



Due to the COVID-2019 State of Emergency, the Planning, Licenses and Development Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To access the meeting online navigate to Zoom.us and enter the Webinar ID # 861 2971 7356. To listen via telephone call 877-853-5257 and enter the Meeting ID: 861 2971 7356. When the meeting is open for public comment, callers may press *9 if interested in commenting or asking questions.

City of Keene

New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE**

AGENDA

Council Chambers A

February 10, 2021

7:00 PM

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice Chair
Philip M. Jones
Gladys Johnsen
Catherine Workman

1. Weston Liu - New England Aerobatic Club - Request to Use City Property
2. Councilor Johnsen - Request of Governor Sununu that Teachers Be Moved Up in Phase 1B for COVID Vaccine
3. HB 315 - Relative to the Aggregation of Electric Customers - Energy & Climate Committee

MORE TIME ITEMS:

- A. Relating to Social Service and Congregate Care Uses and License
Ordinance O-2019-13
Ordinance O-2019-14
- B. City of Keene Land Development Code and Downtown Zoning Update
Ordinance O-2020-10
Ordinance O-2020-11
- C. The Downtown Re-Opening Committee and Keene Young Professionals Network - Keene Food Festival
- D. Terry Clark – Relating to Small Wireless Facility Deployments in Public Rights-of-Way

Non Public Session
Adjournment



City of Keene
Transmittal Form

January 11, 2021

TO: Mayor and Keene City Council

FROM: Weston Liu

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Weston Liu - New England Aerobatic Club - Request to Use City Property

COUNCIL ACTION:

In City Council January 21, 2021.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Liu

Aerobatic Box

BACKGROUND:

This is the annual request from New England Aerobatic Club for aerobatic activities at the Dillant-Hopkins Airport.

105 Mason Rd
Brookline, NH, 03033

January 9, 2021

City Council
City of Keene
3 Washington St.
Keene, NH 03431

Dear Keene City Council,

I will open by wishing you all a healthy and productive 2021 despite our current health challenges.

In spite of the events of 2020, International Aerobatic Club Chapter 35 was able to fly four healthy and productive days of aerobatic flying at the Dillant-Hopkins Keene airport. Aerobatics has been a healthy, socially distant outdoor activity for myself and IAC Chapter 35, the New England Aerobatic Club. We continue to appreciate and thank you for your hospitality, the help and hospitality of Dave Hickling, Mike Moriarty and the rest of the airport staff, as well as the support of Beth Bendel at Monadnock Aviation, and Tracy at The Flight Deck. All of the Keene airport tenants have continued to express support for our flying and we greatly appreciate that.

Mother nature cooperated in 2020 to help us fly at Keene for the four visits. All were valuable practice sessions towards the one competition we were able to fly in 2020. We hope that health conditions *approve and allow more aerobatic competition in 2021.*

IAC 35 and I request the renewal of our airport agreement with the City for 2021. We hope to be able to schedule aerobatic practice days starting with May 22, the Saturday of the week before Memorial Day. As in previous years we will attempt to fly about once a month, depending on weather and the International Aerobatic Club's schedule of contests.

