



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
February 20, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- February 6, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Human Rights Committee, Zoning Board of Adjustment

C. COMMUNICATIONS

1. Councilor Remy - Potential Implementation of Consent Agenda by Committee - City Council Meetings

D. REPORTS - COUNCIL COMMITTEES

1. Request for Letter of Support - HB250 Enabling Local Governing Bodies to Regulate the Muzzling of Dogs
2. Potential Amendment to Land Development Code - Animated Signs in the Industrial Zone
3. Rules of Order - Section 15. - Voting and Conflict of Interest
4. Energy and Climate Committee Recommendations for Phase 2 of Keene Community Power *and* Recommended Amendments to Keene Community Power Plan

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Amendment to Land Development Code - Minimum Lot Sizes
Ordinance O-2024-17-A
2. Amendment to Land Development Code - Residential Parking
Requirements
Ordinance O-2024-20-A
3. Relating to Interior Side and Rear Setback Requirements in the
Downtown Edge Zone
Ordinance O-2024-24-A
4. Relating to Floodplain Appeals and Variance Process
Ordinance O-2025-05

K. RESOLUTIONS

1. Relating to Appropriations for ADA Ramp at Recreation Center
Resolution R-2025-04
2. Relating to Appropriation of Funds - Sewer Main Lining
Resolution R-2025-05
3. Relating to Appropriation of Funds - Sewer Manhole Lining
Resolution R-2025-06
4. Appropriation of Funds - Purchase of Sidewalk Paver
Resolution R-2025-07

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, February 6, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:02 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, Mitchell H. Greenwald, and Thomas F. Powers were present. Michael J. Remy arrived at 7:15 PM. Councilor Favolise led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the minutes of the January 16, 2025, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent during this vote.

ANNOUNCEMENTS

Mayor Kahn introduced the new Executive Director of the Colonial Theater, Keith Marks, and congratulated him on his appointment.

Next, Mayor Kahn introduced Karen Liot Hill, the newly elected and seated Executive Councilor for NH District 2, which covers 81 cities/towns in the Capital District and western NH. Ms. Hill was a 20-year City Councilor and former Mayor in the Town of Lebanon, served four terms (2016–2024) as the Grafton County Treasurer. She has dedicated herself to public/community service in Lebanon and the Upper Valley Region, served on the board of the Local Government Center, served on the Municipal League of New Hampshire cities and towns, served WISE (supports victims of domestic and sexual violence), and was on the Lebanon Middle School Parent Teacher Organization, among others. Ms. Hill was named one of NH's Top 40 Under 40 in 2010 by the Union Leader, and was a Dartmouth Class of 2000 alumni, where she graduated with honors in government. Ms. Hill is the mother of two children who graduated from Lebanon public schools, and she works as a DJ and a church musician.

Ms. Hill said it was her honor to serve as Executive Councilor for District 2, to introduce herself, and share how she could be of assistance to the City. She appreciated the Mayor's gracious introduction. Having served as a City Councilor in Lebanon for 20 years, Ms. Hill said she felt a sense of kinship with the Keene Councilors she was speaking before. She said the Executive Council is called, "The most important office you've never heard of." It is unique to NH, serves as a check and balance on the Governor, and is like a big City Council for the entire State. The Executive Council of five members meets twice monthly with the Governor. For example, at its most recent meeting, there were 133 agenda items. She said the Executive Council focuses on four things: contracts, appointments, roads, and services. Ms. Hill said that the Executive Council votes on all contracts and State spending over \$10,000, appointments by the Governor, and roads. The Executive Council is also responsible for maintaining the State's infrastructure, roads, and bridges through the State's 10-year Highway Plan. Lastly, the Executive Council serves constituents who have questions or need connections in City government or State government.

Ms. Hill provided updates from the Executive Council's meeting on February 5, which was its second full meeting with Governor Ayotte. Ms. Hill was one of two new Executive Councilors at this time. She said that a few contracts of particular relevance to the City of Keene were approved: a grant to the Keene Chamber Orchestra for \$7,600 through the Department of Natural and Cultural Resources and two Land and Water Conservation Fund grants—one to extend the time to complete work at Pat Russell Park and \$500,000 for work at Robin Hood Park. Additionally, Ms. Hill said the Governor had announced several important appointments. The Commissioner of the NH Board of Education, Frank Edelblut, would be up for reappointment in March 2025, but Ms. Hill said there was no sign from the Governor yet on her plans. The Governor had renominated three members of the NH Board of Education, including Chair Drew Cline. Ms. Hill noted that at this time, there was no State Librarian. Former Governor Sununu had nominated the Assistant Librarian, Mindy Atwood—who Ms. Hill called highly qualified—but Mr. Sununu withdrew that nomination before his term as Governor concluded. So, at this time, there was no active nomination for State Librarian and there was no indication of whether Governor Ayotte would nominate someone else soon. Ms. Hill welcomed the City Council's thoughts on nominations or feedback from Keene constituents. When ready, the Governor would announce nominations at an Executive Council meeting and then the vote to approve would ensue at the next meeting. Ms. Hill also mentioned that the State's 10-year Highway Plan would be kicking-off again with hearings later in 2025. Ms. Hill would be contacting the City Manager about it and other projects of particular interest to the City in western NH and the Monadnock Region.

Next, Ms. Hill discussed her role in providing constituent services. After every Executive Council meeting, she would send a report with the agenda items of relevance to District 2 to all City of Keene officials. Ms. Hill's contact information can be found on the Executive Council District 2 website at <https://www.council.nh.gov/district-2/councilor-liot-hill>, and Councilors could reach out to her for a separate email to receive a newsletter with pictures and information about all of the different events that she would attend. She was very eager to do a good job supporting the City of Keene, so she encouraged the City staff and Councilors to contact her if she could help them or their constituencies with anything big or small.

Lastly, Ms. Hill commented that these were challenging times. During the previous week, the nation heard about a potential pause in Federal grants, as well as tariffs. Additionally, we have heard about new guidelines from the US Department of Transportation (DOT) that would favor communities that have higher than national average birth and marriage rates. She said there were big changes happening and a lot of anxiety throughout the communities she was serving. While she did not know how much she would be able to do about any of it, she was trying to learn as much information as possible. At the February 5 Executive Council meeting, she asked the State Commissioners what they thought some of these Federal impacts would be. She said the common refrain was there is a lot of uncertainty. Ms. Hill said she was ready to be of service to the District and hoped anyone would reach out to her, especially to inform her if there are events in the community that they think she should attend to connect with people.

02/06/2025

Mayor Kahn thought Ms. Hill's comments about the DOT piqued some interest in the room. The Mayor did not think the DOT's changes would fit NH's demographic's well. Ms. Hill agreed, stating that at this time, NH had some of the lowest birth and marriage rates in the country because the population skews older. So, with those DOT changes, NH could be significantly disadvantaged. Ms. Hill said the Executive Council will do its best to ensure people's needs are met.

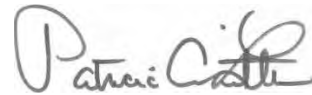
PUBLIC HEARING - INTERIOR SIDE AND REAR SETBACK REQUIREMENTS IN THE DOWNTOWN EDGE ZONE - ORDINANCE O-2024-24-A

Mayor Kahn called the public hearing to order at 7:16 PM and the City Clerk read the notice of hearing. The Mayor welcomed Senior Planner, Mari Brunner, for an introduction on behalf of the Community Development Department.

Ms. Brunner explained that this Ordinance was initially introduced to the City Council for first reading on November 21, 2024, when it was referred to the Joint Planning Board & Planning Licenses and Development (PLD) Committee for a public workshop on December 9, 2024. The petitioner, Jared Goodell, originally requested to remove the 20-foot minimum interior side setback requirement for parcels in the Downtown Edge Zoning District that directly abut parcels in the Downtown Transition District. Ms. Brunner said that both of these downtown districts are on the edge of downtown, so this request would impact a very limited number of parcels. At the public workshop, the Joint Committee discussed the request and, for the sake of consistency, voted to amend the Ordinance (creating the "A" version) to also address the rear setback component. So, Ms. Brunner said the resulting Ordinance O-2024-24-A would remove the 25-foot minimum rear setback requirement for parcels in the Downtown Edge District that directly abut the Downtown Transition District, in addition to the 20-foot minimum interior side setback. Ms. Brunner said that if the Council were to adopt Ordinance O-2024-24-A, four parcels in the Downtown Edge District that the Downtown Transition District abuts would have a 0-foot side setback. That would be consistent with the setbacks between the Downtown Edge and any other downtown district.

Mayor Kahn opened the floor to public comments. Hearing none, he closed the public hearing. Written comments will be accepted up until 1:00 PM on Tuesday, February 11, 2025.

A true record, attest:



City Clerk

NOMINATIONS - HUMAN RIGHTS COMMITTEE, ZONING BOARD OF ADJUSTMENT

Mayor Kahn re-nominated the following individuals to the Human Rights Committee, all with terms to expire December 31, 2027: Debra Bowie, to change from an alternate to a regular member; David Morill, to change from an alternate to a regular member; and Mohammed Saleh, to change from a regular to an alternate member. Mayor Kahn also re-nominated Adam Burke to

the Zoning Board of Adjustment, to change from an alternate to a regular member, with a term to expire December 31, 2027. Mayor Kahn tabled the nominations until the next regular meeting.

CONFIRMATION - ASHUELOT RIVER PARK ADVISORY BOARD

Mayor Kahn re-nominated Kelly Cook to the Ashuelot River Park Advisory Board, to change from an alternate to a regular member, with a term to expire December 31, 2027. A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION - MICHAEL REMY/KEENE YOUNG PROFESSIONALS - REQUEST TO USE CITY PROPERTY - TASTE OF KEENE FOOD FESTIVAL - JUNE 7, 2025

A communication was received from Michael Remy and the Keene Young Professionals Network, submitting their annual request for a license to conduct the Taste of Keene Food Festival on Saturday, June 7, 2025. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION - JON LOVELAND, PE - DOWNTOWN INFRASTRUCTURE PROJECT - RAISE GRANT

A communication was received from Jon Loveland, PE, providing his observations relating to the City's eligibility to receive funding via the Federal RAISE Grant. Mayor Kahn accepted the communication as informational.

MSFI REPORT - REQUEST FOR NO PARKING ON EITHER SIDE OF THE ENTRANCE AT 312 MARLBORO STREET

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the request for no parking at 312 Marlboro St. be referred to staff for implementation as part of the Marlboro St. and Cheshire Rail Trail Project. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. Councilor Greenwald deferred to Councilor Filiault to report on behalf of the Committee. The motion carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT - REQUEST FOR NO TRACTOR-TRAILER TRAFFIC SIGN - INTERSECTION OF WATER AND WOODLAND STREETS

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the City Manager be directed to install a sign alerting drivers to the existing truck route Ordinance (i.e. "No Thru Trucks"). A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. Councilor Greenwald deferred to Councilor Filiault to report on behalf of the Committee.

Councilor Haas thanked the City engineering staff for being considerate to where the sign would be placed, noting that after they staked it out in one place, they moved it to a more visible location. Overall, the Councilor said the idea of thru trucks into neighborhoods was difficult because destination single-destination deliveries were permitted under NH law. So, he said the

City would have to find other ways to deal with this happening around the City. The motion carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT - REDUCTION OF SPEED LIMIT - UPPER ROXBURY STREET

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the report as informational. Mayor Kahn filed the report as informational.

MSFI REPORT - PROPOSAL TO ALLOW OVERLAY OF ASPHALT SIDEWALKS

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the City Manager be authorized to develop and implement a program to overlay existing asphalt sidewalks that are in fair or poor condition using City forces. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. Councilor Greenwald deferred to Councilor Filiault to report on behalf of the Committee.

Mayor Kahn said this would certainly move things along quicker, but not quickly enough for some.

Councilor Haas thought the proposal from the Public Works Department was to acquire a machine to help facilitate the repair of the asphalt sidewalks, which he supported, and he looked forward to seeing what they could find for used equipment. The Councilor thought it was good to get back to basics with stop signs, truck signs, and sidewalks. He said there was funding in the Capital Improvement Program (CIP) to address sidewalks and he wanted to ensure that money would be spent on concrete sidewalks in the future for neighborhood character. He said that while asphalt sidewalks serve the purpose, they end up being parking spaces that cars tear up, so they are even less long-lived. Councilor Haas was unsure how to accomplish those concrete sidewalks without costing a lot of money, noting that they are incredibly more expensive than asphalt. Still, he said he looked forward to spending the money out of the CIP and getting the concrete sidewalks when possible.

Councilor Williams thanked City staff for finding an in-house solution that would save a significant amount of money. He understood that they would not be as good as concrete sidewalks, but Councilor Williams said the most important quality of a sidewalk is that it can be used. He said getting a concrete sidewalk 20 years from now does not do as much as having a repaired sidewalk now and urged getting the sidewalks fixed now. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT - DONATION - BRIAN A. MATTSON RECREATION CENTER - ADA RAMP

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept the donation of \$10,000.00 from Savings Bank of Walpole and that the money be used for the construction of an ADA ramp

at the Recreation Center. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Mayor Kahn thanked the Savings Bank of Walpole for the generous gift. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT - EXECUTED GEORGE STREET BRIDGE FINAL DESIGN CHANGE ORDER

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to execute a change order with McFarland-Johnson and DOT in the amount of \$52,931.81 as part of the additional scope of work required for the George St. Bridge Project (75M020A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Madison asked about the specific constituents of concern at this site. The Public Works Director, Don Lussier, replied that the constituents of concern were chlorinated solvents (dry-cleaning chemicals) and confirmed that those were from the dry-cleaning business. So, Councilor Madison asked if the business would be responsible for the costs. Mr. Lussier said the clean-up cost was not under discussion in this report. He said that this report and vote was about evaluating the contamination plume and determining the extent of it. Specifically, the potentially responsible party had delineated the plume on the west side of Beaver Brook and the NH Department of Environmental Services (DES) was concerned with whether it could spread to the east side. So, DES requested the additional delineation of the plume and that was why the additional cost was requested.

With the rainy season coming, Councilor Haas asked when this project would move forward, noting that this is a difficult flood-exposure location. Mr. Lussier replied that the project was scheduled for advertising in late spring/early summer 2025. He said the design was well advanced, but questions remain to be resolved on the limits of the contamination in addition to some easement issues to be resolved. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT - 2024 FEMA SAFER GRANT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to apply for, accept, and expend the 2024 FEMA SAFER Grant and, if successful, maintain this staffing level. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Bosley began by stating that she would clearly support applying for this grant. Having reviewed the Finance, Organization, & Personnel presentations from Fire Chief Martin and Deputy Chief Seymour, Councilor Bosley said it was overwhelming to think about the strain and the stress on members of the Fire Department. She wanted to ask a question that had not been asked. Councilor Bosley pointed out that a significant amount of additional revenue had been coming into the Fire Department from increased billable services, and a lot of trips were going to

nursing homes, which was revenue that the City could collect. Councilor Bosley asked if the City Manager could return to the Council to answer whether any of that revenue could be earmarked for positions—as a stopgap measure—while waiting for the grant? She thought it would be a great place to start. She also pointed out that one of the City Council’s most recently adopted goals was to have all City departments fully staffed; many had open positions. . To her, fully staffed means adding positions if the workload deems appropriate. So, she supported the Fire Department, and everything that was needed to make this move forward.

