciates his work.

Councilor Workman stated that she shares Chair Greenwald’s sentiments. She continued that seeing the photos and footage of accidents in tonight’s presentation was sobering. Her heart goes out to the crash victims and the first responders. She feels that they owe it to the victims and first responders to think critically and creatively about solutions. They cannot just do nothing. She is a big proponent of reducing risk, and trying some of these solutions or others. They need to at least try to mitigate the severity of the accidents.

Mr. Lussier stated that regarding what can be done quickly, the option that is completely within the City’s control is at least an interim closure of the southern side of Sullivan Rd. He continued that that can be done through the normal Council process. Lt. Chidester observed early on that all of these serious accidents involved turning vehicles. For an easy solution to implement quickly, that (closure of the southern side of Sullivan Rd.) is unfortunately it. He knows the neighborhood will not love it. However, it would have a real impact.

Vickie Morton of 275 Water St. stated that she thought two of the accidents involved vehicles crossing, not turning. Lt. Chidester replied that is correct. He continued that as Mr. Lussier said, a closure of the southern part of Sullivan Rd. might not eliminate the crashes, but it would drastically reduce the number of incidents there, based on current data.

Ms. Morton stated that she hopes the Councilor would consider the number of cars that would be displaced onto Washington St. if the southern side of Sullivan Rd. were closed. She continued that the intersection of Washington St. and Rt. 9 is not always safe, either.

Chair Greenwald replied that that understands there are many implications. He continued that he hopes there would be some interim steps before they (close the southern side).

Councilor Favolise stated that he thanks Ms. Morton for her comments, because that gets to his

question about how many vehicles they are talking about. He asked Mr. Lussier if there is a way to get a rough count of the numbers, such as how many cars are at (the intersection) during the peak hour. Mr. Lussier replied yes, they have a tool – the signs you see around the city that flash the traffic – to collect traffic data. He continued that it is a crude tool that does not collect data about turning movements. The tool can say how many vehicles are traveling northbound on Sullivan Rd. and how many are traveling southbound, but it cannot say how many are turning left from Rt. 9 westbound onto Sullivan Rd. southbound or vice versa. They can get a gross volume of traffic that would be affected by this change, but not a nuanced analysis that would say whether a turning lane on Rt. 9 is warranted. Councilor Favolise replied that that is exactly the kind of data he thinks would be helpful here, as he is thinking about the displacement question if southern Sullivan Rd. were closed.

Ed Haas of 114 Jordan Rd. stated that all of these accidents were during daytime. He asked Lt. Chidester if any impaired driving was involved. Lt. Chidester replied no. Mr. Haas stated that there are a couple of things the State could easily do, and he hopes they do it. He continued that the real problem here is that people cannot judge the speed of vehicles coming eastbound down Rt. 9 or the beginning of the passing lane just to the east side of this intersection on the westbound side of Rt. 9. They could do something to control the speed coming down and eliminate the passing lane until you have passed Sullivan Rd., and then have the truck passing lane begin. Those options only require paint.

Amanda-Joe Zatecka (Senior Highway Safety Engineer, NHDOT) stated that from an NHDOT standpoint, it would be helpful to partner with the KPD to get a snapshot of the crashes. She continued that NHDOT has crash data all the way from 2002, but the data does not include much detail beyond the fact that a crash occurred on Rt. 9. Partnering with KPD would at least give NHDOT information about dates and times. They could then request the redacted crash reports from the DMV, to get that nuanced information. NHDOT does not get to see the crash diagram or summary, and often that is where the details are, such as a driver being unable to judge the speed of oncoming vehicles. That is the information they need.

Chris Jackson of 187 South Rd., Sullivan, stated that he uses (Sullivan Rd.) all the time, and he was at the local meeting. He continued that he knows they do a lot of analysis on the accidents. Since the meeting, he has thought a lot about two things. At the meeting, they talked a lot about who was at fault for the accidents. Sometimes it was a local at fault. He is not sure this data can be collected, but he wants to point out that when you are looking up or down the line, eastbound or westbound, you are making your decisions based on the fact that Rt. 9's speed limit is 55 mph. Anyone who drives it knows well that people get comfortable driving 55 mph or more, so (drivers) are making decisions about based on a theoretical but not actual speed. Thus, when discussing who is "at fault," it is important to recognize that if you are making a decision based on someone else doing something right, and they are not doing it right, then who is "at fault" becomes blurry. On the other hand, he does not know if the traffic studies include speed, which is fundamental for decision-making. They should determine how fast people are going on that road before they just close it. They also need better enforcement, not just little warnings. If it is not going to be enforced, then many of the recommendations on the list do not matter. (Accidents) will still happen, unless there is enforcement.

Gordon Matthews of 85 Nims Rd. stated that he uses the intersection regularly as well. He continued that he thinks speed is a major factor. He was shocked to hear Mr. Linnenbringer from NHDOT dismiss out of hand speed limit signage or lights, basic traffic safety measures, (saying they) would be ignored and ineffective. He thinks those options should be considered, and thinks posting the speed lower would help improve the safety of the intersection, especially with the trajectory coming down hill. He thinks the speed limit passing Granite Gorge is 45 mph and then it increases as you

are coming into the city. It is strange that NHDOT feels speed limit signs and lights are ineffective. This should be considered by the City and State.

David Jakway, Town of Sullivan Selectmen Chair, stated that the biggest issue is the sight view and people speeding. He continued that in the two weeks since there have been accidents here, he has not seen one police car, State or City, sitting on that road. Two weeks ago, he followed a driver of a silver Chrysler convertible with a black top who went from the Rt. 10 intersection on Rt. 9 to the top of the hill on Rt. 9. He himself was going 65 or 70 mph at the top and still could not catch the driver. Speed is the biggest problem here for everyone, including his Sullivan constituents. He is disappointed with NHDOT. He has talked with the person in Concord. He is very concerned about their attitude toward this side of the state, and their inaction.

Zachary Key of 49 South Rd., Sullivan, asked how they will warn people if the southern part of Sullivan Rd. is closed, if flashing signs and painted lines on the road are not viable options to alert drivers to what is there now. He questions how many accidents will occur due to people going there (to try to turn onto Sullivan Rd.) with no warning. In addition, (closing the road) would punish people for what sounds like some people's poor choices in going across the road. He works for a landscaping company on Sullivan Center Rd., which sends trucks down that road. Rather than going up Rt. 9 into Keene, it is much easier to go across to go down Concord Hill Rd., especially with a loaded truck.

Chair Greenwald stated that everything will be considered. He continued that he personally hopes there is no closure, but there are many intermediate steps they can take.

The City Manager stated that the screen shows what the team recommends as next steps. She continued that whatever solutions they come up with will require coordination and collaboration with NHDOT and emergency services. They recommend looking at which interim corrective actions can be taken and also looking at the long-term plan for this intersection.

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

The Municipal Services, Facilities, and Infrastructure Committee recommends placing this matter on more time to allow the City Manager, through City staff, to coordinate with the NH Department of Transportation to produce an action plan for presentation at the November MSFI meeting.

Chair Greenwald stated that there is no firm date for the November meeting, due to Thanksgiving. He continued that he realizes this is a time press, but he really would like to see something done before the snow comes, so they do not hear, "No, we can't restripe the road because it is too cold," or something similar.

The City Manager stated that there have been conversations about potentially canceling the November MSFI meeting and holding it in early December instead. Chair Greenwald replied that he will change (the motion) to "the next MSFI meeting," which could also be on the Tuesday before Thanksgiving.

The motion passed unanimously.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Designated Loading Zones and Bus Loading Zones Ordinance O-2024-16**

Council Action:

In City Council November 7, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

That the City Council refer Ordinance O-2024-16 to the Municipal Services, Facilities and Infrastructure Committee.

Attachments:

1. ORDINANCE O-2024-16 Loading Zones_referral

Background:

On May 14, 2024, Councilor Williams submitted a request for an accessible curb ramp to be installed in the loading zone near Central Square Terrace on Roxbury Street. The matter was referred to City Staff for evaluation and a recommendation back to the Council.

A similar request was submitted to Public Works in 2023 by residents of the facility. At that time, the Engineering Division discussed the need for a ramp with both the Keene Fire Department and Home Healthcare, Hospice & Community Services (HCS) (operator of the City Express transit service). Both agencies expressed that a ramp was not needed to support their operations. Nevertheless, the Engineering Division developed alternatives to review and discuss with the management of Keene Housing. After meeting with Keene Housing, it was determined that a ramp at this location was not warranted.

After receiving the request from Councilor Williams, staff discussed the matter again with Keene Housing management. During the course of that discussion, the root cause of this concern was identified. Prior to 2021, there was a "City Express Bus Stop" sign located in the loading zone. This was not a City sign and was not supported by enforceable parking restrictions, so it was removed. Keene Housing Staff explained that recently, vehicles were parking at the "bus stop" and forcing the City Express to pick up and drop off while in the travel lane of Roxbury Street. Prohibiting parking and designating this area for bus and ambulance use will alleviate the issue. Residents who require accessible parking can continue to utilize the accessible parking space located on the lower level of the City Hall parking garage.

After developing the proposed solution of creating a designated bus loading zone for this location, staff evaluated other locations where a similar conditions may exist. The Ordinance also proposes to create bus loading zones on West Street at the Keene Public Library and on Gilbo Avenue at the Transportation Center.

