



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
May 20, 2021
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- May 6, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - CDBG Grant Amendment - Southwestern Community Services' Shelters

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Appointment
2. Confirmation
Partner City Committee
3. Nomination

C. COMMUNICATIONS

1. James Murphy - In Support of the Improved Medicare Act of 2021
2. Kevin Watterson/Swampbats - Request to Discharge Fireworks
3. Eugenia Snyder/Eversource Energy - Request to Access Old Gilsum Road - Transmission Pole Replacement in Power Line Right of Way
4. Eric George/National Grid - Request to Access Old Gilsum Road for Tree and Brush Clearing of Power Line Right of Way
5. Councilors Remy, Workman, and Madison - Council and Standing Committees

D. REPORTS - COUNCIL COMMITTEES

1. Amendments to the Land Development Code - Historic District Commission
2. 2018 Homeland Security Grant - Keene Police Department
3. 2019 Homeland Security Grant - Keene Police Department
4. Acceptance of Donations - Keene Police Department; Parks, Recreation and Facilities; Fire Department
5. James Weatherly/SWRPC - CDBG Amendment - Shelter Facility Improvements
6. Repurpose of Completed Airport Capital Project Funds - Airport Director

7. Envirotrac Change Order for Landfill Monitoring - Asst. Public Works Director/Solid Waste Manager
8. Capital Project Transfer for Financial Software Package - Finance Director
9. Property Tax Exemptions and Credits - City Assessor
10. Construction Oversight Change Order - Woodward Dam Improvements - City Engineer
11. Cheshire Rail Trail Phase III - Consultant Selection - City Engineer

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Requests to Use City Property - Music Fest, Art Walk, Tree Lighting, Art Market
2. Power and Duties of the Assessors Board - City Assessor
3. Relating to the FY 2021-2022 Operating Budget
4. Petition to Acquire Property by Eminent Domain for Highway Purposes - City Engineer

I. ORDINANCES FOR FIRST READING

1. Relating to Class Allocation and Salary Schedule
Ordinance O-2021-08

J. ORDINANCES FOR SECOND READING

1. Relating to the Wearing of Face Coverings - Ordinance O-2021-07 and Continued Discussion - Keene Ordinance – Wearing of Face Coverings
Ordinance O-2021-07
2. Land Development Code and Downtown Zoning – Ordinance O-2020-10A Ordinance O-2020-11A
Ordinance O-2020-11A
Ordinance O-2020-10B
3. Relating to Chapter 46 Licenses and Permits – Social Services and Congregate Care Uses License - Ordinance O-2021-04
Ordinance O-2021-04
4. Relating to Social Services and Congregate Care Uses and License – Ordinance O-2019-13
Ordinance O-2019-14
5. Relating to the Duties of the City Attorney
Ordinance O-2021-06

K. RESOLUTIONS

1. In Appreciation of Gary W. Croteau Upon His Retirement
Resolution R-2021-08
2. In Appreciation of Christopher W. Simino Upon His Retirement
Resolution R-2021-11

3. In Appreciation of Garrett J. Greeley Upon His Retirement
Resolution R-2021-13
4. FY 2021-2022 Budget - Bond Resolutions
Resolution R-2021-15
Resolution R-2021-16
Resolution R-2021-17
5. Cheshire Rail Trail Phase III - Appropriation of Funds - City Engineer and Cheshire Rail Trail
Phase III - Reallocation of Project Balance - City Engineer
Resolution R-2021-24

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held on Thursday, May 6, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued that the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their online presence and whether there are others with them in the room. Roll called: Stephen L Hooper, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, , Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Janis O. Manwaring joined the meeting at 7:03 PM and Gladys Johnsen joined the meeting at 7:05 PM. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel read into the record a Proclamation announcing Public Works Week as May 16—May 22, 2021.

Mayor Hansel read into the record a Proclamation announcing Keene's Kid Mayor for the day of May 6, 2021, George Iselin. Kid Mayor Iselin thanked Mayor Hansel and the City Staff who helped him to learn a lot and have a great day; his grandfather, Dave Whaley, expressed his thanks as well.

The Mayor announced several upcoming special budget meetings of the Finance, Organization and Personnel Committee. The FOP Committee would meet on the following upcoming dates, with *all* listed meetings beginning at 5:30 PM: on Tuesday, May 11, following the Committee's regular meeting agenda on Thursday, May 13, on Monday, May 17, and concluding on Wednesday, May 19. The Mayor encouraged all Councilors to view these Zoom meetings.

Mayor Hansel canceled the May 12, 2021 Municipal Services, Facilities and Infrastructure Committee meeting to accommodate a longer Planning, Licenses and Development Committee meeting that would begin early on the same date at 6:00 PM.

The Mayor announced that the City Council's summer vacation schedule would begin with the cancellation of the August 5 regular meeting, followed by cancellation of the August 11 and August 12 Standing Committee meetings. The Council would return to its normal schedule for the August 19 regular meeting.

MINUTES

A motion by Councilor Powers to accept the minutes from the April 15, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION R-2021-10 – IN APPRECIATION OF JAMES A. CEMORELIS UPON HIS RETIREMENT

Mayor Hansel read into the record Resolution R-2021-10, In Appreciation of James, A. Cemorelis Upon His Retirement. A motion by Councilor Powers to adopt Resolution R-2021-10

was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Johnsen was not able to participate in this vote.

PUBLIC HEARING – CDBG GRANT AMENDMENT – COMMUNITY KITCHEN’S IMPROVEMENTS

Prior to opening the public hearing, the Mayor noted that the hearing would occur in two parts. Due to the timeline to request these funds and specific State requirements, a suspension of the Rules of Order would be requested to allow the City Council to vote on the proposed amendment on the same day as the hearing.

Mayor Hansel opened public hearing for the Community Kitchen Community Development Block Grant (CDBG) Gap Fund amendment at 7:19 PM and upon the Mayor’s request, the City Clerk read the public hearing notice into the record. The Mayor welcomed the City’s Grant Administrator, James Weatherly, Planning Technician with the Southwest Regional Planning Commission to present the background and reasoning for the application.

