



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 21, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 7, 2024
- November 9, 2024

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation - Master Plan Update

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Councilor Robert Williams - Policy on the Discharge of Fireworks

D. REPORTS - COUNCIL COMMITTEES

1. Greater Monadnock Collaborative – Request to Use City Property – Central Square and Railroad Square – 30th Anniversary Celebration of the Release of the Film *Jumanji*
2. Jared Goodell - Proposed Amendment to the Zoning Ordinance in the Land Development Code - Side Setbacks
3. Kenneth Kost - Potential for Mixed Use Development on Gilbo Avenue Land
4. Rules of Order Amendments - Section 15 "Voting and Conflict of Interests", Section 17 "Motions", Section 25 "Communications", and Section 26 "Review of Items of Business"
5. Acceptance of Donations - Holiday Family Sponsorship

6. Cable Franchise Agreement
7. Jaida Carland - Concern over the Impact of Parking Ticket Rates on Small Businesses and their Employees
8. Release of Non-Public Minutes - Council Policy
9. Keene Transfer Station Contract for Transportation and Disposal
10. 2025 Flyover and City Base Map Update Project - Bid Award Recommendation
11. Tax Deeds for Unpaid 2021 Property Taxes

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director

G. REPORTS - BOARDS AND COMMISSIONS

1. Recommendations Regarding Invasive Species Education and Management - Conservation Commission
2. Sign Code Modifications Requested by Mayor Kahn - Joint Planning Board and Planning, Licenses and Development Committee
3. Resignation - Partner City Committee

H. REPORTS - MORE TIME

1. Relating to Licenses and Permits
Ordinance O-2024-18

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Zoning Ordinance - Interior Side Setbacks in the Downtown Edge Zone
Ordinance O-2024-24

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of Funds from the Solid Waste Fund to the FY 25 Operating Budget
Resolution R-2024-37
2. In Appreciation of Patti L. Gagnon Upon Her Retirement
Resolution R-2024-39

3. Relating to Development on Class VI Highways and Private Roads
Resolution R-2024-43

NON PUBLIC SESSION

ADJOURNMENT

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

MINUTES FROM PRECEDING MEETING

The City Clerk noted that the draft minutes were corrected to reflect the confirmation of Zach LeRoy to the Zoning Board of Adjustment as an “alternate” member, not a regular member.

A motion by Councilor Greenwald to adopt the October 17, 2024, minutes as amended was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

ANNOUNCEMENTS

Mayor Kahn congratulated the City, and specifically the City Clerk’s office for the amount of effort required to achieve the City’s record voter turnout at the Presidential Election on November 5, with all wards seeing a turnout of between 70–75%, and Ward 4 reaching a turnout of 89%! Over 2,500 new voters were registered and cast ballots. Overall, almost 14,000 ballots were cast citywide. The City could not have orchestrated this event without the assistance of the 30 elected officials, approximately 60 ballot inspectors, and over 100 volunteers who assisted on Election Day. Mayor Kahn will be presenting a Proclamation in honor all the community members who gave their time and effort at this election at the Council meeting on November 21. Mayor Kahn said that Keene was one of the first cities in NH to report results due to its high integrity.

The Mayor also shared a reminder of the City’s 150th anniversary of becoming a City. The celebration would be hosted by the Historical Society on Friday, November 8 at 4:30 PM. He encouraged all Councilors to attend, and all previous living Councilors were invited as well, in addition to all living former Mayors who would be present to answer questions from the audience and Historical Society staff.

Mayor Kahn also shared a final reminder of the special City Council meeting to interview applicants for the City Attorney’s position on Saturday, November 9, beginning at 8:00 AM.

Lastly, the Mayor noted that the Municipal Services, Facilities & Infrastructure Committee meeting on November 27 would be rescheduled to Tuesday, November 26 at 6:00 PM because of the Thanksgiving holiday. The Finance, Organization & Personnel Committee meeting on November 28 is canceled.

PROCLAMATION – KEENE HIGH SCHOOL FIELD HOCKEY

Mayor Kahn presented a Proclamation declaring Friday, November 8, 2024, as Keene High School (KHS) Women’s Field Hockey Day in Keene to the coaches of KHS Girls Field Hockey: Head Coach Michelle Tiani and Assistant Coach Jodie Ballaro. Mayor Kahn asked all businesses and residents of Keene to display their orange and black on November 8 in honor of the team’s undefeated season and State Championship title. Councilor Greenwald presented a copy of the Proclamation to each member of the team.

PUBLIC HEARING – CABLE FRANCHISE AGREEMENT

Mayor Kahn opened the public hearing at 7:17 PM and the City Clerk read the public hearing notice. Mayor Kahn welcomed a presentation from the Deputy City Manager, Rebecca Landry.

Ms. Landry explained that a long time ago, the City signed its first cable franchise agreement with Time Warner Cable, noting that it took a few years to negotiate that first agreement. Now, Ms. Landry said it was time to renew the agreement. The City had an extension on the agreement through summer 2024, which had expired as of the date of this meeting, meaning the City needed to create a “renewal franchise agreement,” as required by Federal law for the existing company, Spectrum. Ms. Landry stated that the City was confident it could renew that agreement on reasonable terms. She said the municipality did not have a lot of power regarding the terms of the agreement, which would largely be regulated by State and particularly Federal laws.

Ms. Landry reviewed the points the City expected to see in the new agreement. The new agreement would also be for 20 years. This agreement would only be for cable TV, *not* internet services. Spectrum is currently required to install the services within 150 feet from the nearest location of the cable to the residence; this would be extended to 200 feet. Further, service would be extended to areas where there are 20 units or more per mile (versus the previous 15); the City cannot control that, but right now, thankfully, everywhere in Keene is served by Cable TV with a few minor exceptions. The maximum franchise fee would continue to be 5%. At the time of this meeting, the City was collecting a 3.5% franchise fee from Spectrum, which Spectrum opts to charge to their customers, and the City has the opportunity to raise that fee over time but cannot raise it more than 1% at once. An increase of 1.5% would only amount to close to \$1/month on a customer’s bill.

Ms. Landry explained that the City would have 12 months to request an audit of Spectrum’s revenue, in terms of what they pay the franchise fee against for which services. The agreement would continue to require that basic cable service be available to all subscribers, as required by law. Ms. Landry said that many members of the public do not know that they can call Spectrum and request a specific basic cable package that Spectrum is required to provide by law. Ms. Landry added that Spectrum does have an HD format channel available that the City had been interested in, and this new agreement would allow for that, but it would require a separate agreement and would most likely cost the City a significant amount to acquire the equipment to make it possible. Ms. Landry added that the performance bond that was formerly \$10,000 would be \$50,000 in the new agreement.


Mayor Kahn opened the floor to public comments.

Councilor Haas asked how many residents only take cable TV service and not the internet streaming option. Ms. Landry did not know, but said this would be referred to the Finance, Organization, & Personnel Committee and more detailed questions like these could be answered then if the City has access to the information. She noted that Spectrum is not required to give the City any information about any services other than the cable TV service, but she could ask.

Councilor Jones asked if Spectrum provided an indication of how much they had increased from copper to fiber over time. Ms. Landry said no. However, she knew that during the week after this meeting, Spectrum would be doing a DOCSIS upgrade to a hybrid coax and fiber system that would give them the ability to provide up to 10 GB services symmetrical; though, this would be primarily for internet service.

Councilor Williams asked if Spectrum also pays property taxes on their equipment in addition to the franchise fee. Ms. Landry said that Spectrum pays based on the assessed value of their use of the aerial space for the cables that are attached to the telephone and utility poles. There is a provision in the agreement that requires Spectrum to do that, and they have the same rights as other organizations to appeal that; however, it is a requirement, and the City collects it.

Hearing no further comments or questions from the public or Council, Mayor Kahn closed the public hearing at 7:26 PM. He referred the Cable Franchise Agreement to the Finance, Organization & Personnel Committee.

A true record, attest: 
City Clerk

PUBLIC HEARING – CDBG – RELATING TO THE CEDARCREST CENTER

Before opening the public hearing on the Community Development Block Grant (CDBG) application, Mayor Kahn reviewed the hearing process. The hearing notice identified three separate components: (1) the actual CDBG application, (2) the Residential Anti-Displacement and Relocation Assistance Plan, and (3) the Housing and Community Development Plan. Mayor Kahn would open and close each of these segments separately. Upon the close of the final hearing, he would call forward Resolution R-2024-36. Finally, as this application was time sensitive, he would look for a Suspension of the Council's Rules of Order to allow action upon the Resolution.

Mayor Kahn opened the public hearing for the Community Development Block Grant at 7:27 PM and the City Clerk read the public hearing notice. Mayor Kahn welcomed Jack Ahern, Associate Planner with Southwest Regional Planning Commission.

Mr. Ahern addressed the grant request before discussing the particular application. He said that CDBG funds are available to municipalities for economic development, and public facility and housing rehabilitation projects, that primarily benefit low- and moderate-income persons. The City of Keene is eligible to receive up to \$500,000/year for public facility and housing rehab,

\$500,000/year for economic development, \$750,000/year for microenterprise technical assistance, and up to \$500,000/year in emergency funds. Feasibility study funds are available for up to \$25,000.

Mr. Ahern provided a handout describing the NH CDBG program eligible activities that include the area Housing & Urban Development (HUD) income limits to meet low- and moderate-income standards. He explained that this proposed application to the CDFA was for up to \$25,000 to allow the Cedarcrest Center for Children with Disabilities to conduct a feasibility study for improvements to their facility located at 91 Maple Avenue in Keene. The Cedarcrest Center is a specialized pediatric medical facility and school, providing comprehensive services to children with complex medical and developmental needs. Their property consists of a school and residential care facility under one roof that provides education, care, and respite services for up to 28 children and young adults up to the age of 22. The planning grant funds will be used for architectural design and planning related to bathroom area renovations and updates or replacement of the heating and ventilation system. Mr. Ahern explained that the needs of and medical equipment needed by the children served had changed since the facility was originally built in 1989, and renovations needed to be considered to provide a safe and comfortable environment for clients and staff. The heating and ventilation system serving the school wing of the facility had not been updated since 2001. Grant funds would be used to support an evaluation of the system and to determine if a complete redesign and replacement is warranted.

Mayor Kahn also welcomed Jay Hayston, President & CEO of Cedarcrest, who invited questions. He opened the floor to public comments and questions about the proposed CDBG project.

Mayor Kahn asked if this \$25,000 grant application would inhibit further applications in this year's cycle if, for example, this planning study shows further needs. Mr. Ahern said no, the Feasibility and Planning Grants are on a rolling basis and do not interfere with the City's ability to apply for CDBG grants in the other categories of public facilities, housing, and economic development. Mayor Kahn asked if this could prohibit Cedarcrest from going forward with subsequent requests. Mr. Ahern said no, it would actually encourage them to apply for a full grant in the future.

The Mayor said this grant would not only consider the retrofit of Cedarcrest's current facility but also possible future expansion. Mr. Hayston replied that it would lay the groundwork for both modernizing Cedarcrest's 20-year-old equipment as well as preparing for any future needs. The primary focus, though, is to modernize the equipment that is getting pretty close to end of life, particularly for elements of the HVAC system and the overhead lifts in the central bathing area. The planning grant would help to identify the best approach and resources for those replacements.

Councilor Roberts said that as a result of Covid, HVAC air handling systems across the country had to be changed for human safety. He asked if that happened at Cedarcrest yet or if that was the goal of this effort. Mr. Hayston said it was a great question, noting that some necessary Covid precautions were proactively designed into Cedarcrest's system, such as the ability to

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create negative pressure rooms. Cedarcrest did not have to make any Covid-specific changes in the time since Covid, but it was a factor in considering upgrades; for example, they would like to have expert consultation on ionization technology.

Councilor Roberts referred to all of the money in the prior 3–4 years post-Covid and asked if there was a sense of whether that grant flow, etc., would be slowing down in the near future that the City might not want to pass up. Mr. Ahern replied that most Federal Covid funding had reached the end of its lifespan, so he advised taking advantage of what was available. He added that grant funds were dwindling in general, not just Covid funds.

Hearing no other public input, Mayor Kahn close the public hearing for the proposed Community Development Block Grant application at 7:37 PM.

A true record, attest: 

City Clerk

PUBLIC HEARING – RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Mayor Kahn opened the second public hearing at 7:37 PM and recognized Jack Ahern, Associate Planner with Southwest Regional Planning Commission, to address the Residential Anti-Displacement and Relocation Assistance Plan.

Mr. Ahern explained that if any displacement were to take place as a result of the proposed Community Development Block Grant (CDBG) project, the Uniform Relocation Act must be followed, which requires that any displaced household or business in a project using Federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the application, the City will certify that the Residential Anti-Displacement and Relocation Assistance Plan is in place and in the event that it is discovered that this specific project does displace persons or households, a Displacement Implementation Plan must be submitted to the Community Development Finance Authority (CDFA) prior to obligating or expending funds. Because of the nature of the proposed project Mr. Ahern said it was highly unlikely—if not impossible—that sort of relocation would be necessary. However, the CDFFA requirements still mandates that the City of Keene certifies that it will require the sub-recipient to comply with the Uniform Relocation Act in Section 104-D of the Housing and Community Development Act of 1974, as amended.

Mayor Kahn opened the floor to public comments and questions. Hearing no public comments or questions, the Mayor closed the public hearing for the Anti-Displacement and Relocation Assistance Plan public hearing at 7:39 PM.

A true record, attest: 

City Clerk

PUBLIC HEARING – HOUSING AND COMMUNITY DEVELOPMENT PLAN

Mayor Kahn opened the public hearing for discussion of the City’s Housing and Community Development Plan at 7:39 PM. The Mayor recognized Jack Ahern, Associate Planner with Southwest Regional Planning Commission, to address the Housing and Community Development Plan.

Mr. Ahern explained that the Housing and Community Development Plan (HCDP) is a document specific to the Community Development Block Grant (CDBG) program and is composed of several key areas: housing, economic development, health and human services, and CDBG impact areas. Each section details the current conditions and proposed actions that would help alleviate need in the area in relation CDBG funds. This document was last adopted in June 2024 with the addition of the Citizen Participation and Grievance Procedures sections. The minimum adoption schedule is once every three years. No substantial changes to the plan had been made at this time. Mr. Ahern said that this proposed project met the listed HCDP goal to make available to all the people in the region the best possible health care and comprehensive, efficiently delivered and coordinated, preventative, 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.


Mayor Kahn opened the floor to public comments and questions about the Housing and Community Development Plan.

Mayor Kahn asked about the number of youths Cedarcrest serves. Jay Hayston, President & CEO of Cedarcrest, explained that Cedarcrest is licensed for 28 beds in the home and 23 seats in the school. The inpatient census fluctuates and is fully occupied many times throughout the year. At this time, there were 25 long-term residents. They try to maintain a few beds for rolling “respite service,” for children who have full-time homes/families, both those parents, etc., might need a break to recover from surgery, for example; this service was being used by approximately two dozen families. At this time, there were 20 students in the school. The majority of children living at Cedarcrest were attending the school; some lived at home with family and came to the school during the day. Two Cedarcrest residents at this time attended the Keene public school system. Mr. Hayston continued, explaining that 100% of Cedarcrest’s population had a significant developmental disability. Further, at this time, 100% of that population also had a G or GJ feeding tube, through which they receive the majority or all of their nutrition. Half of the children had a tracheotomy for supplemental breathing treatments and around 40% of the children used mechanical ventilation for all or part of the day to assist with their breathing. Cedarcrest is the only pediatric post-acute setting for this youth population in New Hampshire, *as well as* in Vermont and Maine. So, Mr. Hayston explained that Cedarcrest serves a low occurrence population, but it is also a really high need population. There are even diagnoses encountered at Cedarcrest named after specific children because they are that rare. Mr. Hayston said it is really powerful and important work and that it is a really incredible population he is privileged to work with.

Councilor Roberts asked, if Cedarcrest was unavailable, where would the nearest location be that offered the same services. Mr. Hayston replied that when spaces are unavailable at Cedarcrest, children almost are exclusively served as inpatients at the Children’s Hospital at Dartmouth, Maine Medical Center, University of Vermont Medical Center, or the Boston Children’s Hospital/Franciscan Children’s Hospital. This is particularly the case when mechanical ventilation is involved, which is nearly half of Cedarcrest’s residents.

Councilor Roberts imagined that if Cedarcrest does not have room for children, they would end up at these other facilities, without a connection to other children their own age. Mr. Hayston agreed, noting that Cedarcrest is particularly proud that each of their three classrooms has a field trip at least biweekly, and the oldest two classrooms go weekly. They are proud to maintain that connection to the community. Cedarcrest also partners with the City of Keene on a number of initiatives, including the annual Arbor Day celebration. Mr. Hayston agreed with Councilor Roberts that these activities are critically important because a childhood in a hospital room is no childhood at all. So, Cedarcrest sees it as a critical mission to not only serve community members, but to also help them participate in the community, and forge stronger connections with their families and friends.

Hearing no further comments, Mayor Kahn closed the public hearing on the Housing and Community Development Plan at 7:45 PM.

A true record, attest: 
City Clerk

RESOLUTION – RELATING TO APPROVING A CDBG APPLICATION FOR CEDARCREST CENTER RESOLUTION – R-2024-36

Mayor Kahn called Resolution R-2024-36 forward, as it was time sensitive. A motion by Councilor Greenwald to suspend the Rules of Order was duly seconded by Councilor Bosley. The motion carried on a roll call vote with 13 Councilors present and voting in favor. Councilors Remy & Roberts were absent.

A motion by Councilor Greenwald to adopt Resolution R-2024-36 was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilors Remy was absent.

PRESENTATION – MASTER PLAN UPDATE

Mayor Kahn postponed the presentation until the November 21, 2024, meeting.

COMMUNICATION – JAIDA CARLAND – CONCERN OVER THE IMPACT OF PARKING TICKET RATES ON SMALL BUSINESSES AND THEIR EMPLOYEES

A communication was received from Jaida Carland, 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. Mayor Kahn referred the Communication to the Finance, Organization & Personnel Committee.

COMMUNICATION – PETITION – REDUCTION OF SPEED LIMIT – UPPER ROXBURY STREET

A communication was received from Alan Huston and the residents of Upper Roxbury Street, 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 per hour to 20 miles per hour. Mayor Kahn referred the communication to the Municipal Service, Facilities & Infrastructure Committee.