The Public Works Department recommends the passage of Ordinance O-2024-16. If approved, the department will update the signage and pavement markings accordingly.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Designated Loading Zones and Bus Loading Zones

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 the stricken text and adding the bolded text to the provisions of Section 94-92, “Designated loading zones.”; and by adding the bolded the bolded text as subsection (h), “Bus Loading Zones”, within Section 94-94, “Restrictions”, Division 2, “Specific Street Regulations” of Article III, “Parking Services”, of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows;

Sec. 94-92. – Designated loading zones.

...

Roxbury Street, north side, ~~along~~ **beginning at a point 70 feet from the southeast corner of the former Cheshire County Savings Bank, continuing easterly for the remainder of the indented portion of the street curbing directly in front of the Central Square Terrace apartment building.**

Sec. 94-94. – Restrictions

...

h) *Bus Loading Zones* – It shall be a violation for any vehicle, other than an emergency vehicle as defined in NH RSA 259:28 or a community transportation vehicle as defined in NH RSA 239-B:1-a (i.e., public transit service), to stop, stand or park at any time, at any of the following locations:

- (1) Roxbury Street – In front of the Central Square Terrace apartment building on Roxbury Street, westerly of the designated loading zone defined in Section 94-92, above.**
- (2) Gilbo Avenue – Along the curbline on the north side of the Keene Transportation Center.**
- (3) West Street – Within the indented portion of curbline on the south side of the Keene Public Library.**

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

A handwritten signature in black ink, appearing to read "Patricia Castle". The signature is written in a cursive style with a large initial "P".

City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Rebecca Landry, Deputy City Manager
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Maintenance Parking Restrictions
Ordinance O-2024-21**

Council Action:

In City Council November 7, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

That Ordinance O-2024-21 be referred to the Municipal Services, Facilities and Infrastructure Committee for their review and recommendation.

Attachments:

1. ORDINANCE O-2024-21 Maintenance Parking Restrictions_referral

Background:

In October, the City Council adopted Ordinance O-2024-14, which, in summary, shifted from a continuous “Snow Maintenance Period” parking ban annually from November through April to a process by which parking will now only be restricted when a Winter Weather Parking Ban is declared. The entire section 94-95 (a) language was removed and replaced new language. The next step is to review and update the language in section 94-95 (b) for consistency and clarity, with some new wording in both sections for consistency.

Sec. 94-95 (a) and (b) were formerly titled “Winter Maintenance Period” and “Summer Maintenance Period”, respectively. It is recommended that this transition to “Emergency Weather Parking Ban” and “Scheduled Maintenance” so that the Public Works Department will use a similar process for both needs and to avoid confusion for those who use public parking areas. The recommended “Scheduled Maintenance” wording will shift from the former nightly street closures from May through October to providing the Public Works Director the authority to declare a parking ban as needed for maintenance purposes, thus opening up overnight parking when no parking ban is declared. This includes a three-day advance public notice requirement, and public parking lots will remain available as an alternative parking option for those who need it.

There are consequences of this transition in parking regulations. Most importantly, the Public Works team will have access to roads as necessary to safely perform street maintenance, whether on an emergency or scheduled basis. The expanded access to public parking without nightly or overnight restrictions expands parking availability and convenience for residents. It will likely, however, create

competition for downtown parking spaces between residents who use the spaces for overnight parking and downtown business customers who presently use the same spaces into the evening hours for shopping, dining, appointments, etc. There is also a reduction in Parking Fund revenue expected resulting from 1) reduced demand for reserved parking and 2) reduced ticketing of vehicles in violation of former on-street parking rules overnight, a function performed by the Keene Police Department.



CITY OF KEENE
NEW HAMPSHIRE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE 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 adding the bolded text to and removing the stricken text from Sec. 94-95, "Snow and Street Maintenance Period" and Sec. 94-95 (a) and 94-95 (b) as follows:

Sec. 94-95. ~~Snow and street maintenance period.~~ **Maintenance Parking Restrictions.**

(a) ~~Winter Maintenance Period~~ **Emergency Weather Parking Ban**

- 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. **and may be ticketed or towed as provided for in section 94-154 pertaining to enforcement practices.**
- 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.

(b) ~~Summer Scheduled maintenance period.~~ To provide for maintenance **of in** the city's ~~downtown, business, and commercial~~ streets, no vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges ~~in the areas specified~~ and owners of all vehicles or trailers so ~~standing between the hours of 2:00 a.m. and 6:00 a.m.~~ **during a scheduled maintenance period** as specified shall be deemed in violation of RSA 262:31 et seq., and ~~shall~~ **may be ticketed or** towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during the period ~~each year from May 1 to October 31:~~ **any scheduled maintenance period as described in this section.**

~~(1) The summer maintenance period shall apply to the following streets on Wednesday and Thursday of each week:~~

~~Center Street.~~

~~Church Street from Main Street to Wells Street.~~

~~Commercial Street.~~

~~Court Street from Mechanic Street to Central Square.~~

~~Cypress Street.~~

~~Eagle Court.~~

~~Elm Street from Vernon Street to Mechanic Street.~~

~~Emerald Street from Main Street to Ralston Street.~~

~~Federal Street.~~

~~Gilbo Avenue.~~

~~Lamson Street.~~

~~Main Street from Marlboro Street and Winchester Street Intersection to NH Route 101.~~

~~Marlboro Street from Main Street to Grove Street.~~

~~Mechanic Street.~~

~~Middle Street.~~

~~Norway Avenue.~~

~~Railroad Street.~~

~~Ralston Street.~~

~~Roxbury Plaza.~~

~~Roxbury Street from Central Square to Norway Avenue.~~

~~St. James Street.~~

~~School Street from West Street to Emerald Street.~~

~~Summer Street.~~

~~Vernon Street.~~

~~Washington Street from Central Square to Mechanic Street.~~

~~Water Street from Main Street to Grove Street.~~

~~Wells Street.~~

~~West Street from Central Square to NH Route 9/10/12.~~

~~Winchester Street from Main Street to NH Rt 101.~~

~~Winter Street.~~

~~93rd Street.~~

~~(2) The summer maintenance period shall apply to the following streets on Sunday through Saturday of each week:~~

~~Central Square.~~

~~Main Street from Central Square to Marlboro Street and Winchester Street Intersection.~~

~~(3) Nothing in this section will prohibit the public works department from closing all or parts of any listed streets at any other time periods then listed for maintenance, as long as the public is notified of the closing at least three calendar days prior to the closing.~~

(1) The Director shall declare the occurrence of a scheduled maintenance period and shall notify the public when a scheduled maintenance period starts and ends by using available methods for communicating messages to the public, which may include but not be limited to signage, the City website, social media, and an automated push notification system.

(a) The declaration shall be made no less than three (3) calendar days prior to the starting time of the maintenance period.

(b) The declaration may be made applicable to all City streets, certain streets, or streets within a defined perimeter.

(c) The declaration may be made applicable to all public surface parking lots or only certain lots.

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.


City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.3.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Rebecca Landry, Deputy City Manager
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Gilbo Avenue Parking Restrictions
Ordinance O-2024-22**

Council Action:

In City Council November 7, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

That Ordinance O-2024-22 be referred to the Municipal Services, Facilities and Infrastructure Committee for their review and recommendation.

Attachments:

1. ORDINANCE O-2024-22 Gilbo Avenue Parking Restrictions_referral

Background:

The recent change to City Code section 94-95 (a) removed the 2:00 A.M. to 6:00 A.M. parking restrictions that were previously associated with the November to April overnight parking ban. This opens up overnight parking on Gilbo Avenue, as well as other streets, where parking enforcement hours begin at 8:00 A.M. With a 2-hour parking limit, a vehicle owner could park overnight, pay for parking at 8:00 A.M. and occupy a parking space legally until 10:00 A.M. This is problematic for businesses including Lindy's Diner that open before 8:00 A.M. and need parking spaces to be available for their customers.

The fundamental purpose of downtown parking regulations, including enforcement, is to ensure the availability and turnover of parking spaces for customers of downtown businesses during business hours. This supports economic activity and a positive experience for visitors. Residents, understandably, prefer to park as close to their domicile as possible, however, and are utilizing the on-street parking options recently availed by the changes to winter parking rules. Ordinance O-2024-22 provides a parking restriction from 2:00 A.M. to 6:00 A.M. on the north side of Gilbo Avenue in order to ensure parking spaces are available to support business purposes. The nearby Commercial and Gilbo East parking lots provide ample overnight parking options which have been used for this purpose in years past.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Gilbo Avenue Parking Restriction

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 adding the bolded text to the provisions of Section 94-93, "No Parking" item (b), "Specific times" as follows;

Gilbo Avenue, north side, from Main Street to St. James Street, between 2:00 a.m. and 6:00 a.m.

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.


City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.4.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Rebecca Landry, Deputy City Manager
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Juneteenth Exception To Parking Regulations Ordinance O-2024-23**

Council Action:

In City Council November 7, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

That Ordinance O-2024-23 be referred to the Municipal Services, Facilities and Infrastructure Committee for their review and recommendation.

Attachments:

1. ORDINANCE O-2024-23 Juneteenth Exception To Parking Regulations_referral

Background:

Ordinance O-2024-23 has been drafted with language that adds “Juneteenth National Independence Day” to the list of free parking days in the city. Since Juneteenth has become a federal holiday, many people have assumed that it is a free parking day. This has resulted in confusion and frustration for people who assume parking is free and learn otherwise despite the City’s informational and educational efforts. Parking staff have used more of an educational approach than an enforcement approach in recent years, and new parking meter labels and telephone attendant messaging is helping create some clarity, but the public continues to press for this to be a free parking day in honor of the federal holiday.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Juneteenth Exception To Parking Regulations

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

That Chapter 94 “TRAFFIC, PARKING AND PUBLIC WAYS” of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by removing the stricken text and adding the bolded text to Sec. 94-153 “Exceptions to Parking Regulations” as follows:

Sec. 94-153. - Exceptions to parking regulations.