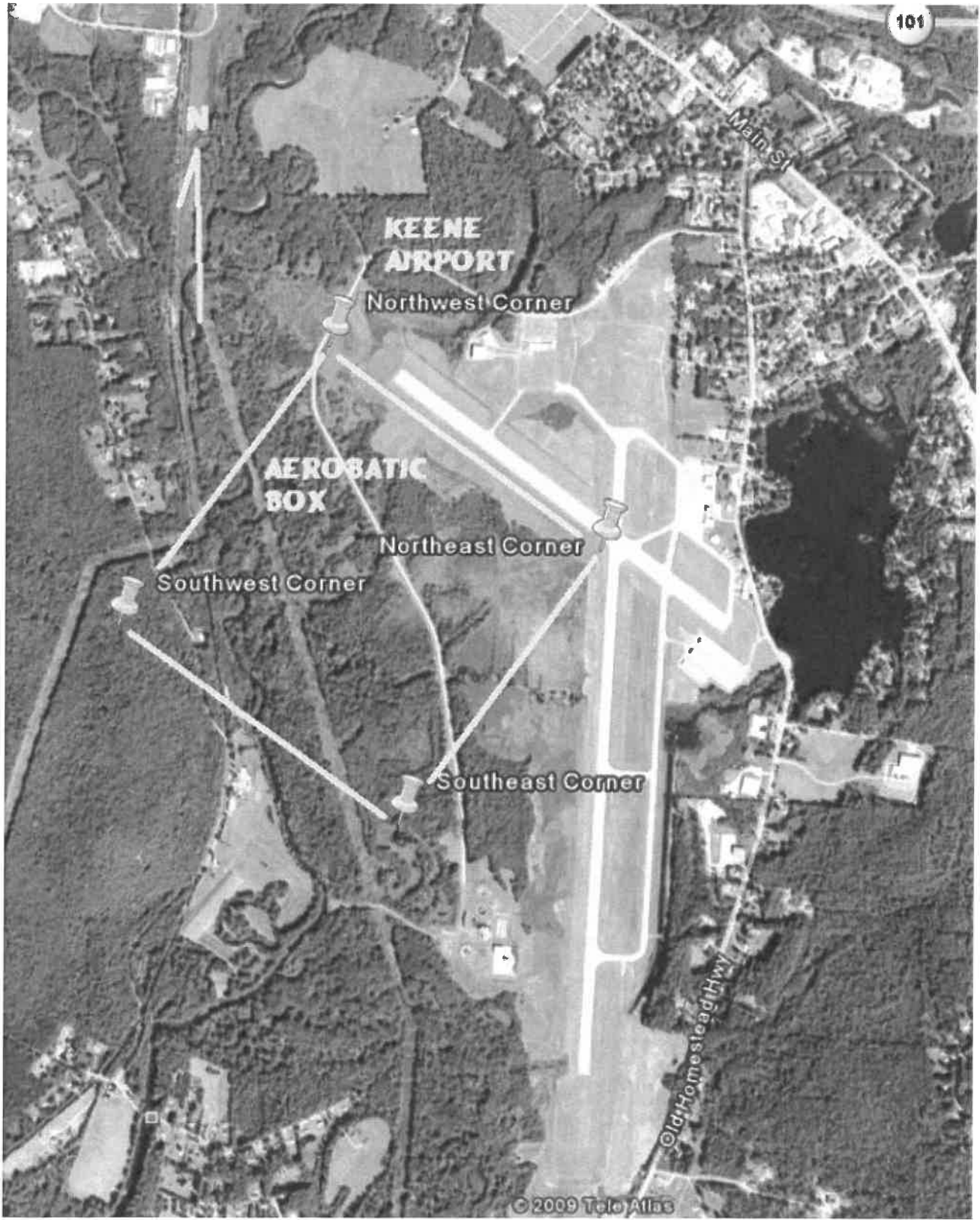
IAC 35, the New England Aerobatic Club, and I look forward to another successful year of flying at Keene.

Sincerely,



Weston Liu

For IAC Chapter 35, the New England Aerobatic Club





City of Keene
Transmittal Form

February 4, 2021

TO: Planning, Licenses and Development Committee

FROM: Councilor Gladys Johnsen

THROUGH: Patricia A. Little, City Clerk

ITEM: 2.

SUBJECT: Councilor Johnsen - Request of Governor Sununu that Teachers Be Moved Up in Phase 1B for COVID Vaccine

ATTACHMENTS:

Description

Communication_Councilor Johnsen

BACKGROUND:

Councilor Johnson is requesting that the City Council encourage the Governor to move teachers up to phase 1B for the COVID immunization.

Date: February 4, 2021

Dear Mayor Hansel and City Counsellors,


Last week Keene Superintendent Robert Malay wrote a letter to Governor Sununu requesting that the SAU29 teachers be recognized as essential workers and that they must be moved up to the 1B vaccine phase. I believe that our City Council should send a similar letter of support for our Keene teachers.

The students returned to school in hybrid classes this past week. Even though our school administration has prepared all that can be done to make their classrooms safe, there's still an important need. Their teachers are not (as yet) considered to be essential workers who should be vaccinated against Covid—19; Rather they are further down in the phasing process. These are our children's first responders and unfortunately our Governor does not agree. He thinks that the teachers union is making this a political issue. Recently he tweeted that "leaders in the teacher's Union have politicized the vaccination process." I know that this is not the reason, this virus is not a political issue, it is a life and death issue.