COMMUNICATION – KENNETH KOST – POTENTIAL FOR MIXED USE DEVELOPMENT ON GILBO AVENUE LAND

A communication was received from Kenneth Kost, proposing that the City Council study the 9 acres of downtown land along Gilbo Avenue as a potential site for mixed-use development. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

COMMUNICATION – JARED GOODELL – PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE – SIDE SETBACKS

A communication was received from Jared Goodell, requesting that an amendment to the Land Development Code regarding side setbacks for land that abuts the Downtown Transition District be considered. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

MSFI REPORT – PRESENTATION: CODE AND FIRE INSPECTIONS

A Municipal Services, Facilities & Infrastructure Committee report read, recommending the acceptance of the presentation on Code and Fire Inspections as informational. Mayor Kahn accepted the presentation as informational.

MSFI REPORT – ROBERT C. HAMM – REQUEST FOR IMPROVEMENTS IN SIDEWALKS AND TRAFFIC PATTERNS – INTERSECTION OF GROVE STREET AND WATER STREET

A Municipal Services, Facilities & Infrastructure Committee report read, recommending that the communication be referred to City staff. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Haas said he thought Hamm's intent was to present the whole issue, but also to ask City staff to look for economical solutions. For example, where lane changes could be accomplished with just striping. He understood that no curbs would be moving, but there were opportunities with paint alone. Councilor Haas thought that was the intent of Mr. Hamm's request. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

MSFI REPORT – STAFF REPORT ON THE RESULTS OF THE WARD OPTIMIZATION WEEKS (WOW!) PROGRAM

A Municipal Services, Facilities & Infrastructure Committee report read, recommending accepting the item as informational. Mayor Kahn accepted the staff report on the results of the Ward Optimization Weeks (Wow!) Program as informational.

FOP REPORT – SALE OF CITY PROPERTY AT 0 GROVE STREET

A Finance, Organization & Personnel Committee report read, recommending that 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 # 585-057-000-000000, 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. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Lake. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – LWCF GRANT ROUND 34 ACCEPTANCE – ROBIN HOOD RENOVATION PROJECT

A Finance, Organization & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute and expend a Land and Water Conservation Fund Grant Round 34 award for \$500,000.00 for the Robin Hood Renovation Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Mayor Kahn asked the deadline to spend these funds and if there could be an extension. The City Manager replied that the dollars must be expended within three years, so there can be a one-year extension. Mayor Kahn said that fits well in the Capital Improvement Program. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – 2024 HOMELAND SECURITY GRANT PROGRAM AWARD – HAZARDOUS MATERIALS ALLOCATION

A Finance, Organization & Personnel Committee report read, recommending 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. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Dragon, echoed Mayor Kahn's thanks to City Clerk, Patty Little, and her team, as well as the election workers and all the volunteers who ensured a smooth and efficient election process.

The City Manager also reported that the final design recommendation for the Downtown Infrastructure Improvement Project would be presented at a City Council MSFI Committee meeting in December. This public meeting will likely be the final opportunity for community input on the design. Once the meeting date is confirmed, notices will be published through multiple channels: the www.KeeneNH.gov/Downtown project website, email and text messages, City social media accounts (Facebook and Instagram), and a press release. Presentation documents will be available on the project website. The final design is the product of an extensive technical analysis that included utility coordination, geotechnical investigations, and necessary permit applications. These efforts were guided by the preliminary design approved by the City Council in July. Construction for the first phase, focused on Central Square, is scheduled to begin in May 2025. Key components of the City's outreach during construction will include:

- Monthly in-person project updates, titled "Coffee and Hard Hats," hosted by the Public Works Department in downtown Keene.
- The hiring of a project ombudsman to serve as a resource for the community, providing impartial assistance with navigating construction impacts. The ombudsman will listen to all perspectives, gather relevant data, and communicate with both the City and public stakeholders to help resolve issues that may arise.
- Encouraging downtown businesses and residents to sign up for notifications. Subscribers will receive periodic updates on potential interruptions or impacts on traffic, parking, sidewalk access, and more.

Next, the City Manager followed-up on a communication she sent to the Council on October 22 from the Fire Chief, regarding the upcoming elimination of the hardwired option for the City's Fire Master Box System. This system has become outdated, increasingly unreliable, and costly to repair, while modern fire technologies now offer more effective alternatives. Next month, an ordinance will be introduced to amend the section of the Code that references the hardwired option. It is anticipated that all current hardwired system users will transition to alternative systems by January 1, 2026. The City will issue a request for proposals for a vendor to provide radio boxes for City buildings and other organizations currently on the hardwired system who wish to upgrade. A bulk purchase could help to reduce costs for all involved. More details will be shared next month.

The City Manager also shared an update on parking. Later in this meeting, several ordinances related to parking would be referred to Committee. When the Council modified winter parking regulations, the Parking Manager identified other Code sections that still restricted overnight parking on certain streets from 2:00 AM to 6:00 AM year-round. The Committee would consider whether specific streets should maintain year-round overnight parking restrictions. Additionally, there would be a proposed ordinance to add the Juneteenth holiday—as a free parking day.

The City Manager shared that FACT TV's Keene station at the Keene Public Library would be temporarily closed until December 2, 2024, for reorganization and essential maintenance. This decision is aimed at enhancing the station's quality and service for Keene producers and the community. According to the FACT TV director, the recent departure of the Station Manager highlighted the importance of completing these improvements to better serve the community. During this closure, Keene producers and community members are encouraged to continue their projects at the Bellows Falls studio, which remains open and fully operational. FACT TV looks forward to welcoming everyone back to a well-organized, fully functioning space, and to introducing a new station manager who will help lead the station forward.

Next, the City Manager reported on an email from New Hampshire Housing on their FY25 Notice of Funding Opportunity (NOFO) for financing the development of affordable housing that incorporates supportive services. These services aim to enhance housing stability and support residents in leading productive lives. Priority will be given to projects targeting individuals experiencing or at risk of homelessness. Currently, \$1.5 million in funding is available under this NOFO, with individual projects eligible for between \$150,000 and \$1,500,000. Application deadlines for this funding opportunity are as follows: Initial response date (threshold) is January 6, 2025. This is distinct from the forthcoming funding opportunity for the Opioid Use Disorder Supportive Housing Capital Program, which will provide capital funding for new supportive housing projects serving households with a member affected by Opioid Use Disorder and co-occurring conditions. The program is slated to receive \$6 million annually for three years, with a possible extension for another three years. NH Housing anticipates funding up to six projects annually under this program.

Lastly, the City Manager said the Public Works Director, Don Lussier, asked her to share with the Council that a group of researchers from the Environmental Protection Agency (EPA) contacted the City regarding its recently submitted "Lead Service Line Inventory." They are researching the potential for lead to leach out of other service line materials such as brass or galvanized iron and requested the City's assistance with data collection. If the City identifies services that meet the research criteria, the City's role may include:

- Contacting the City's customers to request their participation.
- Possibly collecting samples from customer locations and arranging for sample analysis.
- Collecting a "specimen" of the service line when it is replaced (e.g., during a planned City infrastructure project) for the EPA to test.

Councilor Favolise asked a question that he had also asked over email. He asked what the enforcement looks like for parking right now, given that there was just a press release and the announcements. He asked if the City was planning on enforcing now. The City Manager replied that typically in the past, the City had only enforced if a complaint was received during the summer months. During the winter months, she said enforcement of the overnight parking ban was much more consistent, and she said that was the same at this time, because the Council was moving through the process of determining its year-round parking preferences. So, the City

Manager said the situation would be in limbo at this time in term of enforcement. Unless a complaint is received, she said there would not be proactive enforcement during this time. The City Manager did add that since the Council adopted changes to the Winter Parking Ordinance, there had been some concerns that would be discussed at the Committee meeting.

Mayor Kahn thanked the City Manager for those updates. He said he saw the housing notices and took interest, nothing the need in the community. On substance use, he noted that the largest substance use supportive housing operator recently took on a large project in Manchester, so he was unsure what kind of capacity they would have to assist with additional housing in Keene; so, he said others might want to enter that market space. The City Manager said it does not have to be in Keene, but that additional sober housing is needed for women. Currently, there is a long wait. Additionally, she said that supportive housing is needed everywhere as a transitional opportunity that helps people to stabilize. So, she said this funding would apply to that as well.

Councilor Haas asked whether the EPA study would be happening soon, noting how important it is to get the message out. The City Manager clarified that the City completed its own lead inventory, and the EPA would be looking at what other materials exist and whether or not they pose any issues. She said the researchers were looking to work with the City soon. This is more of a research project, and she could get more details on the timing to Councilor Haas.

RESIGNATIONS – LEE STANISH FROM THE CONSERVATION COMMISSION; ASHOK BAHL FROM THE CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD; ELOISE CLARK FROM THE CONSERVATION COMMISSION

Memoranda read from City staff members sharing the resignations of Lee Stanish from the Conservation Commission, Ashok Bahl from the Congregate Living and Social Services Licensing Board, and Eloise Clark from the Conservation Commission. A motion by Councilor Greenwald to accept the resignations with regret and appreciation of service was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

PB-PLD REPORT – ORDINANCE O-2023-16-C: RELATING TO PERMITTED USES IN THE DOWNTOWN CORE AND COMMERCE DISTRICTS

A report read from the Planning Board, unanimously finding that Ordinance O-2023-16-C is consistent with the 2010 Comprehensive Master Plan. A second report read from the Planning, Licenses & Development Committee, unanimously recommending that the Mayor schedule a public hearing on Ordinance O-2023-16-C. Mayor Kahn set a public hearing on Ordinance O-2023-16-C for December 5, 2024, at 7:00 PM.

MORE TIME – MSFI REPORT – PRESENTATION – ROUTE 9 – OLD SULLIVAN ROAD INTERSECTION

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending 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. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING – RELATING TO DESIGNATED LOADING ZONES AND BUS LOADING ZONES ORDINANCE O-2024-16

A memorandum was read from the Public Works Director, Don Lussier, recommending that the City Council refer Ordinance O-2024-16 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-16 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO MAINTENANCE PARKING RESTRICTIONS –ORDINANCE O-2024-21

A memorandum was read from the Deputy City Manager, Rebecca Landry, recommending that the City Council refer Ordinance O-2024-21 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-21 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO GILBO AVENUE PARKING RESTRICTIONS – ORDINANCE O-2024-22

A memorandum was read from the Deputy City Manager, Rebecca Landry, recommending that the City Council refer Ordinance O-2024-22 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-22 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO JUNETEENTH EXCEPTION TO PARKING REGULATIONS – ORDINANCE O-2024-23

A memorandum was read from the Deputy City Manager, Rebecca Landry, recommending that the City Council refer Ordinance O-2024-23 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-23 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO RESIDENTIAL PARKING REQUIREMENTS – ORDINANCE O-2024-20

A memorandum was read from Planner, Evan Clements, recommending that the City Council refer Ordinance O-2024-20 to the Joint Committee of the Planning Board and Planning, Licenses & Development Committee. Mayor Kahn referred Ordinance O-2024-20 to the Joint Committee of the Planning Board and Planning, Licenses & Development Committee.

RESOLUTION R-2024-32 – RELATING TO FY25 FISCAL POLICIES

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Resolution R-2024-32. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2024-32 was duly seconded by Councilor Filiault.

Councilor Powers summarized the Committee report. He recalled that the Council had a workshop to review its Fiscal Policies, which had been in existence for 10–15 years and is updated annually. The Policies provide the Finance Department with their operating plan and give the other City departments guidance. While there were some tweaks and other minor amendments this year, Councilor Powers said the FOP Committee sought clarifications on some things that he said have been resolved. The Committee also debated some ideas, but none were raised to a level where the Committee thought that changes were warranted. So, the Committee recommended adopting the Fiscal Policies.

Councilor Favolise referred to the 5th and 7th “whereas” clauses in the Fiscal Policies. He said the 5th said that the City Manager may designate somebody, and the 7th specified that the City Manager would designate the Deputy City Manager(s). Councilor Favolise wondered whether or to what extent that conflict/ambiguity should be corrected. The City Manager explained that this had been discussed after it was brought forward by Councilor Remy and the City Manager had spoken with Councilor Powers about it. The 5th whereas clause would provide the flexibility—depending on the situation—to appoint any department head, including the Deputy City Managers, in the City Manager’s absence; this flexibility remained based on the City’s organizational chart and the Assistant City Manager was not called out by title in the past. She said that this clause would actually be more limiting than the previous language, and the City Manager was comfortable with this language. She recalled that this developed because there was an issue with signing time sensitive documents in her absence. The language in this Policy would be used to authorize such a signing of documents in her absence, but she said that most of the time, the documents executed in her absence are not time sensitive or legal, but internal to the organization. The City Manager said it would be very rare for her designee to need such authority in her absence, but for that purpose she was comfortable limiting it to the Deputy City Managers to have that flexibility.

Councilor Haas said that his question might fall between the FOP Committee’s review of the Fiscal Policies and its review of the Operating Budget. He said that the Fiscal Policies are great because they provide structure to go forward. Councilor Haas said he would always be looking for measurement along the way; measuring how well the City meets goals, how close it comes to the limitations imposed on the Fiscal Policies, how it does against the indices over the years, whether debt grows for capital projects, etc. He said it is important to keep an eye on those details of the Capital Improvement Program, which is easy for people to access.

Councilor Haas continued, asking if there would be a way to measure downshifted expenses to really understand the cause. He said he read the Fiscal Policies as separate from the tax increases allowed against the index. Then, he said there were downshifted expenses, and he was unsure anyone understood that. So, he looked forward to the budget process. The City Manager replied that in the budgets, there is a section on the Fiscal Policies that compares where the City is to where the budget will bring the City in compliance with the Fiscal Policies; she said this is a great place to start in the process. On downshifting, she said the City had been tracking that for some time, and said that obviously the biggest impact was when the State of NH’s match to retirement changed, which really downshifted a lot of costs to local communities and taxpayers.

Councilor Haas said that seeing that information over time—not just one the single year that the budget is presented—and carried forward rolling, so the Council could look back over 4–5 years would be helpful for the citizenry to understand these challenges.

The motion to adopt Resolution R-2024-32 carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

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

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Resolution R-2024-34. Mayor Kahn filed the report.

Mayor Kahn recognized Councilor Madison, who raised a conflict of interested. Councilor Madison stated that his conflict involved a financial transaction between his employer and the City, so he believed it was prudent to recuse himself from this matter and requested the Council’s permission. Hearing no objections from the Council, Councilor Madison recused himself from the Council’s consideration of Resolution R-2024-34.

A motion by Councilor Powers to adopt Resolution R-2024-34 was duly seconded by Councilor Chadbourne.

A motion by Councilor Bosley to amend Resolution R-2024-34 by correcting the reference to the amount of the NH Emission Fine from \$177,283 to \$171,326 was duly seconded by Councilor Filiault.

Councilor Favolise noted that he heard a motion to amend the specific line item but not a motion to amend the total amount that was also in the list. Mayor Kahn said it would not change the total; it was a double add. The motion to amend Resolution R-2024-34 carried unanimously with 13 Councilors present and voting in favor. Councilor Remy was absent, and Councilor Madison abstained.

The motion to adopt Resolution R-2024-34 as corrected carried unanimously with 13 Councilors present and voting in favor. Councilor Remy was absent, and Councilor Madison abstained.

RELATING TO THE APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND TO THE FY 25 OPERATING BUDGET – RESOLUTION R-2024-37

A memorandum was read from the Assistant Public Works Director, Duncan Watson, recommending that Resolution R-2024-37 be referred to the Finance, Organization & Personnel Committee for deliberation and a recommendation back to the Council. Mayor Kahn referred Resolution R-2024-37 to the Finance, Organization & Personnel Committee.

RECONSIDERATION – SPECTRUM LICENSE

Pursuant to Section 19 of the City Charter, Mayor Kahn called for the reconsideration of the Council’s action on the Spectrum license. At the October 17, 2024, City Council meeting, the Council approved a request by Spectrum/Charter to install a utility cabinet on City property. The authority was granted with respect to “property located at 555 Roxbury Street.” Unfortunately,

11-7-2024

that is not the actual location of the installation. The motion would be the same as previously adopted except the correct address would be identified.

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. The motion carried unanimously with 14 Councilors present at voting in favor. Councilor Remy was absent.

**TABLED ITEM – MAYOR KAHN – RECONSIDERATION OF AMENDMENT #15 –
RULES OF ORDER – VOTING AND CONFLICT OF INTEREST**


Mayor Kahn referred the reconsideration of Amendment #15 of the Rules of Order back to the Planning, Licenses & Development Committee for further review and recommendation.

Councilor Chadbourne asked a procedural question. She thought that a 2/3-vote of the Council was needed for reconsideration. The City Attorney, Tom Mullins, replied that under the City Charter, the Mayor has the option to order reconsideration of the matter without a vote of the Council.

ADJOURNMENT

As a Veteran, Councilor Filiault invited the Council to the Veterans Day ceremony at the Recreation Center on November 11, and particularly Councilor Roberts and Powers who are also Veterans.

There being no further business, Mayor Kahn adjourned the meeting at 8:36 PM.


A true record, attest: 
City Clerk

11-9-2024

On Saturday, November 9, 2024, at 8:13 am Mayor called the special meeting of the City Council to order. The purpose of the special meeting was to hold a non-public session under NHRSA 91-A:3 II (b). Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers and Mitchell H. Greenwald were present. Andrew M. Madison was absent. The pledge of allegiance was led by the Chair.

At 8:15 am Councilor Greenwald moved to go into non-public session to discuss a personnel matter under NHRSA 91-A:3 II (b). The motion was seconded by Councilor Bosley. On roll call vote, 14 Councilors were present and voting in favor. Councilor Madison was absent. Assistant City Manager/Human Resources Director Elizabeth Fox was invited to remain in order to explain the schedule for the candidate interviews for the position of Keene City Attorney.

At 1:25 pm the session concluded. Councilor Greenwald moved to keep the minutes of the executive session in executive session as disclosure would adversely affect the reputation of a person other than a member of the board. Councilor Bosley seconded the motion. On roll call vote, 14 Councilors were present and voting in favor. Councilor Madison was absent.

A true record, attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Councilor Robert Williams
Through: Patricia Little, City Clerk
Subject: **Councilor Robert Williams - Policy on the Discharge of Fireworks**

Recommendation:

Attachments:

1. Communication_Williams

Background:

Councilor Williams is requesting that the City develop policy guidelines for the issuance of fireworks display permits that would limit the number of fireworks displays to be authorized in any single location during a calendar year.

November 19, 2024

City of Keene Clerk's Office
3 Washington Street
Keene, NH 03431

To the Honorable Mayor and City Council,

Large scale fireworks displays have become increasingly frequent in recent years and I am concerned that they are having a detrimental effect on the environment and on the quality of life in adjacent neighborhoods.