Councilor Filiault said he was one of two Councilors who were certified firefighters—Councilor Powers and himself (he later corrected himself and apologized to include Councilor Madison who is also a certified firefighter. . Councilor Filiault said he appreciated Councilor Bosley’s comments, because Councilor Filiault served as a call firefighter in the early 2000s and it was busy then. He said it is one thing to go into a burning building fully staffed, and he recalled times doing so not fully staffed. He explained that it was one thing to read about it on paper, but quite another thing to experience it, crawling through the burning building when you hear somebody trapped inside, stating that firefighters do not have reckless abandon. Councilor Filiault not only agreed that the City should absolutely go for this great grant but said the City should also be ready in case the grant does not go through. He said the City needed to be ready to add firefighters immediately and he asked how to budget it. Councilor Filiault reiterated that the City had to be looking beyond this grant and could not get caught like this again—significantly understaffed in the Police and Fire Departments, which did not show on paper because the positions were budgeted for. So, beyond wholeheartedly supporting this grant, Councilor Filiault wanted to determine how to finance significantly more firefighters to at least meet the minimum national recommended levels.

Mayor Kahn asked for comments from the City Manager about the use of current and future revenue sources. The City Manager, Elizabeth Ferland, stated that City staff were looking at revenue trends and that she checked while Councilor Filiault was speaking, and the City’s current numbers were very near those budgeted. The City Manager explained that annually, staff anticipate changes in billing and creates a realistic estimate for contracts. She said that what had been primarily driving up calls for service was the need for skilled nursing facilities/nursing homes. With the closure of Diluzio Ambulance, Keene had to pick up those calls, which the City Manager said was a good thing because those facilities typically have some sort of insurance that the City can collect on. Between this meeting and September 2025—when the City anticipated hearing the results of the grant application—City staff would analyze the calls it has been receiving from the nursing facilities vs. the revenue The City Manager went on to explain that at this time, the City of Keene Fire Department has five contract towns and firefighters are split between fire and ambulance services based on activity in the Department. The City Manager will report back to the City Council with the analysis in September. She said staff will also review whether the Department is billing aggressively enough and whether any funds can be regained for these positions. With private ambulance companies closing, she did not expect to fully offset the expense of onboarding these firefighters but felt comfortable that she could offset some. The City Manager also clarified that this application would cover four firefighters per shift, so 16 in total. The Department has 24-hour shifts, and this is a four-year grant, which would fully fund

these positions if successful. The City Manager said that before that fourth year, the City would need a good understanding of revenue and a plan for these expenses if they become fully the City's responsibility.

Mayor Kahn thought this was an opportunity to address NH Executive Councilor Karen Hill in the audience and tell her that the NH Department of Insurance analyzed the charges allowable under Medicaid and private insurers for ambulance chargebacks. The Mayor said that if that would be acted upon, it would be a good step to allow the municipal departments to begin to recover more of the actual cost. He agreed with Councilor Filiault about following up on the revenue question regardless of this grant.

Councilor Jones was proud the City was applying for this grant. As a part of the application process, he thought the Fire Department personnel could use an algorithm that considers demographics (e.g., City age, industry, hazmat potential, hospital location, etc.). He said the rating report from ISO, could be of benefit in the application process.

Councilor Madison agreed with Councilor Filiault that if the City did not get the grant, it would still need to find the money to hire four firefighters. He commented on the challenging climate working as a State first responder, having personally responded to a hazmat oil spill the weekend before this meeting while on call. He noted how exhausted firefighters are who are do that every day. . So, Councilor Madison said those four new firefighters were needed to help support those already on the job. If this grant was not successful, the City would need to find the money elsewhere because he said the first job of the Council is to oversee the health, welfare, and safety of the citizens of the City. He thought there would be no better way to do so than hiring more firefighters.

Councilor Remy said he heard many good points. If anyone was still on the fence, he told the convincing factor for him was considering the distant location of the professional firefighting organizations around Keene. He called Keene an island and said only maybe a volunteer would come to town if Keene did not have appropriate staffing. That was what convinced Councilor Remy to support this grant.

Councilor Tobin said she appreciated the presentation and said that a lot of the videos were terrifying to watch. From her perspective as a person who had needed an ambulance, she said she felt more appreciative and overwhelmed by the compassion that she had received from every firefighter who had ever shown up when she needed to call. So, Councilor Tobin was excited to hear so much support from her fellow Councilors.

Councilor Favolise thought Councilor Madison alluded to the fact that the choice was not really between the current level of staffing at the Fire Department and additional staffing at the Fire Department. Councilor Favolise stated that the Fire Department would lose firefighters if the City did not find a way to increase staffing there, with or without the grant. He thought that was really important and what the Council had heard from Fire Chief Martin and his team in terms of stress on firefighters that were there and the potential for increased burnout. Councilor Favolise said the City would lose people who want to go into this profession in the City of Keene, which he stated would have a real significant impact on the daily lives of residents here. He did not

imagine any Councilors were on the fence, but if they still were, then Councilor Favolise said this was not a status quo (or more is more) situation, it would perhaps be significantly less over the next few years.

Councilor Jones cited a presentation from the City's Emergency Management Administrator, Kurt Blomquist, on Hazard Mitigation. was related to this grant. He asked all Councilors to look at the video of that presentation, which he called a scary look at things that could be happening in Keene down the road.

Mayor Kahn said he was glad the public was getting to hear the Council's support for this addition to the Fire Department and he was glad the City was pursuing this funding source to launch it. He thanked the significant group of firefighters who were present at the meeting this evening for their service, expertise, and professionalism. The motion carried unanimously with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began by thanking the Council for supporting the FEMA SAFER grant. The Fire Department has been dealing with a significant increase in calls that has impacted the firefighters' lives. The City has hired a grant writer, who has been successful at receiving this grant in the past. She continued the City Manager said the Fire Chief and Deputy Chief have done a great job putting together the statistics to back it up. So, the City Manager was optimistic.

Next, the City Manager said it was time to bid again for the City's Community Power Plan. The existing contract goes through December 2025. In preparation, staff needed to revise the Plan and would bring those revisions to the Council's Finance, Organization, & Personnel Committee on February 13.

The City Manager also updated the Council on the downtown project funding. During the week of February 3, City staff submitted the application for the BUILD Grant (previously the RAISE Grant) It is a very competitive application process, but she said the City's application was strong. It could provide up to \$13.7 million in Federal dollars if successful. However, because it is such a competitive application process, staff are also planning to submit for a portion of the project to be funded as a part of the Congressionally-directed spending request due at the end of February. This annual allocation of funds is for Federal discretionary programs. Staff intended to apply for just over \$3 million of the Congressional funds for surface treatments throughout the downtown including pavement, curbing, bike lanes, and sidewalks.

The City was recently awarded a Northern Border Regional Commission 2025 Timber for Transit Program grant for just over \$1.7 million to build a covered Structure on Gilbo Avenue, which would provide solar power for the downtown project. This would cover a large portion of the \$2.1 million Covered-Structure project (the City match is 20%). The City Manager acknowledged the Public Works Director, Don Lussier, and City Engineer, Bryan Ruoff, for their hard work on tight timelines for both grant efforts to get as much money for the downtown project as possible. The City Manager said the City had previously been awarded a Drinking

Water State Revolving loan principal forgiveness for approximately \$2 million for the downtown project, and a Clean Water State Revolving loan principal forgiveness of \$137,000.

Additionally, the City Manager reported that the City began advertising for the downtown project Ombudsman position. This person would serve as a liaison between residents, property owners, business owners, City departments, and the construction team for the project. Recommendations for a candidate can be forwarded to the City and given the construction timeline, the City hoped to get someone onboard early to assist with downtown business communications.

The Mayor had asked the City Manager to update the Council on Human Services and homelessness trends in the City, and she did not think anyone would be surprised by the statistics:

- Rising Rental Costs & Housing Instability (largest increased cost to the City):
 - Rent increases of 33–45% has priced many residents out of the market.
 - Vacancy rate was 0.6%, leaving few affordable housing options.
 - Increased reliance on monthly assistance as clients struggled to cover rent.
- Homelessness & Shelter Capacity:
 - Shelters remained at full capacity, with limited movement into permanent housing.
 - Hundred Nights was operating a 24/7 Resource Center but had a waitlist for beds.
 - Southwestern Community Services (SCS) shelters were making efforts to transition individuals into housing.
 - Only 46%–47% of shelter residents are identified as Keene residents.
 - Out-of-town residents fluctuated between 38%–43% and out-of-state between 11%–13%
 - More than half of the people being served by shelters in Keene are not from Keene, which will continue as the 211 System places homeless individuals anywhere an open bed exists. This is a disincentive for building more shelter capacity locally.
- Hotel/Motel Housing Costs & Capacity Issues (the City uses them when needed):
 - Lower-cost motels were experiencing staffing shortages, reducing available rooms.
 - The City's FY-2024 total hotel cost: \$605,272.40, compared to \$159,000 to date in 2025 and was projected to be \$397,000 (a trend the City Manager said was in the right direction thanks in large part to the staff in Human Services, the additional part-time Outreach/Case Management position, and the Hundred Nights Resource Center).
 - For this Fiscal Year, both hotels and rental assistance were projected to be just over \$800,000 if trends hold.
- Homelessness Applications:

- So far in 2025, the City had received 212 applications and is projected to receive 325 by the end of the fiscal year, as compared to 279 in 2024, which the City Manager called a significant increase.
- Successes & Developments:
 - Cost-Saving Measures & Outreach Efforts:
 - Reduced motel occupancy to manage costs.
 - The Outreach Worker program was proving effective, helping move people from motels to permanent housing and assisting with housing applications.
 - Community Kitchen partnership was delivering food to those unable to drive, saving the City some expenses.
 - Hundred Nights Resource Center Impact:
 - Operating 24/7 for those needing a warm space.
 - This initiative has reduced hotel costs for single individuals needing assistance.
 - Continued Efforts by SCS Shelters:
 - SCS was making strong efforts to house homeless individuals coming through Human Services.
- Next Steps & Considerations:
 - Continued monitoring of shelter and rental market conditions.
 - Continue monitoring the percentage of Keene residents vs. those from other communities.
 - Ongoing support for outreach and case management efforts, which were proving cost-effective and beneficial.
 - Continued push for State reform.
 - The City was successful with SB 110, which helped to recover expenses the City incurs from outside of the community. This year, the City would seek to address how to calculate a fair amount for rental costs, so the City hoped to put forward another Bill with Senator Fenton.

Next, the City Manager updated the Council on the City's Winter Weather Parking Bans. She said the Public Works Director had reported that compliance was improving with the new system and only approximately five cars were towed in the previous storm. However, there were still some problems and people who were parking for the \$20 ticket because they prefer not to move their cars; it was the same people repeatedly, so soon they would be towed, and the City Manager hoped that would resolve the issue. The City Manager still has some concerns, in front of Lindy's Diner, for example. She also said that staff were working to place permanent signs in the municipal parking lots to help explain which ones are available overnight.

The City Manager introduced the new Finance Director, Kari Chamberlain, who brought a wealth of expertise in financial planning, budget analysis, and healthcare finance. Her deep experience in managing complex financial projects at Cheshire Medical Center, coupled with her strong analytical skills, will be invaluable to the City's financial management. Ms. Chamberlain's master's in healthcare administration and a bachelor's in business management and accounting, as well as her long track record in financial operations, will make her a great addition to the team. The City Manager also introduced the new Community Development Director, Paul Andrus, who has brought extensive experience in community development, economic planning, and housing policy. As the former Community Development Director for Los Alamos County, New Mexico, he has successfully led multi-million-dollar initiatives, spearheaded affordable housing projects, and streamlined development processes; that excited the City Manager. His leadership in urban planning and regional economic growth will be instrumental in shaping the City's future.

Lastly, the City Manager shared that the City Council received a Certificate of Appreciation from Let It Shine for the City's support of the Pumpkin Festival.

Mayor Kahn congratulated the Public Works Director, Mr. Lussier, and thanked him for enlisting the Mayor to request letters from elected officials for the RAISE grant.. Mayor Kahn pointed out to Executive Councilor Karen Hill, who was in the audience, that the entire Congressional Delegation signed letters of support. Governor Ayotte also delivered a letter of support on time, which the Mayor appreciated.

The Mayor also thanked Hundred Nights for opening the Resource Center that had made a difference and impact on the City's Human Services spending. He explained to Executive Councilor Hill that at this time, municipalities the welfare cost responsibility, and the State was participating in sheltered homeless reimbursement rates; that is what he said the City's legislation has turned into. He said the City's original proposal was trying to seek funding for the unsheltered homeless population that Hundred Nights was now taking on without the added benefit of reimbursement.

Councilor Filiault asked, of the number of homeless individuals who came to the City for help in the past year, how many are Keene residents. Second, he knew that the City billed other towns whose homeless residents' were being housed in Keene, and he asked if the City had problems with any towns not paying. The City Manager said they were great questions. Anyone receiving funding at the City of Keene Human Services office is a Keene resident. If they are not, those services are billed to the community from which the individual originates. She said the City is having success with billing most towns, but there had been pushback from a few towns. The City has created a partnership with SCS, which was also struggling to get financial contributions from some of the communities that are sending them clients. For example, she said Manchester is a big community with a lot of shelters, but she said it felt like it was doing its share and has not been excited about participating. She also mentioned another small town that denied (sending payment when the City was assisting a client from that town, which led the City to find a way to close a loophole. However, she said that some communities have appreciated it when the City reached out to them because they do not have a place to put those individuals in their own

communities and want to do their part. The City Manager said the City staff would continue finding ways to fix the loopholes. To Councilor Filiault's first question, the City Manager said that 46% of the homeless individuals are Keene residents.

Councilor Roberts recalled the City Manager stating that approximately 11% of the homeless individuals are from out-of-state. He asked if there is any way to get reimbursement from an out-of-state community. The City Manager said that when a homeless individual comes to the City from out-of-state, the City reaches out to that community and the results have been mixed. The legislation is only for New Hampshire communities, but the City still tries.

Councilor Favolise recalled the City Manager mentioning some progress being made on compliance with the Winter Parking Ban. The Councilor wondered if the City Manager or Public Works Director had an update to share on whether there would be a Parking Ban overnight the night of this meeting. The City Manager said yes, there would be a Parking Ban in effect from 1:00 AM-6:00 AM.