Mr. Weatherly said that the CDBG is a competitive NH program that awards counties and municipalities for diverse projects that benefit low to moderate income people. The maximum grant amount is \$500,000 per eligible category and annually, \$25,000 is available for planning and feasibility studies. The request at present was for additional funding to support the Community Kitchen’s ongoing facility project that encountered unforeseen high construction costs due to Covid-19 through a sealed bidding process. This project would provide a rooftop solar array and many other key improvements to the building. In April 2021, the NH community development authority of the State agency that oversees CDBG funds released \$900,000 in further available funds for large, ongoing projects to offset Covid-19 related costs. If the additional funding were approved, the Community Kitchen’s CDBG would increase from the \$500,000 awarded originally to \$657,585.

Mayor Hansel opened the floor to public comment and questions.

With no comments from the public or Council, Mayor Hansel closed the public hearing for the CDBG Gap Fund request at 7:23 PM. He advised that written comments would be accepted up to 4:00 PM the following Tuesday, May 11, 2021.

A true record, attest:



City Clerk

Upon the Mayor’s request, a motion by Councilor Powers to suspend the applicable Rules of Order that restrict the City Council from considering a matter the same day as the hearing was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. Mayor Hansel brought forward agenda item D.7 – the request to authorize the amendment requesting additional funding from the CDBG Gap Fund.

FOP REPORT – JAMES WEATHERLY/SOUTHWEST REGION PLANNING COMMISSION
– CDBG GRANT AMENDMENT – COMMUNITY KITCHEN'S IMPROVEMENTS

A Finance, Organization and Personnel Committee report read recommending that the City Council support the application for additional funds for the Community Kitchen's improvements at their facility at 37 Mechanic Street and requesting the Mayor set a public hearing for Thursday, May 6 at 7:00 PM. A motion from Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Powers to authorize the submittal of the amendment to the Community Kitchen's CDBG project request for additional funds from the CDBG Gap Fund was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

NOMINATION

Mayor Hansel submitted the following nomination: to the Partner City Committee, Gregory Kleiner, with a term to expire December 31, 2022. The Mayor tabled the nomination until the next regular meeting.

CONFIRMATION

A motion was made by Councilor Powers and duly seconded by Councilor Bosely to confirm the following nomination: to the Assessor's Board, Jason Frost, with a term to expire December 31, 2023. The motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

COMMUNICATION – JOSEPH MIRZOEFF – RELATING TO THE WEARING OF FACE MASKS

A communication was received from Joseph Mirzoeff, supporting the rescission of the City's Ordinance Relating to the Wearing of Face Masks. Mayor Hansel filed the letter into the record as informational and noted that the discussion of masks would continue in the following weeks.

COMMUNICATION – KEENE MUSIC FESTIVAL – REQUEST TO USE CITY PROPERTY

A communication was received from Pablo Fleischmann, Keene Music Festival Director, requesting the annual license to conduct the Keene Music Festival on Saturday, September 4, 2021. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION – KEENE STATE COLLEGE – REQUEST TO DISCHARGE FIREWORKS

A communication was received from Jennifer Ferrell, Associate Vice President of Student Engagement at Keene State College, with a request to discharge fireworks on the College's Joyce Athletic Practice Field on Saturday, May 15, 2021 as a part of their year-end festivities. Mayor Hansel said there was insufficient time to send this request to Committee and so he

requested that the Rules of Order be suspended to act upon the request at this meeting. Upon the Mayor's request, a motion by Councilor Bosley to suspend the applicable Rules of Order was duly seconded by Councilor Greenwald and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

The Mayor recognized Fire Chief Mark Howard to provide the Fire Department's (FD) recommendation on the request before accepting a motion. Chief Howard said that Keene State College was working with a professional firework display agent and contacted the FD late the week before this meeting. For such a display, the agent would need a permit from the NH Fire Marshall in addition to meeting local requirements through the City Clerk's office. Keene State College had worked with the City Clerk to expedite the full permitting process and this request to City Council. Chief Howard was comfortable with the City Council approving the request. Keene State College was informed of and was prepared to pay expenses for the FD services required for the event including an inspector from the time the display arrives until it is discharged, and a small standby unit/crews. The Fire Chief recommended that the City Council approve this request and allow the College to move forward with their display contingent upon meeting the City's requirements.

Councilor Bosley moved to recommend that Keene State College be granted permission for the discharge of fireworks on Saturday, May 15, 2021, and reserving a rain date of Sunday, May 16, 2021, subject to the following conditions: 1) the signing of a revocable license and indemnification agreement, 2) that Keene State College provide a certificate of liability insurance with the City of Keene listed as an additional insured, and the amount of \$1 million, that the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1 million, 3) that a Class B fireworks permit be obtained, then then display occur no later than 10:00 PM, and 4) that Keene State College provides campus security to control the fireworks drop zone. In addition, the petitioner agrees to comply with any recommendations of the Keene Fire Department and the Keene Police Department and KSC agrees to absorb the charges for any City services provided. Councilor Greenwald duly seconded the motion, which passed unanimously on a roll call vote, with 15 Councilors present and voting in favor.

COMMUNICATION – KEENE DOWNTOWN GROUP – REQUEST TO USE CITY PROPERTY – ART WALK

A communication was received from Madeline Ulrich, Project Coordinator of the Keene Downtown Group, requesting a Street Fair License to hold art demonstrations, sidewalk sales, and other activities in the downtown area on Saturday, June 5, 2021 and Saturday, June 12, 2021. They also requested free parking on those dates. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION – KIWANIS CLUB – REQUEST TO USE CITY PROPERTY – TREE LIGHTING CEREMONY

A communication was received from Peg Bruce, Secretary of the Kiwanis Club, with their annual request for a license to conduct a Tree Lighting Ceremony on Central Square on

November 26, 2021. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

MSFI REPORT – KEVIN LEARY – REQUEST FOR ACCESS TO PROPERTY – OLD GILSUM ROAD

A Municipal Services, Facilities and Infrastructure Committee report read recommending, per Section 94-238 of the City Code of Ordinances, that Kevin Leary be permitted to use a motorized vehicle on the Class VI portion of the Old Gilsum Road for the purpose of transporting in and out of equipment one time each year until 2023 to the Fontaine Albert R Revocable Trust Property (218-009-00-000-000). This motorized access is to be coordinated with City staff with Mr. Leary abiding by all conditions set by staff. A motion from Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