Fireworks are fun, but they are fun as an occasional treat. As they become more common, so too does concern about the problems they bring along with them. These problems include the cumulative effect of noise, air, and water pollution on local habitat, the disturbance caused to wild and domestic animals, including birds, bats, horses, and dogs, and the adverse impact that fireworks can have on people with conditions affected by sensory input, like autism or post-traumatic stress disorder (PTSD).

Thus, I am asking the City Council and City Staff to develop policy guidelines for the issuance of future fireworks display permits. Among other guidelines, I ask that we place a limit on the number of fireworks displays to be authorized in any single location during a calendar year.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bobby Williams". The signature is fluid and cursive, with a large, stylized initial "B".

Bobby Williams

City Councilor, Ward 2



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Greater Monadnock Collaborative – Request to Use City Property – Central Square and Railroad Square – 30th Anniversary Celebration of the Release of the Film Jumanji**

Recommendation:

On a vote of 5–0, the Planning, Licenses & Development Committee recommends that the Greater Monadnock Collaborative be granted a license to use downtown City property from Friday, April 11 through Sunday, April 13, 2025 to host a Celebration of the 30th Anniversary of the film Jumanji, conditional upon the following:

- The signing of a standard revocable license and indemnification agreement;
- That the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000;
- That the Petitioner agrees to absorb the cost of any City services provided to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the Petitioner is permitted to conduct a road race reenactment of the “stampede” depicted in the film and a parade to occur on Main Street on Saturday, April 12, at noon with assistance from the Keene Police Department to temporarily close certain streets or rights-of-way intersecting with the planned route; and
- That the petitioner is permitted to close a portion of Church Street from Main Street to just east of the Hannah grimes parking lot each day of the event from 11:00 AM to 8:00 PM to allow food trucks to participate, with the road being reopened to traffic at the close of each day. Additional road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff; and
- That the petitioner is permitted to use areas on the sidewalk adjacent to the Colonial Theatre on Friday, April 11, as well as Central Square common, Railroad Square and Gilbo Avenue along the bike path on Saturday, April 12 for other planned activities; and
- That the Petitioner is permitted to place portapotties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, April 11, 2025 to Monday April 14, 2025 which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:

Chair Bosley welcomed Cathy Bergstrom of the Greater Monadnock Collaborative. Ms. Bergstrom explained the plan to have a family friendly event over the course of a weekend in recognition of the 30th anniversary of the release of the film, Jumanji.

Friday evening, the event would begin with a screening of the film at the Colonial Theatre that would hopefully include some cast extras who are still in the Keene area to take part in a Q&A. On Saturday, there would be a road race up Main Street and Central Square, with participants wearing inflatable costumes mimicking some of the animals that were in the stampede in the film, with a parade immediately following. There would be a rolling road closure for that part of the festival. There would also be a scavenger hunt with any of the downtown businesses that are interested in participating; participants would receive a map and a list of items to find and take selfies and be in a drawing for a prize. The downtown businesses would have Jumanji themed foods, drinks, and any other goods they want to sell. On Sunday, the organizers propose dedicating a mural to Robin Williams and mental health awareness. Ms. Bergstrom noted that a former Keene police officer who was assigned to protect the children on the film also died from suicide this year. They would want to honor him as well. She said the organizers hope this event would help support the downtown merchants before the downtown constructions begins.

Chair Bosley requested City staff comments. The Deputy City Clerk, Terri Hood, said that the protocol meetings for this event had occurred and there had been some slight adjustments to the timing because of the downtown project. Otherwise, she said that staff were comfortable with issuing the licenses and the protocol meetings would continue to finalize things.

Chair Bosley opened the floor to public comments.

Ted McGreer of 18 Forestview Road said that Ms. Bergstrom had done the legwork for this event, including getting the permission from Sony Pictures Entertainment to use the name Jumanji so downtown merchants could sell things with the name on them. However, as a downtown merchant, Mr. McGreer said the hope was that this event could happen in June. He said that Central Square was an important part of filming Jumanji, but the organizers were told that because of the downtown construction, the event needed to be moved to April, which could mean a 32° vs. a 70° day. He said that he wanted to be very clear that the downtown will need as many events as possible to survive reconstruction. Further, he said that the presence of the downtown construction could not mean a moratorium on downtown events, and he did not want to see things pushed aside because of construction. He urged being creative and working around it.

Vice Chair Jones thanked Ms. Bergstrom for mentioning mental health, noting that Robin Williams suffered from Lewy body dementia, something that is close to the Vice Chair.

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

On a vote of 5–0, the Planning, Licenses & Development Committee recommends that the Greater Monadnock Collaborative be granted a license to use downtown City property from Friday, April 11 through Sunday, April 13, 2025 to host a Celebration of the 30th Anniversary of the film Jumanji, conditional upon the following:

- The signing of a standard revocable license and indemnification agreement;

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- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

To Mr. McGreer’s point, Chair Bosley said she was aware that City staff tried to help ensure that this event could occur in June, but it would have meant a different footprint, and the Chair liked this recommended footprint better for this specific event, so she was glad they were able to make some of the adjustments work. Chair Bosley added that she knew staff were working hard with all City events to ensure they could continue through construction; she said they were committed to putting in as much effort as possible to ensure the downtown merchants have a successful few years.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Jared Goodell - Proposed Amendment to the Zoning Ordinance in the Land Development Code - Side Setbacks**

Recommendation:

On a vote of 5–0, the Planning, Licenses & Development Committee recommends accepting the communication on the Proposed Amendment to Land Development Code – Side Setbacks as informational.

Attachments:

None

Background:

Chair Bosley welcomed Jared Goodell of 39 Central Square, who recalled that he previously had an issue before the full Council for this same project. He said this project was like a cottage court development but was not one. A stumbling block to his development was an interior side set back in the existing dimensional requirement of the Downtown Edge District, the project location. He explained that the interior side set back dimensional requirement in the Land Development Code at this time was 0 feet unless the property's interior side abutted the Downtown Transition and so the setback became 20 feet. Mr. Goodell said that there were only four instances in the City of Keene Downtown Edge abutting Downtown Transition on the interior side; two properties he owned and two currently legally non-conforming uses. Mr. Goodell explained that he was asking the City Council to ask City staff to look into this and rewrite this portion of the Land Development Code as had been practiced recently, specifically pertaining to lot sizes around downtown zoning districts. He said it would help get these six units on the market faster, reiterating that it was only a small portion of the Land Development Code impacting four parcels, so it seemed like an easy fix.

Chair Bosley requested staff comments. The City Attorney, Tom Mullins, explained that unfortunately, the staff member with the most knowledge of this had to be absent for medical reasons. The City Attorney did not speak to Mr. Goodell's specific project, but suggested to the Committee that the proper way for Mr. Goodell to proceed in this effort would be to work with the Community Development Department on the 4th floor of City Hall to submit a properly completed petition for the purposes of amending the Zoning Ordinance. There is also a process through the City Clerk's office on the 1st floor of City Hall for notice issues. The City Attorney said the petition needs to identify: the individual, the location, the intent, how many parcels may be affected, and all abutters. The City Attorney recalled that Zoning amendments occur in a few ways: the City can propose those it

believes are for the public benefit and have a fairly wide application within the City, which is not uncommon. Individuals with needs can also propose Zoning amendments. However, the correct process is to submit the paperwork.

Councilor Haas asked Mr. Goodell if he had gone through City's Zoning Board of Adjustment (ZBA) process to seek a variance. Mr. Goodell said a variance was granted but it did not fit the dimensional needs of the site as it stood at the time of this meeting. Councilor Haas asked if Mr. Goodell could request to modify that variance. Mr. Goodell replied that he was attempting to do that concurrently with making this request of this City Council, because he said the ZBA process was cumbersome, and he was looking for the path of least resistance. He said his ultimate goal was to get these units on the market before winter so people could occupy them instead of shelters or hotel rooms. Councilor Haas said he understood Mr. Goodell's points that that the normal zoning process could be complicated and time consuming but suggested that he pursue both the ZBA process and the zoning amendment process at the same time. Mr. Goodell said that was essentially what he was doing. At this time, he had an application pending with the ZBA.

Mr. Goodell responded to the City Attorney's comments. Mr. Goodell stated that when the City petitions the Council for changes to the Land Development Code, it is a similar application and similar process, except that there are some cost differences. He recalled that the City and Council had talked for years about clearing pathways for housing to be developed. So, in this instance, given that there were already dimensional changes on the table for the downtown zoning districts, it seemed to him there would be no real reason for the City not to submit this change and get the process rolling as it had with other issues. He said that ultimately, it would not matter to him whether he submits the application, or the City does—stating that the Community Development Department staff are great people to work with—but said it would be nice if the City did this.

Chair Bosley commented on how interesting it is that until you begin working with the Code, you cannot anticipate all potential consequences. Despite writing the Code with good intentions, these intricacies could play out with time, such as a portion only impacting four boundary lines—though she was unsure if that was accurate and needed to hear from the Community Development Department. If accurate, she said the Code could be trying to solve an erroneous problem, and she would be open to hearing more about what could be done and how it would affect the other parcels so the best decisions could be made for all involved. Ultimately, Chair Bosley also advised Mr. Goodell to go to the Community Development Department on the 4th floor of City Hall to start the petition process.

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

On a vote of 5–0, the Planning, Licenses & Development Committee recommends accepting the communication on the Proposed Amendment to Land Development Code – Side Setbacks as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Kenneth Kost - Potential for Mixed Use Development on Gilbo Avenue Land**

Recommendation:

On a vote of 5–0, the Planning, Licenses & Development Committee recommends accepting the communication on Potential for Mixed Use Development on Gilbo Avenue Land as informational.

Attachments:

None

Background:

Chair Bosley welcomed Kenneth Kost to share a presentation on what he thought the City should do for potential mixed-use development on Gilbo Avenue, referring to the details of his communication and proposal in the meeting packet. He spoke about land on both sides of Gilbo Avenue from Main Street to School Street having rare potential to become a new downtown neighborhood. He called it really special to have that much developable land downtown and adjacent to Main Street, so he did not think it should be misused or underused. He said the City should understand the full potential of that property. Mr. Kost continued, explaining that as a member of the Monadnock Interfaith Project (MIP), he approached the Keene State College Architecture School in 2023, and their sophomore class spent one semester studying Gilbo Avenue, and they demonstrated that parcel-by-parcel, the sites could be developed into housing, commercial, open space, public amenities, parking, and still work with the trail system. They considered how to accommodate a significant number of housing units of all ranges of incomes, consciously including a range of apartments sizes, and considering the market rate and all levels of affordability mixed together. While the students worked in groups on individual building project ideas that did not relate as a whole neighborhood idea, which would be needed in reality, it made Mr. Kost think about how the City needs to consider what it wants to achieve with Gilbo Avenue because at some point, developers would be interested in buying either parcels, or the entire thing. Mr. Kost suggested that the City create a plan or framework—not a detailed design, not imposing what a developer would have to do—but outlining the City’s aspirations for Gilbo Avenue when the funds do become available.

Mr. Kost explained how he suggested that the City study this potential for Gilbo Avenue. He explained that when funds become available—acknowledging that the City did not have money to throw around—an urban designer should develop a plan showing various densities of what could be built there; how the buildings, parking, open space, amenities, and all other public spaces could work

together to create this amazing neighborhood. This could guide builders and developers to what should be accomplished there. Without that, he thought Gilbo Avenue could end up as individual buildings that might preclude other projects, limit development, or do not realize the potential of the area. With the land available on Gilbo Avenue, he went on to suggest the possible number of dwelling units there—upward of 1,000—but stated that he was unsure if those numbers were real, which was why he suggested that a professional urban designer would be needed. He imagined those units priced from work force to high-end, spurring new businesses and dynamic life in downtown Keene. He thought this design would respect existing downtown business patterns. Mr. Kost hoped that the City would engage this study at some point the City loses the opportunity to do this.

Chair Bosley thanked Mr. Kost for the effort he put into his report, stating that he was ahead of the curve of what would need to happen there. Chair Bosley related Mr. Kost's dreams for Gilbo Avenue to others' dreams for the Kingsbury property, also not owned by the City, so that tied the City's hands in a lot of ways; Kingsbury had been another very underutilized block of land downtown with so much potential. The City could be aspirational but could not require anything to happen. The Chair requested comments from the Public Works Director, noting that with the downtown project, the City would want to create the most opportunity for development as possible on this site by installing the proper infrastructure.

The Public Works Director, Don Lussier, explained that at this time, the scope included in the Capital Improvement Program (CIP) and downtown project design would extend down Gilbo Avenue as far as the intersection with St. James Street; it is not funded or planned beyond that. The section between Main & St. James Streets will include water, sewer, drainage, and utility upgrades. Mr. Lussier agreed with Mr. Kost that the parts of Gilbo Avenue beyond St. James Street begged for redevelopment, but Mr. Lussier wanted to provide an understanding of what infrastructure currently existed there at the time of this meeting.

He explained that a 6-inch water main (c. 1909) running down the section of Gilbo Avenue between St. James and School Streets would be undersized for the type of development Mr. Kost described for fire flow purposes and would have to be upgraded; he also anticipated that the pipe would be in poor condition. Mr. Lussier continued, by explaining that the drainage infrastructure in that neighborhood was both undersized and in poor condition. The corrugated metal pipe there at the end of its life would also need to be upgraded. Mr. Lussier said upgrading that system would probably mean extending it to Ralston and Davis Streets before reaching a pipe large enough to receive the increased flows from a redevelopment. There were also no existing City sewer utilities in that vicinity; the closest sewer infrastructure at this time was at the end of Wilson Street (6-inch clay c. 1930), south of the Commercial Street parking lot, which would also be inadequate for a development of this size. Mr. Lussier said he wanted to set reasonable expectations that the City would definitely have to invest in the infrastructure to support a development like the one Mr. Kost proposed.

Chair Bosley said that before thinking about the amazing things that could be developed aboveground, it would be necessary to accomplish everything amazing below ground. As a homeowner, the Chair understood the challenge of spending money on things you never see. Still, in the City's upcoming budget season and the CIP, she hoped she would see the Public Works Department consider this and the kind of funds the City could start allocating to some improvements. Mr. Lussier said the downtown project would leave things in a way that subsequent projects on Gilbo Avenue would be ready to commence. For example, the water main will be ready to continue down Gilbo Avenue and there will be a connection to the existing old pipe. He thought the next CIP cycle would be the right process for his Department to start looking at what it would take to make Gilbo Avenue more development ready. Chair Bosley said she

would be interested to see that and wanted to know if there was a Committee consensus if that would be a good investment of Public Works time. She agreed that it would be hard to convince a developer to build if they must also extend sewer lines, especially if the City is unwilling to participate in some of those utility upgrades. Mr. Lussier said that paying for some of this utility work could be tied to development with things like a tax incremental financing (TIF) districts or other programs that tie development to public infrastructure investments. While Mr. Lussier thought it would be appropriate to plan for the future, he did not advocate for fully upgrading all of the underground infrastructure to support possible development; he said to be prepared so that when there is a development plan on the table, the City is ready to support it.

Councilor Williams appreciated Mr. Kost's request for some planning on Gilbo Avenue and wondered if this was something the Master Plan Steering Committee could have a sub-focus on. In addition to fixing the underground infrastructure, Councilor Williams said the City would need a vision for what is going to happen in that area. He was concerned that the vision for a parking garage in the CIP would materialize without broader consideration of the neighborhood. He liked the idea of engaging an expert urban designer as a potentially long-term worthwhile investment.

Vice Chair Jones thanked Mr. Kost for bringing this forward, noting that this was a part of Mr. Kost's expertise. Vice Chair Jones said that Gilbo Avenue is a very important asset to this community. Vice Chair Jones referred to a University of Massachusetts student project with a landscape architect professor who lived in Keene in the past; the designs showing different landscape structures for Gilbo Avenue are in the Community Development Department. He also referenced a video by Paul Pietz proposing a trolley coming from the Colony Mill. Until 2022, there was also a Gilbo Avenue Overlay District, which provided some direction, but it was taken out when the Land Development Code was written, and he wondered if it should be revisited.

Chair Bosley thought that when creating the Land Development Code, the intent was that while the City does not have complete control over what a developer decides to do on any property, through the Land Development Code the City could encourage a certain look and feel (e.g., height of buildings, creating walkability) while still being financially viable to developers. She said that the walkable energy of the downtown ends at the parking lot in front of the pizza place on Main Street, which points to how removing buildings from the sidewalk changes the energy of spaces. Chair Bosley thought the City was committed to building downtown out toward the Colony Mill and through the Zoning rules.

Vice Chair Jones said all the issues Chair Bosley mentioned were a part of the Gilbo Avenue Overlay. So, he said it was worth revisiting again. He and Chair Bosley recalled the City being visited by an expert on walkable downtowns, Jeff Speck.

Councilor Haas asked if Mr. Kost saw anything being proposed in the draft Master Plan that would fit in this area. Mr. Kost was unsure that the scope of what he had seen of the Master Plan would create the vision and visuals to create the excitement needed, but he said that perhaps at some point a modification of the Master Plan for that kind of visioning would occur. Councilor Haas said the Master Plan could be pressed in those directions as it would come to fruition in the coming weeks and months after this meeting. Vice Chair Jones agreed that it would be hard to get into those details in the Master Plan but said the Master Plan could talk about the value of the downtown corridors.

Mr. Lussier addressed the planning study for the parking garage that was also underway, noting that there had been recent drone flights to collect data on current utilization. Part of the scope for that project would include meeting with the Community Development Department and estimating the best use for those underdeveloped parcels and projecting what the parking demand would be based on future developments there.

Without utilities past St. James Street, Mr. Kost said that a study like this, which could show what could happen further down toward School Street, could provide some sense of densities to inform infrastructure development. Regarding the parking garage, he said he did not know that project very well, but expressed concern about a consultant siting a garage on Gilbo Avenue that could preclude these other, bigger picture developments. Lastly, Mr. Kost noted (as in his letter) that he spoke with PLAN NH and they would be willing to come to Keene for a fee of \$6,000. They have a team of architects and designers, who would spend two or three days conducting a charette to start to get a professional idea of what is going on if the City would not engage his broader proposal.

The City Manager, Elizabeth Dragon, thanked Mr. Kost for his research. The City Manager also reviewed the interesting Keene State College work, noting that the City gets helpful ideas from the class every year. She said that in other communities, there is a lot of upfront work that has to happen to have a successful charrette to get something meaningful out of it. At this time, the City's focus was on completing the Master Plan project and hiring a new Community Development Director, but something like a charette in the future sounded like a good idea to the City Manager.

Chair Bosley opened the floor to public comment.