RESIGNATION - STEVE TARBOX - ZONING BOARD OF ADJUSTMENT; MICHAEL WINOGRAD - ENERGY & CLIMATE COMMITTEE; JANELLE SARTORIO - BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE; RUZZEL ZULLO - ASHUELOT RIVER PARK ADVISORY BOARD; & DEBORAH LEBLANC - CONSERVATION COMMISSION

A memorandum was received from Planner, Evan Clements, recommending that the Council accept Steven Tarbox's resignation from the Zoning Board of Adjustment. A memorandum was received from Planner, Megan Fortson, recommending that the Council accept Michael Winograd's resignation from the Energy & Climate Committee. A memorandum was received from GIS Coordinator, Will Schoefmann, recommending that the Council accept Janelle Sartorio's resignation from the Bicycle & Pedestrian Path Advisory Committee. A memorandum was received from Parks & Recreation Director, Carrah Fisk-Hennessey, recommending that the Council accept Ruzzel Zullo's resignation from the Ashuelot River Park Advisory Board. A memorandum was received from Senior Planner, Mari Brunner, recommending that the Council accept Deborah LeBlanc's resignation from the Conservation Commission. A motion by Councilor Greenwald to accept the resignations with thanks for their service was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

MORE TIME - PROPOSAL TO IMPLEMENT A "PROTECTION OF STREETS" PROGRAM - PUBLIC WORKS; & RELATING TO MASTER BOXES ORDINANCE O-2025-03

Municipal Services, Facilities, and Infrastructure Committee reports read, unanimously recommending placing the items on more time. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING - RELATING TO FLOODPLAIN APPEALS AND VARIANCE PROCESS - ORDINANCE O-2025-05

A memorandum read from Flood Plain Administrator, Michael Hagan, recommending that Ordinance O-2025-05 be referred to the Planning, Licenses, and Development Committee for

their review and recommendation. Mayor Kahn referred Ordinance O-2025-05 to the Planning, Licenses, and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO INSTALLATION OF A STOP SIGN ON GILSUM STREET - ORDINANCE O-2025-06

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the City Manager be directed to draft an Ordinance adding a stop sign at the intersection of Gilsum St. and Washington St. Mayor Kahn referred Ordinance O-2025-06 to the Municipal Services, Facilities, and Infrastructure Committee.

ORDINANCE FOR SECOND READING - RELATING TO INSTALLATION OF A STOP SIGN ON JENNISON STREET ORDINANCE O-2025-04

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the adoption of Ordinance O-2025-04. Mayor Kahn filed the memorandum. A motion by Councilor Greenwald to adopt Ordinance O-2025-04 was duly seconded by Councilor Filiault. Councilor Greenwald deferred to Councilor Filiault to report on behalf of the Committee. The motion carried unanimously on a roll call vote with 15 Councilors present and vote in favor.

ORDINANCE FOR SECOND READING - RELATING TO DESIGNATED LOADING ZONES AND BUS LOADING ZONES ORDINANCE O-2024-16-A

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the adoption of Ordinance O-2024-16-A. Mayor Kahn filed the memorandum. A motion by Councilor Greenwald to adopt Ordinance O-2024-16-A was duly seconded by Councilor Filiault. Councilor Greenwald deferred to Councilor Filiault to report on behalf of the Committee.

Councilor Greenwald stated that sometimes, a request comes in and it is unclear why or in this situation, the requestor is no longer in the community. He noted that while there is a lot of activity at this location in front of Central Square Terrace, it is not just the Friendly Bus using that zone. He said the Committee also talked about the disabled individuals who need the zone because they cannot walk from the parking lot across the street, the businesses that use the zone for deliveries and mail, and the Fire Department may use it. He did not think it would work for the Friendly Bus to have it for their sole use. Councilor Greenwald said that with all of the people in-and-out, it would not make sense for the Police to monitor the space. So, while the situation might have been somewhat inconvenient, the Councilor did not think it was a problem. He compared it to the West Street loading/bus zone that he said was working conveniently for people with no problems; he said it was similar on Gilbo Avenue, where the rationale was to change it for the Trailways Bus use every other day. He added that Gilbo Avenue would be a part of the downtown redesign. So, Councilor Greenwald urged the Council to leave these loading zones alone and defeat this Ordinance.

The City Manager, Elizabeth Ferland, stated that usually she and Councilor Greenwald agreed, but on this topic they do not. The City Manager stated that there is a problem in front of Central

Square Terrace on Roxbury Street when the Friendly Bus tries to pull in because cars are parked there. That poses challenges for those using the bus who are handicapped or have mobility challenges. The City Manager said that this Ordinance proposed taking 50 feet of the 99 feet in front of Central Square Terrace for the bus loading zone, which is where it has been for a long time, but it was not put back that way during the Roxbury Street project. Doing so would leave approximately two car spaces at that location, which seemed like a good compromise to the City Manager. On Gilbo Avenue, she said the same compromise was recommended, where staff proposed preserving 50 feet of the 95-foot-long area for a bus loading zone, leaving parking space for two regular cars or a small truck. The City Manager said it was true that the petitioner who initiated this regarding Central Square Terrace because of their mobility challenges with the Friendly Bus was no longer in the community. However, she said there still many people in the community with mobility issues, and this Ordinance would help to provide the space needed for the bus to pick them up. So, she recommended that the Council approve this Ordinance.

Councilor Bosley said she had recently sent Councilor Greenwald a photo of a car parked in front of Central Square Terrace. Councilor Bosley's concern was ensuring that caregivers who work independently with clients and need to get them in and out of the building would be able to use that space, so they do not have to walk from parking lots. She said that if the entire space were reserved for buses, it would create problems for the other services for those who live in Central Square Terrace. Councilor Bosley thought that a commitment to reserving two parking spaces for that purpose would be sufficient.

Councilor Workman said that Councilor Bosley's concerns were addressed at the MSFI meeting as well. Councilor Workman's understanding from the Committee level was that Keene Housing has asked and advised their residents to use the back parking lot for drop off and pick up, and their caregivers should use that driveway to load those tenants and there is a designated spot there. While Councilor Workman understood the Council and City Manager would not have a lot of weight in this, the Councilor's hope was that the City Manager could call Keene Housing and the local caregiving agencies to inform them and their staff of the changes, so everyone would be on the same page.

Councilor Williams was glad this was being addressed. He noted that the original request was for a curb cut because there used to be a pedestrian crossing that was removed with some of the redevelopment, which he thought was a mistake. Councilor Williams still wanted there to be a curb cut at that location in the event that this Ordinance does not pass, or if it did pass and did not solve the problem.

A motion by Councilor Haas to amend the Committee report to delete the Gilbo Avenue bus stop was duly seconded by Councilor Greenwald.

The Mayor questioned if it would be better to have a motion to separate the issue of Gilbo Avenue. The City Attorney, Tom Mullins, pointed out that there was already a motion to amend on the floor. The City Attorney explained that the initial proposal was to only do this on Roxbury Street, but he had raised the concern as to whether it should be enforced consistently and whether

it would set up ambiguity within the City that was unfair to the Police Department and public. So, that was why the other locations were included at this point.

Councilor Filiault said that sometimes the simplest things get convoluted, like this was becoming with trying to stack motions to amend an Ordinance.

A motion by Councilor Filiault to refer Ordinance O-2024-16-A back to the Municipal Services, Facilities, and Infrastructure Committee was duly seconded by Councilor Haas.

Councilor Favolise said this Ordinance had gone through two rounds in Committee already. He said the current language around the split on Gilbo Avenue resulted from the first conversation at Committee, where Councilor Greenwald expressed concerns about taking that whole space for the bus. City staff went out, did a measurement, and came back with a compromise that the Committee was happy with. Councilor Favolise did not see a lot of benefit in sending this back to Committee. He was not sure what the Committee would discuss that it had not already discussed. He understood that it could sometimes be messy to amend the things that seem simple on the Council floor, but said it could be messy now and be done with, or it could go back to Committee and have some of these same conversations when it comes back to Council a month from now. So, he urged a no vote on this motion to refer.

Councilor Chadbourne clarified to Councilor Williams that the curb cut was moved, not removed, which Councilor Chadbourne thought was significant.

Councilor Madison called the question.

The motion to refer to the MSFI Committee failed on a vote of 5–10. Councilors Filiault, Haas, Jones, Powers, and Greenwald voted in the minority.

Councilor Filiault raised a point of order that if the amendment on the floor carried, the Ordinance would become a “B” version. The City Attorney agreed, and the Mayor asked what that would require. The City Attorney said that because this would be a substantive change to the Ordinance (vs. a Scrivener’s error, for example), it would become the “B” version as a final act upon amendment and no further actions would be required.

On a vote of 4–11, the motion to amend the Committee report to delete the Gilbo Avenue bus stop failed. Councilors Haas, Jones, Powers, and Greenwald voted in the minority.

Discussion continued on Ordinance O-2024-16-A.

Councilor Tobin said she shared Councilor Bosley’s concerns about vehicles. Councilor Tobin checked the language and found that NH RSA 239-B:1-a stated, “In this chapter, ‘community transportation’ means services that address all transit needs of a community, including general and special populations, such as persons with disabilities and seniors.” So, her understanding was that would be included. Mayor Kahn asked if that was a permitted use in the transportation pickup zone. The City Manager said that she could not say for sure, stating that it sounded like a legal interpretation. However, the City Manager thought that Councilor Bosley was comfortable with there still being two spaces available for that type of use, and there would be per this Ordinance. Councilor Bosley stated that Keene’s Ordinance read: “It shall be a violation for any

vehicle other than an emergency vehicle as defined in NH RSA 259:28 or community transportation vehicle as defined in NH RSA 239-B:1-a.” So, it appeared to Councilor Bosley that a vehicle assisting a senior would be legally allowed to use a bus zone.

Councilor Jones asked if the Ordinance was still the “A” version and the Mayor said yes.

Councilor Madison called the question.

On a roll call vote of 13–2, the motion to adopt O-2024-16-A carried. Councilors Powers and Greenwald voted in opposition.

RESOLUTION - RELATING TO THE OFFICE OF CITY TREASURER - RESOLUTION R-2025-03

A memorandum read from the HR Director/ACM, Elizabeth Fox, recommending that the City Council adopt Resolution R-2025-03. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2025-03 was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

RESOLUTION - RELATING TO APPROPRIATIONS FOR ADA RAMP AT RECREATION CENTER - RESOLUTION R-2025-04

A memorandum was received from the Deputy City Manager, Andy Bohannon, recommending that Resolution R-2025-04 be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Kahn referred Resolution R-2025-04 to the Finance, Organization, and Personnel Committee.

RESOLUTION - RELATING TO APPROPRIATION OF FUNDS - SEWER MAIN LINING - RESOLUTION R-2025-05

A memorandum was received from the City Engineer, Bryan Ruoff, recommending that Resolution R-2025-05 referred to the Finance, Organization and Personnel Committee for consideration and recommendation back to City Council. Mayor Kahn referred Resolution R-2025-05 to the Finance, Organization and Personnel Committee.

RESOLUTION - RELATING TO APPROPRIATION OF FUNDS - SEWER MANHOLE LINING - RESOLUTION R-2025-06

A memorandum read from the City Engineer, Bryan Ruoff, recommending that Resolution R-2025-06 referred to the Finance, Organization, and Personnel Committee for consideration and recommendation back to City Council. Mayor Kahn referred Resolution R-2025-06 to the Finance, Organization and Personnel Committee.

TABLED ITEM - RULES OF ORDER AMENDMENT - SECTION 26. “REVIEW OF ITEMS OF BUSINESS”

A motion by Councilor Bosley to remove from the table the Rules of Order Amendment for Section 26, “Review of Items of Business,” was duly seconded by Councilor Jones.

Councilor Bosley recalled that the language initially submitted to the Planning, Licenses, and Development Committee referred to an amendment to the Rule that would define how non-germane (to the City or State of NH) communications—or those over which the Council lacks the authority to act—submitted to the Council are handled. When the Committee reviewed the original language submitted, a split membership of the Committee asked the City Attorney to draft additional language that was presented to the Council and then reviewed by the PLD Committee. When the request was presented to the Council, Councilor Bosley said the Council discussed whether to go in the direction of Councilor Williams’ amendment, and there was an amendment by Councilor Remy to revert to the original Rule language that was presented to the PLD Committee. Councilor Bosley reminded the Council that they would be discussing Councilor Remy’s amendment again at this meeting, and if it passed, the Council would vote on whether to adopt the original language submitted to PLD. If that amendment did not pass, the Council would vote on the original motion out of PLD to request that the City Attorney draft additional revised language for this Rule. If that vote failed, the Council would remain working with the Rule that it had been for the prior several years. Councilor Bosley thought the Council needed to get through the Rules of Order Workshop (01/28/2025) to have a better understanding of the different motions, the process for making motions, and how to bring attention back to things that individual Councilors think are important (and are being accepted as informational or acted on by consensus). She hoped everyone felt more comfortable now and would consider that in their decisions at this meeting.

On a motion of 9–6, the motion to remove Section 26 of the Rules of Order from the table carried. Councilors Filiault, Williams, Madison, Roberts, Chadbourne, and Powers voted in the minority.

Councilor Remy clarified and reminded his colleagues of his opinion on his amendment and why he liked the language the Council was presented with for first reading on October 17, 2024; it would not actually change anything about the Council’s process. He said all it did was clarify the process for a member of the public if they were to read it. The Council would still accept things as informational just as it has been. Councilor Remy said it would add language:

“Communications requesting that the City Council consider matters that are not germane to the State of New Hampshire or the City, or over which the City Council may lack authority to take action, shall be placed on the City Council agenda for a determination by the City Council as to whether or not to accept the communications as informational.” He reiterated that it would be the same policy as the existing one. It would just make it clearer to the public that the Council can take non-germane items as informational, which was why he liked the amendment. He did not want to vote on every single decision to accept as informational if this amendment did not pass; so, he planned to vote against the main motion if the amendment failed.

Councilor Williams stated that he thought that Council should let this Rule change die. He said the public did not want it. So, he asked why the Council was doing it. He said there was a lot of bad blood behind it and he wanted it to go away. Councilor Williams stated that he thought this was the result of what he considered, “a mistake that you made, Mr. Mayor, about 10 months ago, to not listen to some constituents who had something to bring to the Council.” Councilor

Williams thought that if the Council had listened then this issue might not have persisted this long. He said there was still not a consensus about what “germane” meant. Still, Councilor Williams said that human rights would always be germane to him. So, when the Mayor asked, he urged everyone to vote against the amendment and let the Rule change die.

Councilor Filiault said he had mentioned many times that the Council had gotten itself into a quagmire with this despite good intent. He said this would not be an issue if everyone knew the Rules of Order well enough. He pointed out that as the Rules of Order were written at this time, eight votes would determine anything, including whether anything is germane. Even the Rule of Order depends on eight votes. So, he felt the Council was complicating something that was not broken. With all due respect to Councilor Williams, Councilor Filiault said this all went back to people being perturbed that there was no second on the night that Councilor Williams’s died for the lack of a second. Councilor Filiault said all it would have taken was one of the 14 other Councilors to second the motion. Then Councilor Williams could have debated the merits of the issue with the Mayor, and eight votes would have determined whether it was germane to the City. Councilor Filiault urged not to change the Rule. He stated that if his fellow Councilors were not sure about the Rules of Order, they should learn them better because the Rules work and exist for the Council to make them work.

A motion by Councilor Remy to adopt the Rules of Order Amendment for Section 26, “Review of Items of Business,” as originally presented for first reading on October 17, 2024, was duly seconded by Councilor Bosley. The motion failed on a roll call vote of 2–13. Councilor Remy and Lake voted in the minority.