Many students in our city come from two and three generation homes, where they are being raised by grandparents (due to the opioid crisis). Dartmouth-Hitchcock and MAPS have created programs to assist us in this new normal and I speak from experience. My daughter and her 15-year-old son have lived in my home since he was a year-old. I see this as a blessing and a challenge, because our boy (due to his age) has to be reminded daily to wash his hands (often) and wear a clean mask. His first two years in high school have been very hard, especially because he has ADHD. His teachers have been wonderful, they have helped him in so many ways. Now we are happy that he is back in school (two days a week) with his teachers. Yet I remain very concerned, because they are not yet protected from COVID-19.

In August of 2020, the Federal Government declared that teachers are considered essential workers. Over 25 Democrat and Republican Governors have agreed with this mandate and they have had their teachers moved up to phase 1B vaccine, which is the same one that seniors receive. Governors from South Carolina, Tennessee, Colorado, Rhode Island, Connecticut, Idaho, Iowa, and 18 other states have insisted that their teachers are essential workers and should be vaccinated as soon as possible. I want the same for our Keene teachers and I hope that you will join me in this endeavor. Thank you for your consideration.

Councilor Gladys Johnsen
City Council, Ward 4
Keene, NH 03431





City of Keene
Transmittal Form

February 3, 2021

TO: Mayor and Keene City Council

FROM: Mari Brunner, on behalf of the Energy & Climate Committee

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 3.

SUBJECT: HB 315 - Relative to the Aggregation of Electric Customers - Energy & Climate Committee

COUNCIL ACTION:

In City Council February 4, 2021.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

Vice Chair Gaunt made a motion to ask City Council to take a formal position in opposition to House Bill 315. Paul Roth seconded the motion, which passed by unanimous roll-call vote.

ATTACHMENTS:

Description

House Bill 315 - as introduced

BACKGROUND:

At the February 3, 2021 Energy and Climate Committee (ECC) meeting, the ECC discussed House Bill 315, relative to the aggregation of electric customers. Draft minutes from this meeting are not yet available; however, included below is a summary of the main discussion points from the meeting.

HB 315 would gut the Community Power law (NH RSA 53-E) and make it impossible for Keene to successfully launch a Community Power program. As currently drafted, this bill would do the following:

1. Restrict and/or eliminate access to customer data, which is required in order to run a program. For example, it would remove the ability for an aggregation program to use customer data to comply with the law or for program research, which is necessary information for the bidding process for electricity supply. In addition, the bill would restrict Keene to using only addresses available in the City's public records, while also requiring that the City mail written notification to each retail electric customer. This is impossible to do, as the City does not have the address for each retail electric customer (the City's records only include the owner for each property, and does not include information about renters).
2. Restrict municipalities and counties from spending **any** tax dollars on the program, *including for incidental costs* (this appears to include staff time). This provision would make it extremely difficult for a community such as Keene to start and maintain a program, as staff involvement is required for program launch and oversight.
3. Add layers of regulatory review that will delay the program launch and make it more costly to start a program. By requiring that Community Power plans be approved by the PUC, this bill would add a

significant amount of delay to starting a program and add to the cost.

4. Stifle innovation by placing limitations on Community Power programs, such as:

- Requiring that programs only use utility programs for energy efficiency, conservation, and demand side management (i.e. Keene would not be able to support non-utility energy efficiency programs).
- Removes ability to read meters and provide customer service.
- Removes ability for a municipal/county aggregation to participate in the ISO New England wholesale energy market as a “Load Serving Entity.” Although Keene does not have plans to become a Load Serving Entity in the near-future, the City may be interested in this option in the longer term as it would allow the City to incorporate local generation into the program (e.g. large solar array at Wastewater Treatment Plan, hydroelectric power, etc.).

The ECC discussed the impacts that this bill would have on the City of Keene’s proposed Community Power program, and on the City’s ability to achieve its goal to transition to 100 percent renewable electricity by 2030. The Committee felt that this bill is urgent, and request that the City Council take a formal position in opposition to the bill.

HB 315 - AS INTRODUCED

2021 SESSION

21-0533

10/08

HOUSE BILL **315**

AN ACT relative to the aggregation of electric customers.