Chuck Redfern of 9 Colby Street spoke primarily as an individual who was involved 30 years ago and saw some development occur on that lot; mainly it was the first segment for the Cheshire Rail Trail, when the railroad yard was abandoned to bring it into use for a multi-use path for the community. With a lot of press as well as political and financial support. Mr. Redfern recalled some of the support for the initial multi-use path. He stated that he would not want to see any project or development of any kind change the width, direction, or bearings of the Cheshire Rail Trail. He said it would be one thing to continue to build the Trail successfully as in the past with huge support from the City, but equally important to maintain the city's multi-use trail on the NH Department of Transportation (DOT) property, which he said is heavily used and the surface still looked 5 years old despite being 30. Whether development occurs on Gilbo Avenue or not, Mr. Redfern hoped the Council would take these factors into consideration to incorporate development around the trails aesthetically and creatively, maintaining a sense of open space amidst an urban feel.

The City Manager said that within the past few years, Arts Alive brought people in to host a charette for Gilbo Avenue to conceptualize many of the things that were mentioned during this meeting. Some of the drawings from those activities were available. The City Manager said there had been a lot of vision over time, but a lot does come down to willingness of a developer and at some point, she said the City does hope to do more there.

Chair Bosley said that in Section 4.3 of the Land Development Code, primarily in the Downtown Growth District, there were exciting and beautiful dimensional drawings for Gilbo Avenue.

Councilor Laura Tobin of Center Street expressed her gratitude to Mr. Kost for bringing this issue forward. While she heard that the infrastructure may not be ready at this time, she appreciated the visioning and including the College because moving forward, she said that imagining different things would be what makes things happen and what makes the City want to put the infrastructure there. So, she was grateful.

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

On a vote of 5–0, the Planning, Licenses & Development Committee recommends accepting the communication on Potential for Mixed Use Development on Gilbo Avenue Land as informational.

Chair Bosley said this would not be the end of this conversation despite accepting this as informational. She thought Vice Chair Jones had good points about the Gilbo Avenue Overlay District and she suggested that Mr. Kost follow up with the Master Plan Steering Committee about how the Master Plan could promote this type of development at some of these major sites in the City.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order Amendments - Section 15 "Voting and Conflict of Interests", Section 17 "Motions", Section 25 "Communications", and Section 26 "Review of Items of Business"

Recommendation:

On a vote on 5–0, the Planning, Licenses & Development Committee recommends the adoption of the Rules of Order Amendment – Section 17 “Motions.”

On a vote of 5–0, the Planning, Licenses & Development Committee recommends the adoption of the Rules of Order Amendment – Section 25 “Communications.”

On a vote of 5–0, the Planning, Licenses & Development Committee recommends that the City Attorney present to the City Council for first reading proposed changes to Section #15 of the Rules of Order, incorporating the changes suggested by the Mayor and incorporating the revisions that the PLD Committee discussed at their meeting on November 13, 2024.

On a vote of 4–1. The Planning, Licenses & Development Committee recommends that the City Attorney present to the City Council for first reading proposed changes to Section #26 of the City Council’s Rules of Order, “Review of Items of Business,” with respect to motions submitted by a City Councilor regarding matters that are germane or non-germane. Vice Chair Jones voted in the minority.

Attachments:

1. Section 17 - Motions
2. Section 25 - Communications

Background:

Chair Bosley welcomed the City Attorney, Tom Mullins, & the City Clerk, Patty Little. The Committee received three documents: (1) the original version of Section 15 “Voting and Conflicts of Interest” the amended version of Section #15 that was previously introduced to the Council and defeated, and a version of Section 15 containing suggested amendments from Mayor Kahn. In addition, copies of House Bill 1388: Relative to Ethical Standards for Members of the General Court, and NH RSA 14-B, Definitions of the State Legislative Ethics Committee were placed on the members’ desks.

The City Attorney reminded everyone of how the Council got to this point. The Committee and Council had been considering amendments to the Rules of Order for quite some time, and the PLD Committee did reach a conclusion at one point and submitted various proposed amendments to the City Council for consideration. On September 19, 2024, the Council adopted some of those amendments. However, the Council did not adopt the proposed amendment to Section #15 on Voting and Conflicts of Interest on a vote of 7–8. At the Council meeting immediately after the vote, Mayor Kahn exercised his Charter right to require reconsideration of Section #15. That reconsideration occurred, and the Mayor referred the proposed amendment back to this Committee for further conversation. The City Attorney explained that because of the successful reconsideration, the original amendment that was on the table immediately before the vote is now back before the Committee (with the additional amendments from Mayor Kahn).

The City Attorney explained the Committee's options. The Committee could decide that it liked its previous recommendations to Council, or—after listening to the Mayor's proposals at this meeting—decide to recommend any or all of his amendments to the City Council for a first reading. The Attorney noted because the language proposed by the Mayor had never been previously considered by the Council a motion to introduce any amendments to Section 15 would be in order. Then in turn, Section 15 would come back to PLD for any further amendments before returning to Council for final adoption, as the process in the Rules of Procedure requires.

Chair Bosley welcomed Mayor Kahn to speak about his proposed changes to Section #15. Mayor Kahn referred to the amendments to Section #15 which had been included in the Committee's meeting packet. Whenever the text "conflict of interest" was referenced, the Mayor stated the text should read "Councilors or members of the household." Whenever the text "economic gain, pecuniary interest or personal interest was referenced, the text should read

Continuing on, the Mayor suggested that the definitions of "conflict of interest" and "household member" in Section #15 should parallel NH RSA 14-B:1. The definition of conflict of interest in NH RSA 14-B:1.I reads: "the condition in which the legislator has a special interest in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities." The definition of household member in NH RSA 14-B:1.II reads: "any person living in the same domicile as the representative, senator, or officer of the house of representatives or senate who shares a common economic interest in the expenses of daily living, including but not limited to a spouse, child, or parents."

Mayor Kahn continued, explaining why he thought this was important for consideration by the Council. He said that as public officials, he and the Council have a responsibility to disclose. He said that the currency of elected officials is influence. Councilors have a vote and can potentially influence other Councilors and the public, and they could use that influence for personal gain or to benefit a household member, or an organization to which they belong. Therefore, he thinks public officials need to disclose those interests. Mayor Kahn said that the public has a right to know when an elected official could potentially be influenced by their jobs, other financial interests, or those with whom they are closest, like those with whom they choose to live.

He said the rules for reporting could go on indefinitely about the types of relationships to report, but it would be overkill to have the types of long-standing relationships that maybe outside of the household. Still, the Mayor stressed that publicly elected officials should be held to a standard of disclosing interests of household members. He emphasized that it is about the public perceiving inhibited and impartial judgement, which he said that the Councilors might not see amongst themselves as colleagues.

The Mayor continued his presentation, explaining that during the past legislative session, the State passed House Bill 1388, which he said paralleled his proposed amendment to Section #15. The

State's revised Statute will be effective January 1, 2025—the beginning of the new legislative term—so Mayor Kahn thought would be good for the Council to consider this conflict of interest change in advance of the new Councilor's term, because it would notify anyone who might be considering running for Council of this requirement. He explained that his proposed amendment would still require that Councilors disclose their conflicts before the full Council, which would still have to vote on the recusal. He said that in his proposed amendment, it defined, "pecuniary interest or substantial influence in an organization that those serve" as the threshold for disclosure and this would be required for the Mayor and any Councilor to disclose for themselves and any member in their households over 18 years of age. He reiterated that this would parallel House Bill 1388. Mayor Kahn shared some examples of organizations that Councilors or members of their households have been associated with that have caused Councilors to recuse: the Keene Public Library, the Keene Housing Authority, Keene Housing Kids Collaborative, Southwest Community Services, Planned Parenthood, the Keene Downtown Group, Keene Young Professionals, Keene Rotary, Keene State College, and Monadnock Economic Development Corporation. Mayor Kahn said that the disclosure of those relationships is important, and the Council would sit in judgement as to whether conflicts of interest are serious enough for Councilors to disqualify themselves. He said it is not about misbehavior, but about the public's perception that there could be conflicts.

Brief discussion ensued between Vice Chair Jones and the City Attorney about what the Committee had before them. The City Attorney thought the Mayor was suggesting that the Committee recommend that Section #15 be introduced at the next City Council meeting that would include all of the changes the Mayor proposed, as well as any other housekeeping amendments previously considered by the Committee. This version of Section 15 was included in the Committee agenda packet.

Councilor Williams said he was fine with changing the definition of household member. Still, he reiterated that the root of his objection to this proposed amendment to Section #15 had always been the suggestion to publicly share his spouse's employment and membership information. The Councilor said that he ran for Council, his spouse did not, and he prefers to keep what is Her's private, especially in an age when people seek out information that they can use to damage others. So, Councilor Williams was fine with exchanging the definition of household member with immediate family and having a general expectation that Councilors should declare household conflicts during debates. However, he did not think those things should be pre-declared.

Councilor Haas disagreed with Councilor Williams. Councilor Haas thought it would be to the Council's benefit to have this level of disclosure documented, stating that it would avoid inference and innuendo.

Councilor Madison said he was in favor of this proposed change—he was initially one of the seven who voted for it—and he was still in support because ethics are important to him. He explained that he ran for Council because of someone's misconduct on the Council, so he has a vested interest in bringing ethics back to the Council. He said that honestly, the proposed changes did not go far enough for him. Councilor Madison stated his belief that Councilors should disclose where their campaign funds come from. While he understood the City Clerk's office had concerns about placing more burden on their office during an election, Councilor Madison thought it might be a good idea to require Councilors to declare after they are elected. He also said Councilors should disclose any monetary or tangible gifts they receive that are potentially connected to their office.

Vice Chair Jones and the City Attorney confirmed where the proposed amendments also applied to the Mayor making the same disclosures. Vice Chair Jones continued recalling that in the past, he had mentioned that NH does not have common law marriage. Councilor Jones thought that within the definition of household, it should go beyond immediate family to include people who might be renting

rooms in the household, but he no longer thought it should. Councilor Jones wanted to revert back to more permanent household members. The City Attorney reminded the Committee of it several options to act on these proposed amendments. Chair Bosley thought that the Mayor introduced this change in part to align with the State's definition of "household member" in NH RSA 14-B:1.II. Chair Bosley thought the definition would protect against the temporary residency Vice Chair Jones mentioned. Vice Chair Jones stated that he would be comfortable including the definition of "household member" listed in NH RSA 14-B:1.II in Section #15.

Mayor Kahn agreed that he was thinking about permanent residency vs. the temporary residency. The Mayor thought that permanent residency could be defined through tax returns or voter registration. Chair Bosley thought it helped to align with the Statute and the Mayor agreed that was his purpose. Vice Chair Jones recalled that he voted against this before and in the interest of transparency, he stated that he was trying to find compromise and letting go of temporary residency was his compromise.

Chair Bosley said she heard Councilor Madison's point that on the importance of transparency. Still, she did not want to be hasty regarding campaign finances, because getting into that could lose the rest of the progress made on this Rule. She said she would be open to considering a letter on the disclosure of campaign finances if Councilor Madison introduces it to the Council as something to adopt. The City Attorney agreed because there is a NH law on campaign finance contributions to review. Chair Bosley recalled the topic arising a few times since she had been on the Council, noting some controversy, though there is a different Council now that could interpret it differently.

Chair Bosley returned to a topic Councilor Haas raised during a City Council meeting that resonated with her. Chair Bosley said she supports this disclosure because it had protected her when she had to recuse herself because of her husband's employment. She had also seen Councilors inadvertently advocate for things that made her uncomfortable to watch even if their intent was not malicious. She recalled what Councilor Haas said: it is not about what the Councilors feel they should disclose, but what the public would think they should disclose. Chair Bosley said that statement was important to her. She said Councilors are in their seats because of the grace of the constituents, so Chair Bosley thinks they have the right to ask whether what elected Councilors are doing are in the public's best interest. She had never seen it be the wrong decision for the Council to choose transparency.

Discussion ensued briefly between the Chair and City Attorney to confirm that the definition of "household member" at the very beginning of the Section—where defining a pecuniary interest or a personal interest—would state "including gain to the Councilor or household member," so that then, the definition of "household member" would include the Councilor, and the word "Councilor" would not have to be inserted individually throughout the Section.

Councilor Madison said he agreed with and appreciated Chair Bosley's and the City Attorney's statements about not moving forward with a proposal on campaign finances without comment from the City Clerk's office first.

Chair Bosley asked if there were any other proposed changes to Section #15 the Committee needed to scrutinize. The City Attorney recalled that the Mayor referenced "personal interest in an organization in which the Councilor has a substantial interest," and said that substantial interest would need a definition. The City Attorney referred to NH RSA 14-C:4-d, which outlined the six Facts & Circumstances Tending to Show Substantial Influence, which he suggested be incorporated and revised to fit the City:

- I. The person founded the organization.
- II. The person is a substantial contributor to the organization;
- III. The person's compensation is primarily based on revenues derived from activities of the

organization, or of a particular department or function of the organization, that the person controls;

IV. The person has or shares authority to control or determine a substantial portion of the organization's capital expenditures, operating budget, or compensation for employees;

V. The person manages a discrete segment or activity of the organization that represents a substantial portion of the activities, assets, income, or expenses of the organization, as compared to the organization as a whole; or

VI. The person owns a controlling interest (measured by either vote or value) in a corporation, partnership, or trust or other entity.

Chair Bosley referred to RSA 14-C:4-e, "facts and circumstances tending to show no substantial influence," and said there was a statement that a "direct supervisor of the individual does not hold a position to exercise substantial influence over the affairs of a non-governmental organization, business or person." The City Attorney clarified that for the purposes of Keene's Rule, he was only suggesting to incorporate RSA 14-C:4-d, Facts & Circumstances Tending to Show Substantial Influence. Chair Bosley agreed. Mayor Kahn also thought the City Attorney's recommendation was appropriate and said it would always depend on the discretion of the Councilor to disclose. The Mayor added that this definition of substantial interest indicates that it is more than someone being an officer in an organization, there could be many roles in which people exercise substantial influence and there were examples provided in the RSA. Chair Bosley said this was an instance of appreciating the Rules being particularly prescriptive—much like parts of the Land Development Code because it provides clear guidance for dealing with the many nuanced pecuniary and substantial interests that could arise. For example, a Councilor who is a member of an executive board for an organization for which the Council is voting to allocate community funds. She said Councilors tend to be volunteers—and in her experience very forthcoming, trying to do the right thing—so she thought this guidance would be a good thing.

Discussion ensued between the City Clerk, City Attorney, Chair Bosley, and the Mayor. It was confirmed that the intent was strike from Section #15, "Councilor, spouse, parent, or child 18 years of age or older, or other member of the Councilor's immediate family," and replace it with the definition of "household member" in NH RSA 14-B:1.II. The Statutory definition does not refer to "every child."

Chair Bosley opened the floor to public comment.

Inga Hansen of 499 Court Street said she supported adding household members because it is possible for people to live together who are not married and share expenses. She cited encountering such concerns when she was on the School Board. Ms. Hansen said she had seen Councilors who did not recuse themselves and she said it could have been because they were not married or because the relationship was a parent or sibling, but they still shared a household. She thought this clarified the issue and she appreciated the Committee's consideration.

Jared Goodell of 39 Central Square asked if this would apply to City staff or consultants advising the Council. Chair Bosley said that these Rules of Order only apply to the City Council. After watching Committee videos and reading minutes, Mr. Goodell expressed concern about these proposals given that there was already a lack of willing participants in City government. He agreed with Councilor Williams about there being a broader political climate, in which people might use access to public information about a Councilor's family inappropriately. Mr. Goodell also referred to NH case law indicating that a conflict of interest would only matter if that member casts a deciding vote, so he wondered if that made it worth this public disclosure, particularly in such a small municipality.

Vice Chair Jones noted that a NH RSA already existed before HB 1388, which only provided some wording changes. The Vice Chair said that for years, State representatives had been disclosing statements of interest, so HB 1388 is not new, and he said he thought it was good.

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

On a vote of 5–0, the Planning, Licenses & Development Committee recommends that the City Attorney present to the City Council for first reading proposed changes to Section #15 of the Rules of Order, incorporating the changes suggested by the Mayor and incorporating the revisions that the PLD Committee discussed at their meeting on November 13, 2024.

Section #17: “Motions”

The City Attorney said this proposed amendment would essentially be a housekeeping matter. He recalled Councilor Haas raising the issue that the Council had adopted the practice of accepting agenda items “as informational” without codifying it. So, this amendment to Section #17 would do so in the Table of Motions. It said, “The Mayor or Temporary Chair may receive the following incidental motions, which have no rank,” meaning the Mayor could accept an incidental motion on its face. He said this would factor into the next discussion about Section #25. Accepting an item as informational through consensus would not require a second or a vote, as had been the practice, as long as there is no challenge.

There were no public comments.

Councilor Williams asked what would happen if there was a challenge to the Chair accepting something as informational. The City Attorney replied a Councilor would need to make a motion to challenge the ruling of the Chair. There would need to be a 2nd. The debate would only be between the Councilor making the challenge and the Chair. A simple majority vote would be required.

Another option would be for the Councilor to raise a point of order and request that a motion be presented. The motion would require a 2nd, but the debate could include all of the Councilors. A simple majority vote would be required.

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

On a vote on 5–0, the Planning, Licenses & Development Committee recommends the adoption of the Rules of Order Amendment – Section 17 “Motions.”

Section #25: “Communications”

The City Attorney explained that the following was proposed to be stricken from Section #25: “Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors’ mailboxes.” Similar language to what would be stricken was then proposed to be added to Section #26 (see below). Then, the City Attorney, said the following housekeeping change was proposed to be added to Section #25: “Communications shall be accepted by the City Clerk up until 4:00 p.m on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council.”

There were no public comments.

Councilor Haas appreciated the straightforward direction of this and where it was going with Section #26 as well.

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

On a vote of 5–0, the Planning, Licenses & Development Committee recommends the adoption of the Rules of Order Amendment – Section 25 “Communications.”

Section #26: “Review of Items of Business”

The City Attorney explained that it seemed more appropriate to have this potential language in this section: “Communications requesting that the City Council consider matters that may not be germane to either the State of New Hampshire or to the City, or over which the City Council may lack the authority to take any action, shall be placed on the City Council agenda for a determination by the City Council as to whether or not to accept the communication as informational.” He said that—in a sense—this language was substantively different than the language that the Committee just recommended striking from Section #25. In the context of Section #26, when a communication is submitted to the City and the Charter Officers—City Clerk, Attorney, & Manager—and the Mayor review them, and determine that one is non-germane to the City, it would still be placed on the Council’s agenda. Then, at the Council meeting, the Mayor would have the opportunity to indicate to the Council whether or not the communication was considered not germane to the City under this Rule, and the Mayor would propose to accept the communication as informational. At that point, any Councilor(s) could make a motion as to whether the communication should be accepted as informational. If there was a majority vote, the matter would be sent to a Standing Committee for further discussion and potential action.