The Mayor explained that now, the Council was back to considering the main motion to direct City Attorney to prepare changes to Section 26. Councilor Filiault reiterated that the Council should leave the Rule alone and stop burying the City Attorney in needless work.

Councilor Madison called the question.

On a vote of 0–15, the motion failed to request 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.

Councilor Haas said that this exercise was worth it as everyone learned more about the Rules of Order and he thought everyone would behave better next time.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:01 PM.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Confirmations - Human Rights Committee, Zoning Board of Adjustment**

Council Action:

**In City Council February 20, 2025.
Voted unanimously to confirm the nominations.**

**In City Council February 6, 2025.
Nominations tabled until the next regular meeting.**

Recommendation:

Attachments:

None

Background:

I hereby nominate the following individuals to serve on the designated board or commission:

Human Rights Committee

Debra Bowie, Slot 3
Moving from alternate
to regular member
Term to expire Dec. 31, 2027

David Morrill, Slot 8
Moving from alternate
to regular member
Term to expire Dec. 31, 2027

Mohammed Saleh, Slot 11
Moving from regular
to alternate member
Term to expire Dec. 31, 2027

Zoning Board of Adjustment

Adam Burke, Slot 4
Moving from alternate
to regular member
Term to expire Dec. 31, 2027



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Councilor Michael Remy
Through: Patricia Little, City Clerk
Subject: **Councilor Remy - Potential Implementation of Consent Agenda by Committee - City Council Meetings**

Council Action:

In City Council February 20, 2025.

Referred to the Planning, License and Development Committee.

Recommendation:

Attachments:

1. Consent Agendas 011625

Background:

Councilor Michael Remy is requesting the City Council review the feasibility of implementing a consent agenda by committee process in order to abbreviate the full City Council meetings.

Michael Remy
City Councilor, At-Large

January 16, 2025

Re: Consent Agendas

To: Mayor and City Council

I request that we review and if possible develop a process and move to consent agenda by committee where possible to abbreviate the full City Council meetings. This would be similar to the last meeting of 2024, but with a defined and practiced process it would be even more efficient. The primary benefit is savings of staff time, but this may eventually lead to greater public participation in our processes.

Thank you!

A handwritten signature in black ink, appearing to read 'M. Remy', written in a cursive style.

Michael Remy



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Request for Letter of Support - HB250 Enabling Local Governing Bodies to Regulate the Muzzling of Dogs

Council Action:

In City Council February 20, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that the Mayor be authorized to write a letter to the State Legislature in support of HB250.

Attachments:

None

Background:

Chair Bosley welcomed comments from the petitioner, Councilor Bobby Williams. Councilor Williams stated that in 2024, he submitted a letter to the Council, trying to enact rules in the City for vicious dogs. Specifically, the goal was to say that dogs with a history of attacking other dogs would have to wear a muzzle for some—as yet unspecified—period of time. He said it would be a measure to protect small dogs from big dogs, ensure that the public is safe from dogs that may be considered vicious, and ensure that owners take responsibility for vicious dogs when they are in public. When this issue arose in 2024, the Committee learned that the existing NH law stated that dogs could only be muzzled in the case of a rabies outbreak, so the City could not require such muzzling. Fortunately, Councilor Williams said he worked with some very responsive State Legislators, including Representative Jodi Newell (Cheshire District 4) to bring House Bill 250 in front of the State House. Councilor Williams hoped it would pass and proceed through the Senate. HB250 would be in front of the Environment and Agriculture Committee soon. He said the proposed legislation could simply change the wording to enable the City, if it chooses, to include muzzling as one of the possible remedies for managing vicious dogs in Keene. Councilor Williams said several other State Representatives from Keene had signed onto the Bill, including Councilor Jones, who co-sponsored it. Councilor Williams' request was to have Mayor Kahn send a letter explaining the incident that occurred in Keene in 2024 that prompted this and to urge support for the legislation. Councilor Williams said that supporting his request would also empower the City Attorney to provide whatever testimony would be necessary. The Councilor wanted to hear what his colleagues thought.

Chair Bosley welcomed comments from Deb LeBlanc of 28B Union Street, who initially prompted this

request in 2024 after her dog almost died after it was attacked by a vicious dog while walking in the City. Ms. LeBlanc thanked Councilor Williams for his amazing job helping to get her story out and for his action on HB250. When Ms. LeBlanc's dog was attacked, there were no laws to help. She said there is no way to know whether the dogs you walk past on the street have a bite history, so she thought people taking responsibility for their dogs was an important issue for Keene's downtown. If this law had been in place at the time, Ms. LeBlanc said her dog would not have been mauled. She was happy to see this moving forward.

Chair Bosley asked if there were staff comments. The Deputy City Manager, Rebecca Landry, stated that the Police Captain, Steve Tenney, was present if the Committee had specific questions.

Vice Chair Jones noted that HB250 would modify NH RSA 466:39 by inserting the word muzzling into the list of regulations that authorities could establish. He said HB250 would allow governing bodies to create reasonable bylaws and impose penalties for violations, with a maximum fine of \$50.

Chair Bosley opened the floor to public comments.

Councilor Haas stated that another strike against self-governance is that the City is unable to write its own rules about these things without involving the State in such things.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that the Mayor be authorized to write a letter to the State Legislature in support of HB250.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Potential Amendment to Land Development Code - Animated Signs in the Industrial Zone**

Council Action:

In City Council February 20, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that the City Manager be directed to prepare an application for submittal to the City Council requesting amendments to the Land Development Code relating to animated signs in the Industrial Zones.

Attachments:

None

Background:

Chair Bosley welcomed a presentation from Senior Planner, Mari Brunner, for a high-level overview of the City’s Sign Code. Ms. Brunner recalled that the feather signs the Mayor referred to in his letter are also called “blade sales signs” or “feather flag signs”, among other names.

Ms. Brunner reviewed the Sign Code, which is Article 10 of the Land Development Code, a part of the Zoning regulations:

- **Sign Code Purpose:** Establish a legal framework for a comprehensive and balanced system of signs (to achieve some specific objectives).
 1. ***Safety:*** Helps to allow the free flow of traffic and protect the safety of pedestrians, bicyclists, and motorists, which may be impacted by cluttered, distracting, or illegible signage.
 - There is a section in the Sign Code that talks about construction and maintenance; and not obstructing the vision of or distracting motor vehicle drivers. As well as not obstructing or interfering with any government, restrictive, or directional sign, for example.
 2. ***Fair Competition:*** Avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities, and community appearance.

- A best practice is to have flexibility for different business sizes, such as provisions that allow for variations in signage based on the size and scale of the business.
- 3. *Community Aesthetics*: Promote the use of signs that are aesthetically pleasing, of an appropriate scale, and integrated with the surrounding buildings and landscape.
 - Ms. Brunner showed examples of key streets in the City (West and Winchester Streets, and Optical Avenue), to demonstrate the use of signs that fit in with the context of the area.

Ms. Brunner went on to provide examples from the Sign Code relating to the various types of permitted and prohibited signage, as well as those that are exempt from the requirement to obtain a sign permit.

- Sign Code Sections:
 1. *Permitted Signs*: Allowed with a Sign Permit.
 - Examples: Wall signs, projecting signs, marquee/awning/canopy signs, freestanding signs, development signs, drive-thru and changeable copy signs, portable signs, and temporary signs.
 2. *Exempt Signs*: Can be erected at any time without a Sign Permit, though some may require a Building Permit.
 - Types: Signs required by law, signs in the public right-of-way (in City Code), government signs or flags, interior merchandise displays, bulletin boards (non-commercial), informational/directional signs, memorial signs or plaques, and political signs.
 3. *Prohibited Signs*: Banned entirely.
 - Examples: Animated signs, signs greater than 200 square feet, electronic changeable copy signs, fluorescent signs, reflectorized signs, off-premises signs, roof signs, and snipe signs.

Next, Ms. Brunner specifically discussed features related to the feather signs under discussion, showing various pictures to the Committee. She said that feather signs—or blade sail signs—are used for advertising to draw the attention of foot and/or street traffic to an event or business location. The signs get their name from their featherlike or flaglike structure. They come in many sizes and in general, they are intended to last between six months and two or three years, depending heavily on the weather conditions and how well they are maintained. For example, depending on whether the owner brings the sign inside during icy winter conditions. Ms. Brunner reminded the Committee that under the City’s existing Sign Code, feather signs were classified as animated signs because they are designed to move and attract attention. She explained that while it might seem quirky, even flags were considered animated under Keene’s Sign Code because they move in the wind and attract attention. At this time, animated signs were prohibited.

Ms. Brunner explained some things to consider about potentially allowing feather signs in the Sign Code. She noted that generally speaking, Keene’s Sign Code enforcement is complaint-based; City staff do not drive around the City and look for violations. With this change, staff anticipated that there could potentially be an increase in complaints. Ms. Brunner said that enforcement with these types of signs could be tricky, so it would be important to set expectations. Additionally, she reiterated that feather signs are meant to be relatively temporary; they can degrade over time and if they are not installed properly, they could be a safety concern because they are meant to catch the wind, so they could blow over or fly away. Ms. Brunner hoped that all of those factors would be covered with the

Sign Permit process.

Lastly, Ms. Brunner described potential changes to the Sign Code that staff had initially considered. She showed a map with locations where the feather signs would be allowed in the Industrial District and Industrial Park District. This would include areas along Rt-101, lower Winchester Street, off lower Main Street, Optical Avenue, and Rt-12 South. In response to the Chair, Ms. Brunner confirmed that the Mayor proposed *both* the Industrial District and Industrial Park District, but whether to include both was under discussion. Ms. Brunner continued explaining that to address this request, staff proposed to add an exemption to the “Animated Signs” entry of Table 10-2 of the Sign Code, so that where it says animated signs are prohibited, it would have an exemption stating: “1 feather sign per lot in the Industrial and Industrial Park Districts. Max sign face area – 18 SF (equivalent to a sign that is ~10 feet tall). Requires a Sign Permit.” A definition for feather sign would also be added, and she provided an example: “A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind. Also known as feather flag, banner flag, bow flag, wind feather, and tear drop sign.” Ms. Brunner hoped to find out if this met the Committee’s expectations and to get further directions so staff could develop the draft Ordinance.

Chair Bosley said the only thing she did not see addressed from the last meeting was the Keene Sign Code’s current definition of and regulations for temporary signs, because feather signs would not be fixed and would require maintenance. The Chair also asked if there would be a limitation on the number of days per year that a feather sign could be erected. Ms. Brunner said that staff were proposing to treat the feather signs more like permanent signs, with the owners maintaining and replacing them when degraded. However, if the will of the Committee was for them to be more temporary, Ms. Brunner said that staff could draft the Ordinance as such. Chair Bosley said she wanted to hear from the Committee about the permanent option. However, her concern was that—despite the past few easy winters—allowing these signs year-round and not requiring annual Permit renewal would risk disrepair that could be dangerous or threaten the public right-of-way. Chair Bosley had seen feather signs used long-term in other communities and if that would be the case in Keene, she hoped for maintenance and monitoring standards to avoid unintended consequences. Ms. Brunner said that Code Enforcement would require that the owners maintain the signs, but she reiterated that enforcement would be complaint-based. Because the signs are only meant to last between six months to a few years, she said staff could look at adding time restrictions or an annual renewal.

Chair Bosley welcomed the Code Enforcement Officer, Mike Hagan for some questions as this would be the first time these blade signs would be allowed in these Districts. Chair Bosley asked the following: Because the blade signs would not be permanent and would degrade over time, did the City’s existing Code Enforcement have any restrictions for temporary sign placement if these were considered temporary signs? For example, could a sandwich board be outside every day all year? She also asked if owners with Sign Permits issued on an annual basis have their signs inspected annually by Code Enforcement. Mr. Hagan explained that temporary signs are treated differently. Every business can have up to four temporary signs per year, each displayed for up to 14 days, with at least 30 days required between the display of each sign. Recently, staff had streamlined that temporary sign process to allow businesses to apply for one permit throughout the year and list the dates for the four different sales events (14 days each), as long as they are separated by at least 30 days. Mr. Hagan said that Code Enforcement does inspect temporary signs once they are placed to ensure they are in the appropriate locations, set back from the road, meet the regulations, and are removed appropriately when the time comes. He explained that someone could have essentially as many temporary signs as they want (he mentioned 10, for example). Mr. Hagan noted that the sandwich board or A-frame signs that Chair Bosley mentioned can only be displayed during business hours. So, Mr. Hagan said the Council could place similar restrictions on the blade signs so that they

would not be a distraction at night or during plowing hours, for example. He said some of the language that was in the Sign Code for the A-frame signs might fit for the blade signs, such as allowing them all year but only during business hours and not during high wind events. Mr. Hagan said his suggestion would be to list the blade signs in the Sign Code as a use similar to the A-frame signs as he described. He said the blade signs do not actually advertise events, so they would fit better in the A-frame section of the Sign Code.

Chair Bosley asked if there could be a way to permit a more permanent version of this flag sign for up to 12 months, with an annual reapplication, and Code Enforcement—with a permit requirement—could inspect the sign annually to make sure it is maintained. Mr. Hagan said there was not an existing program structured that way. If someone with a Sign Permit for an A-frame sign had it damaged or wanted to replace it, they would need to apply for a new Permit and Code Enforcement would inspect the new sign. However, he said that at this time, there was no annual re-inspection of the A-frame type signs by Code Enforcement after initial inspection such as what Chair Bosley described.

Vice Chair Jones asked about the examples that Ms. Brunner showed and the options to put out multiple signs. Ms. Brunner explained that when staff developed this proposal, they were thinking of these feather signs more as traditional permanent signs to advertise hiring or their open hours. Whereas for an event, she said it sounded like the Temporary Sign Permit for 14 days could allow for as many signs as someone wants.

Chair Bosley asked if blade signs were allowed in Keene as temporary signs at this time and Mr. Hagan said no. Chair Bosley asked if this Ordinance would change that. Ms. Brunner noted it potentially could, but that there was no Ordinance drafted yet as staff was looking for feedback from the Committee to draft the Ordinance. Mr. Hagan continued that if it was the will of the Committee, the blade signs could be treated as temporary signs, limited to four, 14-day events per year, which would address some of the maintenance concerns. He said that then, there could also be a permanent blade sign option that would only be displayed during business hours like the A-frame option. Chair Bosley asked if research showed that most owners leave these blade signs displayed for many months or take them down nightly. Ms. Brunner said her sense was that many would leave the signs up long-term but bring them in during high wind events because they could blow away. She had read manufacturers' maintenance recommendations for some signs that claimed a lifespan of up to three years if you bring them in every time there is rain, snow, wind, etc. So, she thought it would depend on the owners' actions.

Councilor Williams shared that he was on a road trip with his son, saw many of these blade signs, and complained about how tacky they were. His son said, "Dad, just because they are tacky does not mean you should outlaw them." Councilor Williams said that his son was right; just because the Councilor does not like them, that does not mean people do not need to advertise. He supported a combination of temporary signs and one permanent. Councilor Williams was concerned about these blade signs becoming dangerous during windstorms, so he wondered what requirements could be incorporated in the ordinance for securing them.