The following vehicles and time periods shall be exempt from parking regulations as specified herein;

(1) A privately owned vehicle under the direct control of the owner while being used on official government business as authorized by RSA 265:73 or a vehicle owned by federal, state, county or municipal government shall be exempt from meter fees and established time limits.

(2) In addition to the previous section, any police or fire vehicle in the performance of duty or other vehicle providing emergency services shall be exempt from the provisions of section 94-66.

(3) While their vehicle displays an identity card issued by the clerk of court, as provided in RSA 500-A:17, jurors in attendance at Superior Court shall be exempt from meter fees and established time limits. Jurors may not park in spaces marked as 15-minute loading zones.

~~(4) A vehicle owned by a member of the city's senior citizens association and displaying a valid membership card on the dashboard, when parked in the area of Court Street from Summer Street on the west and from Mechanic Street to Union Street on the east shall be exempt from the established time limits.~~

~~(5)~~ (4) Consistent with the provisions of RSA 265:73 and 265:74, any motor vehicle carrying the special plates or placard issued to a person with a walking disability, while under the control of or transporting the person who qualified for the special plates or placard, shall be exempt from meter fees. Such extended vehicles shall be subject to established time limits except for parking in a two-hour zone shall be permitted for three hours.

~~(6)~~ (5) During the period seven days immediately preceding the Christmas Day holiday each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

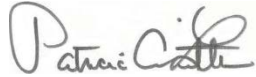
~~(7)~~ (6) During the period starting the day of Thanksgiving and extending through the entire Holiday Weekend each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

~~(8)~~ (7) On the following holidays and observed holidays: New Year's Day, Martin Luther King/Jonathan Daniels Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day and Christmas Day, each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

(8) On Juneteenth National Independence Day, a federal holiday, each year, meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

(9) During any defined period where suspended by a vote of the city council under such terms and conditions as it may require.

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.



City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.5.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Evan Clements, Planner
Through: Mari Brunner, Senior Planner
Subject: **Relating to Residential Parking Requirements
Ordinance O-2024-20**

Council Action:

In City Council November 7, 2024.

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

Recommendation:

That City Council refer Ordinance O-2024-20 to the Joint Committee of the Planning Board and the Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. Narrative
2. Application
3. O-2024-20_Residential Parking Ordinance_referral
4. Table 9-1 Language to be Removed
5. Table 9-1 Language to be Added

Background:

This Ordinance proposes to modify the on-site parking requirements for each residential use category in the Zoning Ordinance by changing from a “per unit” to a “per bedroom” calculation, with one exception. The change also includes separate parking space requirements for dwellings that qualify as Workforce Housing or Housing for Older Persons. For the Housing for Older Persons category, the calculation is based on per unit instead of per bedroom. This change will affect all zoning districts that allow residential uses. The intent of these proposed changes is to bring the City of Keene’s Zoning Ordinance into compliance with recent changes to state law and reduce the cost of new housing development in the City. The proposed changes are aligned with the zoning recommendations in the City of Keene Neighborhood Parking Report that was prepared by Walker Consultants as part of an InvestNH HOP Grant to increase the supply of housing.

CITY OF KEENE
NEW HAMPSHIRE

O-2024-20 Relating to Amendments to Residential Parking Requirements

This Ordinance proposes to modify the on-site parking requirements for each residential use category in the Zoning Ordinance by changing from a “per unit” to a “per bedroom” calculation, with one exception. The change also includes separate parking space requirements for dwellings that qualify as Workforce Housing or Housing for Older Persons. For the Housing for Older Persons category, the calculation is based on per unit instead of per bedroom. This change will affect all zoning districts that allow residential uses. The proposed number of required parking spaces per dwelling type is shown in the table below:

Residential Uses	
Dwelling, Above Ground Floor	1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L) 1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Two-Family/Duplex	
Housing for Older Persons (as defined by RSA 354-A:15)	0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)
Workforce Housing (as defined by RSA 674:58, IV)	0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L) 1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L) 1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L) 1.5 space per three-bedroom or more

The intent of these proposed changes is to bring the City of Keene’s Zoning Ordinance into compliance with recent changes to state law and reduce the cost of new housing development in the City. The proposed changes are aligned with the zoning recommendations in the City of Keene Neighborhood Parking Report that was prepared by Walker Consultants as part of an InvestNH HOP Grant to increase the supply of housing.

The attached materials include the full text of Ordinance O-2024-20 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-20. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 25, 2024

Address: 3 Washington St. Keene NH

Telephone: (603) 352-5440 Email: communitydevelopment@keeenh.gov

Existing Section Reference in Chapter 100, Land Development Code: 9.2.1;9.2.5

Does the amendment affect "Minimum Lot Size"? [] Yes [x] No

Does the amendment affect "Permitted Uses"? [x] Yes [] No

Number of parcels in Zoning District*: <100

[Signature] Validation of Number of parcels by the Community Development Department

[Signature] Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
\$100.00 application fee.
As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, *and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: Ordinance Number:

On City Council agenda: Workshop to be held:

Public Hearing to be held



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Residential Parking Requirements

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

That Chapter 100 of the Code of Ordinances of the City of Keene, the Land Development Code, as amended, is further amended as follows:

1. That Table 9-1 “Minimum On-Site Parking Requirements” of Article 9 “Residential Uses” be amended as follows:


- a. Dwelling, Above Ground Floor ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
- b. Dwelling, Manufactured Housing ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
- c. Dwelling, Multifamily ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
- d. Dwelling, Single-Family ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
- e. Dwelling, Two-Family/Duplex ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~

f. Residential Uses

Dwelling, Above Ground Floor	<u>1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L)</u> <u>1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)</u>
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Two-Family/Duplex	
<u>Housing for Older Persons (as defined by RSA 354-A:15)</u>	<u>0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)</u>
<u>Workforce Housing (as defined by RSA 674:58, IV)</u>	<u>0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L)</u> <u>1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L)</u> <u>1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L)</u> <u>1.5 space per three-bedroom or more</u>

2. That section 9.2.5 “Zoning District Specific Requirements” of Article 9, subsection A.1 be deleted as follows:

- a. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts.~~

In City Council November 7, 2024.
Referred to the Joint Planning Board and
Planning, Licenses and Development
Committee. 

City Clerk

Jay Kahn, Mayor

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

PRINCIPAL USE	MIN ON-SITE PARKING REQUIREMENT
RESIDENTIAL USES	
Dwelling, Above Ground Floor	2 spaces / unit (1 space / unit in DT-G, DT-L)
Dwelling, Manufactured Housing	2 spaces / unit
Dwelling, Multifamily	2 spaces / unit (1 space / unit in DT-G, DT-L)
Dwelling, Single-Family	2 spaces / unit (1 space / unit in DT-L)
Dwelling, Two-Family / Duplex	2 spaces / unit (1 space / unit in DT-L)
COMMERCIAL USES	
Agricultural-Related Educational & Recreational Activity as a Business	4 spaces / 1,000 sf GFA
Animal Care Facility	3 spaces / 1,000 sf GFA
Art Gallery	3 spaces / 1,000 sf GFA
Art or Fitness Studio	4 spaces / 1,000 sf GFA
Banking or Lending Institution	4 spaces / 1,000 sf GFA
Bar	1 space / 5 seats
Bed and Breakfast	1 space / guest room + 2 spaces / dwelling unit
Car Wash	1 space / car wash bay
Clinic	5 spaces / 1,000 sf GFA
Event Venue	5 spaces / 1,000 sf GFA
Funeral Home	5 spaces / 1,000 sf GFA
Greenhouse / Nursery	4 spaces / 1,000 sf GFA
Health Center / Gym	4 spaces / 1,000 sf GFA
Heavy Rental & Service Establishment	3 spaces / 1,000 sf GFA
Hotel/Motel	1 space / guest room
Kennel	2 spaces / 1,000 sf GFA
Micro-Brewery/Micro-Distillery/Micro-Winery	2 spaces / 1,000 sf GFA of production area + 1 space / 4 seats
Motor Vehicle Dealership	4 spaces / 1,000 sf GFA of indoor sales and display area + 4 spaces / service bay
Neighborhood Grocery Store	3 spaces / 1,000 sf GFA
Office	4 spaces / 1,000 sf GFA
Personal Service Establishment	4 spaces / 1,000 sf GFA
Private Club / Lodge	4 spaces / 1,000 sf GFA or 1 space / 4 seats, whichever is greater
Recreation/Entertainment Facility - Indoor	4 spaces / 1,000 sf GFA or 1 space / 4 seats
Recreation/Entertainment Facility - Outdoor	2 spaces / 1,000 sf outdoor use area
Research and Development	4 spaces / 1,000 sf GFA
Restaurant	1 space / 5 seats
Retail Establishment, Heavy	4 spaces / 1,000 sf GFA
Retail Establishment, Light	4 spaces / 1,000 sf GFA
Self Storage Facility - Exterior Access	1 space / 3,000 sf GFA <i>(may be located on paved area in front of unit)</i>
Self Storage Facility - Interior Access	1 space / 3,000 sf GFA
Sexually Oriented Business	4 spaces / 1,000 sf GFA
Specialty Food Service	4 spaces / 1,000 sf GFA
Vehicle Fueling Station (with or without retail store)	4 spaces / 1,000 sf GFA <i>(excluding fueling stations)</i>