Chair Bosley thought this was a great way to get to the heart of what many Councilors wanted throughout this process. She recalled Councilor Madison saying that the bar of challenging the Chair was set too high at one point during this process, and Chair Bosley thought that by including the earlier language in Section #17—which would allow a motion like this to be debatable—it would give the Councilor making a motion like this the opportunity to explain their position, and then it would only require a simple majority vote. The City Attorney said that was a great summary.

Councilor Williams thought this was a significant improvement over where the amendments to this Section started. He was not happy with the previous proposal to put all communications deemed non-germane in the Councilors’ mailboxes. He said a decision of the majority of the Council felt more official. Councilor Williams suggested allowing petitioners a two-week cycle to contact their City Councilors to explain why they think the communication is germane before it is placed on the Council’s agenda.

Vice Chair Jones asked why it was necessary for something to be germane to the State of NH. As he reads the rule, if someone submitted a letter for a bridge in Portsmouth, the Council would have to address it. Chair Bosley said it could be accepted as informational. Then Vice Chair Jones asked why it listed “germane to the State of NH.” The City Attorney replied that his understanding was that the State does have issues that could involve municipal governments, so this was intended to limit the communications to City and State driven issues, not Federal. Chair Bosley thought the Vice Chair’s concern was that people could write letters in support of other municipalities. The City Attorney said that would be possible under this Rule, but it would be at the Council’s discretion whether or not to weigh in. The City Attorney said the Council’s Rules could not be drafted to account for every potential scenario.

Councilor Haas appreciated that every communication from a citizen would be agendaized and everything would be seen by the Council unless it is a personnel or legal matter. So, he thought it would be a great thing for the citizenry to be able to raise their voices on the issues that concern them, even if it is a bridge in Portsmouth. If the process gets out of control at some point, he said the

Council would deal with that too.

Councilor Madison agreed with Councilors Williams and Haas that this was a significant improvement. Councilor Madison was initially on the side of the Council not accepting non-germane issues. However, he had since received a lot of communications from his constituents saying that the Council should care about these things, and he had not received many communications saying otherwise. So, he thought this was a step in the right direction and he appreciated the City Attorney and other City staff's work on this.

Chair Bosley opened the floor to public comment.

Mayor Jay Kahn asked the City Attorney to confirm that if a Councilor wanted to put something on the floor and they were to make a motion to do so, they would need a second. The City Attorney agreed. The Mayor wanted it to be absolutely clear that it would not be a single Councilor's desire to bring something to the table. The Mayor continued, referring to the hypothetical topic mentioned of a bridge in Portsmouth, and quoted a part in the proposed language, "over which the City Council may lack the authority to take any action." The Mayor thought that provided the guidance to say there are some things within the state of New Hampshire that do not deserve the attention of the Keene City Council and could therefore be judged as informational. Mayor Kahn thought this effort was to reinforce what the Council had generally done in the past, which was to place communications on the agenda, present the suggested action to accept as informational, and then the Council would have the authority to question that judgement. He thought this was getting closer to defining that practice, which the Mayor appreciated.

Councilor Williams said he disagreed with the first point the Mayor stated, noting that with what the Committee just recommended for Section #17, he thought a motion and a second would be needed to accept something as informational. The City Attorney suggested that once a communication is on the agenda and the Mayor indicates that he wants to accept it as informational, a Councilor's motion to challenge that decision under Section #17 would require a second, and if seconded, it would then be debatable by the Councilor making the challenge and the Mayor. If the motion to challenge carries, the communication would be referred to a Standing Committee. Councilor Haas reiterated the City Attorney's explanation to confirm his understanding.

Chair Bosley provided further explanation. With this amendment, the Mayor would continue things as normal, accepting communications as informational by consensus. The City Attorney said that was key. Chair Bosley said that with this amendment, when Standing Committee Chairs do things by consensus (i.e., allowing remote participation), or the Mayor does something by consensus (i.e., accepting something as informational), any Councilor could declare that they "want to call a point of order" indicating that they do not want that item of business handled by consensus and could request that a motion be made to that effect, which gives them the space on the floor if there is a second for that motion, and then the matter would be debatable. She said that Councilors might have an immediate reaction to a communication and might vote in a way that is less informed than if they have an opportunity hear their colleagues' points of view. Whereas challenging the Chair would not be debatable except by the Councilor making the challenge and the Chair.

The City Attorney was clear that phraseology would be important in making motions to consider accepting something as informational. For example, a Councilor could say, "Mayor, as a point of order, I make a motion as to whether or not this communication should be accepted as informational." If the Council then votes as a majority to not accept the communication as informational, per the Rules of Order, the Mayor will refer the communication to the applicable Standing Committee.

Vice Chair Jones said that these amendments were much better than previous proposals for Section #26 because in the past, when challenging the decision of the Mayor to accept a communication as informational, it was not debatable by the full Council. So, the Vice Chair liked this.

Chair Bosley welcomed more public comment.

Dr. Julie Gibson of Central Square thought this would be a big step in the right direction and said she appreciated all the work and thought put into this. She thanked Councilor Madison for stressing the importance of ethics, as Dr. Gibson is an ethicist. As such, she expressed some concerns about the process that had been outlined here. She thought that “germane” was a vague word, and she hoped the Committee would clarify a few points. She posed two questions: (1) What would the process be for determining what communications are germane by both the City Clerk/Manager/Mayor and the Council; (2) Would the former group have to provide their reasoning when they flag an item as potentially non-germane, and would there be an opportunity for the petitioner to speak to why they believe it to be germane?

Dr. Gibson continued, stating that that by not being transparent in the City’s bylaws about the concept of germaneness and the individual rationale for deeming communications non-germane, she feared it would be used as a shield for topics that are difficult or uncomfortable to talk about. She urged the Committee to be guided by the City’s mission and values, citing the City’s website espousing its commitment to value everyone, obtain public input, inform the public, and continue to assess and establish priorities. As a professor of environmental studies, Dr. Gibson said she was heartened to see that the City website also promotes Keene’s commitment to reduce carbon emissions. She thought that greenhouse gasses provided a helpful metaphor for thinking about germaneness, noting that carbon emissions do not stay where they are emitted. Whatever we emit in Keene contributes to our common climate, which impacts not only us, but people around the world. She stated that there is no easy way to draw boundaries around our actions in Keene and the rest of the world, and that the same is true of our values, which are diffuse and do not stay where you put them. Dr. Gibson stated that refusing to acknowledge a relationship and responsibility to a world beyond Keene and New Hampshire is not only a moral failure both to the residents of Keene and to the world at large, but a denial of reality; one that makes no more sense than the denial of the realities of our physical atmosphere. Dr. Gibson urged the City Clerk, Mayor, City Manager, and City Council to think expansively about what is germane to Keene.

Heather Servant of Keene & Swanzey began by asking if members of the public are required to state their addresses when addressing the Council as they are asked to during public meetings. The City Attorney replied that NH RSA 91-A does not require it. Ms. Servant asked whether the City Council’s Rules of Order provide the Mayor the authority to file communications as informational once they have reached the City Council. The City Attorney explained that Robert’s Rules of Order state that bodies can act by consensus if they wish.

Ms. Servant continued her statement, summarizing the cascade of events that occurred after she said that Mayor Kahn took away the Council’s and public’s right to have an item heard on May 16, 2024. Ms. Servant recalled that a petition was submitted to the City Council signed by 94 members of the public calling for a ceasefire resolution for Palestine. At that time, the official Keene for Palestine group was not established; she said it formed organically after another event. She explained that Mayor Kahn addressed one member of their group on May 16, and told them that the Council would not be hearing their agenda item due to protocol, and he accepted it as informational. She said the group thought that if they drafted the resolution themselves, that it might make it to Committee, or give it a chance for public comment. When the petition was on the June 6, 2024 Council agenda, the Mayor again accepted it as informational without discussion, and Ms. Servant said the Mayor censored the group before they could speak, stating that it “seemed clear to me and us that you do

not hear the screams of Palestinian children while you sleep at night, and it was our responsibility to make sure that you were able to hear them too, if even only for a moment.” She said the group spoke out of turn in an assertive but calm manner, unlike other community members who had done so in not so kind ways at other times—like when sharing their opinions on the downtown renovation project—but they were not arrested. Ms. Servant was subsequently arrested and charged with disorderly conduct on June 6 for speaking out of turn at the Council meeting. She said she had to go to two court dates and seek advice of counsel, and that the ceasefire resolution was never spoken of again. She went on to speak about how her arrest impacted her 9-year-old son, who witnessed it, and is now too scared to go to City Hall or go with her to other anti-war activist activities. Ms. Servant stated that, “one man censored a group of individuals, leading to the arrest of a working-class single mother because we were fighting for innocent people’s lives.” She referred to her son’s fear and worry and asked whether that made the issue germane enough for Mayor Kahn. She called it hypocritical, as “evidenced by your admissions that this Rule never existed in the 1st place.” Ms. Servant said this all led her to one conclusion: “We deserve an apology from Mayor Khan and the members of City Council who refused to stand up to his overreach. The series of events which resulted from that were excessive and caused irreversible impacts on the lives of several Keene citizens. This can and will happen again if you allow one person’s political bias to dictate the issues that are allowed to be addressed.” She added that, “My advice to you would be to be wary of how much authority you grant to one man. The future of this country has us tumbling deeper into fascism at a faster rate. Mayor Kahn may not be my favorite person in the world, but I can only imagine what a worse man could do in his position.” Ms. Servant concluded by reminding the Council that they were elected to serve the interests of the Community and not just the person in the Chair above them.

Chair Bosley said that regarding Section #26, it felt like some authority was being given back to the Councilors in a balanced and fair way so they can stand up for things important to them and their constituents.

A motion by Vice Chair Jones to recommend the adoption of the Rules of Order Amendment – Section 26 “Review of Items of Business” was duly seconded by Councilor Madison.

Chair Bosley recognized Dr. Gibson, who asked if the Committee would consider allowing—at Council meetings—the petitioner to speak about why they think their communication is germane once there has been a motion and second by Councilors to debate why they think a communication is informational. Chair Bosley explained that outside of noticed public hearings, members of the public are not allowed to speak at City Council meetings. There is a structure, through which all public comments generally come through these Standing Committee meetings, which helps Councilors to specialize in certain parts of the process. If there is a matter of concern/importance, Chair Bosley advised Dr. Gibson and members of the public contact City Councilors. Members of the public can contact Councilors at any time, including in advance of communications appearing on agendas. Chair Bosley also said that Councilors read their agenda packets, in which their communications appear, but they cannot debate the merits with the petitioner unless that conversation is opened. So, she said emails can be sent anytime explaining perspectives or your points of view. The Chair also explained that if the Mayor accepts something as informational, a Councilor could ask for reconsideration at the following Council meeting, so that provides two weeks to follow up and communicate with Councilors about the germaneness. Dr. Gibson suggested a statement on the City Clerk’s webpage encouraging those submitting communications to indicate why their communications are germane to the City or State of NH.

Dr. Gibson also asked if the Committee would recommend requiring that the person who declares that a communication is informational—City Clerk, City Manager, City Attorney, and/or Mayor—to submit in writing why they think it is not germane and why it is informational in the Council’s agenda

packet. Chair Bosley said no, she would not support that. The Chair said that the Council accepts things as informational all the time, such as earlier in this meeting with Mr. Kost's proposal for the City to expend funds to develop Gilbo Avenue. She said that to form and submit a written explanation as to why communications are being accepted as informational would become pretty cumbersome. Dr. Gibson thought that written statements in the meeting packets indicating why items are being accepted as informational as a part of the official record would be more transparent to the democratic process. Chair Bosley said those discussions happen during the Council meetings and Dr. Gibson argued that people should have a chance to read why before the meetings.

Chair Bosley asked the City Attorney to weigh in. The City Attorney said the matter had not been decided yet. He understood the intent of Dr. Gibson's requests. Still, the City Attorney said that the reality of the Keene City Council's process is that these things would occur at publicly noticed City Council meetings. There would be a statement by the Mayor that they do not believe the matter is germane to the City. The City Attorney stated that the Rule says "germane," which he said is a defined term in the dictionaries. He advised the Committee that the process being considered would be for any Councilor to raise the point of order during a Council meeting and to debate why they think something should not be accepted as informational.

Chair Bosley asked to keep the conversation focused on the motion on the floor. She added that she thought the Committee had discussed its process, and that the Committee was ready to send this amendment to the Council for a broader discussion. Dr. Gibson said it was disappointing, and she hoped it would change in the future.

Councilor Williams said he was still not happy with the process of a Councilor basically having to challenge the Mayor and another Councilor to second that challenge. Councilor Williams said that can place a lot of pressure on a single Councilor, especially if there is not a second. He said that is unfair. It also requires the petitioner to have a relationship with some City Councilor and to convince them to stand up for them ahead of time. Councilor Williams thought that might not be treating everybody equally. He said his preference would be for the Mayor to have a vote to accept a communication as informational, and if it does not get eight affirmative votes, it would be referred to a Standing Committee. Councilor Williams did not agree with the extra step of Councilors having to object and having to have a second.

Dr. Gibson offered her own understanding of the procedural process being debated. Chair Bosley requested that Dr. Gibson take a seat and allow the Committee members to continue their discussion.

Chair Bosley noted that Councilor Williams could make an amendment. The Chair also noted the pressures associated with being City Councilors; it can be uncomfortable. She said that even though it would be hard, each Councilor would become the best version of themselves when they are the minority of a 14–1 vote and stand up for something they truly believe in. She added that sometimes silence speaks too.

A motion by Councilor Williams to amend Section 26 so that if the Mayor declares a communication as informational because it is not germane, it will go directly to a vote of the City Council as to whether or not to accept it as informational. The motion was duly seconded by Councilor Madison.

Councilor Haas asked—if this amendment was adopted—would it replace a vote by consensus, which he called a vote of silence, with an active vote. The City Attorney responded off mic. Councilor Haas stated it seemed like the Council was replacing the practice of consensus with formal motions.

The City Clerk asked if a motion would be needed before a vote. It was unclear in the Councilor's

proposed amendment as to whether a motion and a 2nd would occur before the vote. The Clerk added the Mayor cannot make a motion. While the City Attorney was considering Councilor Williams' amendment, the City Manager explained that there are other things accepted as informational that do not have to be broken down on the agenda when accepted as informational. For instance, things that are not under their Council's purview but are the Police Chief's or City Manager's by statute.

Dr. Gibson requested that she be recognized for comment. The Chair responded that the Committee was deliberating amongst itself at the moment and that she should take a seat until she is recognized.

The City Attorney provided advice to work with items that might initially be determined as non-germane under the Rule. He considered the "Communications" section on the City Council agenda. Initial language for Section #26 that the City Attorney considered was: "shall be placed on the City Council agenda for a motion by a Councilor as to whether or not the matter accepted as informational," and then a second would be required, and a debate could ensue. That would take the matter away from the Mayor. Councilor Williams said it was affirmative as the City Attorney described but it would get difficult when a Councilor would need to make a motion to "accept a communication as not informational."

Chair Bosley asked about the procedure if Councilor Williams' amendment on the floor passed. The City Attorney replied that on the Council agenda, they might build in a section under "Communications" for those accepted as non-germane. A greater discussion would be needed with the City Clerk, and this could not be implemented by the subsequent Council meeting. Due to the hour and what the Committee was trying to obtain, the City Attorney advised that he needed more time to think about these changes and the mechanics of how motions could work in this context.

Dr. Gibson noted that Councilor Williams' amendment would align with the language the Committee approved for Section #17, so it seemed like the Committee was moving toward language that made sense for consistency of the process all around.

Regarding Section #17 of the City Council's Rules of Order, Chair Bosley wanted to be very clear that the Council operates by consensus on all of the motions therein almost all of the time, and that the Mayor takes things from the table by consensus. She said it was very rare for someone to make a point of order and challenge the Mayor taking something from the table at a given meeting. Chair Bosley added that was not unusual for the Committee to adopt something as informational by consensus as a matter of practice all the time.

On a vote of 3–2, Councilor Williams' amendment to the proposed language in Section 26 passed. Chair Bosley and Councilor Jones voted in opposition. This would amend Section #26 so that if the Mayor declares a communication as informational because it is not germane, it will go directly to a vote of the City Council as to whether or not to accept it as informational.

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

On a vote of 4–1. The Planning, Licenses & Development Committee recommends that the City Attorney present to the City Council for first reading proposed changes to Section #26 of the City Council's Rules of Order, "Review of Items of Business," with respect to motions submitted by a City Councilor regarding matters that are germane or non-germane. Vice Chair Jones voted in the minority.

SECTION 17. MOTIONS.

A long or complex motion shall be reduced to writing if the Mayor or Temporary Chair so directs; or if any member of the City Council requests it. When a main motion is under debate, the Mayor or Temporary Chair may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	$\frac{2}{3}$ majority	Not debatable	Not amendable
Limit or extend debate	2nd required	$\frac{2}{3}$ majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor or Temporary Chair may receive the following incidental motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	$\frac{2}{3}$ majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Accept an item as informational	2nd required	Simple majority	Debatable	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 25. COMMUNICATIONS.

Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above ~~will~~ **shall** not be accepted by the City Clerk. Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. **Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council.** ~~Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendaized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors' mailboxes.~~



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Donations - Holiday Family Sponsorship**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to accept donations associated with the City's 2024 Holiday Sponsorship Program.

Attachments:

None

Background:

Human Services Manager Natalie Darcy addressed the committee. Ms. Darcy stated annually, the Division of Human Services contacts sponsors to provide gifts and holiday items for families and older adults. The sponsored families and older adults are clients who have received assistance from the Human Services Department within the past year. Families who receive assistance are those who have children with special needs and persons who have been struggling to make ends meet. These individuals are considered for sponsorship. The goal of the program is to provide holiday gifts, gift cards for those in need, so that they will use their own resources to maintain housing and utilities for daily living.

Ms. Darcy stated that the Human Service staff appreciate the support of the Council for this annual project and are humbled by the generosity of the community. She noted that they usually support between 250 and 300 individuals per season.

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 City Manager be authorized to accept donations associated with the City's 2024 Holiday Sponsorship Program. Councilor Remy was not present for this vote.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Cable Franchise Agreement**

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a renewal Cable Television Franchise Agreement with Spectrum Northeast, LLC.

Attachments:

None

Background:

Deputy City Manager Rebecca Landry stated this franchise agreement is with Spectrum which is a division of Charter Communications. The current agreement has expired and she noted Federal Law automatically keeps the current agreement active until it is renewed.