PLD REPORT – DARREN HUMPHREY/TRAX CLUB – REQUEST TO USE CITY PROPERTY AND SERVE ALCOHOL – SIDEWALK CAFÉ

A Planning, Licenses and Development Committee report read recommending that the Trax Club be granted permission to place 6 tables and 36 chairs on City property adjacent to Railroad Square in conjunction with a sidewalk café license within the hours of Monday through Wednesday from 4:00 PM to 8:30 PM and Thursday through Sunday from 12:00 PM to 8:30 PM and that he be permitted to serve alcoholic beverages subject to submittal of a copy of their State of NH Liquor License. This permission is subject to the following: licensee agrees to place a smoking waste receptacle in the café area to minimize litter; licensee shall maintain the property and return it to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance; and that the licensee agrees to remove the tables and chairs when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Parks and Recreation Department. Further that this permission is subject to the execution of a revocable license and indemnification agreement and receipt of a certificate of liability insurance in the minimum amount of \$1,000,000 listing the City of Keene as an additional insured. Said license shall expire March 1, 2022. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

PLD REPORT – BREWBAKERS CAFÉ – REQUEST TO SERVE ALCOHOL ON City PROPERTY – SIDEWALK CAFÉ

A Planning, Licenses and Development Committee report read recommending that the City Council grant permission to Brewbakers Café to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the following conditions: compliance with the requirements of Sections 46-1191 through 46- 1196 of the City Code, the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured, and the furnishing of a copy of their current State of New Hampshire liquor license. This license shall expire on March 1, 2022. A motion by Councilor Bosley to carry out

the intent of the report was duly seconded by Councilor Greenwald and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

PLD REPORT – CONCERNED CITIZENS OF CHESHIRE COUNTY – EFFICACY OF FACE COVERINGS

A Planning, Licenses and Development Committee report read recommending acceptance of the communication from the Concerned Citizens of Cheshire County on the efficacy of face coverings as informational. Mayor Hansel filed the communication into the record as informational.

FOP REPORT – ACCEPTANCE OF DONATION – FIRE DEPARTMENT

A Finance, Organization and Personnel Committee report read recommending that the City Manager do all things necessary to accept a donation of \$250.00. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS TO LIBRARY RENOVATION PROJECT – LIBRARY DIRECTOR

A Finance, Organization and Personnel Committee report read recommending that the City Manager do all things necessary to accept donations of \$9,047.04 as listed in the City of Keene Library Renovation Restricted Trust from January 25, 2020 – March 27, 2021 donor list to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

FOP REPORT – DOWNTOWN TO TRAILS STUDY – PARKS, RECREATION & FACILITIES DIRECTOR

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding with the UNH Cooperative Extension for a Downtown to Trails study. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

FOP REPORT – DEED WAIVER – 2017 TAX YEAR – REVENUE COLLECTOR

A Finance, Organization and Personnel Committee report read on a roll call vote of 5-0 recommending that the City Manager be authorized to instruct the Revenue Collector to waive tax deeding of the following properties until June 11, 2021: 71 Oriole Avenue, 14 Schult Street, 329 Park Avenue, and 163 Island Street. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

FOP REPORT – CITY OF KEENE COMMUNITY POWER PLAN – AD HOC COMMUNITY POWER COMMITTEE

A Finance, Organization and Personnel Committee report read recommending the adoption of the City of Keene Community Power Plan. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper and the motion passed on a unanimous roll call vote, with 15 Councilors present and voting in favor.

Mayor Hansel noted that this was now the first Community Power Plan in the State of NH, confirming that Keene is taking bold steps as a community regarding renewable energy. He said that community members comprising the Community Power Committee came together to make this a reality, lending their expertise and time seamlessly with City Staff. The Mayor was impressed at what the community could accomplish and was grateful for this work. The City Manager added her thanks to the Community Power Committee for this significant accomplishment and the City Council for supporting the plan so Keene would be the first in NH to present such a plan to the Public Utilities Commission.

FOP REPORT – GENERAL OVERVIEW OF PROPOSED OPERATING BUDGET – CITY MANAGER

A Finance, Organization and Personnel Committee report read recommending acceptance of the general overview of the proposed Operating Budget provided by the City Manager as informational. Mayor Hansel filed the report as informational.

CITY MANAGER COMMENTS

The City Manager began by discussing the Fiscal Year (FY) 2021-2022 Operating Budget that all Councilors should have received before the meeting; she thanked the City Clerk's office for coordinating that distribution. On May 7, the document would be available to the public electronically on the City's website. She referenced a few items in her budget letter for the benefit of the Council and public as the budget review process begins. The City Manager explained that City Staff developed Operating and Capital Budget proposals, which support the vision of the City's Comprehensive Master Plan, City Council Goals, and Fiscal Policy to continue moving the City toward a sustainable future. The Covid-19 pandemic will have a long-lasting impact on our community, the State, and the world. However, with vaccines readily available this summer, hospitalizations down, and our most vulnerable vaccinated fully, she was optimistic for a strong rebound of our local economy. This past year proved how resilient our community and our municipal team are. Our municipal team showed time and again, over a long and arduous year, what a caring, dedicated, and reliable group of people they are; the Manager was extremely proud to see so many people step-up in unimaginable and creative ways.

The Manager continued stating that the recommended FY-2022 Operating and Capital Budget was estimated to raise the City's portion of the tax rate by 1.69%. This adjustment follows two years of a level City tax rate, and would meet service delivery and capital investment needs now and into the future. The tax rate adjustment proposed was \$930,470 less than the City's Fiscal Policy Budget Index, which considers Consumer Price Index expenditures required by law. The

State was going through a two-year budget process that would conservatively estimate City revenues associated with State municipal aid, as we know them. In addition, the tax rate estimates were based on a projection of no increase to the tax base, which the City Manager called a good conservative estimate as the City was amid a City-wide property revaluation. At this point, in the City's overall tax rate process, both the School District and Cheshire County had approved budgets, setting the education and County portions of the overall rate. Considering tax rate projections provided during adoption and the recommended City budget, the total property tax rate was estimated to increase by 3.57% combined. The largest increase was estimated in the School District's portion of the budget, though the City Manager was hopeful that they would receive funding too from the American Rescue Plan and have an opportunity to reduce this projected increase.