Councilor Haas stated that he thought these should be temporary signs. So, he thought staff should look into a time limit for how long they would be deployed to ensure they remain standing and in good condition if an owner neglects to take care of them. Councilor Haas added that for security, owners usually stake or weigh down these signs, which would make it hard to take them inside on a regular basis; so, they could not be expected to be brought in overnight and thus, could not be temporary signs. Further, Councilor Haas stated that there were existing temporary signs in the Sign Code with permanent exemptions for one sign per lot, and he imagined more than one blade sign would be allowed per lot. Councilor Haas said he was looking for language in the ordinance regarding timing

and security, so the signs stand properly and do not fly away.

Councilor Madison agreed with Councilor Williams' opinion that blade signs are ugly and tacky, noting how common they are at chain establishments in the Midwest. Still, Councilor Madison agreed with Councilor Williams that just because they are tacky that should not mean the Council should outlaw them. Councilor Madison also agreed with Councilor Haas that these are temporary signs, not permanent fixtures. Councilor Madison shared the concern about them blowing away during windstorms, which he said Keene was getting more of during the summer due to climate change. So, he agreed that there should be regulations for anchoring these signs, as well as for taking the signs down when the business is not open. Councilor Madison referred to a sample photo Ms. Brunner showed that was more like an "open" flag or a sign to advertise that a business is hiring or has a special, not something that should be up at all hours of the night year-round.

Councilor Haas added that this was being stipulated for the Industrial and Industrial Park Districts, so these signs would not be in front of establishments like McDonalds. There would be limitations. He thought they would be used less for the purposes of advertising and more for recruiting.

Vice Chair Jones asked to hear from the Mayor as to whether this vision aligned with what he had proposed to the City Council. Mayor Jay Kahn said he had considered a duration of 30 days. If a business was celebrating an anniversary, for example, that would not be a one-day event. Also, a hiring event might be one per quarter, so in four quarters, his idea would give someone four opportunities to display. He also provided the examples of graduations and turn of a business cycle type events to illustrate that businesses might not always be able to predict the month. The Mayor agreed that these would be the best districts in the City for this use. Otherwise, Mayor Kahn said he felt the proposal from staff was reasonable. He agreed with the observations about securing the signs and welcomed industry guidance. He was unsure about the number of signs on a property, and he considered the districts that would be affected, like frontage on Optical Avenue; he thought whether one sign there would be just as impactful as 12. Regardless, the Mayor thought the City was moving in the right direction by allowing businesses their discretion for display, calling it a vast improvement over the existing prohibition.

Chair Bosley opened the floor to public comment.

Jared Goodell of 39 Central Square asked about his understanding of what he saw written and whether staff were proposing the installation of a permanent pole for the erection of temporary signs on it throughout the year. Chair Bosley explained that the Committee was not yet reviewing any draft ordinance. Staff were seeking feedback on how the Committee wanted the ordinance written. She said there would still probably be a few conversations between the Committee and staff before a formal Ordinance would be drafted. She said that what Mr. Goodell saw written currently could be an option but may not be the direction the Committee ultimately chooses. The Committee asked staff to come back with a temporary option, with a timeline for a certain number of events allowed for a certain number of days per year, mimicking the existing Sign Code but more expansive for this type of use. To Councilor Haas' observation, Mr. Goodell stated that at this time, the Sign Code stipulated one sign per lot, but Mr. Goodell noted that in the Industrial Districts, there could be multiple businesses per lot. So, he asked the Committee and staff to consider whether the intent would be to only permit one business per lot at any one time. He also referred to Councilors Williams and Madison's point about these signs often being in retail areas, and Mr. Goodell wondered if this consideration should be expanded to the Commerce District. He cited the debate in recent years on social media about food truck owners using these blade signs. While he agreed with not judging the aesthetics, he wondered if the Commerce District would be a good addition. Chair Bosley said the Committee had heard that feedback and the Mayor brought the proposal for these specific districts, but there was a plan in place to work on the Sign Code overall. So, they might look to expand the use with a plan that

works.

Ms. Brunner summarized what she heard the Committee request:

- Treat blade signs like temporary signs. Four per year, 30 days each.
 1. At this time, Ms. Brunner heard no limit on the number of signs per location during each event.
 2. These signs would not need to be brought inside every night, they could be displayed for the entire 30 days.

Chair Bosley and Councilor Madison had no objections to what Ms. Brunner summarized. Councilors Haas and Williams discussed the number of signs per lot. Councilor Haas thought one per lot would not be realistic, but that having signs 3 feet apart down 100 feet of road frontage would not be realistic either; he was unsure what an owner would want to invest for a single lot. He did not know what to suggest but trusted that staff would think about a limit on the number per lot and practical spacing that could solve the problem. Councilor Williams said that an alternate to number per lot could be number per 100 feet of frontage, for example.

The Assistant City Attorney, Amanda Palmeira, asked the Committee to clarify their meaning when indicating these signs should be “treated like temporary signs”; and questioned if their intent was to modify the “Temporary Signs” category to include blade signs. Chair Bosley said she would not want to do that because it would open-up some ambiguity for other people requesting these types of signs as temporary signs under the original temporary sign limitations. Chair Bosley thought the Committee wanted to associate these signs with only these industrial districts, with their own specific set of rules, just modeled similarly.

Ms. Brunner recalled several Committee members raising concerns about safety of the blade signs, especially in high wind conditions. She pointed out a more general section of the Sign Code that talks about signs needing to be safe and secured. When Code Enforcement inspects signs, she thought that was one thing they would look at. She asked if the Committee would want more specific requirements beyond that for these specific signs. Chair Bosley said that if in staff’s research they were to find that these signs require specific parameters for safely affixing them then they could call it out specifically. Otherwise, it could fall back on the more general safety requirements.

Vice Chair Jones recalled when Home Depot was constructing their building and putting up their traditional orange siding, the City put up a Stop Work Order to not allow it, and he asked Mr. Hagan what the reasoning was. Mr. Hagan said that was a Planning Board architectural decision, not a decision regarding their signs. He explained that the only City district that regulates the color of signs is the downtown. In that instance, he said Home Depot had approval to build the building a certain way and chose to build it a different way with alternative materials, so the City made them aware that they needed to either adhere to what was approved or go back to the Planning Board for a new approval. Chair Bosley said it was more material-driven than color-driven and Mr. Hagan said that was correct, materials could be regulated by the Planning Board process. Ms. Brunner added that the Planning Board has a standard called Architecture and Visual Appearance. One of them is related to aggressive colors, with specific language about not allowing color schemes and architectural features that are just for branding and serve no functional purpose.

Vice Chair Jones stated that he would prefer for this to come back as a draft for discussion again, not as an ordinance for first reading.

Councilor Haas asked the current turnaround time for a Sign Permit from the City. Mr. Hagan said it

depended on the type of sign. Temporary Sign Permits could typically be issued same-day or next-day. For a more complicated sign, like a free-standing sign, staff would need to look at things like the structural elements. The face replacement in an existing box sign for a new business could usually be issued the same day. He said the staff are very well trained. Some requests are very unique and require time to determine whether they fit within the Sign Code requirements. Overall, Mr. Hagan was proud to say that at this time, Sign Permits or reviews (indicating what to address) were issued within seven to 10 business days of someone submitting an application.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that the City Manager be directed to prepare an application for submittal to the City Council requesting amendments to the Land Development Code relating to animated signs in the Industrial Zones.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order - Section 15. - Voting and Conflict of Interest

Council Action:

In City Council February 20, 2025.

Voted 11 in favor and one opposed to carry out the intent of the report.

Recommendation:

On a vote of 4–1, the Planning, Licenses and Development Committee recommends the adoption of the Rules of Order amendment – Section 15. “Voting and Conflict of Interest.” Councilor Williams voted in opposition.

Attachments:

1. Proposed Amendment - Rules of Order Section 15 - No Markup
2. Proposed Amendment - Rules of Order Section 15 - Markup

Background:

Chair Bosley requested a recap from the Assistant City Attorney, Amanda Palmeira, who recalled that this discussion of Section 15 of the City Council’s Rules of Order had been ongoing for some time. In December 2024, the Committee talked about changes to Section 15 that were introduced to the Council for first reading on January 16, 2025, and sent back for this Committee’s review. In the committee’s agenda packet were two versions of Rule 15: the clean version and one with the proposed strikethroughs. The Assistant City Attorney knew there had been questions about household members and what Substantial Interest meant. She took the Committee’s direction on how to proceed. Chair Bosley welcomed Committee discussion.

Councilor Madison asked if the Council could, on its own authority, determine that a Councilor has a conflict of interest if the conflict does not meet one of the financial criteria listed in the Rule. Could a majority of the Council decide that a Councilor could not vote impartially or vote in the best interest of the City because of a personal relationship that is outside of marriage, or with an entity with which they have some non-fiduciary affiliation? The Assistant City Attorney said yes, and that it was a good question. She said that conflict of interest is a unique Rule in that it brings an existing, larger concept down to the City Council level and tries to make it articulable for how the City wants to understand it. However, she said that if something creates a conflict of interest pursuant to the larger concept of ethics and integrity of a democratic body, the Council could consider it. What was written in the Rule was just how it had been articulated for local understanding. The Assistant City Attorney added that to Councilor Madison’s example, it could also be a conflict if the Councilor points out to the Council

themselves if it does not arise under the strict reading of the Rule.

Councilor Haas said that from his understanding of how this had developed and in reading what was before the Committee, Special Interests were straightforward as defined by the items listed in Section 15. He said that with these changes, if a Special Interest exists, then a conflict exists, which he said eliminated the judgment of the Council. Of course, he said that the Council could still take an issue up as a matter of judgment if the Council thought it was that significant. Councilor Haas said he thought it was good to take the judgment out of it.

Councilor Williams said his concern continued to be with the household member portion. While he understood that this was one way to address the concern about potential corruption, he said that every concern needs to be balanced against other concerns. His concern was with publicly sharing personal data about people in his household, especially during a time of very inflamed politics when he felt that his family members could potentially be at risk. Councilor Williams said that if he was considering running for City Council, seeing this Rule of Order might give him pause. So, in the interest of balancing privacy with other considerations, Councilor Williams stated that he was still opposed to this amendment to Section 15.

Vice Chair Jones referred to the paragraph in Section 15 that began with, “‘Substantial Interest’ in an organization shall include...” followed by the six factors and asked if those addressed both for profit and nonprofit organizations. The Assistant City Attorney said yes. She explained that this was an example of how the Legislature tended to write things. The term “Substantial Interest” was defined in the paragraph the Vice Chair pointed out, but the term was only actually used in the Rule in Part ii above it, in reference to for profit and nonprofit organizations.

The Assistant City Attorney returned to Councilor Williams’ point. In looking at how household members were discussed in the Rule, the Assistant City Attorney believed that it might not have been clear in how it was written. However, based on what she understood (in collaboration with the Clerk’s office) of what would happen with the Council’s Special Interest Form, she thought that listing what special interests exist for the Councilor and their household members would be more of a catch all portion. The specific Special Interests would not be attributed to each household member, so there would be a layer of anonymity.

Chair Bosley said it was interesting that the Assistant City Attorney made that point because Councilor Favolise contacted the Chair before the meeting asking what the Council’s Special Interest Form would look like. She said Councilor Favolise wondered if the Council could suggest to—instead of identifying the specific Special Interests—have a block for the Special Interests of the Councilor that would include the Special Interests of the household members. That would create some anonymity for the household members. Councilor Williams said he still did not like that but thought it would be an improvement.

Councilor Haas said he appreciated Councilor Williams’ concern, but he wanted to return to thinking about what citizens on the street would want to know. Councilor Haas said the citizens would want to know everything, and he thinks that is fair. Councilor Haas also complimented the City Attorney for clarifying that the Mayor would also be subject to the same Rules.

Chair Bosley recalled that the Mayor brought this reconsideration forward for review, so she asked if he had any comments. Mayor Jay Kahn clarified that this was an attempt to address concerns that members of the public had expressed to him about Councilors voting on issues for which their family members had interests that were not disclosed. He said that these changes would define household members, making it a modernization of terminology because people live with others who contribute to the economic interests of households; a partner is not necessarily a family member, though they

have as much interest in the economic welfare of the household. So, the Mayor said this amendment would change the language from “family member” to “household member.” He recalled that the amendment would also require disclosing organizations of affiliation for household members, not just Councilors, on the Council’s annual Special Interest Form. He said this would not create a reporting burden on the City Council or Mayor that would be any greater than any other elected officials in this region because this language aligned with what the State Legislature had adopted. He said the amendment clarified what a Substantial Interest in an organization is. The Mayor also addressed Councilor Williams’s concerns, stating that this was about disclosure by Councilors of “influences” (financial and otherwise) that the elected official may experience. The Mayor said the disclosure of interests would not be person-by-person in the household. It would be a matter of identifying that the interest of the household member has an influence on the elected official, who has a responsibility to disclose that influence; he said this was the important point for the conflict of interest definition. The Mayor hoped that would address the anonymity of the household members.

Councilor Haas added that this amendment would define the “household,” but the Council would always rely on the integrity and honesty of the individual Councilors to disclose any such interests or concerns, even if they do not list them all. Many influences outside of Councilors’ households could come into play, so the Council would rely on integrity. Councilor Haas thought that listing everything as specified in the amendment was a step forward in showing that the Council has that integrity.

Vice Chair Jones thought Section 15 had come a long way. He recalled that he had opposed this change from the beginning but said there had been some great changes. He cited the State of NH’s new three-page application with detailed questions about family members (e.g., Is your family associated with the insurance industry? Alcohol industry? Aviation industry? etc.) and thought the City’s form would be simpler. Vice Chair Jones thought the answer to Councilor Haas’ question was in the first paragraph of Section 15, where it explained that a Councilor must commit if they feel they think they have any conflict at all. The Vice Chair reiterated that he thought the amendment had come a long way and he hoped it would pass. He knew it might need updating again in the future as the Rules require at times.

Chair Bosley agreed with Vice Chair Jones that this Rule had come a long way, calling it a complete revision to something that the Council had been working on since she began on the Council. Chair Bosley agreed that often, revisions are needed as times and terminology change. She liked that households were identified to exclude persons with leasehold interests; she called it smart and thought it helped to get to the heart of defining a household member. She recalled the Council using Rule 15 clunkily many times; Councilors asking for financial commitments from the City for boards that they sat on had recused themselves but then voted on the permitting and licensing portion of that same board’s request. Chair Bosley thought that this amendment would provide great grounding for the expectations of what each Councilor should and should not be disclosing. She liked the idea of the Council’s Special Interest Form not attributing specifics to named household members, agreeing that it would be up to Councilors to be honest and hold themselves accountable when completing these forms. She said the forms would allow other Councilors to ask questions because otherwise, she would not know her fellow Councilors’ special interests. So, she agreed that this change would provide a level of transparency that made her feel more comfortable, and she thought it would make the public feel more comfortable too. The Chair was ready to see it move forward to Council.

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

On a vote of 4–1, the Planning, Licenses and Development Committee recommends the adoption of the Rules of Order amendment – Section 15. “Voting and Conflict of Interest.” Councilor Williams voted in opposition.