She noted the new agreement would be for 20 years. She noted with more and more customers moving from cable services to streaming, she was not sure if this agreement would last 20 years. At the present time Spectrum is required to provide cable services for anyone who is located within 150 feet from their existing cable system; the new agreement increases that limit to 200 feet. The cable TV system would be extended to areas where there are 20 dwelling units or more per mile. Currently the threshold is 15 units. Ms. Landry stated this is not a concern because their coverage is so good at the present time.

With reference to the franchise fee, Ms. Landry stated the City is currently at 3.5% which the is collected from Spectrum. In turn, Spectrum passes the fee on to their customers. The franchise fee supports the community access station, government programming, and provides for things such as mics, cameras, and the control room. Ms. Landry noted the franchise fee can be as high as 5%. This is not likely to change, and added the City cannot increase more than 1% in any on year.

Ms. Landry went on to say that the City does continues to have the opportunity to request an audit of the cable TV revenue. The agreement would continue to require basic cable service. The basic cable package continues to be an important option which may not show up when a customer is looking at their menu of options for cable TV, but this continues to be an option that must be available to customers. Basic cable has a very small list of channels.

The agreement would continue to provide HD format channel to replace current SD channels. Ms. Landry stated standard definition channel is what the City uses government programming and customers do complain from time to time regarding the sound or with picture quality. The City has the opportunity to change that, but it comes at a cost and it would require a special agreement with Spectrum to make that happen. This would also require the performance bond to increase from \$10,000 to \$50,000.

Ms. Landry stated at the public hearing she was asked a couple of questions which would like to answer at this time.

Spectrum currently has about 3,581 cable TV customers in Keene. This number is decreasing as people transition to streaming. The revenue the City is receiving at the present time is about \$175,000 per year, previously it was over \$200,000 a year. \$86,000 of that amount is paid to FACT TV. The City also pays for utilities and lease costs for the space used by FACT TV at the library.

Councilor Remy joined the session via zoom at 6:10 pm. He stated he is travelling for work and is in California. He is not alone in the room he was currently in. The committee had no objection to Councilor Remy joining remotely.

Attorney Mullins noted that Ms. Landry had mentioned the basic cable service a couple of times tonight and again at the public and asked for a little more background to that. Ms. Landry stated basic cable is a bare bones minimum package for the lowest cost. She wasn't sure what was included in it but it was not 200 channels.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a renewal Cable Television Franchise Agreement with Spectrum Northeast, LLC.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Jaida Carland - Concern over the Impact of Parking Ticket Rates on Small Businesses and their Employees**

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the communication Concern Over the Impact of Parking Ticket Rates on Small Businesses and their Employees be referred to the City Manager and have her bring back proposals to the Committee.

Attachments:

None

Background:

Ms. Jaida Carland was the next speaker. Ms. Carland stated she has lived in Keene for eight years and owns a business called The Gilded Main. She stated she was before the Committee tonight to bring change to the way Keene enforces parking violations and to voice some concerns with parking in general. Keene's mission statement for the Parking Division states that they are dedicated to providing safe, convenient and accessible parking. She stated her goal for starting the petition which received 300 signatures in three days, was to bring attention and change to the fact that the downtown community doesn't see the Keene parking division as a group that is keeping them safe, nor is parking convenient or accessible.

She explained the convenient part of it is that the parking garages for downtown employees for long term parking is extremely expensive, ranging from \$175 to \$350.00 per quarter. She stated we are in an economy where people are struggling to pay for rent, groceries and gas. She felt in today's economy asking people to pay \$1,400 per year for parking is difficult.

She indicated some businesses have to unload products and equipment, and the kiosks are not user friendly as you have to enter your license plate for 15 minutes, and then go back to your car, to unload. This unloading is only going to take 15 minutes. She felt the meters were a more convenient option than the kiosks.

She noted paying for tickets online is convenient, but the high price of \$4.00 for each violation makes it extremely inconvenient and not accessible for lower income citizens. She asked what this processing fee was for. She noted each violation carries a \$4.00 fee which is not usually the case with other vendors.

Ms. Carland went on to say that all other entities in Keene have the convenience of free parking but when it comes to downtown businesses they seem to be penalized repeatedly. She talked about accessibility for the elderly clients she serves who have difficulty walking long distances or who don't have access to parking apps.

With respect to safety, long term parking options are in areas where there is an increase of flagrant activities, and this is a concern especially for people who work long hours at night. There are homeless people sleeping in stairwells or in the gazebo. She did not feel Keene was taking downtown businesses into account with respect to safety.

She felt visitors are less eager to come to downtown Keene because of parking enforcement. Once reconstruction starts they would be even less likely to come downtown if change doesn't occur. She felt this is an issue that needs continued conversation and parking needs to be fair for all parties involved. She agreed parking enforcement needs to happen to keep the community moving forward but the way it's being addressed today does not seem ok.

Ms. Carland stated she has taken the liberty of contacting surrounding towns and cities to see what their parking enforcement practices are. They all had one thing in common and that is they offer downtown employee parking programs. She indicated she talked to representatives from Portsmouth NH, Portland, ME, Burlington, VT and Durham, NH.

Portsmouth NH has designated parking programs for employees at a lower cost in different zones. For downtown employees, it is \$3 per session and the sessions go all the way up to 10 hours – this is per day.

In Portland, ME, residential and downtown businesses have a sticker program where you pay for a sticker. Businesses can park for eight hours.

Portland, ME the same parking ticket fees that Keene has at \$15 per ticket.

Burlington, VT has free business owners and employee parking in garages.

Durham gives out 200 yearly parking passes for multiple designated parking areas. This concluded Ms. Carland's comments.

The Chair asked staff to respond to comments that were just made.

Deputy City Manager, Rebecca Landry addressed the Committee. With respect to the processing fees for credit cards they go to the credit card processing entity the City has no control over that fee and none of the fee comes to the City.

Dorrie Masten of 326 Matthews Road Swanzey who is also a downtown business owner addressed the committee next. Ms. Masten stated the notice regarding the meeting did not give her sufficient time to notify other tenants who are also having issues with parking. She asked if this item could be put on more time to give others an opportunity to attend the meeting. Ms. Masten stated she does not want the parking that is available to businesses to be taken away, however, it is unsafe. She indicated the task of Keene Police each morning is to move people out of these parking areas before customers arrive. She indicated what they are experiencing with individuals using these lots is getting bad. She indicated the issues are not just in parking garages but also in parking lots. She stated she has photographs of people sleeping in her dumpster. Ms. Masten stated the downtown is getting dangerous and issues need to be addressed.

She stated not only does the issue with parking and fines need to be addressed but the available parking must become safer.

She added the downtown reconstruction is going to have an impact on downtown businesses and suggested a meeting with the local businesses to figure out how parking is going to be addressed during this construction period. Perhaps at a discounted rate with parking in the City lots being available as an option for downtown business owners.

Ms. Masten expressed her appreciation to Ms. Carland for all the work she has put into this issue.

City Manager Elizabeth Dragon addressed the committee and stated a parking program for both residents and employees is a good idea and while the City is moving forward with the downtown project, she felt it was a probably a good time to revamp the parking system for both employees and residents.

Ms. Dragon added another thing that was in the strategic parking plan was an evaluation of enforcement, and this is something staff will be addressing again. It has been recommended for several years that enforcement of parking go into the evening because that is when the majority of people are parking. She added the City is also looking at neighborhood parking programs as well.

Councilor Chadbourne complimented Ms. Carland for the amount of work she had put into this issue and is happy to hear from the City Manager that the City is already working on a parking program.

Ms. Carland stated adding evening enforcement is opposite of what she is trying to accomplish here. She felt the tickets are already too high. She indicated there are three officers at times within a mile radius who have access to apps that tell them when meters have run out and she felt there is no community connection with these officers. She noted there is one individual who does make an effort to connect with business owners. She stated she understands issues the parking division has faced in the past, but she felt at some point there has to be a connection made between the parking division and downtown business owners/residents.

She felt if things don't get better more and more businesses will be moving away from downtown and she plans on doing the same.

The Manager stated the City has some great people working in the parking department and they have made a lot of strides over the last few years with Mr. Kopczynski overseeing that division and now with Rebecca Landry. She stated it is never fun to give out a ticket, but she felt they have made a lot of efforts to be more engaging. She agreed there is a lot more the City can do in terms of looking at the parking system as a whole. The reason the hours of parking enforcement is currently being discussed is because the Council created a change in the parking ordinance that now allows on street parking which was put in place for the residents who live downtown to park overnight. As a result, we are now getting residents parking in front of businesses. She stated these are all conversations that need to happen to strike a balance that works for everyone.

The Chair noted the real underlying principle of parking is to turn over the activity in the downtown. He felt you cannot park in the same spot all day and expect customers are going to be able to park; balancing this becomes a challenge.

Councilor Roberts stated the part that concerns him is safety. He talked about the bike path that leads toward Whitney Brothers where trees were taken down to prevent homeless people from sleeping in these areas. He agreed more people are living in the parking garages. He stated whether

we agree or not the homeless issue is getting worse due to a variety of reasons. He agreed if people don't feel safe, they won't visit the downtown. He stated safety is his number one concern.

Councilor Lake stated some sort of employee parking program or some parking program for the citizenry makes sense to him. He asked what timeline staff had in mind; whether it will be done individually or as an overall issues. The Manager stated the Council has already been seeing options individually, the first one was the overnight parking in the downtown to accommodate residents in the winter. In the past, beginning on November 1st, everyone would need to move off the streets at by 2:00 AM but now the parking limitations are triggered by snow emergencies.. This was first ordinance change that was requested and put through the system.

Staff is working on a couple more items coming through the system. One Ordinance addresses summertime because there are sections of the Code that doesn't allow overnight parking in the summer.

Another Ordinance addresses Juneteenth, which was something the Council wanted to address.

The Manager added the revenue that is generated from the parking system itself is actually what pays for the garages and pays for enforcement. The parking division is entirely paid for by the fees and fines received as part of the parking system.

Councilor Chadbourne asked whether this revenue also pays for employees' wages. The Manager stated it pays parking enforcement for all parking related activities including maintenance.

The Manager added two years ago the Council reviewed fines and fees and this is because the fund was not supporting itself and there needed to be an adjustment. Unfortunately, what has happened in the past is the City has gone long periods of time without making adjustments and then when an adjustments are made it is for a larger percentage adjustment; instead of making periodic smaller adjustments.

The Chair clarified the parking fund is a non-tax item, it is outside the tax rate and it is self-sustaining to maintain the parking areas.

Councilor Chadbourne stated Keene is going through growing pains and we are starting to see the things that bigger cities are experiencing with crime, drugs etc. We are growing and changing and trying to adapt. The Councilor recalled years ago something similar was happening at the Commercial Street parking lot and Gina Hamblet, who owned a couple of buildings came to the City with concerns about safety. She stated the City addressed those issues and recalled one of the solutions was adding more lighting.

The Manager stated the homeless situation is creating a variety of issues, parking garages is one of those issues. As the City grows the homeless issue is also growing. She added the manner in which the State manages homelessness is they call municipalities through 211 and if there is a vacant bed, individuals are sent to that town or City if that municipality is accepting money from the State for their shelter. She added we can add more beds and try to get people to come in but this would result in more homeless people coming to the City from everywhere. She stated until the State fixes the way they address homelessness, it is going to be really difficult for Keene to manage this issue.

The Manager went on to say, the last couple of years, the City has been addressing encampments. The encampment behind Hannafords was only recently cleaned up which caused the City to spend money to house these individuals.

She stated this however, is not going to eliminate people from finding different places to relocate. This is a very complex issue and the City will have to continue to work on.

She noted the neighborhood next to 100 Nights was concerned of the same things because of increased activity on the trail and increased activity in that neighborhood in general. They have been talking with the City and with the shelter about ways to address these concerns.

The Manager added changes were made to the State Law with the help of Senator Fenton a year ago which now allows the City to bill other communities that are sending their residents to Keene. The City has asked Senator Fenton to put forward another Bill this year to work with other welfare offices in the State and to see how they are managing welfare and denying their applications. She stated the City has to keep finding ways to address these issues and it is going to be a long time before we make significant progress. She stated the City needs more help at the State level to address the homeless issue.

Councilor Chadbourne stated there is planning and conversations going on, but asked if there is something that can be done immediately so that business owners can feel safer. The Manager stated they will take a look at lighting, but unfortunately, she cannot say she will be able to send the police to these location more often because the City is short between eight to nine officers at the present time. The City has done a variety of things to recruit new police officers; offering competitive wages, bonuses –but it is still very difficult to recruit police officers in general. She added policing is not going to be able to solve this entirely, but she stated the City will try and increase directed patrols but did not want to provide a false expectation that this is going to address this issue as the City does not have the capacity to do it as often as we need to.

Ms. Carland stated there are ways the City could address safety by permitting business owner parking closer to the businesses (side streets – Winter and Court Street areas). She added turnover in the downtown is not happening as we are in an economy that dates back to 2019.

Since, Covid the downtown has slowed down especially with the enforcement officials handing out citations aggressively. She also noted that she hoped the five-day notice she was provided about this meeting was not intentional to prevent other business owners to be able to attend.

The Chair clarified from staff the City has renovated several parking garages and have tripled the lighting in those areas. The Chair also noted some of the areas we are discussing today is on private property and the City only has a certain amount of leeway to address issues in these areas. He stated the concerns raised are valid and they will be looked at.

Ms. Landry thanked Ms. Carland for the work she has put into this item and stated she understands walking downtown when it is late. She explained how the app works – she stated the technology required to know from the app whose payment has expired is very expensive and the City does not have that technology. Until the officer looks up a license plate they don't know if it has expired or not. As far as meters, the coin operated ones are not available anymore. She asked the public and the Council to ask a lot of questions before making any decisions about parking as a change to parking has a domino effect. At the present time, the City is trying to figure out how much revenue will be lost by not giving out tickets during the winter months. There are communities that provide free or low-cost parking to employees and residents – this is not free as it would impact property taxes. Property taxpayers will be paying to support and maintain parking downtown.

Ms. Carland noted to human errors made on the app such a switching a number in a hurry causing a ticket to be issued. Ms. Landry responded by saying parking officials are good about working with citizens when an issue like that comes up. She stated if someone has paid for parking but entered

something incorrectly and got a ticket, the City would want to know about this.

Ms. Casey Meyerrose one of the owners of Lucas Mediterranean Cafe addressed the Committee next. She stated she appreciates the City working on solutions for parking and noted she leases property from the City and originally her parking spot was included in her lease (two through the City and one from Keene Housing). This is no longer the case even though she still has a lease through the City and has been trying to work with the parking division on this.

Ms. Meyerrose stated she has experience living in big cities and dealing with City parking. In every situation as a business owner or employee of a downtown business, there is almost always some sort of reduced parking program that is offered. She stated she employs single parents, individuals with disabilities, younger people and noted restaurants schedules can be difficult to manage. She felt extending parking tickets into the night would be extremely detrimental to this industry. Servers make between \$3.27 an hour to \$7.00 an hour, and survive mostly on tips. She noted the restaurant industry was hit hard during Covid and is still struggling. She talked about the issue of servers not being able to get to a meter because of work issues and being ticketed but the parking office refusing to consider such incidents.

Ms. Meyerrose stated the City needs figure out what works for business owners, what works for employees and keeps the parking division going. She stated she agrees there needs to be turnover with parking. However, there are not too many areas in the downtown where employees can park and go to that space at 11 pm safely with a large sum of cash. She stated for her safety is the first thing that needs to be addressed.

Ms. Masten addressed the Committee again and stated making the parking that is currently available safe is her first issue and encouraged the City to pay higher wages to attract more police and fire personnel.

Councilor Chadbourne stated staff and the Council have been working a lot on the police officer shortage and added this a nationwide trend.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the communication Concern Over the Impact of Parking Ticket Rates on Small Businesses and their Employees be referred to the Manager and have her bring back proposals to the committee.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Release of Non-Public Minutes - Council Policy

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council amend its previously adopted policy on the release of non-public minutes to satisfy the statutory obligation under RSA 91-A to review previously adopted non-public minutes for a determination as to whether the circumstances for sealing the non-public minutes no longer apply, and that such review and determination of the release occur annually in January of the tenth year from the year in which the non-public minutes were sealed.

Attachments:

None

Background:

City Attorney Tom Mullins addressed the Committee and began by saying in 2013 there was statutory change to RSA 91-A that laid out two paths for municipalities to review and release nonpublic minutes. One path is if there is a policy in place and the municipality follows the policy. The second path is if there is no policy in place then you follow the statutory requirement which is, as is stated: review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. The City decided to put in place a hybrid version – rather than rely just on the statutory language. The City had a policy in place with respect to the review of the minutes in this 10 year period. But the policy also provided a more recent review of non-public minutes be subject to release. What was discovered is when dealing with non-public matters, sometimes the non-public minutes can contain pretty relevant information, which is the reason you are in a non-public session. However, the underlying reason for the non-public session may or may not be still valid. The issue with releasing the minutes is that it could also include information that shouldn't be released, and sometimes it can be hard to make that determination.

What staff is proposing this evening is to revisit the policy and to state that in January of every year staff will place the review to the City Council minutes from the 10 years prior. The attorney noted there are some nuances in the statute, even though the City would like to have this policy in place, there may be times when staff would have to come to the City Council and indicate a set of minutes should be released sooner than 10 years, but the general policy would be that 10 year period at this point.

City Clerk Patty Little stated how she envisions this happening, at a council they will be presented with a series of minutes (in 2025 it will be minutes from 2015 in printed form). Staff will be looking to the attorney to give his perspective on whether they need to be retained or released, and staff will be looking for the Council to take positions on those. She stated this will be an organized and efficient process. She encouraged Councilors not to be curious and inquire about the background of a particular subject contained in a set of nonpublic minutes.

Ms. Little added, in addition she encouraged the City to continue to look for a legislative change because bringing these things to the governing body is difficult. It is time consuming and it would be far more efficient if this was an administrative decision to release. Staff has brought this issue to the Senator Fenton in hopes that he can introduce an LSR.

Councilor Remy stated the only concern he has with the timeline as described is that every other January there is the potential for having brand new councilors coming on board who will have to figure out in their first or second meeting what this means.

Chair Powers asked whether these minutes need to be in paper format and whether they could not be automated. Ms. Little stated it is risky to have them automated and indicated every time staff tries to use SharePoint in this room, there is always a Councilor who loses the online access.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council amend its previously adopted policy on the release of non-public minutes to satisfy the statutory obligation under RSA 91-A to review previously adopted non-public minutes for a determination as to whether the circumstances for sealing the non-public minutes no longer apply, and that such review and determination of the release occur annually in January of the tenth year from the year in which the non-public minutes were sealed.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Keene Transfer Station Contract for Transportation and Disposal

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute a contract with Waste Management New Hampshire (WMNH) to provide transportation and disposal services for refuse received at the Keene Transfer Station for a period of five (5) years with options to renew for additional years beginning January 1, 2025.