As the City continues to respond to Covid-19 over next few months, the municipality would receive FEMA reimbursement funds (reimbursed at 75%) and expected federal stimulus funds from the American Rescue Plan in the total amount of \$2.26 million. The American Rescue dollars would be granted to cities/towns in two equal payments, with the first payment expected in May 2021 and the second payment sometime in 2022. This past year, funds provided to towns/cities to assist with the pandemic response did not allow for the reimbursement of revenue losses resulting from the impacts of Covid-19 to our community. Towns and cities reached out to their Federal Delegations to request the ability to offset these losses. The City Manager was happy to report that, while guidance had not come yet from the Treasury office regarding use of the funds, they made clear that offsetting lost revenues was allowed. The Manager's proposed budget anticipated using \$350,000 to offset revenues impacted by Covid-19 in the General Fund and \$108,642 in the Parking Fund. This revenue offset would utilize less than half of the first payment and leave just over \$641,000 of the first allotment for other Covid-19 related expenses. The City would have four years to use the funds on eligible expenses. In FY-2023, the City would receive the second \$1.2 million payment, assuming our economy continues to recover, and she anticipated utilizing less for the purpose of revenue offsets in FY-2023.

The City Manager's recommended budget considered the second year of the bi-annual Capital Improvement Program (CIP) 2021-2027. She meets monthly with our Federal Delegation to discuss capital projects that could be eligible for federal funding sources created as a part of the American Rescue Plan. To date, Keene had submitted a request to fund a section of the Heritage Trail project as well as the George Street Bridge for consideration. She anticipated that additional transportation funding would become available, and Staff would continue seeking ways to leverage outside funding opportunities. If successful, it would allow us to reduce project cost impacts in future budget years, while simultaneously encouraging growth and stability for our local economy by bringing additional resources and investment the City.

The budget review process begins with a special FOP meeting on Tuesday, May 11 at 5:30 PM.

The City Manager changed focus to the Strategic Governance process, which she had kicked-off with Department heads. The individual budgets provide a wealth of information about Departments, including metrics and statistics that are useful in measuring our success or progress in key areas. However, not everyone takes the time or has the time to read all the information in

our budget books. Over the last few years, the City Manager had worked with the Finance Department to consolidate information and reduce the budget book's size, making it more user friendly, though it is still a large document. Now that the proposed Operating Budgets for FY-2022 were complete, Departments would begin thinking about a proposed Capital Improvement Plan for the next six years. The CIP is where our big-ticket financial investments are scheduled. Departments such as Public Works that manage most of our infrastructure investments would go through the Strategic Governance process first so they may begin to utilize this process/format during the upcoming CIP conversations. The CIP process starts with Departments in the summer and concludes with Council in February. The Departments then move into the budget preparation process. The frameworks created at the Department level would help inform the Council as they set goals, prioritize those goals, and measure our success. There is a wealth of information at the Department level and various strategic plans with significant community and stakeholder input. The City Manager said we need to find a way to bring those forward more easily with the priorities in the Comprehensive Master Plan to better assist the Council with budget decisions. It would take a few years for to implement the Strategic Governance process fully across all Departments and fine tune the process so that it meets our needs.

The focus of upcoming capital and budget discussions would be on outcomes and medium-to-long range plans, articulating both what is in the budget and what outstanding needs are not included in out years, while also creating a process that reinforces the importance of planning for continued costs associated with any budget decision. For instance, when you add a park in the CIP, what additional costs should you be prepared to support in future Operating Budgets for maintenance and upkeep of that park? For instance, the number one Council priority becomes tax rate stabilization, yet you wish to move forward other new initiatives? It would be important for the Council to discuss the things we would no longer be able to do to offset. The City Manager said she was also exploring the use of dashboards, utilizing much of the information we already gather, that would make it easier for the Council and the public to track our progress visually. While she knew there were many budget meetings upcoming, she also wanted to work with the Mayor to schedule a work session with the Council on Strategic Governance, laying the foundation for a more cohesive and strategic budget process in FY-2023. This concluded the Manager's budget updates.

Next, the City Manager said that lifeguards were needed to open the municipal pools and there were insufficient people signed-up currently to provide coverage for both pools. Anyone interested in a summer job should call the Recreation Center at 603-357-9829. The City provides CPR training for all summer staff. Lifeguards must hold a current lifeguarding certification and the City will also cover that training expense.

The City Manager reported next on the Public Works Department. Staff was wrapping-up the 2021 Green Up Keene event held on April 24. This year included a significant number of community members who signed-up online and used a drive-by supply pick up at the Public Works building on Marlboro Street. Preliminary estimates showed over 2,000 tons of trash picked-up from City streets and multi-use trails by over 150 people. The City Manager called this a successful kick-off to spring in the City. The City Manager continued reporting that

construction season had started with the long-awaited repaving of Park Avenue on May 6 that would continue for four to six weeks. The Roxbury Street Flood Improvement project was scheduled to start late May/early June and would be a major upgrade to the 1890s storm water mains from Central Square to the Roxbury Street Bridge. This project would also have significant impacts on traffic patterns, for which the Public Works Department would be sending out periodic updates on Fridays; for more information on this specific project or to sign-up for updates, please contact the Public Works Department at 603-352-6550. Finally, the spring water main flushing was entering its final two weeks and was going, and this month at the Municipal Services, Facilities and Infrastructure Committee meeting, the Public Works Director and City Engineer would begin conversations on the Asset Management Plan for the City's 52 miles of sidewalks. To be in the know on Public Works activities and projects, follow the Public Works Department on Facebook, or Twitter @keenepwd.

The City Manager concluded her report with several Covid-19 updates. Schools had returned to five days per week in-person learning. The Superintendent reported that it was going well and was working with Riteaid to set-up vaccine clinics at the schools once approved for ages 12-18. This emergency use authorization approval was expected next week. These clinics would make accessing the vaccine more convenient for interested parents. The Manager also said that President Melinda Treadwell reported that Keene State College (KSC) was currently experiencing a spike in cases that plateaued at approximately 16 cases and they were now at 46 active cases. The College did contract tracing, put students into quarantine/isolation, and moved to some restricted protocols on campus.