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

PRINCIPAL USE	MIN ON-SITE PARKING REQUIREMENT
RESIDENTIAL USES	
Dwelling, Above Ground Floor	1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L) 1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Single-Family	
Dwelling, Two-Family / Duplex	
Housing for Older Persons (as defined by RSA 354-A:15)	0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)
Workforce Housing (as defined by RSA 674:58, IV)	0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L) 1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L) 1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L) 1.5 space per three-bedroom or more
COMMERCIAL USES	
Agricultural-Related Educational & Recreational Activity as a Business	4 spaces / 1,000 sf GFA
Animal Care Facility	3 spaces / 1,000 sf GFA
Art Gallery	3 spaces / 1,000 sf GFA
Art or Fitness Studio	4 spaces / 1,000 sf GFA
Banking or Lending Institution	4 spaces / 1,000 sf GFA
Bar	1 space / 5 seats
Bed and Breakfast	1 space / guest room + 2 spaces / dwelling unit
Car Wash	1 space / car wash bay
Clinic	5 spaces / 1,000 sf GFA
Event Venue	5 spaces / 1,000 sf GFA
Funeral Home	5 spaces / 1,000 sf GFA
Greenhouse / Nursery	4 spaces / 1,000 sf GFA
Health Center / Gym	4 spaces / 1,000 sf GFA
Heavy Rental & Service Establishment	3 spaces / 1,000 sf GFA
Hotel/Motel	1 space / guest room
Kennel	2 spaces / 1,000 sf GFA
Micro-Brewery/Micro-Distillery/Micro-Winery	2 spaces / 1,000 sf GFA of production area + 1 space / 4 seats
Motor Vehicle Dealership	4 spaces / 1,000 sf GFA of indoor sales and display area + 4 spaces / service bay
Neighborhood Grocery Store	3 spaces / 1,000 sf GFA
Office	4 spaces / 1,000 sf GFA
Personal Service Establishment	4 spaces / 1,000 sf GFA
Private Club / Lodge	4 spaces / 1,000 sf GFA or 1 space / 4 seats, whichever is greater
Recreation/Entertainment Facility - Indoor	4 spaces / 1,000 sf GFA or 1 space / 4 seats
Recreation/Entertainment Facility - Outdoor	2 spaces / 1,000 sf outdoor use area
Research and Development	4 spaces / 1,000 sf GFA
Restaurant	1 space / 5 seats

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
Wholesale	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
OPEN SPACE USES	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA

9.2.2 Use Determination

A. Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

9.2.3 Mixed Uses

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

9.2.4 Accessible Parking

- A. The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B. In no circumstance shall the number of required accessible parking spaces be reduced.

9.2.5 Zoning District Specific Requirements

A. No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses in the Downtown Growth and Downtown Limited Districts as stated in Table 9-1.

- 1. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts.~~
- B. When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

9.2.6 Alternate Parking Requirements

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

9.2.7 Reduction of Required Parking

- A. **Administrative Reduction.** The Zoning Administrator may grant up to a 10% reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
 - 1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
 - 2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
 - 3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to FY25 Fiscal Policies
Resolution R-2024-32

Council Action:

In City Council November 7, 2024.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2024-32.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2024-32.

Attachments:

1. Resolution R-2024-32_Adopted

Background:

Finance Director Merri Howe addressed the Committee and stated she was present to discuss the FY24 fiscal policies which set forth the fiscal guidelines for the next budget process. Ms. Howe stated fiscal policy documents sets the boundaries from which both the CIP and the operating budget are formed. It is used as a decision-making tool that will help provide consistency and stability in the City's financial operations. The policies are an essential component of long-range financial planning while taking into consideration the financial and economic impacts of taxpayers in the community.

Ms. Howe stated in September, there was a workshop with City Council to review and discuss this year's proposed changes and asked if the Committee had any questions from that workshop.

Councilor Lake clarified that the City would be utilizing the Northeast Regional-New England Consumer Price Index which is trending lower than the Boston Cambridge Newton. Ms. Howe concurred and noted the Boston Cambridge Newton only comes out every other month and the Northeast Regional-New England Consumer Price Index comes out monthly. It is trending for the month of July at 4.3% versus Boston Cambridge which was at 4.4 %. Deputy City Manager, Landry pointed out it was a rolling three-year average.

Chair Powers stated at the workshop there were some questions raised. One of them had to do with the Deputy City Manager title and this is in reference to the first section starting with the word "Whereas." In the past nothing was included, and the assumption was that it was whoever

the City Managers appoints and gives that authority to, but this does define it. Chair Powers asked on behalf of Councilor Remy if this was ok or should it just say Acting City Manager. The Chair asked for legal comment on this issue.

Attorney Mullins agreed this is a new process. It was something that was highlighted by Bond Council. Deputy City Managers are now part of the organizational structure of the City. He stated he understands the desire to be a little bit more specific about it but also to broaden it out. He indicated Councilor Remy's comment was that it was a good to have Deputy City Managers but perhaps the Manager should be given broader discretion with respect to designating someone. He indicated what he was going to suggest (this change does not need to be an A version as it is a clarification language issue) in the 7th Whereas clause to have it read *the Deputy City Manager, or other designee, designated by the City Manager as the Acting City Manager shall be vested with all the powers* – this clarifies the question as to making sure that person is acting with that authority.

Chair Powers asked whether by adding the authority of the Deputy City Managers to the fiscal policy accomplishes what is required or does it have to be added in other areas as well. Attorney Mullins stated if this is the rule of the City Council with respect to Resolutions generally, but he felt it should be looked at more broadly with respect to the Code of Ordinances. However, for at least this moment, it addresses Bond Council's concern.

Councilor Roberts stated he is not comfortable with this because there are two Deputy City Managers and the City Manager and it is being suggested that the policy needs to have a contingency for someone else to be designated. He added the purpose of having two deputies and one City Manager is to make sure someone would always be available as it pertains to the chain of command and legal authority to make any decision. Attorney Mullins stated he agrees with the Councilor. This is just a suggestion, and ultimately it is up to the City Council.

Chair Powers stated another issue raised by Councilor Remy was in Section 4, Item H which refers to competitive sales on bond issues. It currently says the *competitive sale or New Hampshire Bond bank are the preferred methods of sales. However, negotiated sales may occur for current or advance refunding or for other appropriated reasons*. His question is whether the City is making sure it gets the best rate in this situation. The Committee indicated they were satisfied with this language.

Chair Powers noted the issue with respect to monthly reports was not addressed. Ms. Howe stated the wording can be changed to monthly and there could be an explanation that goes along with it. It was decided to leave the text as is.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2024-32.



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

PASSED: November 7, 2024



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to an Appropriation of Funds from the Solid Waste Fund to the State of New Hampshire
Resolution R-2024-34**

Council Action:

In City Council November 7, 2024.

Councilor Madison was recused from the discussion and vote on this matter by consensus due to a conflict of interest. Report filed as informational. Voted unanimously to amend the Resolution by correcting the reference to the amount of the NH Emissions Fine from \$177,283 to \$171,326 as a scrivener's error. Voted unanimously for the adoption of Resolution R-2024-34, as corrected.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2024-34.

Attachments:

1. R-2024-34_Solid Waste Fund_Adopted

Background:

Asst. Public Works Director/Solid Waste Manager addressed the Committee and explained this Resolution is a result of issues regarding the landfill gas system. He stated starting in 2015 there hasn't been sufficient methane being processed from the closed landfill to operate the prime power generator. Also, there is no three phase power lines that travel up to the recycling center. Since the landfill system started having issues, staff started looking at other options and settled on Climate Showcase Communities grant that enabled the City to purchase a biofuel generator. This is a generator that provides three phase power which runs on 100% biofuel instead of petroleum diesel.

Mr. Watson stated this is a first in the nation system providing prime power. It was meant to be a demonstration project and staff had to work through some technical issues. In the event that the prime power was unavailable to operate the landfill, the backup diesel generator would. Mr. Watson noted if neither the prime power, or the backup system was not operational, the site could not process the recyclables from the facility.

Decisions were made at the time to run the backup diesel generator without realizing that the City was violating New Hampshire DES air permits with regard to the length of time the backup generator ran. Due to that, the City ended up in negotiations with the State of New Hampshire which resulted in a Consent Decree where the City agreed to pay a fine, which is approximately \$177,283.

The City would also have emissions fees that it should have paid if it had been filing emissions reports which totaled around \$5,957. As part of the negotiations with the State, the City proposed an environmental project to offset a portion of the fine that was not ultimately included in the Consent Decree - tree planting as part of settling of this issue. The funding for the tree planting would come from the solid waste fund. The project would plant approximately 30 trees of significant caliper at a cost of \$44,321.00. Councilor Lake stated he was happy to see funding going towards planting trees.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2024-34.



CITY OF KEENE

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


A RESOLUTION Relating to the Appropriation of Funds from the Solid Waste Fund Balance to the State of New Hampshire

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

That pursuant to Section 31 of the Rules of Order, the sum of two hundred twenty-one thousand six hundred four dollars (\$221,604) is hereby transferred from the Solid Waste Fund Balance to the following:

Solid Waste Fund Expenditure

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
21342400-523140	State of NH Emissions Fine	\$171,326
21342400-523140	State of NH Emissions Fees	\$ 5,957
75222800-523730	Tree Planting	\$ 44,321
Total		\$221,604


Jay V. Kahn, Mayor

PASSED: November 7, 2024



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: November 7, 2024
To: Mayor and Keene City Council
From: Duncan Watson, Assistant Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to the Appropriation of Funds from the Solid Waste Fund to the FY 25 Operating Budget Resolution R-2024-37**

Council Action:
In City Council November 7, 2024.
Referred to the Finance, Organization and Personnel Committee.