SECTION 15. VOTING AND CONFLICT OF INTEREST.

Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration. A conflict of interest shall be defined to exist when a proposed action, decision, or discussion ("Item") presented to the City Council for consideration, would affect the Councilor's Special Interest. A "Special Interest" shall be defined as follows:

Any financial or non-financial personal interest in the outcome of an Item that is the subject of official activity, distinct from and greater than the interests of the public at large:

- (i) A financial interest exists where a City Councilor or Household Member, or a person or organization, whether nonprofit or for profit, by which the City Councilor is employed, or from which the City Councilor receives compensation, to act as the person's or organization's agent or advocate, could stand to gain or lose anything of material value as a result of the official activity.
- (ii) A non-financial personal interest exists where a City Councilor or Household Member has a Substantial Interest in the welfare of an organization, whether nonprofit or for profit, by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.
- (iii) A City Councilor or Household Member's ownership of securities of a publicly traded corporation shall not be construed to constitute a Special Interest in matters that may affect the corporation unless the City Councilor or Household Member serves as an officer, board member, trustee or director of the corporation or owns more than one percent of the outstanding securities of the corporation.

"Substantial Interest" in an organization shall include any of the following factors:

- 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.

A Special Interest shall be deemed to exist when any person living in the same domicile as the Councilor (excluding persons with a leasehold interest) and who shares a common economic interest in the expenses of daily living with the Councilor, including but not limited to a spouse, parent, or child 18 years of age or older ("Household Member") has a Special Interest in a proposed Item. A Councilor with a Special Interest on a Council agenda shall file with the City Clerk the written particulars of the Special Interest for inclusion on the Council agenda. If the Special Interest becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the Special Interest. The question of whether or not a Special Interest exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a Special Interest shall not vote on the question of the existence of the Special Interest. When a Special Interest is determined by the City Council to exist, the member having the Special Interest shall be prohibited from participating in the discussion and the vote on the Item. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a Special Interest may discuss the Item in which he or she has a Special Interest with any other Councilor in any other place or any other time. If a Councilor with a Special Interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a Special Interest may raise the question on his or her own motion. The Mayor shall also be subject to the Rule on Voting and Conflict of Interest

notwithstanding whether or not the Mayor is entitled to vote on an Item. The question of whether or not a Special Interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Special Interests on a form prepared for that purpose by the City Clerk. The Statement of Special Interests shall identify for the Mayor and for each Councilor and for each Household Member the person's employer, and any board, commission, organization, association, or other entity in which the Mayor and Councilor or Household Member has a Substantial Interest. The Statement of Special Interests shall be available in the Office of the City Clerk for public inspection.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008, 1-18-2018, 6-18-2020, 4-7-2022)

SECTION 15. VOTING AND CONFLICT OF INTEREST.

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

Any financial or non-financial personal interest in the outcome of an Item that is the subject of official activity, distinct from and greater than the interests of the public at large:

- i. **A financial interest exists where a City Councilor or Household Member, or a person or organization, whether nonprofit or for profit, by which the City Councilor is employed, or from which the City Councilor receives compensation, to act as the person's or organization's agent or advocate, could stand to gain or lose anything of material value as a result of the official activity.**
- ii. **A non-financial personal interest exists where a City Councilor or Household Member has a Substantial Interest in the welfare of an organization, whether nonprofit or for profit, by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.**
- iii. **A City Councilor or Household Member's ownership of securities of a publicly traded corporation shall not be construed to constitute a Special Interest in matters that may affect the corporation unless the City Councilor or Household Member serves as an officer, board member, trustee or director of the corporation or owns more than one percent of the outstanding securities of the corporation.**

"Substantial Interest" in an organization shall include any of the following factors:

- 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.

A Special Interest shall be deemed to exist when any person living in the same domicile as the Councilor (excluding persons with a leasehold interest) and who shares a common economic interest in the expenses of daily living with the Councilor, including but not limited to a spouse, parent, or child 18 years of age or older ("Household Member") has a Special Interest in a proposed Item. A Councilor with a Special Interest on a Council agenda shall file with the City Clerk the written particulars of the Special Interest for inclusion on the Council agenda. If the Special Interest becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the Special Interest. The question of whether or not a Special Interest exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a Special Interest shall not vote on the question of the existence of the Special Interest. When a Special Interest is determined by the City Council to exist, the member having the Special Interest shall be prohibited from participating in the discussion and the vote on the Item. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a Special Interest may discuss the Item in which he or she has a Special Interest with any other Councilor in any other place or any other time. If a Councilor with a Special Interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

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

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of **Special** Interests on a form prepared for that purpose by the City Clerk. The Statement of **Special** Interests shall identify for the Mayor and for each Councilor and for each ~~other person in the Immediate Family~~ **Household Member** the person's employer, and for the Mayor and for each Councilor, any board, commission, organization, association, or other entity ~~in which the Mayor and Councilor~~ **or Household Member has a Substantial Interest**. ~~is a member of, and whether or not the person holds a leadership position in that organization.~~ The Statement of **Special** Interests shall be available in the Office of the City Clerk for public inspection.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008, 1-18-2018, 6-18-2020, 4-7-2022)



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Energy and Climate Committee Recommendations for Phase 2 of Keene Community Power *and* Recommended Amendments to Keene Community Power Plan**

Council Action:

In City Council February 20, 2025.

Voted unanimously to carry out the intent of the first recommendation of the report to have the next Community Power Program electricity options have three levels.

Voted unanimously to amend second recommendation to include language that the Adder Fee applies to the Keene 50% and Keene 100% levels.

Voted seven in favor and five opposed to table the item to the next regular meeting.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the next Community Power Program electricity options have three levels. The levels would include Keene Basic (25% total renewable energy), Keene 50 (Default, 50% total renewable energy), and Keene 100 (100% total renewable energy).

On a 3-2 vote, the Finance, Organization and Personnel Committee recommends that an Adder Fee be included for the City Manager to negotiate, which is recommended to be between 0.075 and 0.125 cents per kWh. Councilors Remy and Chadbourne voted in opposition.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the Community Power Plan, with the amendments shown in the draft dated February 10, 2025, be adopted.

Attachments:

None

Background:

Senior Planner Mari Brunner addressed the Committee and said she would like to take the first two items together since they are closely related. Councilor Powers agreed.

Ms. Brunner stated that the Keene Community Power Program is an opt-out electric aggregation program. She explained this means that the city pools all its electricity needs to make a bulk purchase of electricity on behalf of the customers that are within the city. She indicated this is an opt-out program because everybody is automatically enrolled unless they choose to leave the program or

if they have already chosen a third-party supplier.

The City's community power consultants manage the program. There are two companies that have teamed up to work with the City. The first one is Standard Power and the second is Good Energy. Patrick Roach from Good Energy was present at the meeting. Ms. Brunner stated these consultants are paid through a per kWh administrative rate component of .1 cent per kWh – the City does not pay them directly, they are paid entirely out of the program.

Ms. Brunner referred to a PowerPoint presentation and explained that this program is enabled by Revised Statute Annotated 53 E.

Ms. Brunner noted the main reason the City first became aware of this program is when it was looking into ways to achieve the City's renewable energy goals that had been adopted by City Council. In 2019, the City Council adopted a goal to transition to 100% renewable electricity by 2030 and 100% renewable energy for transportation, heating and cooling energy by 2050.

Before the program could be launched, the City had to go through a planning process. Staff worked with the community, worked with the power committee that was appointed by City Council, sent out surveys, held public information sessions and through that process created a Community Power Plan. The Community Power plan was adopted by the City Council. Because this is an opt-out program, it required approval from the New Hampshire Public Utilities Commission.

The plan sets up the operation of the program. The City Manager is the one who provides direct management and oversight of the program. The Manager issues, bids and executes power supply agreements, all within parameters that are set by City Council and then the Community Power Committee, which has morphed into the Energy and Climate Committee, is the body that advises City Council and the City Manager with respect to the plan.

Ms. Brunner noted the plan states as follows that the *vision for Keene Community Power is to launch a timely community power program that provides community members with attractive choices and substantially enhanced renewable energy options at competitive prices and opens a new promising community path to 100% Electricity in 2030.*

Ms. Brunner referred to a slide which shows the product offerings that are available to the City through the program. The program launched in June of 2023 with fixed pricing for 30 months. The program runs through December 2025 meter reads. There are currently four options the City offers:

** Keene Standard, which is the default option. This adds 10% extra renewable energy above the state minimum. 35% total, 25% for the state minimum plus the 10% extra. 11.47 cents per kWh. This is the default that people are automatically enrolled in. However, if someone wants to choose a different option or leave the program, they have to choose to opt out.

The other three options are optional. Customers have to choose to opt into them:

** Keene Basic. This option meets the minimum requirements of the state for renewable energy, which was 25% by 2025. The cost is 11.1 cents per kWh.

** Keene 50 has 50% renewable energy at a cost of 12.05 cents per kWh.

**Keene 100 adds renewable energy to a total of 100%, and that costs 13.9 cents per kWh.

Ms. Brunner referred to the next slide which shows how many accounts there are in each of those

options. The city has 7,132 accounts on the Keene standard option which is 93% of the accounts.

The Keene basic option has 317 customers which is 4% of the accounts.

Keene 50 has 59 accounts, which is less than 1%

Keene 100 has 173 accounts, which is about 2%.

Ms. Brunner stated this program is having an impact. The City has avoided to date roughly as of last month, over 6.4 million pounds of carbon dioxide, which is equivalent to 6,700 barrels of oil.

Ms. Brunner went on to say as this pricing runs through December 2025, staff is already looking to go out to bid for that next phase of the program. The City Manager has requested the Energy and Climate Committee to look at some options. The Energy and Climate Committee met in January and heard a presentation from the consultant.

At the February meeting, the group discussed it further and made some specific recommendations:

Ms. Brunner explained some of the considerations that went into this were whether to add and keep the renewable energy contents at what it is today or increase it. One thing to consider with renewable energy is that the impact is immediate; as soon as the new rate goes into effect, you are buying that amount of renewable energy, but it is an indirect impact and might be impacting or generating more renewable energy development somewhere else in the New England or the Northeast region, not necessarily locally.

Another option available to the City is that the City has a discretionary reserve fund referred to as the Community Power Fund. Money could be added to build up that fund is referred to as an "Adder Fee."

Another consideration that went into this discussion was the overall cost of the program. There is a goal to have competitive pricing.

Ms. Brunner referred to the Climate Committee's recommendations. They are recommending that the City go down to three product offerings. The standard product, which is the default, as well as an option that is cheaper. The second would be an option to pay a little bit more and go up to 100% renewable energy for the residents who are willing to pay more.

The committee is also recommending that the City increases the amount of renewable energy added to the defaults by 15%. At the present time, the city is adding 10% extra. The committee is recommending 15%, so it would be adding 25% extra for a total of 50% total renewable energy and to also collect a discretionary fee to build up that discretionary reserve fund at about a .10 cent per kWh. The range being recommended for the fee is .075 to .125 which will give the City Manager a little bit of flexibility.

Ms. Brunner then referred to what the consultants had provided as to what the impact would be for the added renewable energy contents that are being recommended: If the city adds 10% additional New Hampshire Class 1 renewable energy in the default, the expected cost would be .41 cents per kWh, which comes out to about \$32 per year for the average household.

If that number is increased to 25%, which is the recommendation from the Energy and Climate Committee, a little over one cent per kWh would be the impact – this would be an annual average cost of \$80.00 for a typical household.

With respect to the discretionary reserve fund – Ms. Brunner stated the City already has a fund in place and it has been putting money into it from a virtual group net metering agreement with Standard Power and the mini Wawa Hydro Dam in Marlborough. She indicated there is about \$75,000 in the fund already.

The Energy and Climate Committee is recommending that the standard option and the 100% renewable option would both have a .10 cents Adder Fee, which the City would collect. The estimate is the City would collect about \$58,000 a year in Adder Fees. Over three years, this would account for around \$174,000. The annual cost to the average residential customer would be \$8 a year for that Adder Fee. This would help build up the fund and those funds could then be used to benefit program participants and support program goals.

Ms. Brunner reviewed some of those programs. One of the most popular ones is referred to as Electrify – to support residents and businesses that want to electrify by providing them with resources, rebates etc. Another available program is referred to as the New Hampshire Saves Program. The other one is the Heat Smart Plus Program - rebates are offered to residents who use heat pumps and other energy-efficient installations.

Ms. Brunner stated the Energy and Climate Committee with reference to the Adder Fee are recommending something more similar to the programs mentioned previously with the thought that the fund would be used to help residents and businesses who are participating in the program to reduce their energy costs.

Ms. Brunner next addressed what staff is proposing as amendments to the Energy Plan or to the Community Power Plan. The consultants suggest that they are confident collecting this fee is permitted but to make it clear in the plan that the city can collect this fee and what it would be used for in broad terms.

Ms. Brunner reviewed language as it pertains to this fee in the proposed amendments to the plan: *the program has the authority to collect a fee for discretionary energy reserve. The City would limit the uses of the discretionary energy reserve to providing benefits to program participants and supporting program goals.*

The plan also says that it would be the City Council who would decide how those funds get used.

It also states that the City Manager can set the amount of the fee, but within a pre-approved range set by City Council. This concluded Ms. Brunner's presentation.

The Chair asked for public comment.

Mr. Doug Hill of 123 Elm Street asked how the City rate compares to Eversource's rate. Ms. Brunner referred this question to Patrick Roche who stated Eversource was at \$0.08929 and Keene's default rate was at \$.114.

Mr. Hill asked whether anyone on the committee has invested in any solar array. Chair Powers stated Councilor Greenwald has solar arrays on some of his commercial properties.

Councilor Remy asked how many customers have opted out. Ms. Brunner stated her recollection was that around 5% of the total accounts opted out at the beginning but now it is closer to 10%.

Ms. Brunner stated that some residents of Keene as well as some residents from other communities have launched their own program in Cheshire County. They have two community power programs to

choose from, in addition to Eversource as the default and any third-party supplier. She stated that according to the Community Power Coalition of New Hampshire about 50 accounts in Keene are participating in the Cheshire Community Power Program. There are also third-party suppliers, and some customers have opted to stay with Eversource.

Councilor Remy asked if those who opted out previously would have to opt out again when the City going through this process again. Mr. Roche stated they would stay opted out.

Councilor Remy asked if the City was to make rate changes, moving the default to 50% and functionally choosing to raise the cost, how this would be communicated to customers. Mr. Roche stated it would probably be very similar to the launch where every participating customer would get a letter, approximately 30 days in advance. There would also be other communications such as press releases, social media, in person meetings (Council) to get the word out.

Councilor Remy stated he does not like adding the Adder Fee to the default rate. A fee that goes to the City is not something he supports. He stated he would like to keep from getting upside down versus the Eversource base rate because this happens for 24 of the 30 months. He also asked whether the City joined the county's program to increase their bandwidth. Ms. Brunner stated with respect to the last question, the City did reach out to the Community Power Coalition of New Hampshire to learn more about what they offer. Ms. Brunner stated she and the City Manager met with them, but staff feel there is no great benefit to joining them at this time, especially since the City has a program that is already available and residents and businesses in Keene can already choose the Cheshire Community Power program. She noted their rates change every six months but their price is below default utility. The trade off is that you do not get the stability in the pricing.