SPONSORS: Rep. Vose, Rock. 9; Rep. Cali-Pitts, Rock. 30; Rep. Harrington, Straf. 3; Rep. Thomas, Rock. 5

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill revises the procedures applicable to municipal or county aggregators and municipal electric utilities for the aggregation of energy services.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the aggregation of electric customers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Aggregation of Electric Customers; Definition; Aggregation. Amend RSA 53-E:2, I to read as
2 follows:

3 I. "Aggregation" means the grouping of retail electric customers to [~~provide,~~] broker[;] or
4 contract for [~~electric power supply and~~] energy services for such customers.

5 2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph
6 V the following new paragraph:

7 V-a. "Energy services" means the provision of electric power supply solely or in combination
8 with any or all of the services specified in RSA 53-E:3.

9 3 Municipal and County Authority; Agreements RSA 53-E:3, II is repealed and reenacted to
10 read as follows:

11 II.(a) Enter into agreements for energy services, specifically:

12 (1) The supply of electric power and capacity.

13 (2) Demand side management through utility or regional system operator
14 administered management programs.

15 (3) Conservation through utility or regional system operator administered
16 conservation and efficiency programs.

17 (4) The operation of energy efficiency and clean energy districts adopted by a
18 municipality pursuant to RSA 53-F and as approved by the municipality's governing body.

19 (b) Such agreements may be entered into and such services may be provided by a single
20 municipality or county, or by a group of such entities operating jointly pursuant to RSA 53-A.

21 4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

22 53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under
23 this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly
24 authorized to aggregate [~~other~~] **energy** services [~~commonly and regularly billed to customers~~] **as**
25 **described in RSA 53-E:3**. Municipalities may operate approved aggregation programs as self-
26 supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-
27 D and loans from other municipal enterprise funds as may be approved by the governing body and
28 the legislative body of the municipality. Any such loans from other municipal enterprise funds shall
29 be used for purposes that have a clear nexus to the primary purposes of such other funds, such as
30 generation, storage, or sale of power generated from sites, facilities, or resources that might
31 otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be

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1 deemed to limit the capacity of customers to select any service or combination of services offered by
2 such municipal aggregators or to limit the municipality from combining billing for ~~[any or all utility]~~
3 ***energy services with other municipal*** services.

4 5 Regulation of Aggregators. RSA 53-E:4 is repealed and reenacted to read as follows:

5 53-E:4 Regulation.

6 I. An aggregator operating under this chapter shall not be considered a utility engaging in
7 the wholesale purchase and resale of electric power and shall not be considered a municipal utility
8 under RSA 38.

9 II. The provision of aggregated energy services under this chapter shall be regulated by this
10 chapter and any other applicable laws governing aggregated electric power and energy services in
11 competitive electric markets.

12 III. Transmission and distribution services shall remain with the transmission and
13 distribution utilities, who shall be paid for such services according to rate schedules approved by the
14 applicable regulatory authority, which may include optional time varying rates for transmission and
15 distribution services that may be offered by distribution utilities on a pilot or regular basis. An
16 aggregator shall not be required to own any utility property or equipment to provide energy services
17 to its customers.

18 IV. Aggregators shall be subject to RSA 363:38 as service providers and individual customer
19 data shall be treated as confidential private information and shall not be subject to public disclosure
20 under RSA 91-A.

21 6 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

22 53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an
23 aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall
24 require them to pay, any costs associated with such program, through taxes or otherwise except for
25 electric power supply or energy services consumed directly by the municipality or county, ~~[-or~~
26 ~~incidental costs, which may include costs necessary to comply with the provisions of this chapter up~~
27 ~~to the time that the aggregation starts to produce revenue from participating customers].~~

28 7 Electric Aggregation Plan. Amend RSA 53-E:6, III to read as follows:

29 III. The plan shall detail:

30 (a) The organizational structure of the program.

31 (b) Operation and funding.

32 (c) Rate setting and other costs to participants, including whether energy supply
33 services are offered on an opt-in basis or on an opt-out basis ~~[as an alternative default service].~~

34 (d) The methods for entering and terminating agreements with other entities.

35 (e) The rights and responsibilities of program participants.