Recommendation:
That Resolution No. R-2024-37 be referred to the Finance Organization and Personnel Committee for deliberation and a recommendation back to the Council.

Attachments:
1. R-2024-37 Relating to the appropriation of funds from the Solid Waste FB_Referral

Background:
The Solid Waste Division is currently comprised of the following authorized positions:

- (1) Assistant Public Works Director/Solid Waste Manager
- (1) Solid Waste Operations Foreman (requires CDL License)
- (1) Transfer Station Foreman (requires CDL License)
- (1) Transfer Station Motor Equipment Operator II (requires CDL License)
- (2) Recycler II (requires CDL License)
- (2) Recycler I
- (2) Gate Attendant/Weighmaster (part-time)
- (2) Recycler I Attendant (part-time)
- (1) Recycler I contract (10 hours per week)
- (1) Groundskeeper/Litter Attendant contract (approximately 28 hours per week)

The Solid Waste Division has experienced significant increases in customer counts as well as an increased volume of recycling in the past 4 years. The increased volume of recycling does not translate into increased tonnage diverted due to changes in packaging. For example, today, a plastic water bottle has 52% less plastic, but the overall tonnage of plastic processed year over year has remained steady. The staff on the processing line must handle upwards of 50% more plastic items during sorting operations, which means the line speed has to be slowed to ensure maximum diversion. The scale house tracks all inbound and outbound customers at the facility. In the past

four years, the customer count ranges between 126,000-141,000 vehicles per year. This averages out to 400-450 daily transactions, or 50-56 transactions per hour. With a veteran staff, and approximately 80% personnel availability on any given day, the Solid Waste Division is struggling to maintain the facility's aesthetics as well as processing the volume of material received. Converting the current contract Recycler I (10 hours per week), to full-time status will provide the human resources necessary to handle the increased volumes and customer counts without negatively impacting the Solid Waste Division's business model.

The following is the fiscal impact of the proposed personnel changes:

Current:

Position	Hours / Wk	FY25 Cost ^{Note 1} (Pro-rated, 30 weeks)	Future Year Cost (52 weeks)	<u>Note</u>
Recycler I ^{Note 2} (Contract, Note 1)	10 Hours / Wk	\$ 6,068	\$ 10,518	
Recycler I ^{Note 3} (Grade PW2 / Step 3)	40 Hours / Wk	\$ 45,711	\$ 79,233	
Net Increase	30 Hours / Wk	\$ 39,643	\$ 68,715	

1: The pro-rated differential of +\$39,643 for fiscal year 2024/2025 is the amount requested through Resolution R-2024-37 and will cover the period from December 2, 2024 through June 30, 2025.

Note 2: The cost for the current contract Recycler I includes payroll taxes and Worker's Compensation insurance.

Note 3: The cost for the proposed full-time Recycler I includes payroll taxes, Worker's Compensation insurance, health insurance, dental insurance, and NH Retirement System contributions,

Funding for the position will come from an allocation of the Solid Waste Fund balance which currently has in excess of \$2M in unallocated fund balance. If approved, this position will be included in the Department's FY 2025/2026 operating budget requests.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds from the Solid Waste Fund Balance to the FY 25 Operating Budget

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

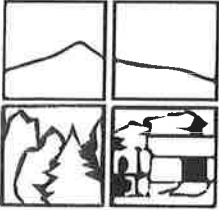
That the sum of thirty-nine thousand, six hundred, forty-three dollars (\$39,643) is hereby appropriated from the Solid Waste Fund Balance to the FY25 Operating Budget as follows:

Account #	Description	Amount
21242000-513040	Wages, Full Time (12/2/24-6/30/25)	\$ 19,539
21242000-517010	Health Insurance (Emp +2)	\$ 14,346
21242000-517020	Dental Insurance	\$ 550
21242000-517030	Retirement Contributions	\$ 3,395
21242000-517040	FICA	\$ 1,495
20242000-517050	Workers Compensation	\$ 318
Total		\$ 39,643

In City Council November 7, 2024.
Referred to the Finance, Organization and Personnel Committee.

Patricia C. Cote
City Clerk

Jay V. Kahn, Mayor



Southwest Region Planning Commission

37 Ashuelot Street, Keene, NH 03431

603-357-0557 Voice

603-357-7440 Fax

DATE: OCTOBER 22, 2024

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JACK AHERN, ASSOCIATE PLANNER, SWRPC SA

THROUGH: ELIZABETH A. DRAGON, CITY MANAGER

RE: PROPOSED APPLICATION FOR CDBG FUNDS: CEDARCREST CENTER FOR CHILDREN WITH DISABILITIES FACILITY IMPROVEMENTS PLANNING GRANT

Recommendation: That the City Council adopt the attached resolution approving an application for federal Community Development Block Grant (CDBG) funds to the NH Community Development Finance Authority (CDFA); and further to adopt the Anti-Displacement and Relocation Assistance Plan specific to this project and re-adopt the City's Housing and Community Development Plan as updated.

Proposed Application: The proposal is to request up to \$25,000 in CDBG Planning Grant funds to be sub-granted, less administrative costs, to the Cedarcrest Center for Children with Disabilities to be used toward assessing the needs of their facility in Keene, NH. The project will provide funds for obtaining preliminary architectural plans and cost estimates for needed building improvements, primarily to the HVAC system and bathing area. Cedarcrest Center is a specialized pediatric medical facility and school providing comprehensive services to children with complex medical and developmental needs. It is the only center of pediatric post-acute care providers in the State of New Hampshire.

Public Hearing and Schedule: CDBG Planning Grant applications are accepted on a rolling basis. Three public hearings will be scheduled for November 7, 2024 for the following purposes:

1. Public hearing for the Cedarcrest Center Facility Improvements Planning Grant.
2. Public hearing to adopt the Anti-Displacement and Relocation Assistance Plan specific to this project.
3. Public hearing to re-adopt the City's Housing and Community Development Plan.

Cedarcrest Center for Children with Disabilities – Planning Grant

CDBG Application Summary

Applicant: City of Keene

Proposed Subrecipient: Cedarcrest Center for Children with Disabilities

Proposed Grant Administrator: Southwest Region Planning Commission

Needs Addressed: Providing preliminary plans and cost estimates for an improved bathing area and HVAC system for up to 28 children and young adults with complex medical and developmental needs.

Project: The CDBG funds would be used for architectural design and planning related to bathing area renovations and updates or replacement of the heating and ventilation system.

Amount of CDBG funds: \$25,000

Use of CDBG funds: Feasibility Study

Other funds: N/A

New Hampshire Community Development Block Grant Program

The New Hampshire Community Development Block Grant (CDBG) Program represents federal funding from the United States Department of Housing and Urban Development (HUD). CDBG projects must target low to moderate income individuals and households. The program is administered by the New Hampshire Community Development Finance Authority (CDFA). Following are the categories of CDBG projects that are available to municipalities:

CDBG Housing Grants - up to \$500,000 annually

- Affordable housing and housing rehabilitation grants to purchase, rehabilitate, expand, and improve the condition and supply of housing for low- and moderate-income homeowners and tenants.
- Applications for housing and public facilities are accepted on the last Monday of January and July of each year.

CDBG Public Facilities Grants - up to \$500,000 annually

- Public Facilities grants include water and sewer system improvements, transitional and homeless shelters, sidewalks, handicapped access, and neighborhood or community centers that provide public services to low- and moderate-income individuals.
- Applications for housing and public facilities applications are accepted on the last Monday of January and July of each year.

CDBG Economic Development - up to \$500,000 annually

- CDBG Economic Development grants provide funds through an annual set-aside for activities which create and retain employment, primarily for low- and moderate-income individuals.
- Can provide business financing through Regional Development Corporations (RDC) and Economic Development Entities (EDE), or through public facility improvements to support economic development efforts.
- CDBG Economic Development Funds can be used for acquisition of land and buildings, construction of commercial buildings, purchase of machinery and equipment, employee training, and public facilities improvements. Applications are accepted as long as funds are available.

CDBG Microenterprise - up to \$750,000 annually

- CDBG Microenterprise grants provide support to low- and moderate-income microenterprise businesses through training, technical assistance, and loans.
- Grant funding is sub-granted to a Subrecipient entity that provides services to the microenterprise businesses.

CDBG Feasibility Studies Grants - up to \$25,000 annually

- The objectives of a feasibility study grant are to determine whether or not a proposed CDBG project is feasible and/or to recommend specific action(s) to be undertaken and that at least 51% of the intended beneficiaries will be of low- to moderate-income.
- Eligible activities include income surveys, preliminary architectural and engineering design, cost estimates, and market analysis.

CDBG Emergency and Unanticipated Events Grants - up to \$500,000 annually

- Grant funds are available for eligible CDBG projects which result from emergencies and unanticipated events that have a serious and immediate threat to public health and safety and must benefit low- to moderate-income individuals.
- Applications are accepted on a first-come, first-served basis.



FY 2024 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](https://www.hud.gov) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2024 Income Limits Summary

FY 2024 Income Limit Area	Median Family Income Click for More Detail	FY 2024 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Cheshire County, NH	\$101,500	Very Low (50%) Income Limits (\$) Click for More Detail	36,600	41,800	47,050	52,250	56,450	60,650	64,800	69,000
		Extremely Low Income Limits (\$)* Click for More Detail	21,950	25,100	28,250	31,350	36,580	41,960	47,340	52,720
		Low (80%) Income Limits (\$) Click for More Detail	58,550	66,900	75,250	83,600	90,300	97,000	103,700	110,400

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as [established by the Department of Health and Human Services \(HHS\)](#), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2024 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2024 [Fair Market Rent documentation system](#).