Attachments:

None

Background:

Assistant Public Works Director Duncan Watson stated he was before the Committee to discuss the RFP that was issued back in September - RFP 02-25-05, which was for transportation and disposal of waste from the City's transfer station. Mr. Watson noted the transfer station is currently under reconstruction from the fire damage it incurred in April.

He indicated once the transfer station is back in operation in January of next year, the plan is to negotiate a contract with Waste Management which is the entity the City has been doing business with for 17 years. Staff believes they could enter into negotiation and start a new agreement with Waste Management to haul and dispose of trash.

Councilor Remy asked how many bids were received. Mr. Watson stated they received one bid and indicated the reason for this is because the other entities he thought would bid have their own transfer station.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute a contract with Waste Management New Hampshire (WMNH) to provide transportation and disposal services for refuse received at the Keene Transfer Station for a period of five (5) years with options to renew for additional years beginning January 1, 2025.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **2025 Flyover and City Base Map Update Project - Bid Award Recommendation**

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with the selected firm, Kucera International Inc. for their professional services; and should negotiations fail, allow for negotiations with the next highest ranked firms in order.

Attachments:

None

Background:

GIS Coordinator Will Schoefmann was the next to address the committee. Mr. Schoefmann stated he was before the Committee asking for a favorable motion regarding the selection team's recommendation for a firm to conduct the City's 2025 fly over for updates to the City base mapping for the GIS system.

He indicated the City received three bids on its RFP and the selection committee is recommending offering the contract to Kucera International Inc. Mr. Schoefmann stated this entity conducted the previous fly over for the City in 2020 and the City found them to be fiscally responsible and met all of the criteria the City was looking for.

Councilor Lake asked Mr. Schoefmann to provide a quick overview of some of the alternatives included in the RFP. Mr. Schoefmann stated to have an exact comparison which doesn't always work out; the bid alternatives get confusing because the firms like to respond in their own manner. The base bid was for 100 scale mapping which the City currently has. This proposal would increase that with some accuracy levels on the planometric features which are things like buildings, roadways, and other such features. For Wetlands, Infrared, Lidar/Slope and hill shade the City has a model that it uses.

He indicated the one item that the City did not get previously, but are intending to with this proposal is to increase the level of its capabilities with 3D GIS, by adding that with the downtown and airport. The airport has many lease areas and there are many changes going on in the downtown.

Chair Powers asked for the price of the contract. Mr. Schoefmann stated at the present time with everything included it is approximately \$90,000. The City has funding available through the CIP is for \$150,000 which has been allocated. He added some of the 3D modeling that the City is interested might cost a little more, but staff has a directive not to exceed that budgeted amount.

Councilor Chadbourne noted one year on the assessing site they had everything such as water lines, fences in great detail etc, and asked whether this falls under planometrics. Mr. Schoefmann answered in the affirmative. The Councilor stated this is an expensive project, but she felt it was a worthy tool to have.

Councilor Lake asked whether the City expects to see any other costs outside of the \$90,000 estimate and asked whether the 3D modeling would be at an extra cost. Mr. Schoefmann stated the only additional cost would be staff time. With respect to 3D modeling, the City would get something that is 3D GIS in the form of Lidar Point Cloud, but there might be gaps in this because of how the collection occurs. However, for the true 3D view there is no estimate yet but the Manager would need authorization to negotiate that additional contract. The plan is to keep it within the budgeted \$105,000.

The Chair asked how often this work is done. Mr. Schoefmann stated the complete mapping project is done every ten years but there is interim project for imagery update and limited planometric which alternates every five years.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with the selected firm, Kucera International Inc. for their professional services; and should negotiations fail, allow for negotiations with the next highest ranked firms in order.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Tax Deeds for Unpaid 2021 Property Taxes

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that it would be contrary to the public interest to take the following properties by tax deed at this time, and that tax deed waivers be granted for the properties, including 31 Oriole Avenue and continuing as follows predicated upon further recommendations to the City Council after final review of the payment status of each account.

Owner	Address	Map & Lot
BALDWIN JUSTIN W	796 COURT ST C	219002000009073
BEMIS VIRGINIA E	23 MINERVA LN	240008000000000
ESTATE OF AND HEI		
BERGERON DONALD J	229 CHURCH ST	573065000000000
REV TRUST		
BERMUDEZ BRENDA L	39 SCHULT ST	242008000239000
COLBY RICHARD L	18 BLUE JAY CT	219001000117000
DAHOO DOUGLAS M	3 SPARROW ST	219001000105000
FISH NINA	139 CARROLL ST	536045000000000
HANNON LISA	53 STARLING ST	219001000366000
HARPER RICHARD A	27 MINERVA LN	240007000000000
HARPER RICHARD A	38 KELLEHER ST	594020000000000
KARANKO LAWRENCE E	26 STARLING ST	219001000327000
KRAUSS ROBERT R	244 BASE HILL RD	247004000000000
LACLAIR MICHAEL D	50 HILLTOP DR	503025000000000
LATHERS JOEL M	305 ROXBURY ST	570039000000000
LORTIE LEONARD M	163 ISLAND ST	592025000000000
MALONEY EDWARD J	26 ORIOLE AVE	219001000016000
MORAN MARYANN E	21 SPARROW ST	219001000094000
NELSON JAMES A	34 BLUE JAY CT	219001000131000
OLLIKKALA GLENDA M	14 SCHULT ST	242008000214000
PATNAUDE DENA R	115 WOODBURN ST	537014000000000
ROSE AMY	19 BRANCH RD	240022000000000
WILLIAMS DEBRA J	17 CHICKADEE CT	219001000249000
WINSLOW DAWN C	20 WINCHESTER CT	592006000000000

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the execution of tax deeds for the following properties excluding 31 Oriole Avenue:

CHAFFEE WILLIAM	703 MARLBORO RD	248023000000000
MOLA GINO CHARLES	1 SCHULT ST	242008000201000
PATNAUDE MICHAEL S	717 MARLBORO RD	248005000000000
WILLIS DANIEL	31 ORIOLE AVE	219001000019000
SWEENEY EDWARD C III	0 APOLLO AVE	509020000000000

Attachments:

None

Background:

Finance Director Merri Howe began by introducing Karen Bell Revenue Collector. Ms. Howe stated Ms. Bell and Maria Castellano have put a lot of work into this project.

The Manager noted the Committee’s packet has a few different categories, because for some of these the City is requesting tax deed waivers, but the revenue collection department has been successful in making payment arrangements for certain properties. Approval is needed from Council to not move forward with tax deeds on these properties.

The second category is for four properties being recommended for tax deeds.

Property located at 31 Oriole Avenue will move up to tax deed waiver portion of the memorandum.

There is a third category of properties that are currently in bankruptcy that don’t require a motion of the Council, because legally we cannot move forward while they are in bankruptcy with tax deeding. The Manager commended staff on their work.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that it would be contrary to the public interest to take the following properties by tax deed at this time, and that tax deed waivers be granted for the properties, including 31 Oriole Avenue and continuing as follows predicated upon further recommendations to the City Council after final review of the payment status of each account.

BALDWIN JUSTIN W	796 COURT ST C	219002000009073
BEMIS VIRGINIA E ESTATE OF AND HEI	23 MINERVA LN	240008000000000
BERGERON DONALD J REV TRUST	229 CHURCH ST	573065000000000
BERMUDEZ BRENDA L	39 SCHULT ST	242008000239000
COLBY RICHARD L	18 BLUE JAY CT	219001000117000
DAHOOD DOUGLAS M	3 SPARROW ST	219001000105000
FISH NINA	139 CARROLL ST	536045000000000
HANNON LISA	53 STARLING ST	219001000366000
HARPER RICHARD A	27 MINERVA LN	240007000000000
HARPER RICHARD A	38 KELLEHER ST	594020000000000
KARANKO LAWRENCE E	26 STARLING ST	219001000327000
KRAUSS ROBERT R	244 BASE HILL RD	247004000000000
LACLAIR MICHAEL D	50 HILLTOP DR	503025000000000
LATHERS JOEL M	305 ROXBURY ST	570039000000000

LORTIE LEONARD M	163 ISLAND ST	592025000000000
MALONEY EDWARD J	26 ORIOLE AVE	219001000016000
MORAN MARYANN E	21 SPARROW ST	219001000094000
NELSON JAMES A	34 BLUE JAY CT	219001000131000
OLLIKKALA GLENDA M	14 SCHULT ST	242008000214000
PATNAUDE DENA R	115 WOODBURN ST	537014000000000
ROSE AMY	19 BRANCH RD	240022000000000
WILLIAMS DEBRA J	17 CHICKADEE CT	219001000249000
WINSLOW DAWN C	20 WINCHESTER CT	592006000000000

Councilor Chadbourne made the following motion, which was seconded by Councilor Lake. On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the execution of tax deeds for the following properties excluding 31 Oriole Avenue:

CHAFFEE WILLIAM	703 MARLBORO RD	248023000000000
MOLA GINO CHARLES	1 SCHULT ST	242008000201000
PATNAUDE MICHAEL S	717 MARLBORO RD	248005000000000
WILLIS DANIEL	31 ORIOLE AVE	219001000019000
SWEENEY EDWARD C III	0 APOLLO AVE	509020000000000



ITEM #F.1.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations - Finance Director**

Recommendation:

Move that the City Council accept the donation of coffee valued at \$225 from BrewBakers Café and the City Manager be authorized to use the donation for the Holiday Luncheon.

Attachments:

None

Background:

The Holiday Luncheon is committee is comprised of 5 City of Keene employees that fund raise and host the Holiday Luncheon for the City of Keene Employees. This year the event will take place on December 12, 2024 at the Blastos Room. With limited resources, the committee is grateful for donations it receives.



ITEM #G.1.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through:
Subject: **Recommendations Regarding Invasive Species Education and Management - Conservation Commission**

Recommendation:

To refer the Conservation Commission's letter to the Municipal Services, Facilities and Infrastructure Committee for further discussion and consideration.

Attachments:

1. Invasive Species Letter to City Council - November 2024

Background:

The Conservation Commission has been discussing the issue of invasive plant species and how to better manage them for several months. At their meeting on November 18, the Commission voted unanimously to send the attached letter, which contains recommendations for the City regarding invasive species education and management, to City Council.

Mayor Kahn and City Councilors,

Keene's Conservation Commission would like to bring a matter of great, long-term importance to your attention.

As the climate warms and pressures on native vegetation increase, we are seeing a drastic increase in the abundance of invasive species. These species, such as Norway Maples, Japanese Knotweed, and Glossy Buckthorn, to name just a few, are outcompeting native species and are increasingly dominating local ecosystems. Invasive species generally have few or no local ecological checks in the region they are dominating and, given enough time, will eventually push native vegetation, insect, and wildlife populations to local and even, in some cases, total extinction. Many invasive species, particularly Japanese Knotweed, can and do cause significant infrastructure damage. Finally, a number of invasive species known to be in the region, such as wild chervil and parsnip, are quite harmful to humans, with the potential to cause second-degree burns and rashes.

That's the bad news. The good news is that if we, as a city, commit to working together toward a solution, then we can save much of the native vegetation (and the wildlife that depends on it) that makes Keene the wonderful place we all know and love. The Conservation Commission would like to urge the City Council to act with urgency to combat this growing problem. Below, we have included a number of recommendations, and as always, we stand ready to assist the city in any way possible.

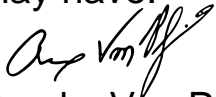
Recommendations:

1. The city should have a single point of contact (POC) for invasive species control, an Invasive Species Warden if you will. Having a POC will alleviate much of the frustration that we are seeing with regard to dealing with invasive species on public property. We understand that this is a potentially big job and may require additional resources to implement; however, we feel that a consistent and available POC is worth it.
2. The city should educate and enlist the public. Keene has a vast number of gardeners and horticulturists (and would-be gardeners and horticulturists) who will be a great asset in the fight against invasive species. The problem they run into is that frequently they

are unsure about if/when/where they are allowed to help. If we can create a single, simple set of guidelines and then, for lack of a better word, deputize people to act we can greatly reduce the resources necessary to address the problem.

3. Any contract involving city land should call for the use of native species and the requirement that any invasive species that contractors/employees come in contact with should be removed.
4. We should plan and implement an education program for **both** staff and volunteers. The difference this can make cannot be overstated. Teaching people how and when to attack particular invasive species is the ounce of prevention that can save us the pound of cure.

We appreciate that dealing with invasive species is a big undertaking, but we believe that it is not only worth doing now but it will also only get more expensive to deal with later. Thank you for your time, and please feel free to contact us with any questions, suggestions, or concerns you may have.



Sparky Von Plinsky
Chair, Keene Conservation Commission



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through:
Subject: **Sign Code Modifications Requested by Mayor Kahn - Joint Planning Board and Planning, Licenses and Development Committee**

Recommendation:

A motion was made by Councilor Phil Jones that the Joint Committee send the item regarding Sign Code Modifications back to City Council. The motion was seconded by Councilor Kate Bosley and was unanimously approved by roll call vote.

Attachments:

1. Communication_Kahn_Blade Signs

Background:

The Joint Planning Board and PLD Committee received a referral from City Council regarding a letter from Mayor Kahn that requested a change to the sign code. The Joint Committee briefly discussed this item at their meeting on November 12; however, on the advice of the City Attorney they decided to send this item back to City Council so it can go through the process detailed in the Land Development Code (Chapter 100 of the City Code of Ordinances) for a proposed amendment to the zoning ordinance. Included below is an excerpt from the draft minutes of meeting where this item was discussed.

"Potential Sign Code Modifications

Ms. Brunner stated in discussing this with the City Attorney, he advised that this committee does not have jurisdiction over this item yet because it was submitted as a letter requesting an ordinance. The way it is laid out in the regulations is that an ordinance has to be submitted and go to City Council for first reading before it comes to this public body. He recommended that the item go back to City Council and go through the process outlined in the LDC.

A motion was made by Councilor Phil Jones that the Joint Committee send the item regarding Sign Code Modifications back to City Council. The motion was seconded by Councilor Kate Bosley and was unanimously approved by roll call vote."



September 30, 2024

Dear Councilors,

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

Sincerely,

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

Jay Kahn
Mayor

Cc: City Manager Dragon
City Attorney Mullins
City Clerk Little



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.3.

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Nicole Howe, Executive Secretary
Through:
Subject: **Resignation - Partner City Committee**

Recommendation:

That the resignation of Gregory Kleiner from the Partner City Committee be accepted with regret and appreciation for service.

Attachments:

1. Resignation_Kleiner

Background:

Mr. Kleiner has tendered his resignation from the Partner City Committee. He has served on the Board as a regular member since May 20, 2021.

November 8th, 2024

To Whom It May Concern:

Due to a changing work schedule, it has unfortunately become necessary to resign from the Partner City Committee. I have enjoyed my time thoroughly over the years and wish the Committee well in its future endeavors.

Sincerely,

Gregory Kleiner



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Licenses and Permits
Ordinance O-2024-18**

Recommendation:

On a vote of 5–0, the Planning, Licenses & Development Committee recommends placing Ordinance O-2024-18 on more time.

Attachments:

None

Background:

Chair Bosley welcomed the Deputy City Clerk, Terri Hood, to discuss amendments to Ordinance O-2024-18, the Licensing chapter, to acknowledge the upcoming downtown infrastructure project. Ms. Hood explained that a lot of Sidewalk Café licenses downtown would be impacted by this project and—rather than suspending licenses or not giving good direction to people that are going to be affected—this would be a way for the City, at the Public Works Director’s discretion, to not accept applications in areas that will be impacted by a City construction project. This coming year construction would focus on Central Square and a portion of Main Street on both sides. The propose Ordinance would allow staff to not accept applications for long-term uses of City property in these impacted areas. This would be separate from short-term events, for which Ms. Hood worked with Public Works and the Police Department to put in place an alternate footprint to offer to anyone who applies for Community Event funding or anyone that comes in looking to do a downtown event (that footprint had not yet been finalized but would be ready within two weeks after this meeting; Gilbo Avenue, Railroad Square, and the area bisecting Main Street). Staff hoped to implement this longer-term Ordinance for next year’s licenses that would only affect the ones within the area impacted by construction.

Don Lussier, the Public Works Director, agreed. He said the City would be doing its best to accommodate events in different locations during the downtown construction. He thought the Jumanji event earlier in the meeting was a more location-specific. Mr. Lussier said this amendment developed because of the downtown project, but explained that it would potentially affect other licenses. For example, he said that if there was paving on Wilson Street this could impact Brewbakers’ Sidewalk Café license. He showed a graphic from a presentation given to residents and business owners in June about phasing and managing construction for this project to demonstrate that every area used for these Sidewalk Cafés is going to be disrupted. However, there will be sub-phases in the

construction. For example, not all parking can be taken from Central Square at once; the block in front of City Hall would be disturbed first, then the block in front of the church, etc. Every few weeks, the traffic pattern and this active work area would change. During that first phase, the sidewalk that was already torn up would not be poured right away but be left with a gravel surface until a larger portion of the project gets ready for the contractor. This means there would not be a nice smooth surface to put Sidewalk Café tables on. There would also be temporary water service run along the buildings and temporary ramps into buildings to contend with. Mr. Lussier did not think it would be practical to have licenses, on again and off again throughout the season. So, staff's recommendation was to eliminate those Sidewalk Café licenses for the duration of that project season, and then the next year, a different group of sidewalk café licensees would be impacted. The City Manager clarified something that was not clear to her to start. Vendors would not lose their licenses throughout the project; once their phase of the project (i.e., Central Square, Gilbo Avenue/Railroad Square, or Main Street) is repaved, they would get their license back.

Chair Bosley asked the downtime for Central Square. Mr. Lussier replied that the best-case scenario would be one construction season, which begins April 15–May 15 and ends between Thanksgiving/early December. Chair Bosley asked if all the Central Square sidewalks would be gravel that whole time. Mr. Lussier explained the long-term process throughout the season, with the gravel sidewalks suitable enough for walking and mobility devices, but not finished because of cost management. Chair Bosley said she had been hopeful that staff would be optimistic about giving these licenses back potentially in the same year if it was at all possible to capture any of that Sidewalk Café season. Mr. Lussier replied that he is an optimist by nature, but he preferred to have those specific downtown merchants prepare to not have outdoor dining in 2025.