Also on Covid-19, the City Manager reported that State-fixed vaccination sites would be closing sometime in June. Everyone eligible for the vaccine would have had the opportunity for an appointment by Memorial Day. The State was planning to keep the fixed sites open into June to so individuals receiving their first shot in May can receive second shot. Then there would be a shift to hospitals, pharmacies, and doctors administering most vaccine shots. As of this date, approximately 63% of the Statewide population had received their first shot, meaning that if everyone returns for their second shot, we should be close that same percentage of Statewide population being fully vaccinated in four weeks. Knowing that for whatever reason not everyone comes back for their second shot, the City Manager said that four weeks from Memorial Day everyone that wanted the vaccine would have both the opportunity and time to be vaccinated fully. By the beginning of June, KSC students would have returned home and by end of June, public schools would be closed, aligning well with the vaccination timeline.

The City Manager spoke with Beth Dailey at the State the prior week about accessing specific Keene, Cheshire County, and regional Covid-19 information. The State was working on a dashboard that they hoped to have available in a few weeks. Ms. Dailey told the City Manager that Cheshire County was running near to the State's percentage numbers and the City of Keene was tracking a few percentage points better than the State. On May 6 at the Governor's press conference, Dr. Chan stated that Keene's area would be in a transition period for the next month or two as the level of individuals vaccinated fully increases and we monitor community transmission. Finally on the topic of Covid-19, the City Manager reported that the Governor was

extending Emergency Order 12, dealing with the ability to meet electronically, through June 1st. It was unclear whether it would be extended beyond that time. There was a Bill in the legislature that would give more flexibility to communities to meet in the hybrid format (some Councilors and public participating remotely); stay tuned.

The City Manager concluded her report with a final statement on the Summer Youth Program, stating that she was looking for Councilors willing to meet with the Summer Youth Group in July (16th or 23rd) to discuss their roles as Councilors. Interested Councilors should contact Helen Mattson in the Manager's office.

MEMORANDUM – RELATING TO O-2020-10A AND THE PROPOSED LAND DEVELOPMENT CODE – HISTORIC DISTRICT COMMISSION

A memorandum from Senior Planner, Tara Kessler, read requesting that proposed amendments to the Land Development Code requested by the Historic District Commission be referred to the Planning, Licenses and Development Committee's May 12, 2021 meeting for their review and consideration. Mayor Hansel referred the communication to the Planning, Licenses and Development Committee.

MORE TIME

Mayor Hansel granted more time for the following items as recommended by the respective Standing Committees: Machina Arts – Request to Erect a Parklet in Parallel Parking Spaces – Outdoor Dining; Discussion – Keene Ordinance – Wearing of Face Coverings; Ordinances O-2020-10-A and O-2020-11-A: Relating to Land Development Code and Downtown Zoning; Ordinance O-2021-04: Relating to Chapter 46 Licenses and Permits – Social Service and Congregate Care; Continued Discussion: Water and Sewer Rates Methodology.

ORDINANCE FOR FIRST READING – RELATING TO THE DUTIES OF THE CITY ATTORNEY – ORDINANCE O-2021-06

Memorandum received from the Mayor recommending Ordinance O-2021-06: Relating to the Duties of the City Attorney be referred to the Finance, Organization and Personnel Committee for review and recommendation. Memorandum filed as informational. Ordinance O-2021-06 read for the first time by title only. The Ordinance was referred to the Finance, Organization and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO THE POWERS AND DUTIES OF THE ASSESSOR'S BOARD – ORDINANCE O-2021-05

Memorandum received from the City Assessor recommending Ordinance O-2021-05: Relating to the Power and Duties of the Assessor's Board be referred to Finance, Organization and Personnel Committee for review and recommendation. Memorandum filed as informational. Ordinance O-2021-05 read for the first time by title only. The Ordinance was referred to the Finance, Organization and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO THE WEARING OF FACE COVERINGS – ORDINANCE O-2021-07

Memorandum received from the Mayor recommending Ordinance O-2021-07: Relating to the Wearing of Face Coverings be referred to the Planning, Licenses and Development Committee for review and recommendation. The Mayor stated that this was an unusual matter, having been contacted by several City Councilors with the idea to craft an ordinance that would eliminate the requirement for masks outdoors, which this proposed Ordinance O-2021-07 would accomplish. His referral sends the matter to the PLD Committee for first reading, debate, and discussion. Because ordinances require two readings, it would take two Council cycles before any changes were voted upon. After those comments, the Mayor filed his memorandum as informational. Ordinance O-2021-07 read for the first time by title only. Mayor Hansel referred the Ordinance to the Planning, Licenses and Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO DESIGNATED LOADING ZONES – ORDINANCE O-2021-03

A Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2021-03. Mayor Hansel filed the report. A motion by Councilor Manwaring to adopt Ordinance O-2021-03, Relating to Designated Loading Zones, was duly seconded by Councilor Giacomo and motion passed on a roll call vote, with 15 Councilors present and voting in favor.

RESOLUTION R-2021-22 – RELATING TO THE FY 2021-2022 OPERATING BUDGET

Memorandum received from the City Manager recommending that Resolution R-2021-22: Relating to the FY 2021-2022 Operating Budget be referred to the Finance, Organization and Personnel Committee, and that a public hearing be set. Memorandum filed as informational. Resolution R-2021-22 was read for the first time in its entirety. Mayor Hansel referred the Resolution to the Finance, Organization and Personnel Committee. The public hearing was scheduled for June 3, 2021 at 7:00 PM.

RESOLUTION R-2021-19 – PETITION TO ACQUIRE PROPERTY BY EMINENT DOMAIN FOR HIGHWAY PURPOSES

Memorandum received from the City Engineer recommending that Resolution R-2021-19: Relating to Petition to Acquire Property by Eminent Domain for Highway Purposes be referred to the Finance, Organization and Personnel Committee, and that a public hearing be set with written notice of the time and place of such hearing to be given to the Petitioner and affected property owners no fewer than thirty (30) days prior to the such public hearing. Memorandum filed as informational. Resolution R-2021-19 was read for the first time by title only. The Mayor scheduled a site visit for Thursday, June 17, 2021 at 5:30 PM and a public hearing the same evening at 7:00 PM. Mayor Hansel referred the Resolution to the Finance, Organization and Personnel Committee.