CITY OF KEENE

HOUSING AND COMMUNITY DEVELOPMENT PLAN

The Housing and Community Development Plan goals reflect those goals outlined in the City's past community visioning exercises, community goal statements, and planning documents. The Housing and Community Development Plan is divided into five sections: the Downtown, Housing, Economic Development, Health and Human Services, and CDBG Impact Area. Each section describes the existing conditions, and specific short and long-term actions which would be implemented to alleviate the needs.

The Plan's goals and objectives are identified below and are consistent with the National Housing and Community Development Act of 1974, as amended, and the State's objectives listed in the Community Development Block Grant Program Rules (Cdfa 305.01 and 310.01.) Both short- and long-term goals and objectives are included. Priority will be given to the needs of low- and moderate-income persons, minorities and disadvantaged persons.

THE DOWNTOWN

The Downtown Section of the Comprehensive Master Plan emphasizes the long-term goal of preserving the downtown as the social, economic and cultural center of the community:

"We will maintain the distinctive, historic and scenic character of our downtown while ensuring that it remains the heart of our community and the region." This includes having a downtown "that consists of a mix of uses where people can socialize, have access to services and retail that creates a vibrant city core."

The importance of Keene's downtown indicates that activities which support and enhance the vitality of the area will receive priority in the City budget process, and where possible, in Community Development projects.

The land use plan for the downtown area revolves around the basic concept of retail and service center flanked to the north by a government center, and to the south by Keene State College (KSC). The downtown area should be surrounded by and integrated with high-density residential uses that complement the downtown area, fulfill the demand for residential units within walking distance of services, and create 24-hour activity. The warehousing and industrial uses in the immediate downtown area are continuing to convert to uses more compatible with the central business district.

The development of Keene's downtown area has followed the Plan. Main Street remains the central shopping core-the service and retail area with parking facilities located behind the stores. The ground floors are occupied by retail shops. The north end has many offices, government facilities, and the Greater Keene Chamber of Commerce. Public improvements to

Main Street have been accomplished. This work, which included improvements to traffic flow, sidewalks, lighting, and landscaping, has stimulated and been accompanied by major private improvements to the buildings on Main Street. The rehabilitation of buildings of historic significance, such as the Cheshire County Courthouse, City Hall, the United Church of Christ, the Chamberlain Block, and the Colony Block (Central Square Terrace), has contributed significantly to maintaining Central Square as the focal point of the community.

Substantial renovation of existing storefronts and downtown buildings began during the 1980's, and has continued since then. Formerly vacant space such as the Woodward building and two industrial buildings on Emerald Street were rehabilitated for residential, commercial or office use. Monadnock Economic Development Corporation (MEDC) rehabilitated the former Woolworths' building into office and retail space. In addition, it assisted a hotel developer to rehabilitate the adjacent E. F. Lane Block into a downtown hotel.

Keene's downtown area is a major source of housing for city residents. From 1975 through 2016, a variety of federal funding programs were used to greatly increase the amount of affordable and subsidized housing for elderly and disabled persons and families in the downtown area. These include: the Cleveland Building, Central Square Terrace, Eastside Housing, Bennett Block, the Chamberlain Block, Railroad Square Senior Housing, and CitySide Family Housing.

A major short-term goal for the downtown area is the completion of the redevelopment of the railroad yard which was acquired by the City, and then sold to MEDC in 2006. MEDC has undertaken an ambitious project for this area and has completed the development of a new hotel, an office building with residential condominiums, and the infrastructure necessary to support these uses. Southwestern Community Services has developed Railroad Square Senior Housing and CitySide Apartments, creating a total of 48 new apartments for low and moderate income households. In 2013, the Monadnock Food Cooperative opened on this site creating 35 new jobs. The railroad yard is being reclaimed from a neglected and deteriorating site to a mix of successful residential and commercial opportunities. Short-term goals include additional residential and commercial development creating both housing and employment opportunities.

The Plan also included the redevelopment of the former Wright Silver Polish building adjacent to the railroad yard. This building was rehabilitated and is now occupied by the offices and Head Start program of Southwestern Community Services. The City developed an Industrial Heritage trail along the former railroad tracks. The City continues to monitor the parking situation in the downtown area. A two-level parking garage was constructed on the east side of Main Street in the late 1990's.

HOUSING

For many years, Keene's biggest housing problem was the severe shortage and resulting high costs of housing in Keene. During the 1980's, Keene's vacancy rate was at 1% or 2%. The unusually tight housing market was caused by the lack of on-campus housing for KSC students and strong commercial growth accompanied by the state's lowest unemployment figures. As a result, it had been relatively easy to find a job in Keene (although it might be a low-paying job with no benefits) but very difficult to find affordable housing.

During 1990, that situation changed slightly with the construction of a 300-bed dormitory by KSC and a softening commercial sector with fewer jobs. For a time, the apartment vacancy rate was a more normal 5% or 6%, but many families and individuals still had great difficulty paying for their housing. Rents leveled off, but never decreased significantly except in the highly inflated apartments surrounding KSC. Because there was a high turnover of apartment buildings during the late 1980's, many landlords had high mortgage payments and could not afford to reduce rents.

By 1999, the situation had reversed itself and the housing shortage was again as severe as it was during the 1980's. The vacancy rate went down and rents increased. A fourth transitional housing shelter was opened for families. CDBG funds were used in 2000 to rehabilitate an attractive historic property for use as a men's shelter; this property has since undergone a more extensive rehabilitation using CDBG funds. In 2010, CDBG funds were used to open transitional housing for formerly incarcerated persons. The shelters and the transitional housing are full at all times.

Since 1988, the City has emphasized the concept of "permanently affordable" housing. While this does not rule out all assistance to private landlords, it places a much higher priority on funding projects owned by nonprofit organizations or Keene Housing. Since 1988, several CDBG housing grants have been utilized to assist Cheshire Housing Trust, an organization created to acquire and create permanently affordable housing for lower income persons. This includes a 19-unit rooming house located in downtown Keene. Beaver Mills is another example of the use of CDBG funds to assist in the development of permanently affordable housing. Since 2000, Southwestern Community Services has developed 40 apartments at Highlands, and Keene Housing has developed 57 apartments at Stone Arch Village, both using CDBG and Low Income Housing Tax Credits. Monadnock Family Services has used CDBG funds to build three apartments for families affected by mental illness. Southwestern Community Services has utilized CDBG and Low Income Housing Tax Credits to build 24 units each of senior and family housing in the railroad area.

A more recent problem is the need and difficulty of maintaining permanently affordable housing, especially when it is located in older or historic properties. Cheshire Housing Trust has successfully completed a CDBG program to make improvements to some of its affordable

housing located in older buildings. Keene Housing completed a project to transform its public housing for seniors and families with a new funding source, thus gaining money for necessary improvements and escaping the funding problems of the public housing program. The former Cheshire Homes has completed a redevelopment, now known as Brookbend East and Brookbend West. These 75 subsidized and affordable units could not be brought up to current standards and were, therefore, in need of complete replacement on the existing site. Both the Brookbend West and Brookbend East sites are completed and occupied. CDBG funds have been used to make essential improvements at Central Square Terrace and Meadow Road Apartments. Maintenance of permanently affordable housing continues to be both a short-term and long-term goal.

CDBG funds were used for a Feasibility Study in 2010 of the utilities at the Base Hill Cooperative, a resident-owned manufactured housing park. During the feasibility study, it became apparent that the principal problem was the substandard and deteriorating on-site sewer system. CDBG funds were awarded to the Cooperative in 2013 to replace the on-site failing sewer system. The CDBG project made a permanent improvement to the Cooperative's system, making it code compliant and eliminating health and sanitation issues. In a separate project, the City replaced the City-owned sewer connection line. This project was successfully completed in 2014.

In 2010, the Planning Board adopted a new Housing Plan which is incorporated herein by reference. Goals in the Plan includes:

- Have a variety of housing options available that are affordable, accessible, eco-efficient, and supportive of varied lifestyles.
- Have housing that is located in proximity to basic services and transportation options and is adaptable, over time, to changes in technology, climate and demographics.
- Have housing that uses innovative technologies and green building standards that improve energy efficiency and conserve resources.
- Have a majority of rental housing be locally owned and maintained.
- Increase owner-occupied housing.
- Achieve, with the support of the institutions of higher education, a balanced ratio between student and citizen housing in neighborhoods which surround these institutions. Improve student rental stock in surrounding neighborhoods so that they are well maintained and a benefit to neighborhood quality of life.

ECONOMIC DEVELOPMENT

As a long-term Community Development goal, land that lends itself to manufacturing should be preserved to provide areas for this use which add value to a product, provide labor intensive employment and bring dollars into the community. For a strong economic base, a balance between non-manufacturing and manufacturing industries needs to be maintained. In

accordance with the Land Use Plan, the City installed sewer, water and roads to open up development of 300 acres in the Black Brook area for corporate park use. MEDC has been extraordinarily successful in locating businesses for this area. Short-term goals now include filling the remaining industrial sites at Black Brook, and filling the few remaining privately owned industrial sites and buildings. In order to help attract C & S to Black Brook, the City seriously examined the need for childcare in the Black Brook corporate park. This was accomplished by the YMCA development of a new recreation and childcare facility on land donated by C & S.