With this change, Chair Bosley asked if past license holders should still submit applications for the season. Ms. Hood said the language very specifically stated that the City Clerk's office shall not accept applications to avoid people applying and then either being denied or having their license suspended; it is much easier to not issue anything at all than it is to revoke something or suspend something. The Clerk's office was planning to do a lot of outreach to ensure those affected would be prepared for the duration of impact and to ensure good communication. Ms. Hood added that while it was doubtful that construction would be finished by the end of August, if it was and Mr. Lussier said conditions were suitable enough, the Clerks could consider issuing end-of-season licenses. Mr. Lussier agreed, saying this had been an ongoing conversation between his office and the Clerk's Office about the basis for not issuing these licenses next year during construction, and he said this option would provide the City the ability to say that for this project and the public need, these licenses need to be curtailed for this construction season.

Vice Chair Jones referred to the proposed amendment and that it did not refer specifically to this coming construction season, which seemed different than what the Public Works Director had just described. Mr. Lussier replied that there would probably be few projects as disruptive as this one would be, but he said staff had discussed that any time work is needed on a right-of-way, the City would need to tell an establishment to move their Sidewalk Café. This Ordinance would provide that authority and give staff the tools to remove and limit those licenses for a period of time for a particular public need. Vice Chair Jones provided the example of Pathways for Keene using Railroad Square to stage the beginning/end of their annual Road Race, with 700–800 people. He asked how the City would be working with those events to move them somewhere else. Mr. Lussier said that staff were working out alternative footprints for the events that happen within the Phase 1 area in 2025 and would do the same for the subsequent two phases. In short, Mr. Lussier said that yes, the City would remain committed to finding a way for Pathways and the other City Events.

Councilor Madison asked how the City handled it in the past when a construction project impacted a license. Mr. Lussier and Ms. Hood could not think of one so significant during their tenures that had

forced a licensee to not be able to set up. Councilor Madison thought it might have been when the sidewalk was reconstructed on the West Street side of Central Square in what he thought was 2017/2018, but Mr. Lussier was unsure on that year and said the prevalence of outdoor dining increased significantly during and after Covid. Councilor Madison was referring to a project in which the Pour House owner wanted to pay for a new patio and the City wanted to pay for it. Mr. Lussier said City staff did that work within a few days, a much smaller disruption. Ms. Hood did not recall having any conversation about the licenses in that area at that time, but she thought it was understood that for those few days they could not set up.

Councilor Madison asked how this would affect major events? Mr. Lussier replied that a lot of the community events that happen in Central Square and that northern end of Main Street would be located closer to Railroad Square/Gilboa Avenue, possibly using the Commercial Street or Gilbo Avenue parking lots. Chair Bosley asked if staff had started conversations with some of the earlier festivals. Ms. Hood said no, but that this was timely because staff would be sending out the applications for Community Event funding in early December and wanted to make sure there was an alternative plan that they could consider when filling out that application.

Councilor Haas said the Ordinance seemed open ended and seemed it could refer to any City construction project anywhere in the City that would impact licenses, and it seemed to him that there should be some kind of duration. He also wondered if it should be open-ended to any construction project; active ones, those three years from now? He was open to suggestions for how to bound it. Mr. Lussier said that one way would be that once the project goes out to bid and the construction period is clear within the budget, the Clerk's office would know not to accommodate licenses during specific dates. Councilor Haas said that kind of language in the Ordinance stating that is how it would be bounded would be fantastic. Mr. Lussier said it might be difficult to write that level of specificity into an Ordinance that would be applied to different projects in different zones of the City for the next 20 years. He understood the Councilor's concerns and said staff had no desire to curtail these licenses unless there is an actual need to work in a specific area. Councilor Haas asked the City Attorney for more specificity in the language. The City Attorney returned to the draft language, which stated "when an area of use will be impacted by a City construction project," that says there has to be a project, which the City Attorney said was different than Councilor Haas' more open-ended phrasing of "impacted by City construction projects." The City Attorney also agreed with Mr. Lussier that it has to apply generally, and it is challenging to have it apply to unknown and unpredictable circumstances. The City Attorney also advised the Committee that this was an Ordinance subject to review and change by the Council and it could be changed in the future if it does not work; the impetus for this was the major project. Councilor Haas said it was always troubling to write something that while anticipating having to change it in the future. He asked for any boundary, such as when the project goes out to bid, which he thought would be more realistic. He noted how construction projects get delayed and he imagined a huge backlog in the Clerk's office trying to deal with applications.

Mr. Lussier asked Ms. Hood when Sidewalk Café licenses are usually issued and Ms. Hood said the process starts in January/February, with the Clerk's office notifying license holders that it is time to start the process because it takes that much time get them all in, ready, and to look at their spaces. Mr. Lussier said that aligned with the time the downtown project would go out to bid.

The City Manager said she understood the concern was not just when the project was being planned but when a project would actually be executed and impact a licensed area. She asked if "when the area of use is impacted" would work vs. will be impacted. The City Attorney said a problem could arise in that a planned construction project without an exact start date could begin at some point in a license cycle, after the license has been issued, which would create the revocation and suspension problem. The City Attorney thought that this was partly a planning problem, which he thought was one of the things Mr. Lussier was trying to identify.

Chair Bosley said she heard the City Attorney, but she reiterated that if the license holder can get back any of their season, she would want to give them that, and vice versa if a project would not start until August. The City Attorney said he did not disagree, but said it would be a fundamental change to the approach because at that point, and the license would have been extended, suspended, or revoked; meaning an appeals process built into the Ordinance. Chair Bosley understood, and asked if there was a way to write that appeal language to allow the Clerk's office the authority to suspend a license on the merits not of anything the license holder would have done wrong, but for a short term due to City construction projects. She said that would have the Clerk's office issuing licenses with a caveat that people understand a project is upcoming and should expect a suspension. Otherwise, Chair Bosley thought that withholding the license for the whole season for a short project would be irresponsible.

Councilor Madison agreed that the Clerk's office should continue accepting applications and there should be a suspension process for the bare minimum amount of time to complete construction. His concern was for the future when someone could withhold a license for a whole year for one day of work to repair a pothole, for example. So, he agreed with the Chair that Sidewalk Cafés should be able to operate until construction and reopen as soon as possible after because survival of these businesses would be key during this downtown project; he cited recent closures like Local Burger and cautioned against memories of the past like 2008.

Chair Bosley agreed that when she read the language, she was not convinced. She thought some more flexibility would be needed. She agreed about accepting and holding these applications so that people understand that they have licenses that would be issued at some point in the future. Just saying "we shall not accept" felt cold to her and she did not think it was appropriate for all future projects.

The City Attorney said he was open to suggestions but that this would need to go on more time so that staff could workshop these suggestions from the Committee and return with new language.

Chair Bosley also noted that the Committee wanted the Clerk's office to start considering revisions to the Sidewalk Café guidelines as they reopen. Ms. Hood said staff had been speaking about that with the understanding that with the way this new infrastructure would be in place, there would be areas for commerce, so she would want to ensure that the cafés are required closer to the facade vs. the curb line to create a safer atmosphere for alcohol service, for example. Chair Bosley agreed.

Vice Chair Jones thought there was also backup language should it be necessary to cancel a license for a City project. Ms. Hood said that was true, that there was language regarding temporary suspension when public safety is compromised, but it did not specifically reference a construction project.

Chair Bosley opened the floor to public comment.

Ted McGreer of 18 Forestview Road encouraged the City to be very careful about this. He said that business owners downtown figured out how to pivot and get through Covid. He said that on the weekends, construction would not be active downtown, and restaurants could put down mats over the gravel sidewalks for tables to support their staff's livelihoods. He said that throughout the project visioning sessions, etc., the business owners were told that Stantec would come down and put rubber mats in front the doors and try to mitigate dust and do all these other things. While Mr. McGreer said he understood the suspension of licenses during construction, he said the weekends matter and there would need to be more compromise. He was speaking as someone without a Sidewalk Café.

Chair Bosley thanked Mr. McGreer for speaking and said that the Council and City were listening and trying to create that exact type of flexibility for downtown businesses.

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

On a vote of 5–0, the Planning, Licenses & Development Committee recommends placing Ordinance O-2024-18 on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Jared Goodell
Through: Patricia Little, City Clerk
Subject: **Relating to Amendments to the Zoning Ordinance - Interior Side Setbacks in the Downtown Edge Zone Ordinance O-2024-24**

Recommendation:

That Ordinance O-2024-24 Relating to Amendments to the Zoning Ordinance - Interior Side Setbacks in the Downtown Edge Zone be referred to the Joint Planning Board and Planning, Licenses and Development Committee.

Attachments:

1. Application to Amend Zoning Ordinance_Goodell
2. Narrative_Goodell
3. ORDINANCE O-2024-24

Background:

Mr. Goodell has submitted an application to amend the Zoning Ordinance related to interior side setback requirements in the Downtown Edge Zone.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Jared Goodell Date: 11/14/24

Address: Po Box 305, Keene NH 03431

Telephone: (603) 762-0202 Email: j.goodell@me.com

Existing Section Reference in Chapter 100, Land Development Code: 4.4.1

Does the amendment affect "Minimum Lot Size"? Yes No

Does the amendment affect "Permitted Uses"? Yes No

Does the amendment affect a zoning district that includes 100 or fewer properties?* Yes No

(For assistance in determining answer, Please contact Community Development)

I, Jared Goodell hereby certify that I have contacted Community Development to confirm whether the amendment affects a zoning district that includes 100 or fewer properties, and I certify that the information I have provided on this application is true and correct.

Attest:

[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 affects a zoning district that 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.



APPLICATION TO AMEND THE ZONING ORDINANCE

Date Received by City Clerk: 11/15/24 Ordinance Number: 0-2024-24

On City Council agenda: 11/21/24 Workshop to be held: _____

Public Hearing to be held _____

APPLICABLE FEES:

Application Fee @ \$100.00	\$ <u>100.00</u>
Publication of Notice in <u>The Keene Sentinel</u> @ \$90.00	\$ <u>90.00</u>
Postage Fees for property owners/agents and abutters at current USPS 1 st Class Mailing rate <i>(Only needed if amendment impacts 100 or fewer properties)</i>	\$ <u>33.12</u>
Total Fees submitted to City Clerk	\$ <u>223.12</u>

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.

Jared Goodell
PO Box 305
Keene, NH 03431

November 14, 2024

City Clerk
City of Keene
3 Washington Street
Keene, NH 03431

To Whom It May Concern:

I am proposing to change the interior side setback in the Downtown Edge zoning district where the the interior boundary line abuts the Downtown Transition district. Currently, the interior side setback in the Downtown Edge zoning district is 0ft, *unless* the interior side boundary line abuts the Downtown Transition or Residential zoning districts, at which point the interior side setback is 20 ft.

According to my research this dimensional requirement applies to only 4 parcels of land in the City of Keene. Of those parcels, three are non-conforming. The fourth parcel, located at 7 Aliber Place, is owned by me. The interior side of this land locked parcel abuts the Downtown Transition district. The affected boundary line abuts a Keene Stage College parking lot.

If this zoning text is changed to remove the Downtown Transition 20 ft setback, it will allow me to bring 6 units of affordable housing to the residential rental market. Additionally, the change will increase the number of conforming lots in the Downtown Edge district.

Thank you for your commitment to reducing barriers for housing development in the City of Keene.

Regards,



Jared Goodell



CITY OF KEENE

In the Year of Our Lord Two Thousand Twenty Four

AN ORDINANCE Relating to Amendments to the Zoning Ordinance - Interior Side Setback Requirements in the the Downtown Edge Zone

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, as follows:

1. That Section 4.4.1 “Dimensions & Siting” of Article 4 be amended to remove the minimum interior side setback when the boundary line abuts the Downtown Transition District, as follows:

Dimensions and Siting

A	Min Lot Area	10,000 sf
B	Min Lot Width	50 ft
C	Front Setback ¹	0-20 ft Build-to Zone
D	Corner Side Setback ¹	0-20 ft Build-to Zone
E	Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District , then 20 ft
F	Min Rear Setback	0 ft, unless abutting residential district or DT-T District, then 25 ft

¹ When the front or corner side lot line intersects or overlaps with the right-of way line, the required build-to zone is measured from a line representing the average location of front lot lines along the same block. In no case shall a building be placed forward of this line.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Appropriation of Funds from the Solid Waste Fund to the FY 25 Operating Budget Resolution R-2024-37**

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2024-37.

Attachments:

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

Background:

Mr. Duncan Watson addressed the Committee again and stated Resolution R-2024-37 is a request to allocate funds from the Solid Waste fund balance to the operating budget to convert a contract position from 10 hours a week to a full time benefited position. This is because the Department has been increasing the volume through the recycling center, but not the tonnage due to changes in packaging, specifically plastic packaging. It now takes several plastic bottles to make the equivalent tonnage or weight of a single plastic bottles compared to a few years ago. This has resulted in a lot more handling of material that is done in the processing line without increasing actual tonnage going through the line.

In addition, as people have discovered all the services that are offered at the solid waste division. The traffic has increased fairly dramatically over the years, particularly over the Covid period and the division is handling 400 to 450 vehicles per day, with this number doubling or tripling on a Saturday. To maintain the standards of this facility, bringing in additional personnel would be beneficial to maintaining the facility in good working order.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2024-37.



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.


 City Clerk

 Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Patti L. Gagnon Upon Her Retirement
Resolution R-2024-39**

Recommendation:

Recommend the adoption of Resolution R-2024-39, In Appreciation of Patti L. Gagnon Upon Her Retirement.

Attachments:

1. R-2024-39 Gagnon Retirement

Background:

Ms. Gagnon retired from the Police Department effective November 8, 2024, with 20 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Patti L. Gagnon Upon Her Retirement

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

WHEREAS: Patti L. Gagnon began her career with the City of Keene September 1, 2004, as Secretary I in the Bureau of Records, part of the Police Department's Administrative Services Division, with the job transitioning to Records Specialist effective July 1, 2012; and

WHEREAS: With high expectations of herself, Pat's focus, determination and hard work—enhanced by her ability to absorb updated information as it was provided and her proficiency with various software systems—ensured she completed her work quickly, thoroughly, and with few errors but, on the occasions they did occur, she held herself accountable and took immediate action to make corrections; and

WHEREAS: With a sometimes-overwhelming amount of information flowing through the Bureau of Records, Pat capitalized daily on her strengths of time management, problem solving, and attention to detail—consistently juggling everchanging and competing lists of priorities and the adjustments demanded by the justice system to produce high quantities of high-quality casework; and

WHEREAS: Pat consistently demonstrated excellent, professional, friendly and caring service with both external and internal customers—listening carefully to their needs, researching answers when not known, patiently explaining reasons behind guidelines when unable to fulfill a request, using good judgment on what to communicate and to whom, and often going above and beyond to be helpful to customers—always well representing the department; and

WHEREAS: Pat's knowledge of prosecutorial law and court procedures, her flexibility in adopting required modifications, and her continuous communication with defense attorneys, defendants, and concerned parents about pending cases assisted the City prosecutors to be well prepared for court each day—even when events evolved overnight—as well as informed about critical issues she encountered with cases; and

WHEREAS: Pat is well appreciated as an asset for her contributions of valuable ideas, opinions and workable solutions to meeting short- and long-term goals; for taking on extra work and varying her schedule during absences of other administrative staff; for resolving court case backlogs; and especially for her initiative, dedication and effort proposing and spearheading implementation of the dramatic transformation in procedure to allow continuous cross training that keeps the team informed of updates and changes in policies, workflow, and job tasks—for which she was given an Employee Achievement Award in 2007 and which continues to be successful; and

WHEREAS: Combined with Pat's proactivity in anticipating and solving problems as they arise—not jumping to conclusions but analyzing situations, researching how they occurred to prevent their recurrence, and possible solutions—as well as her willingness to accept any assignment, she progressed into a multi-talented and valuable employee who was an asset to her team; and

WHEREAS: Pat retired November 8, 2024, with over 20 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Patti L. Gagnon for her dedication to the City of Keene and wishes her the very best for her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Pat in appreciation of her years of service to the City of Keene and the greater Monadnock community.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 21, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Development on Class VI Highways and Private Roads
Resolution R-2024-43**

Recommendation:

To refer Resolution R-2024-43 to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. Resolution R-2024-43

Background:

New Hampshire State Statute 674:41 limits municipal authority to issue building permits under certain circumstances, including when the street giving access to the lot upon which a building is proposed to be placed is a Class VI highway or a private road. If development is proposed on a Class VI highway or private road, the Statute lists specific criteria that must be met and requires that the City Council, after review and comment by the Planning Board, votes to authorize the issuance of building permits on the road in question or portion thereof. This statute does not define "private road;" however, the City maintains a list of streets that are considered to be private roads.

In 2000, the City Council adopted Resolution R-2000-28 to further limit development on Class VI highways by making it an official City policy to not issue building permits on Class VI roads. This resolution also established criteria by which a Class VI highway could be used as a driveway. The driveway criteria contained in the resolution were incorporated into City Code with the adoption of the Land Development Code in 2021.

On October 17, 2024, the City Council voted unanimously to rescind Resolution R-2000-28, and also voted unanimously 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. Resolution R-2024-43 contains proposed criteria for the City Council to consider. The proposed criteria include the following:

- 1. The proposed development is consistent with either the existing or desired development pattern.***

- a. *The desired development pattern shall be based on the Future Land Use section of the adopted Master Plan.*
 - b. *The established development pattern shall be based on abutting properties and properties within 200 feet of the boundaries of the lot upon which a building permit is proposed.*
2. *The proposed development will be established, maintained, and operated so as to not endanger public health, safety, or welfare.*
3. *The proposed development will not place an excessive burden on public improvements, facilities, services, or utilities.*
4. *All requirements of NH Revised Statute Annotated 674:41 shall be met.*



CITY OF KEENE

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

A RESOLUTION Relating to Development on Class VI Highways and Private Roads

In accordance with NH Revised Statute Annotated 674:41, I (c) and (d) et. seq., if the street giving access to the lot upon which a building permit is proposed is a Class VI highway or a private road, the City Council may, by majority vote, authorize the issuance of a building permit for the erection of buildings on said Class VI highway / private road or a portion thereof, provided that the City Council finds that the following criteria are met:

1. The proposed development is consistent with either the existing or desired development pattern.
 - a. The desired development pattern shall be based on the Future Land Use section of the adopted Master Plan.
 - b. The established development pattern shall be based on abutting properties and properties within 200 feet of the boundaries of the lot upon which a building permit is proposed.
2. The proposed development will be established, maintained, and operated so as to not endanger public health, safety, or welfare.
3. The proposed development will not place an excessive burden on public improvements, facilities, services, or utilities.
4. All requirements of NH Revised Statute Annotated 674:41 shall be met.

Jay V. Kahn, Mayor