RESOLUTION R-2021-24 – CHESHIRE RAIL TRAIL PHASE III – APPROPRIATION OF FUNDS

Memorandum received from the City Engineer recommending that Resolution R-2021-24: Relating to Cheshire Rail Trail Phase III – Appropriation of Funds be referred to the Finance,

05/06/2021

Organization and Personnel Committee for consideration and a recommendation. Memorandum filed as informational. Resolution R-2021-24 read for the first time by title only. Mayor Hansel referred Resolution R-2021-24 to the Finance, Organization and Personnel Committee.

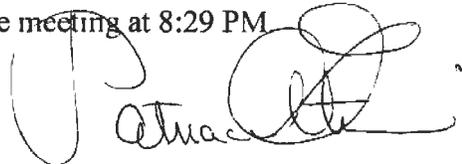
RESOLUTION R-2021-23 – RELATING TO NORTHERN BORDER REGIONAL COMMISSION GRANT PROGRAMS

A Finance, Organization and Personnel read recommending the adoption of Resolution R-2021-23: Relating to Northern Border Regional Commission Grant Programs. Report filed as informational. Resolution R-2021-23 read for the first time. A motion by Councilor Powers to adopt Resolution R-2021-23 was duly seconded by Councilor Hooper and the motion passed on a roll call vote, with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:29 PM

A true record, attest:



City Clerk



PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held on **May 20, 2021 at 7:00 p.m.** to discuss and hear public comment on a proposed application for funding by the City of Keene to the New Hampshire Community Development Finance Authority (CDFA) for federal Community Development Block Grant (CDBG) funds. CDBG funds are awarded to municipalities and counties on a competitive basis in New Hampshire for housing, public facilities and economic development projects which have primary benefit to low- and moderate-income individuals. The maximum grant award is \$500,000 for each eligible category. To provide additional funding for projects impacted by cost overruns due to the COVID-19 pandemic, CDFA has made an additional \$900,000 available statewide under the CDBG Gap Fund program for currently active CDBG projects.

The proposal to be discussed is for up to \$190,000 in federal CDBG funds through the CDBG Gap Fund program. If awarded, the funds would be subgranted, less administrative costs, to Southwestern Community Services (SCS) to support their ongoing project which will provide major capital improvements to two shelter facilities operated by SCS in Keene.

Due to the COVID State of Emergency, this hearing will be held remotely using the web-based platform Zoom. Members of the public will be able to access this public hearing by visiting <https://us02web.zoom.us/j/83347153080> or calling #1-877-853-5257 toll-free and entering the Meeting ID # 833 4715 3080. If you have trouble accessing the meeting, please call #1-603-757-0622 during the meeting.

Interested persons are invited to attend and provide comment. Please contact the City of Keene at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearing.



City of Keene, N.H.
Transmittal Form

May 17, 2021

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.1.

SUBJECT: Appointment

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to confirm the appointment.

RECOMMENDATION:

I hereby appoint the following individual to serve as a liaison to the following Board or Commission:

Library Board of Trustees

Councilor Robert Williams, Council Liaison
66 North Lincoln Street,

Term to expire Dec. 31, 2021



City of Keene, N.H.
Transmittal Form

May 4, 2021

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.2.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to confirm the nomination.

In City Council May 6, 2021.

Tabled the nomination to the next regular meeting.

RECOMMENDATION:

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

Partner City Committee

Gregory Kleiner, slot 8
119 Carroll Street Apt. 1

Term to expire Dec. 31, 2022

ATTACHMENTS:

Description

Background Kleiner

From: [Helpdesk](#)
To: [Terri Hood](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, May 4, 2021 4:06:41 PM

<p>Submitted on Wed, 04/14/2021 - 16:23</p>

<p>Submitted values are:</p>

First Name:

Gregory

Last Name:

Kleiner

Address

119 Carroll Street Apt 1
Keene, NH 03431

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Please select the Boards or Commissions you would be interested in serving on:

Partner City Committee

Employer:

Fenton Family Dealerships

Occupation:

Senior Accounting Associate

Education:

Bachelors of Science, Accounting. Masters, Finance.

Have you ever served on a public body before?

No

Other Information/Relevant Experience:

I spent my Junior year in College in Germany. I also have family in Germany so have been there many times throughout my life. I also would like to help broaden the relationship between our two cities.

Please provide some references:

Kaitlin Fenton

KFenton@fentonautosales.com

603-491-4042

References #2:

Donovan Fenton

DFenton@fentonautosales.com
603-313-7991



City of Keene, N.H.
Transmittal Form

May 17, 2021

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.3.

SUBJECT: Nomination

COUNCIL ACTION:

In City Council May 20, 2021.

Tabled until the next regular meeting.

RECOMMENDATION:

I hereby appoint the following individual to serve on the designated Board or Commission:

Energy & Climate Committee

Hillary Ballantine, alternate slot 12
57 Washington Street, apt. 2

Term to expire Dec. 31, 2023

ATTACHMENTS:

Description

Background_Ballantine

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, April 7, 2021 4:55 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 04/07/2021 - 16:49</p>

<p>Submitted values are:</p>

First Name:

Hillary

Last Name:

Ballantine

Address

57 Washington St, Apt 2

Email:

Cell Phone:

7404030779

Please select the Boards or Commissions you would be interested in serving on:

Energy and Climate Committee, Conservation Commission

Employer:

Community College System of New Hampshire

Occupation:

Lab Assistant II/Adjunct Faculty

Education:

Master of Science in Environmental Studies, Antioch University New England

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Currently a Delegate at Large for the Keene Democrats

Please provide some references:

Bobby Williams

References #2:

Julie Robinson
jrobinson@ccsnh.edu
6036801799

If you would like to share any attachments, please upload them here.
[Ballantine Resume.pdf](#)