Samson Manufacturing moved its manufacturing to Black Brook North renting an existing building owned by MEDC. CDBG funds were used to make leasehold improvements and to purchase equipment for Samson to relocate to Keene and for the business expansion. This grant successfully brought 10 jobs with the company and created an additional 25 new jobs in Keene. MEDC has used CDBG funds to expand the building at 4 Forge Street, Keene. The additional space has allowed Samson to introduce a new process (anodizing), expand their business offerings, and create an additional 25 new jobs. Construction was completed in 2015, and the project has met its job creation goal. In 2015, MEDC used CDBG funds to make a loan to help Tree Free Greetings renovate an existing empty manufacturing building on Krif Road in Keene. Tree Free Greetings had purchased the building but needed a loan to make it suitable for its greeting card business. This project resulted in 15 new jobs and allowed the company to expand its products.

Another economic development goal is the expansion of training opportunities, especially for at-risk or disabled individuals and for youth who do not go to college. This needs to be coordinated with the needs of local employers.

An additional economic development goal is to assist new and existing businesses obtain financing to start up and/or expand, increasing the number of jobs available.

The 1993 Economic Development Plan made a number of findings and recommendations. Some, including the development of the Black Brook corporate park, have been largely accomplished, but others are still relevant:

- The public and private sector need to work together in a concerted, professional effort to attract new industries and to encourage those industries already located here to remain and expand.
- Orderly retail and other commercial growth should be encouraged within the highway bypass system.
- The City should work with Cheshire Medical, Keene Clinic, Keene State College, Antioch University and others to allow their expansion to meet growing needs of these

institutions in the community.

- Keene should cooperate with other towns in Cheshire County to address regional issues including traffic, solid waste disposal and housing which have a bearing on the economic development of the area.
- The City should support the private sector in its tourism outreach.
- The City should keep up with technological advances in communication and other fields.

The 2010 Vision process resulted in additional short and long-term goals for economic development and employment:

- Have a vibrant, resilient, environmentally sound and sustainable economy that fosters individual economic well-being.
- Provide investment programs for small business development, to allow them to grow and thrive.
- Have a strong, local food-based sector of our economy that connects local farms to businesses and the community in various ways, such as through a food co-op and farmers market.

HEALTH AND HUMAN SERVICES

The major goal listed in the Health and Human Services section of the Community Goals Statement is:

To make available to all the people in the region the best possible health care and comprehensive, efficiently delivered and coordinated preventive and supportive services and opportunities, all designed to nurture and meet the needs of our citizenry and to encourage and allow all people to live with dignity and self-sufficiency.

Included in this goal is prevention education in areas such as sanitation, nutrition, substance abuse, smoking HIV/AIDS, dental care, and parenting.

CDBG funds have been used to improve public service facilities for low and moderate-income residents of the entire county, including the completion of the Community Kitchen, and improvements at Keene Day Care Center, the YMCA's day care program, Southwestern Community Services' program for developmentally disabled persons, and the Keene Senior Center. In addition, *Rise...for baby and family* completed the construction and rehabilitation of its facility on Washington Street. Home Health Care, Hospice and Community Services (HCS) completed the rehabilitation of an old mill into a 30,000 s.f. center for its offices, the program to provide day care to elderly and disabled persons in need of that service (Castle Center) and a

hospice center. Monadnock Family Services purchased a building on Main Street to provide a stable place from which to provide services. Monadnock Developmental Services leased and then purchased a large space in Beaver Mills in order to provide its services for developmentally disabled persons. A transitional housing facility for persons leaving Cheshire County House of Correction opened in 2013.

Short-term and long-term objectives for additional public service facilities improvements include:

- Adequate, permanent and stable facilities for Keene’s mental health and substance abuse programs, including but not limited to transitional housing;
- improvements to the Community Kitchen;
- increased and accessible space for service organizations to accommodate need, preferably coordinated with Monadnock United Way.

CDBG IMPACT AREA

As part of its Housing and Community Development Plan, the City established a “CDBG Impact Area” in the downtown area and the neighborhoods to the immediate east and north of the downtown. This area has a large percentage of low- and moderate-income residents, has seen substantial benefits from CDBG and other federally funded projects, and is the likely location of many future CDBG and other redevelopment projects. The characteristics of this area are outlined below:

Location

The boundaries of the area are shown on the attached map. In general, the area includes both sides of Main Street in the downtown area. It extends north a few blocks into the neighborhood bounded by Washington and Court Streets, and it extends into the multi-family areas located east of the downtown area. Based on the need for continuing rehabilitation and redevelopment, the City designated this area as a CDBG Impact Area. The attached map also shows the location of the Community Kitchen facility for an application in the January 2020 Public Facilities round.

Low and Moderate Income Residents

As described in the Downtown section of the Plan, federal funds have been used on numerous occasions over a period of thirty plus years to construct and rehabilitate housing for low and moderate-income persons in this area, especially elderly and disabled persons. Although millions have been invested in building and street improvements, the area has not been gentrified; it has a far higher concentration of low and moderate-income residents than it did when the process began.

There are at least 740 households in this area. Including both permanent housing and the two housing shelters in the area, at least 322 low or moderate income households are in this area. Due to the number of subsidized and affordable units in the CDBG impact area, documentation of low or moderate income residents can be established Keene Housing and used as necessary to provide documentation for grant applications for projects in this area. Updated low and moderate income information for the CDBG impact area will be updated and submitted for future CDBG applications as needed.

Subsidized housing in this area includes the following properties owned or managed by Keene Housing: Central Square Terrace, Bennett Block, and 17-19 Roxbury Court. Two shelters are also located in this area at on Water Street and Roxbury Street, which are owned and operated by Southwestern Community Services. In addition, the Cleveland Building is a privately-owned subsidized apartment building. Southwestern Community Services has acquired a property on Elm Street for use as transitional housing, and Cheshire Housing Trust owns a building rehabilitated with CDBG funds at 86 Winter Street. Southwestern Community Services owns 30 apartments at Beaver Mills developed with Low Income Tax Funds and CDBG funds, 24 apartments at Railroad Square Senior Housing, and 24 workforce apartments at the CitySide development on Water Street. Cheshire Housing Opportunities owns group homes on Emerald Street and Spring Street. CDBG funds have been used to rehabilitate privately owned apartments on Spring Street, Main Street, Church Street, Elm Street, Water Street, and Roxbury Street.

Characteristics of Buildings in the Area

This area contains much of the oldest housing in Keene, with many units built before 1900. Until the Beaver Brook Dam was built in 1984, the area east of Main Street suffered from flooding once or twice a decade. Many of the properties in this area have participated in CDBG programs--and there is still a substantial need for rehabilitation. The same is true of Central Square and Main Street where most of the presently existing structures were built between 1880 and 1920. The area which has seen the most recent redevelopment is the railroad yard and adjacent buildings and formerly vacant lots on Water Street. The most problematic building was the rear of the Latchis Theater, but this has been razed and was redeveloped by the County into a parking area to serve the Courthouse. The current area most in need of redevelopment is the former Keene Middle School on Washington Street and the former Keene Family YMCA on Roxbury St. The area also contains many fine historic buildings.

Economic Development and Social Services in area

The CDBG Impact Area has many social services for families and individuals of all ages, including but not limited to those shown on the following table:

Economic Development and Social Services in project area	Address	Type of service
Monadnock Family Services	64 Main Street	Mental health services and administrative offices
Monadnock Family Services	93rd Street	Services for persons with long-term mental illness
Monadnock Developmental Services	Railroad Street	Services for persons with developmental disabilities
Community Kitchen	37 Mechanic Street	Meals and pantry boxes for low-income persons
Center for Violence Prevention	12 Court Street	Services for victims of domestic abuse
City of Keene Human Services Dept	3 Washington Street	Cash assistance and services for low-income persons
Men’s shelter	139 Roxbury Street	Emergency shelter for males
Transitional family	29 Elm Street	Transitional housing for families and women
Salvation Army	Roxbury Place	Assistance for low income persons
Marathon House of Keene	Roxbury Street	Services for persons with substance abuse problems
AIDS Services of Monadnock	Center Street	Prevention and services for HIV-positive persons
Samaritans	Roxbury Street	Suicide prevention agency
Phoenix House	Roxbury Street	Substance abuse programs
Rise for Baby and Family	Washington Street	Special education services
Familystrength	Roxbury Street	Human Services
Southwestern Community Services	Community Way	Housing, Child Care, Fuel Assistance
Monadnock Economic Development Corp	Railroad Street	Economic Development
NH FastRoads	Railroad Street	Open Access Internet Network
Monadnock Food Cooperative	Cypress Street	Community Centered Market
Head Start	Community Way	Pre School low-mod families
MAPS Counseling Services	19 Federal Street	Assisting families to find answers to life’s problems
Monadnock United Way	23 Center Street	Works with providers to identify and address emerging issues
New Hope New Horizons	Community Way	Assistance developmentally disabled adults
Hannah Grimes Center	Roxbury Street	Assists development of small business & entrepreneurs

Other Public Services in Area

In addition to economic and social services, the area has many other public services and governmental agencies:

Keene Fire Department (new in 2013)	Vernon Street
Keene District Court	Winter Street–relocated to new Courthouse in 2014
Cheshire County Superior and Probate Courts	Winter Street–relocated to new Courthouse in 2014
Victims advocates	Court Street
Cheshire County Human Services	West Street
Public Defender Program	West Street
Social Security Administration	Mechanic Street

Past CDBG Projects in CDBG Impact Area

CDBG Year	Project	Purpose
1982	Central Square Terrace	90-unit Section 8 elderly rehabilitation
1984	Housing Rehabilitation	Rehabilitation of privately owned apartments
1984	Beaver Brook Dam	Reduce flood damage in east Keene