She went on to say there are customers who are proactive and change companies when rates change, but there are also others who are willing to pay more for the 30-month term because they want stability month to month and feel having more options is better. She also felt it would be good for the City to continue to do as much communication, outreach and education around the options that are available to customers.

Councilor Lake referred to the Adder Fee and stated he understands the hesitation to add that to the default plan but felt it was important to continue to build up the resources locally to improve our infrastructure. He added if the City does want to go along with the Adder Fee it is important for the City to be vocal and visible about the programs. To also make sure these fees are improving the energy costs of the people that are on the program in this community.

Councilor Chadbourne stated she does not feel very positive about the Adder Fee. The Councilor noted the rate for Cheshire right now is 8.9 cents. She added she knows of someone who just switched to back to Eversource, because their rates are much less than the City. The Councilor went on to say costs of living are increasing and the City needs to make sure it balances what its goals are and what it is doing for the community with the needs of the citizens. She stated she is concerned that the City will lose more people (in the program) if we are not careful.

Ms. Brunner stated one thing the Council could consider - as she had mentioned, a 10th of a cent, would only add an average of \$8 a year to a household. The recommendation from the Energy and Climate Committee to add the 25% renewable energy would add a little over a cent which would be a cost of about \$80.00 a year to an average household. She felt this could be an area if Council wanted to give the city manager some direction on pricing and making sure that the City has competitive rates.

Councilor Lake stated he is partial to the recommendation that came out of the Committee. He stated

he likes the 25%, 50% and 100% and felt it was good to have a more simplified plan. He felt it was important that the default goes to 50%. As the Senior Planner had mentioned, the 2030 goal of getting to 100% is the next negotiation cycle. He felt if the increase is not sufficient now the increase would have to be much greater in the future.

Councilor Remy stated he would like to split the motion and vote on the Adder Fee separately. Asst. City Attorney Palmeira agreed this was acceptable.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends to the City Council that the next Community Power Program electricity options have three levels. The levels would include Keene Basic (25% total renewable energy), Keene 50 (Default, 50% total renewable energy), and Keene 100 (100% total renewable energy).

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

That the Finance, Organization and Personnel Committee recommends to the City Council that an Adder Fee be included for the City Manager to negotiate, which is recommended to be between 0.075 and 0.125 cents per kWh.

Councilor Roberts stated he had an issue adding the Adder Fee to the basic plan because many senior households are already having trouble making ends meet. Councilor Lake noted the intent is not to apply the fee to the basic plan; the lowest plan will not have the Adder Fee, the fee would only be applied to the 50 and 100 Plan. Councilor Remy clarified the default customers who are signed up for the 50 Plan would include the Adder Fee. If someone does not know how to opt out they would be charged the Adder Fee. Councilor Roberts asked how the City plans on addressing this issue; how can customers be informed of this. The Councilor stated there was communication sent out to customers, and if someone does not see that then they are being charged that fee. Councilor Chadbourne stated these are unpredictable times and the City needs to strike a balance. There is only a small group of people who want to see this change. She stated she wanted to be conservative moving forward.

The motion carried on a 3-2 vote, with Councilors Remy and Chadbourne voting in opposition.

Councilor Lake referred to Ms. Brunner regarding an amendment to the intent part of the plan that included electrification and transportation centers. He stated the electrification portion makes sense but asked how the transportation piece ties into the transportation goals.

Ms. Brunner stated that this goes back to the overall vision of this program helping the City reach its overall energy goals. Based on the recommendation from the Energy and Climate Committee, there was mention of perhaps customers being able to use it as a rebate for a vehicle charging station or a heat pump, which would go into electrification and which would also support the heating, cooling and transportation renewable energy goals.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends to the City Council that the Community Power Plan with the amendments shown in the draft dated February 10, 2025 be adopted.



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Amendment to Land Development Code - Minimum Lot Sizes
Ordinance O-2024-17-A**

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Ordinance O-2024-17-A.

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2024-17-A.

Attachments:

1. O-2024-17-A_clean copy_adopted

Background:

Chair Bosley noted that there had already been a public hearing, so no further public comments would be accepted at this meeting.

Chair Bosley welcomed a summary from Senior Planner, Mari Brunner. Ms. Brunner recalled that this amendment to the Land Development Code for minimum lot sizes was about the density factor for three different Zoning districts in the City, two residential districts (Medium Density and High Density) and a downtown district (Downtown Transition). At this time, all three of those districts required a density factor—an extra area of land—for each additional dwelling unit past the first residential dwelling unit. The intent of the density factor is to limit the density of development that can occur, preventing someone from splitting the interior of a large house into multiple units without this arbitrary extra amount of land added on. Ms. Brunner said that staff proposed this change because it was identified as a barrier to housing development, to infill opportunities, and to redevelopment opportunities. She was clear that they did not propose to change the base minimum lot area for any of these districts.

Councilor Williams said that at some point, he hoped the City would look at the base minimum lot area. He said the lot his house is on is so small it is not legal anywhere in the City, but it works for him, and people can live on small lots.

Chair Bosley said this Committee and the Joint Committee of the Planning Board-PLD also had public hearings on this Ordinance. So, she felt that everyone was very familiar with this.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2024-17-A.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text, as follows:

1. That Section 3.5.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot area required per dwelling unit, as follows:

Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

2. That Section 3.6.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot area required per dwelling unit, as follows:

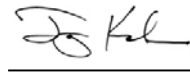
Min Lot Area	6,000 sf
Min lot area for single dwelling unit	6,000 sf
Min lot area for each additional dwelling unit	5,000 sf
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3. That Section 4.6.1 “Dimensions & Siting” of Article 4 be amended to remove the minimum lot area required per dwelling unit, as follows:

Min Road Frontage	50 ft
Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width	60 ft
Min Front Setback	15 ft
Min Corner Side Setback	10 ft
Min Interior Side Setback	10 ft
Min Rear Setback	15 ft

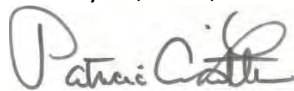
4. That Section 4.6.2 “Buildout” of Article 4 be amended, as follows:

Buildout	
Max Building Coverage	50%
Max Impervious Surface Coverage	70%
Min Green/Open Space	30%
Only one principal building or principal structure shall be permitted on a single lot.	



Jay V. Kahn, Mayor

In City Council December 5, 2024.
Public hearing scheduled for
January 16, 2025, at 7:00 PM.



City Clerk

A true copy;
Attest:



City Clerk

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Amendment to Land Development Code - Residential Parking Requirements
Ordinance O-2024-20-A**

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Ordinance O-2024-20-A.

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2024-20-A.

Attachments:

1. O-2024-20-A_Residential Parking Ordinance_clean_adopted

Background:

Chair Bosley noted that there had already been a public hearing, so no further public comments would be accepted at this meeting.

Chair Bosley welcomed a summary from Senior Planner, Mari Brunner. Ms. Brunner recalled that the original proposal for this Ordinance was spurred when the State law changed to put limits on the amount of parking that municipalities can require. This change prompted the City to review its parking regulations and recommendations provided by a consultant through an investigation grant the City received in 2024. Based on that, staff brought forward a proposal to change from a per unit to a per bedroom calculation. However, Ms. Brunner said that at the public workshop, the public urged this body to go even further. Based on that feedback and in order to simplify it, the Ordinance before the Committee was back to a per unit calculation; one parking space per unit in general, with some slight deviations from that. For certain districts, it would be .9 spaces per unit, which does not mean a smaller parking space, it means that a larger development with more units would not have to provide an exact one-to-one ratio. Additionally, this Ordinance created two categories that did not exist before, including housing for older persons and workforce housing, with slightly reduced parking requirements as well. Ms. Brunner pointed out that staff noticed an omission from the list, single family dwellings, but staff were comfortable with the Ordinance moving forward through the process and they could submit another Ordinance to correct it. Another possible action was to send the Ordinance before them back through the process to consider a “B” version.

Chair Bosley looked at the agenda packet and said single family dwelling was under D in the Ordinance, but not in the chart below it, and asked if that was the issue. Ms. Brunner said yes, and she spoke with the City Attorney about it because the intent had always been for single family dwelling to be included in that table; it was listed in the staff report and mock-up pages for the Land Development Code, but not the actual Ordinance. Chair Bosley asked if the recommendation was to move forward with the Ordinance to have it adopted for any current projects and staff would come back with a revision. Ms. Brunner said staff were fine with that.

Vice Chair Jones said he agreed with the Chair's recommendation because this was a significant change, not just a typo or wordsmithing. Otherwise, it would have to go back through the Joint Committee and City Council for a public hearing. He agreed with staff bringing back a new Ordinance for the single-family residence at another time.

Chair Bosley thought it was important to get this change moving forward with construction season coming up, so that people could make plans for any potential upcoming developments with these new rules in place. The Deputy City Manager, Rebecca Landry, said that this process would actually be the same. She said it was only a matter of whether or not to move forward with the risk of no parking requirements for single family dwelling units as long as it would take to get the next ordinance through the process, versus putting this Ordinance back through the process. Chair Bosley said she was comfortable with that because she did not think there would be a lot of single-family homes that would be built without parking. She also thought that most of the homes that would potentially be built in the upcoming months before the new ordinance would be multi-family or some sort of modification to commercial buildings that there would be clear guidelines for. Chair Bosley stated that she was comfortable taking the risk.

Councilor Madison made the following motion, which Councilor Haas seconded.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2024-20-A.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Residential Parking Requirements

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

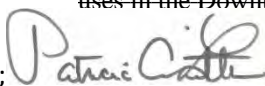
That Chapter 100 of the Code of Ordinances of the City of Keene, the Land Development Code, as amended, is further amended as follows:


1. That Table 9-1 “Minimum On-Site Parking Requirements” of Article 9 “Residential Uses” be amended as follows:
 - a. Dwelling, Above Ground Floor ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
 - b. Dwelling, Manufactured Housing ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
 - c. Dwelling, Multifamily ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
 - d. Dwelling, Single-Family ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
 - e. Dwelling, Two-Family/Duplex ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)

f. Residential Uses

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

2. That section 9.2.5 “Zoning District Specific Requirements” of Article 9, subsection A.1 be deleted as follows:
 - a. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts.~~

A true copy; 
 Attest:
 City Clerk


 Jay V. Kahn, Mayor

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.3.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to Interior Side and Rear Setback Requirements in the Downtown Edge Zone
Ordinance O-2024-24-A

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Ordinance O-2024-24-A.

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2024-24-A.

Attachments:

1. O-2024-24_A_Clean Copy_adopted

Background:

Chair Bosley noted that there had already been a public hearing, so no further public comments would be accepted at this meeting.

Chair Bosley welcomed a summary from Senior Planner, Mari Brunner. Ms. Brunner recalled that this Ordinance originally came from a member of the public, Mr. Jared Goodell. The original request was to remove the requirement for a 20-foot minimum interior side setback when a Downtown Edge District parcel directly abuts a parcel in the Downtown Transition District. During the public workshop, the Joint Committee of the Planning Board-PLD felt that it would make sense, for consistency's sake, to remove that same requirement from the rear setback as well. So, Ms. Brunner said that the "A" version of the Ordinance removed both the minimum interior side setback and the minimum rear setback, which would have required an additional 25-foot setback when adjacent to the Downtown Transition District. Chair Bosley said that through the public workshop process, the Joint Committee did not change these side or rear setbacks for the underlying district where it had abutted any other property; they were already set to 0 feet. Ms. Brunner said yes, the Ordinance would also maintain an increased side setback and a rear setback if adjacent to a residential district.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2024-24-A.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Amendments to the Zoning Ordinance – Interior Side Setback Requirements in 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 and adding the bolded and underlined 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 Build-to Zone
D	Corner Side Setback ¹	0-20 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.

A true copy; 
Attest:
City Clerk


Jay V. Kahn, Mayor

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.4.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Floodplain Appeals and Variance Process
Ordinance O-2025-05**

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Ordinance O-2025-05.

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-05.

Attachments:

1. O-2025-05_Floodplain Appeals and Variance Process_adopted

Background:

Chair Bosley welcomed Mike Hagan, the City's Floodplain Manager, for a presentation on the City's floodplain management history, appeals and variance process, and Ordinance O-2025-05 specifically.

Mr. Hagan explained that the City of Keene had participated in the National Flood Insurance Program (NFIP) since 1983. In 2002, the City decided to participate in the Community Rating System (CRS) program offered through the Federal Emergency Management Agency (FEMA) for communities that have higher than minimum NFIP regulatory standards. He said that through the Land Development Code Article 24, the City adopted additional regulations for the floodplain: elevating buildings there, compensatory storage, retaining the water on site versus sending it down to the next property, flood proofing, and more that help with mitigation during a flood event. Mr. Hagan explained that at this time, Keene was a CRS Class 8. The benefit to participating in the CRS is that property owners in Keene benefit from an insurance discount. A spot survey had indicated that at this time, depending on the house, flood insurance rates in Keene were around \$1,200/year vs. other towns without these regulatory standards with rates upward of \$3,000/year. At this time, there was approximately \$53 million of property insured in the City of Keene and over 500 policies through NFIP. With additional regulations and by addressing some concerns from the most recent annual review, he said the City hoped to move to a CRS Class 7.

Next, Mr. Hagan explained the reasons for the proposed changes to the Land Development Code. During the most recent CRS annual review, the NH Floodplain Coordinator, Jennifer Gilbert, noted

that per NH RSA 674:56, Flood Hazards, the City is required to have a variance and appeals process. In this case, the Zoning Board of Adjustment (ZBA) would determine and render judgment on the appeals and variances. Like with any regulatory standard, someone should have the opportunity to appeal an ordinance interpretation or determination. He said that the variance is useful because the requirements in the regulations do not always apply in every situation for every parcel. The variance would provide an applicant with the opportunity to use engineering data and technical details to explain to the ZBA.

Mr. Hagan continued, explaining the proposed changes to three articles in the Land Development Code, referring the Committee to the detailed changes in the meeting packet:

- Article 24 Floodplain Regulations:
 1. This change would codify the definition of the word “development,” to align with the NFIP standards.
 2. The second change would address the appeals and variance process, referencing Articles 26 and 27.
- Article 26 Application Procedures:
 1. This is an entirely new section.
 2. Includes the procedures for applying for a variance.
 3. As opposed to Zoning, a FEMA variance process requires two additional things:
 1. (1) if granted a variance, the ZBA must notify the applicant of their decision and that their insurance rate will be increased by the issuance of the variance, and
 2. (2) the City must issue a letter to FEMA notifying them of the variance.
 4. Would also include language directly from the FEMA regulations indicating that enforcement of the regulations would not result in unnecessary hardship: “The variance will not result in the increased flood heights, additional threats to public safety or extraordinary public expense,” and, “That the variance is the minimum necessary, considering the flood hazard, to afford relief.”
- Article 27 Appeals & Enforcement:
 1. This section addresses how to appeal the administrative decision.