EDUCATION

Antioch University New England • 2017

- Master of Science in Environmental Studies

Coastal Carolina University • 2013

- Bachelor of Science in Marine Science
- Bachelor of Science in Biology

PROFESSIONAL EXPERIENCE

Franklin Pierce University • 2018 – Present

Adjunct Faculty

- Instruct Oceans and Weather/Climate labs, supervise students during field work

River Valley Community College • 2017 – Present

Adjunct Faculty

- Create, develop, implement, instruct, and assess Environmental Science lecture and lab, supervising students in the field

Lab Assistant II

- Prepare and generate all materials for science labs, including Microbiology, Anatomy & Physiology, Chemistry, Biology, and Environmental Science
- Manage lab space, maintain cleanliness, organization of all materials, inventory all supplies to meet class deadlines

Cape Ann Whale Watch • 2015 – 2016

Naturalist

- Collected quantitative and qualitative data, photographed and identified individual whales
- Instructed and evaluated interns on presentation of lessons
- Engaged and educated passengers during whale watching tour, fielded questions, kept records of all data

Myrtle Beach State Park • 2014

Naturalist

- Collaborated with park rangers on presenting creative and innovative programs on forest and marine life to school field trips and large events, completed general maintenance work
- Developed and implemented educational programs, assisted in implementation of events, supervised interns

VOLUNTEER EXPERIENCE

Elizabeth Warren for President • 2019 – 2020

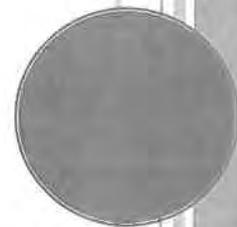
Community Organizer

- Participated in community outreach through canvassing and phone banking
- Planned small policy pop-ups to discuss policies with voters
- Trained new volunteers and lead canvass launches

OrganizeNH • 2020

Staging Location Director

- Trained new volunteers and lead literature drop launches





City of Keene, N.H.
Transmittal Form

May 17, 2021

TO: Mayor and Keene City Council

FROM: James Murphy

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: James Murphy - In Support of the Improved Medicare Act of 2021

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Murphy

BACKGROUND:

James Murphy has submitted an on-line petition containing 101 signatures encouraging the City Council to support the Federal Improved Medicare Act.

PETITION IN SUPPORT OF A RESOLUTION ON 'IMPROVED MEDICARE FOR ALL ACT OF 2021
TO BE ON THE AGENDA OF THE CITY COUNCIL OF KEENE

Whereas the Improved Medicare Act of 2021 will provide affordable, high- quality comprehensive coverage for ALL medically necessary care under a national health program and

Whereas healthcare is a basic human right of every American and providing it as publicly- funded social insurance is the only proven and cost-efficient way to achieve equitable and sustainable universal coverage and

Whereas the City of Keene will witness a saving of\$... million from its annual expenditure on its employee- healthcare and will result in vastly improved health outcomes of its residents as NO financial barriers to care will be encountered and

Whereas healthcare providers (hospitals and doctors) will benefit from NOT having to write off uncompensated care, as EVERYBODY IN-NOBODY OUT will be the norm upon the Act becoming the law of the land and

Therefore, and for more reasons detailed in the attached Resolution, I hereby support it and urge the Council members to accept it on the agenda for debate and discussion at the earliest session of the body as possible

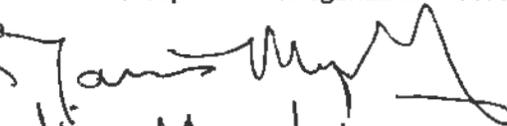
Signed:

Name:

Address:

phone

#



Jim Murphy

19 Shadow Lane, Keene, NH

357-4141

Email(optional)

Murphyarts@gmail.com

murphyarts@gmail.com

date 4/29/2021

2021 Keene Medicare For All Petition Signatures:

First Name	Last Name	Home City
Claire	Casey	Keene
James	Pointer	Keene
Vernon	Thornblad	Keene
Nancy	Pollard	Keene
Adriana	Elliot	Keene
Linda	Rubin	Keene
Dove	Raina	Keene
Vicky	Pittman	Keene
Amanda	Toll	Keene
Larry	Welkowitz	Keene
Helene	Mogridge	Keene
Marie	Duggan	Keene
Nancy	McGartland	Keene
Kathleen	O'Donnell	Keene
Michele	Chalice	Keene
Carl	DeMatteo	Keene
Marcia	Kayser	Keene
Jamie	White	Keene
Bonnieta	Kraft	Keene
Peter	Majoy	Keene
Christine	Brunner	Keene
April	Weed	Keene
Mohammad	Saleh	Keene
Meena	Neva	Keene
Jodi	Newell	Keene
JoAnn	Fenton	Keene
Nancy	Salwen	Keene
Terri	O'Rorke	Keene
Stephanie	Ritchie	Keene
Sofia	Cunha-Vasconcelos	Keene
Jesse	de la Rosa	Keene
Judith	Reed	Keene

Joseph	Staples	Keene
David	Robinson	Keene
Catherine	Behrens	Keene
Ruth	Meyer	Keene
Janet	Collett	Keene
Robin	Picard	Keene
Carin	Torp	Keene
Ross	Patterson	Keene
Peg	Smeltz	Keene
Julia	Deuso	Keene
Marcia	Duffy	Keene
Dan	Fox	Keene
Katrina	Feraco	Keene
Megan	Smith	Keene
Sara	Olson	Keene
Jim	Murphy	Keene
Barbara	Lauren	Keene
Kim	Wallach	Keene
Maira	Croteau	Keene
Terry	Clark	Keene
Douglass	Robertson	Keene
Charles M	Tousley	Keene
Morgan	Grant	Keene
D'Vorah	Kelley	Keene
Katie	Hart	Keene
Amy	Chapin Hathaway	Keene
Renee	Monteil	Keene
Ashley	Denning	Keene
Rich	Wallace	Keene
James	Dunn	Keene
Sarah	Benning	Keene
Doug	Robertson	Keene
Brenda M	Dunn	Keene
Ann	Firestone	Keene
Elizabeth	Hallgning	Keene