1985	Social Service building	Not funded; would have moved Monadnock Family Services and Southwestern Community services to railroad yard; this has since been accomplished
1986	Housing Rehabilitation	Includes mental health group home at 139 Roxbury St, Church Street, Main St, and Water Street
1988	Housing Rehabilitation	Cheshire Housing Trust: Dover Street
1991	Affordable housing	CHT Latchis, shelter
1993	Bagel Works	Economic Development for downtown business
1994	Chamberlain Block	Rehabilitation of downtown block with 12 apartments
1995	Social Service facilities	Community Kitchen, YMCA child care
1996	Keene Senior Center	Immediately outside area but serves residents
1997	Community Kitchen	Construction of pantry for community kitchen
1998-99	Beaver Mills	Rehabilitation of old mill to create 30 senior apartments
2000	Two Group Homes	Rehab of group home and men's shelter
2001	Hampshire House	CHT: Acquisition and rehab of rooming house
2003	Vision Financial	Economic development for downtown business
2007	SCS Senior Housing	SCS: Railroad Square Senior Housing
2007	SCS Head Start	Cheshire County: SCS Head Start in Wright building
2005	Railroad yard/Hotel	MEDC: Development of infrastructure and hotel
2006	Wright/First Course	MEDC: Purchase of Wright Silver Polish/First Course
2008	Central Square Terrace	KHA: Rehab of 90 units of elderly housing
2009	CitySide Family Housing	SCS: Construction of 24 affordable units for families
2010	Cheshire Housing Trust	Rehabilitation of permanently affordable apartments
2010	Vision Financial	MEDC: Loan to Vision Financial Corporation
2010	EF Lane Hotel	MEDC: Rehabilitation of EF Lane Hotel
2011	Hannah Grimes MicroEnterprise	Training and technical assistance to microentrepreneurs
2011	Monadnock Food Cooperative	MEDC: Construction and Lease of Food Coop Building
2012	Hannah Grimes MicroEnterprise	Training and technical assistance to microentrepreneurs
2016	MAPS Counseling Relocation	Relocation of MAPS Counseling to the UCC building
2017	The Community Kitchen	Improvements to the Community Kitchen facility
2017	Hannah Grimes MicroEnterprise	Training and technical assistance to microentrepreneurs
2019	The Community Kitchen	Improvements to the Community Kitchen facility

DISPLACEMENT AND RELOCATION POLICY FOR THE CITY OF KEENE

It is the policy of the City of Keene that the involuntary displacement of households from their neighborhoods should be minimized. The City of Keene does not usually undertake activities that would cause the permanent displacement of households or businesses. When it is impossible to accomplish the project without permanent or temporary displacement and relocation, the City certifies that it shall comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Elizabeth A. Dragon
City Manager

Signature: _____

Date adopted by City Council: January 4, 2024

History of Housing and Community Development Plan

Originally prepared by Keene Planning Department and adopted by City Council, about 1984
This version updated: January 2024

Most recent date adopted or readopted by City Council and submitted to CDFA:

1. December 17, 2009, submitted with YMCA application.
2. March 18, 2010, submitted with Vision application.
3. May 20, 2010, submitted with FastRoads application.
4. July 15, 2010, submitted with Cheshire Housing Trust application.
5. January 20, 2011, submitted with Brookbend (Cheshire Homes) application.
6. April 2011, submitted with Monadnock Community Market Cooperative application.
7. May 2011, submitted with Hannah Grimes Micro Enterprise application.
8. December, 2011, submitted with Hannah Grimes 2012 application.
9. January, 2012, submitted with Base Hill Cooperative application.
10. July, 2012, submitted with Base Hill Cooperative application.
11. January 2013, submitted with Base Hill Cooperative application.
12. September 2013, approved by City Council for Samson Manufacturing application.
13. November 2013, submitted with Meadow Road Apartments application.
14. February 2014, submitted with Samson Manufacturing Expansion application.
15. October 2014, submitted with MEDC: Social Services Building planning application.
16. October 2014, submitted with MAPS Counseling Services planning application.
17. December 2014, submitted with Keene Housing Shelter Rehabilitation application.
18. April, 2015 submitted with MEDC Tree Free Greetings revised application.

19. December, 2015, submitted with MAPS Counseling Services application.
20. April, 2016, submitted with Monadnock Area Peer Support Agency Feasibility study
21. August, 2016, submitted with MamaSezz application.
22. November, 2016, submitted with Community Kitchen application.
23. December, 2019, submitted with the Community Kitchen application.
24. July, 2021, submitted with an application for Monadnock Family Services.
25. May, 2023, to be submitted with the MAHC housing application.
26. January, 2024, to be submitted with the Base Hill Cooperative application.

CITY OF KEENE
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Every effort will be made to minimize temporary or permanent displacement of an individual due to a project undertaken by the municipality.

However, in the event of displacement as a result of a federally funded award, the City of Keene will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntary and permanently displaced.

If the property is acquired, converted, or demolished, but will not be used for low/moderate income housing under 104 (d) of the Housing and Community Development Act of 1974, as amended, the Residential Anti-Displacement and Relocation Assistance Plan shall provide that, before obligating and spending funds that will directly result in such demolition or conversion, the City will make public and submit to the NH Community Development Finance Authority the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and approximate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion of the demolition or conversion;
- e. The general location on a map and approximate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low- and moderate-income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, for at least five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or
 2. If elected by a household, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate or voucher for rental assistance provided through New Hampshire Housing Finance Authority or Keene Housing.

- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph h.2. above, to receive benefits under the Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so;
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph h.2. above, is denied by the grantee. The director's decision shall be final unless a court determines the decision was arbitrary and capricious;
- l. Paragraph a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

The City of Keene anticipates no residential displacement or relocation activities will be necessitated by this project (**Cedarcrest Center Facility Improvements Planning Grant**).

Should some unforeseen need arise, the City certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official name: Elizabeth A. Dragon
 Title: City Manager, City of Keene, NH
 Signature: _____
 Date of Adoption: _____



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to Approving a CDBG Application for Cedarcrest Center

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

WHEREAS, the City of Keene has stated as one of its Community Goals to make available efficiently delivered and coordinated supportive services to meet the needs of its citizenry; and

WHEREAS, Cedarcrest Center for Children with Disabilities provides crucial health services to children and young adults with complex medical and developmental needs that are primarily low- and moderate-income residents of the Monadnock Region; and

WHEREAS, the U.S. Department of Housing and Urban Development has established a Community Development Block Grant Program which is administered within the State of New Hampshire by the Community Development Finance Authority; and

WHEREAS, if awarded, the Community Development Block Grant would provide up to \$25,000 to be sub-granted, less administrative costs, to Cedarcrest Center for Children with Disabilities for architectural design and planning related to renovations of their facility in Keene.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and supports the City's grant application to the New Hampshire Community Development Finance Authority for an amount up to \$25,000 in Community Development Block Grant funds; that the City will adopt the Residential Anti-Displacement and Relocation Assistance Plan specific to this project; that the City will re-adopt the Housing and Community Development Plan, as updated; and that the City will accept the grant if it is approved and enter into a contract with the Community Development Finance Authority; and, further, that the City Manager is authorized to execute any documents which may be necessary for the project, including a new contract with the Southwest Region Planning Commission for the administration of the program.

Jay V. Kahn, Mayor

PASSED: November 7, 2024

City of Keene
NEW HAMPSHIRE

November 8, 2024

TO: File

FROM: Patricia Little, City Clerk

SUBJECT: Reconsideration – Charter Communications – Request to Install a Concrete Pad and Utility Cabinet – 555 Roxbury Street

Pursuant to Section 19 of the City Charter, the Mayor called for the reconsideration of the Council's action on the Spectrum license.

A motion by Councilor Bosley to recommend that the City Manager be authorized to do all things necessary to negotiate and 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 0 Chapman Road, Tax Map #239-008 was duly seconded by Councilor Jones. On showing of hands, 14 Councilors were present and voting in favor.

Attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #M.1.

Meeting Date: November 7, 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 November 7, 2024.

Removed the item from the Table and referred it to the Planning, Licenses and Development Committee.

In City Council October 3, 2024.

Tabled until the November 7, 2024 meeting.

Recommendation:

Attachments:

1. Communication_Kahn_Reconsideration_Conflict of Interest
2. Conflict of Interest_Section 15

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

Amendment #3

SECTION 15. VOTING AND CONFLICT OF INTEREST.

Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration. A conflict of interest shall be defined to exist when a proposed action, decision, or discussion (~~“Issue”~~) (**“Item”**) presented to the City Council for consideration, would affect the Councilor's pecuniary or personal interests. A (~~“Pecuniary Interest”~~) is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally (~~“Pecuniary Interest”~~). A (~~“Personal Interest”~~) is any interest of a Councilor in the outcome of an ~~Issue~~ **Item** which would provide a financial benefit to any individual, group, or organization in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the ~~Issue-Item~~ **Item** by the Councilor (~~“Personal Interest”~~). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child **18 years of age or older**, or other member of the Councilor's immediate family living in the same household (~~“Immediate Family”~~) has a Pecuniary Interest in a proposed ~~Issue-Item~~ **Item**. A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the ~~Issue-Item~~ **Item**. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the ~~Issue Item~~ **Item** in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting **room**.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on Conflict of Interest, notwithstanding whether or not the Mayor is entitled to vote on an ~~Issue~~ **Item**. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for the Mayor, and for each Councilor, the person's employer and for the mayor, ~~and~~ for each Councilor, **and for their respective Immediate Family members, (as defined above)** any board, commission, organization, association, or other entity which the Mayor, the Councilor, **or Immediate Family** is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.