Chair Bosley said that the changes read concisely and made sense to her.

Councilor Williams asked about a line he saw, “no variances shall be granted in the floodway.” He asked if people would have the ability to appeal the location of the floodway based on where the floods actually happen. Mr. Hagan replied that the last time the City adopted flood maps based on a study conducted by FEMA was in 2006; those maps are used as a part of the NFIP. He said that some ways for providing additional data would be left up to the applicant. He said that these are predictions based on all the data collected/available to FEMA when it develops these maps; it is impossible to 100% predict the types of storms and how they will flood specific areas. More specifically to Councilor Williams’ question, Mr. Hagan said there was a process for appealing the location of the floodway, noting that at this time, two properties had Letters of Map Amendments done for their properties. Letters of Map Amendments are appeals to FEMA, which reviews the applications with the technical data provided by the surveyors, allowing them to either develop or redevelop in the location in a floodway, floodplain, or special flood hazard area. So, Mr. Hagan said there is a process for issuing a variance for the location of the floodway. He explained the concept of the floodway is where all the water is going to flow and move based upon the maps that are provided to and identified by FEMA. He stated that the process to issue a variance to allow for more development in the floodway was already highly regulated and the City would want to limit that.

Vice Chair Jones talked about pervious and impervious surfaces upstream, which is not in this

Ordinance currently, but he said could be one day; he was not looking for a change at this time. He also mentioned this at the February 04, 2025, Master Plan Steering Committee meeting, when Mr. Hagan also presented well on this topic. Vice Chair Jones discussed the use of pervious and impervious surfaces upstream, providing the example of the businesses at 800 Park Avenue that would often flood, but never used to when it was a lumber storage area. He explained that when Black Brook Corporate Park was built, a lot of impervious surfaces were installed, causing more water to run down the Black Brook and therefore, more flooding downstream in the Park Avenue area. Vice Chair Jones said that would be something for the City to address in the future. He did not think the technology was available when that Corporate Park was built, but he thought it was coming, which was why he was asking for it in the Master Plan. Mr. Hagan said he was familiar with that location, noting that portion the 500 Park Avenue property (back parking lot) was located within the Special Flood Hazard area. He said that any development requires some thought, noting that Keene's regulations go well beyond the minimum requirements to help mitigate some of the things the Vice Chair mentioned. So, Mr. Hagan said that redevelopments and new developments would use these regulations and standards that are higher than those nationally and in other communities. For example, Peterborough had used some of Keene's standards to add to their floodplain regulations. Mr. Hagan had presented the City's Floodplain Ordinance to other communities (with the NH Floodplain Coordinator present) as an example because of the City's experience with severe flooding.

Councilor Haas thanked Mr. Hagan for dealing with NFIP issues and FEMA mapping, noting that NFIP is a moving target every year and subject to continuing resolutions from the Federal Government. That said, Councilor Haas was pleased to see it becoming essentially more difficult to build in floodways. He was also glad that there were more conditions for going to the ZBA for any possible change, which he said would be a good thing for protecting the buildings, the development, and the environment.

There were no public comments.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-05.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Floodplain Ordinance Appeals Process Articles, 24 Floodplain Regulations, 26 Application Procedures, 27 Appeals,

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

Chapter 100 of the Code of Ordinances, the Land Development Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded and underlined text, as follows section 24.1.3 E., Section 24.7, Section 26.20 through 26.20.7, and Section 27.10.

1. Article 24. Floodplain Regulations:

Article 24.1.3 E.

E. For the purposes of this Article, the term “development” means “any man-made change to improved or unimproved real estate.” This includes, but is not limited to construction of new structures, modifications or improvements to existing structures this includes replacement of equipment, excavation, filling, paving, drilling, driving of piles, mining, dredging, land clearing, grading, and permanent storage of materials and/or equipment.

24.7 Appeals & Variances.

A. Any order, decision, or determination of the Floodplain Administrator made under this section may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5, 674:56 I, and Articles 26 and 27 of this Land Development Code.

B. Variances shall not be issued within any regulatory floodway.

2. Article 26. Application Procedures:

26.20 Floodplain Variance

26.20.1 Description

Variances are intended to address unnecessary hardships or practical difficulties resulting from the strict interpretation of the Floodplain Regulations. The purpose of the variance process is to provide a narrowly limited means by which relief may be granted from the unforeseen applications of the Floodplain Regulations.

26.20.2 Initiation

The applicant for a variance shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.20.3 Authority

The Zoning Board of Adjustment has the authority to authorize variances from the provisions of the Floodplain Regulations of this LDC, subject to the requirements of this Article, and NH RSA 674:33. Provided that a variance shall not be granted within any regulatory floodway

26.20.4 Submittal Requirements

An applicant for a Floodplain variance shall submit a completed variance application to the Community Development Department, which shall include the following.

A. A written narrative that describes:

1. The property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed variance, including a response to each of the variance criteria.
2. That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
3. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

B. A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures, land alterations and any supporting evidence.

E. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the respective decision-making authority, based on the nature and scope of the proposal. Such reports and plans may include, but are not limited to, wetland analyses, hydrologic analyses, floodproofing, soils testing, hazardous or toxic substances testing, and elevation certificates.

F. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

G. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.

H. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.20.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for a floodplain variance.

A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.

B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.

C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.

D. The Zoning Board of Adjustment shall give reasons for all decisions on variance applications and shall make reference to the appropriate sections of the Floodplain Regulations, where applicable.

E. The Zoning Board of Adjustment shall notify the applicant, in writing, that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.) for one hundred dollars (\$100.) of insurance coverage and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

F. The City shall maintain a record of all variance actions, including its justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

26.20.6 Approval Standards

The Zoning Board of Adjustment may authorize a variance from specific requirements of the Floodplain Regulations only when the Board finds that all of the following conditions apply.

A. The variance will not be contrary to the public interest.

B. The proposed variance is not contrary to the spirit of the Floodplain Regulations.

C. By granting the variance substantial justice would be done.

D. The values of surrounding properties would not be diminished.

E. Literal enforcement of the provisions of the Floodplain Regulations would result in unnecessary hardship.

F. That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, technical data may be required as outlined in section 26.20.4 E

G. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

26.20.7 Expiration

A. Any variance granted by the Zoning Board of Adjustment shall be void if the use or structure authorized by the variance has not been begun within 2-years from the date of final approval.

B. Any application for an extension shall be heard as a new application; any other time limitation shall be specifically prescribed by the Zoning Board of Adjustment.

3. Article 27. Appeals:

27.10 APPEAL OF FLOODPLAIN ADMINISTRATOR ADMINISTRATIVE DECISION

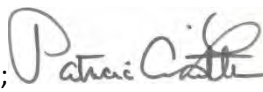
A. In accordance with NH RSA 674:56 and 676:5, appeals to written decisions of the Floodplain Administrator shall be made to the Zoning Board of Adjustment, provided the notice of appeal is filed with the Community Development Department within 30 calendar days after the date of the Floodplain Administrator's decision.

1. The notice of appeal shall specify all grounds on which the appeal is based, and why the request of appeal should be granted.

B. Any person aggrieved by the decision of the Zoning Board of Adjustment shall petition for a rehearing, in accordance with NH RSA 677:1-14, before appealing the decision to the Superior Court.



Jay V. Kahn, Mayor

A true copy; 
Attest:

City Clerk

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to Appropriations for ADA Ramp at Recreation Center
Resolution R-2025-04

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Resolution R-2025-04.

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2025-04.

Attachments:

1. R-2025-04 relating to appropriations for ADA ramp at Rec Center_adopted

Background:

Deputy City Manager Andy Bohannon was the next speaker. Mr. Bohannon stated he was before the committee tonight to request authorization to utilize some of the unfunded balance - up to \$60,000 - related to the Brian E Matson Recreation Center, ADA ramp that was part of the CDFR Community Center loan the City received. The City has been working on this project and unfortunately the project bids came in higher than anticipated. The first bid came in at \$234,000. \$115,000 was allocated for the project. City staff determined the design was too elaborate, and staff re-designed the project and went back out to bid. The second time around the City received a low bid of \$180,000 on a very basic design. With this new design, the ramp will start in the upper corner of the Recreation Center in the front by the staircase and will come back down into the flagpole area. Mr. Bohannon stated this design will be aesthetically pleasing and will be functional. The City received a donation last week of \$10,000 from Savings Bank of Walpole. Unfortunately, the City heard last week that they did not receive a sizable grant that it was looking to receive.

As a result, City staff is requesting up to \$60,000. If other donations come in through other organizations, the requested \$60,000 will be reduced based on that. He noted the City also received a donation for \$250 from the Elks Club.

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 adoption of Resolution R-2025-04.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations for ADA ramp at Recreation Center

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

That the sum up to Sixty Thousand Dollars and no cents (\$60,000.00) be and here appropriated from the unallocated fund balance for the purpose of funding the ADA ramp at the Brian A. Mattson Recreation Center.

Jay V. Kahn, Mayor

A true copy;

Attest:

City Clerk

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Appropriation of Funds - Sewer Main Lining
Resolution R-2025-05**

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Resolution R-2025-05.

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2025-05.

Attachments:

1. R-2025-05 Relating to Appropriations for Sewer Main Lining Program_adopted

Background:

City Engineer Brian Ruoff addressed the committee next. Mr. Ruoff stated in 2022, the City applied for and obtained the Clean Water State Revolving Fund loan through DES in the amount of \$1,030,000 for the scope of construction services to rehabilitate the City's existing sewer mains.

The locations were identified as part of two programs. The first was in 2015 to identify infiltration and inflow from the City's sewer and the second in 2019 from a sewer main assessment management plan. He stated a lot of planning has gone into this to get to this point. In December, a bid was submitted for the scope of this work, which is about 16,000 linear feet of sewer main lining for this program. Bids came in, and they were very competitive. The low bid came in at \$741,959. Mr. Ruoff stated this was always intended to be a multiple-year program. Staff does not anticipate that this contractor will be able to do all this work in one construction season. It will likely go over to two construction seasons.

What staff is requesting with this resolution is to move FY26 and 27 funds that have already been added into the capital improvements plan to bring them forward so this contract could be awarded.

He added the major benefit to the City is the loan forgiveness at 10%. The City is looking to maximize this loan from DES as much as possible to get as much loan forgiveness as possible.

Councilor Lake noted a Scriveners error on the Resolution and asked if it was supposed to be \$450,000 or \$430,000 and mentioned there is a missing zero in numbers in parentheses.

The second question is what areas of the City will be part of this project. Mr. Ruoff said the amount should be \$450,000 and the area identified in the infiltration study is mainly the Eastern area which has the oldest sewer main infrastructure; Marlborough Street, Congress Street, Eastern Avenue.

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 adoption of Resolution R-2025-05.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations for the Sewer Main Lining Program

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

Related to an Appropriation for the Sewer Main Lining Program (32MI04)

WHEREAS, The City has been awarded a Clean Water State Revolving Fund (CWSRF) loan for the implementation of our Sewer Main Lining Program (32MI04); and,

WHEREAS, The award incentivizes municipal investments in wastewater infrastructure through “principal forgiveness” of a portion of the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this program for our ratepayers;

NOW THEREFORE BE IT RESOLVED That the sum of Four Hundred fifty thousand dollars (\$450,000), previously planned for fiscal years 2026 and 2027, is hereby appropriated in the 2024-2025 fiscal year for the purpose of providing funding for the Sewer Main Lining Program, Project#32MI0425.

Said appropriation will be funded by the proceeds of the aforementioned loan program.

In City Council February 6, 2025.
Referred to the Finance, Organization and Personnel Committee.

Handwritten signature of Patricia Castle in blue ink.

City Clerk

Handwritten signature of Jay V. Kahn in blue ink.

Jay V. Kahn, Mayor

A true copy; Handwritten signature of Patricia Castle in blue ink.

Attest:

City Clerk

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to Appropriation of Funds - Sewer Manhole Lining
Resolution R-2025-06

Council Action:

In City Council February 20, 2025.

Report filed as informational. Voted unanimously to adopt Resolution R-2025-06.

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2025-06.

Attachments:

1. R-2025-06 Relating to Appropriations for Sewer Manhole Lining Program_adopted

Background:

Mr. Ruoff addressed this matter as well. He stated that in 2022, the City applied for and obtained the Clean Water State Revolving Fund loan from DES for approximately \$840,000 for the scope of construction services for sewer manhole lining. The City has about 200 brick manholes Citywide. Some can be lined and some need to be replaced completely. This project bids came in a little high. He has the same request as the prior project; to bring forward FY26 and 27 funds to award this project for construction and go forward with the work.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2025-06.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations for the Sewer Manhole Lining Program

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

Related to an Appropriation for the Sewer Manhole Lining Program (32MI06)

WHEREAS, The City has been awarded a Clean Water State Revolving Fund (CWSRF) loan for the implementation of our Sewer Manhole Lining Program (32MI06); and,

WHEREAS, The award incentivizes municipal investments in wastewater infrastructure through “principal forgiveness” of a portion of the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this program for our ratepayers;

NOW THEREFORE BE IT RESOLVED That the sum of Three Hundred Forty Nine thousand, Six Hundred dollars (\$349,600), previously planned for fiscal years 2026 and 2027, is hereby appropriated in the 2024-2025 fiscal year for the purpose of providing funding for the Sewer Manhole Lining Program, Project#32MI0625.

Said appropriation will be funded by the proceeds of the aforementioned loan program.

In City Council February 6, 2025.
Referred to the Finance, Organization and Personnel Committee.

City Clerk

Jay V. Kahn, Mayor

A true copy;

Attest:

City Clerk

PASSED: February 20, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.4.

Meeting Date: February 20, 2025
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Ferland - City Manager
Subject: **Appropriation of Funds - Purchase of Sidewalk Paver
Resolution R-2025-07**

Council Action:

In City Council February 20, 2025.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

That Resolution R-2025-07 be referred to the Finance, Organization and Personnel Committee.

Attachments:

1. R-2025-07 Relating to Appropriation of funds for a sidewalk paving machine_referral

Background:

On February 6, 2025, The City Council unanimously approved a proposal by Public Works to implement an asphalt sidewalk overlay program. The goal of this program is to perform "interim" repairs on asphalt sidewalks that are in poor condition, but are not currently programmed for replacement with concrete.

During the discussion of this proposal with the Municipal Services, Facilities and Infrastructure Committee, staff explained that the materials used to perform the repairs could be purchased through existing operating budget funds. In initial expense would be required to purchase a suitable sidewalk paving machine. New machines for this type of work cost in the range of \$40,000 to \$60,000. The Department has identified a used machine for sale in Hocksett, NH for \$8,500. The machine was inspected by our Fleet staff and found to be mechanically sound.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to the appropriation of funds for a sidewalk paving machine

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

That the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) be and hereby is appropriated from the unallocated fund balance to the Public Works Street Maintenance Budget (75221800-527600) for the purpose of funding the purchase of a sidewalk paving machine.

Jay V. Kahn, Mayor

In City Council February 20, 2025.
Referred to the Finance, Organization and
Personnel Committee.


City Clerk