36 (f) ~~[How net metered electricity exported to the distribution grid by program~~
37 ~~participants, including for group net metering, will be compensated and accounted for.~~

HB 315 - AS INTRODUCED
- Page 3 -

1 ~~_____ (g) How the program will ensure participants who are enrolled in the Electric Assistance~~
2 ~~Program administered by the commission will receive their discount.~~

3 ~~_____ (h) Termination of the program.~~

4 8 Aggregation Program RSA 53-E:7 is repealed and reenacted to read as follows:

5 53-E:7 Aggregation Program.

6 I. The governing body of a municipality or county may submit to its legislative body for
7 adoption a final plan for an aggregation program or any revision to include an opt-out aggregation
8 program, to be approved by a majority of those present and voting.

9 II. Once adopted, or upon revision following adoption, the plan shall be submitted to the
10 commission for review and the commission shall determine whether the plan conforms to the
11 requirements of this chapter and whether the plan imposes undue risk on non-participants.

12 III. If the plan is adopted or once adopted is revised to include an opt-out, the municipality
13 or county shall mail written notification to each retail electric customer within the municipality or
14 county based upon the addresses in public records of the municipality or county for such customers.
15 Notification shall include a description of the aggregation program, the implications to the
16 municipality or county, and the rights and responsibilities that the participants will have under the
17 program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail
18 electric customer shall be included in a program in which the customer does not know all of the rates
19 or charges the customer may be subject to at least 30 days in advance of the customer's application
20 and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of
21 being enrolled in such program, unless the customer affirmatively responds to the notification or
22 requests in writing to be included in the program.

23 IV. Within 15 days after notification of the plan has been sent to retail electric customers in
24 the service area, a public information meeting to answer questions on the program shall be held.

25 V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis
26 unless the approved aggregation plan explicitly creates an opt-out service program where the rate or
27 price is known at least 30 days in advance of its application and, for a period of not less than 30 days
28 from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in
29 such program, by return postcard, website, or such additional means as may be provided. Customers
30 who are on default service provided by an electric distribution utility shall be automatically enrolled
31 in an aggregation provided energy services if they do not elect to opt out. Customers opting out will
32 remain on default service. Customers taking energy service from a competitive electricity supplier
33 shall not be automatically enrolled in any aggregation program, but may voluntarily opt in. A new
34 customer to the electric distribution utility after the notification mailing required by paragraph III
35 shall initially be enrolled in utility provided default service unless the customer has relocated within
36 a single utility's service area and is continuing service with a competitive electricity supplier. On a
37 recurring basis, but not more frequently than monthly, an aggregation may request, and the utility

HB 315 - AS INTRODUCED

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1 will provide, a list of customers within the aggregation's territory who are not enrolled with a
2 competitive electricity supplier for the aggregation to use in identifying any new customers. New
3 customers identified from such list shall be enrolled by the aggregation in the aggregation program,
4 unless the customer opts-out of the aggregation. Municipal aggregations shall take priority or
5 precedence over any county aggregations and each such aggregation shall be responsible for assuring
6 that customers are enrolled with the correct aggregation. Customers enrolled in a municipal or
7 county provided energy services shall be free to elect to return to utility provided default service or to
8 transfer to a competitive electricity supplier with adequate notice in advance of the next regular
9 meter reading by the distribution utility, in the same manner as if they were on utility provided
10 default service or as approved by the commission.

11 VI. Once adopted, an aggregation plan and program may be amended and modified from
12 time to time as provided by the governing body of the municipality or county and approved by the
13 commission. In all cases the establishment of an opt-out default service program shall be approved
14 as provided in paragraph I.

15 VII. The commission shall adopt rules, under RSA 541-A, to implement this chapter,
16 including but not limited to rules governing the relationship between municipal or county
17 aggregators and distribution utilities, metering, notice of the commencement or termination of
18 aggregation services and products, and the reestablishment of a municipal or county aggregation
19 that has substantially ceased to provide services. Where the commission has adopted rules in
20 conformity with this chapter, complaints to and proceedings before the commission shall not be
21 subject to RSA 541-A:29 or RSA 541-A:29-a.

22 9 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the
23 following new section:

24 53-E:9 Billing Arrangements. Each electric distribution utility shall offer to bill customers on
25 behalf of competitive electric power suppliers and to pay such suppliers in a timely manner the
26 amounts due such suppliers from customers for generation services, less a percentage of such
27 amounts that reflects uncollectible bills and overdue payments, as approved by the commission.

28 10 Effective Date. This act shall take effect 60 days after its passage.