Bryan	Lake	Keene
Randy	Murphy	Keene
Erik	Bell	Keene
Dvorah	Kelley	Keene
Anna	Lake	Keene
Amanda Elizabeth	Toll	Keene
Erik	Murphy	Keene
Daniel	White	Keene
Diane	Bogdan	Keene
Margaret	Kidd	Keene
Damien	Licata	Keene
Eleuthera Paulina	du Pont-Passigli	Alstead
Michele	Hansen	Alstead
Charles	Tousley	Chesterfield
Andrea	Polizos	Harrisville
Leslie	LaMois	Harrisville
Lisa	Anderson	Harrisville
Beverly	Pietlicki	Hillsborough
Colleen	Blais	Jaffrey
Jennifer	Diemand	Sullivan
Sascha	Simms	Sullivan
Carol	Leger	Swanzey
Judith	Grophear	Swanzey
Cynthia	Rodier	Swanzey
Robert	Mckelvey	Swanzey
Laura	Lynch	Temple
Fritze	Till	Walpole
Lori	Schreier	Westmoreland
Patricia	Rodrigues	Westmoreland
Ellen & Bruce	Clement	Westmoreland
Hailey	Mackey	Westmoreland
Ann	Goodrich-Bazan	Winchester
Charlene	Kennedy	WinchesterRichmond



City of Keene, N.H.
Transmittal Form

May 10, 2021

TO: Mayor and Keene City Council

FROM: Kevin D. Watterson, President

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Kevin Watterson/Swampbats - Request to Discharge Fireworks

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Swampbats

BACKGROUND:

Annual request for the July 3rd Independence Eve Fireworks Display on Alumni Field. The Petitioner has applied for continued Community Funded Event status for FY 22.



www.swampbats.com
303 Park Ave. • Keene, NH 03431 • (603) 357-5464

May 3, 2021

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

City Council Members:

Per this letter, the Keene SwampBats request your approval to host a Class B Fireworks display on Saturday, July 3rd, 2021.

This event, traditionally known as Independence Eve, will take place at Keene's Alumni Field on Arch Street, immediately following the regularly scheduled SwampBats game. The discharge of the fireworks will begin at approximately 9:45 pm. We will supply a letter of approval from the SAU 29 and an Insurance Rider naming the City of Keene as a co-insured.

We have submitted our application for Community Funding. Thank you in advance for your consideration.

Respectfully,

Kevin D. Watterson, President
Keene SwampBats



City of Keene, N.H.
Transmittal Form

May 18, 2021

TO: Mayor and Keene City Council

FROM: Eugenia Snyder, Senior Right of Way Specialist

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Eugenia Snyder/Eversource Energy - Request to Access Old Gilsum Road - Transmission Pole Replacement in Power Line Right of Way

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication_Eversource

BACKGROUND:

Eversource is requesting access to the Old Gilsum Road for the replacement of 4 wood transmission poles. The work will occur between early June and November 30, 2021.



Eugenia N. Snyder
Sr Right of Way Specialist
780 N. Commercial Street
Manchester, NH 03101
jenny.snyder@eversource.com

May 17, 2021

Attn: Municipal Services, Facilities & Infrastructure Committee
City Council
City of Keene
3 Washington Street
Keene, NH 03431

Via email: clerks@ci.keene.nh.us

Dear Madam or Sir:

I am writing to request temporary access over the class VI Old Gilsum Road in Keene, New Hampshire pursuant to city ordinance. Effective upon approval from the City Council and through November 30, 2021, Public Service Company of New Hampshire doing business as Eversource Energy (Eversource) requests to access Old Gilsum Road to reach our power line corridor to replace four existing wood transmission poles. Access will be needed for equipment to prepare the site for construction, installation of the new poles and wire, and removal of the old poles and wire.

The work in this location is expected to begin in early June. The site preparation, pole and wire installation is anticipated be completed during the summer.. Once all new poles on this transmission line are replaced, a fiber-optic communication wire will be installed on all poles, and access to the four structures adjacent to Old Gilsum Road will be needed again starting in September, and the final work is expected to be complete on November 30, 2021. This schedule may change due to weather or other unexpected circumstances.

Please respond to me at the email above at your earliest convenience with the official approval or with any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eugenia N. Snyder".

Eugenia N. Snyder
Senior Right of Way Specialist



City of Keene, N.H.
Transmittal Form

May 17, 2021

TO: Mayor and Keene City Council

FROM: Eric George, Transmission Forestry Supervisor National Grid

THROUGH: Patricia A. Little

ITEM: C.4.

SUBJECT: Eric George/National Grid - Request to Access Old Gilsum Road for Tree and Brush Clearing of Power Line Right of Way

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication_NationalGrid

BACKGROUND:

National Grid is requesting access to the Old Gilsum Road for their cycle of maintenance to control the trees and brush growing on the powerline right-of-way. The specific access is through the gate at the corner of Old Gilsum Road and Timberlane Drive from June 4 to June 18, 2021.

Eric George
Transmission Forestry Supervisor
1101 Turnpike St, North Andover, MA 01845
(978) 725-1046
Eric.george@nationalgrid.com

May 17th, 2021

City Council – City of Keene NH

Dear Council:

National Grid (New England Power Company) is requesting Access to Old Gilsum Rd Keene NH. This summer we will be performing our cycle of maintenance to control the trees and brush growing on the Power line Right-of-way. We will be controlling species of trees and brush that are capable of causing interruptions to power if allowed to grow into the wires. We also will be maintaining access paths clear of brush along the right-of-way.

Old Gilsum Rd gives us access to the large area of Right-of-way between Franklin Peirce Hwy and Gunn Rd. New England Power also owns a parcel of land listed as 0 Old Gilsum Rd. Keene.

We would request access through the gate at the corner of Old Gilsum Rd and Timberlane Dr. National Grid would like to have access through this gate from June 4th to June 18th 2021.

This work will be conducted by approved National Grid contractor, Lucas Tree Service.

If you have any additional questions about the work being conducted, please contact me at (978) 725-1046 or by email: eric.george@nationalgrid.com

Sincerely,



Eric George



City of Keene, N.H.
Transmittal Form

May 17, 2021

TO: Mayor and Keene City Council

FROM: Councilors Remy, Workman and Madison

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Councilors Remy, Workman, and Madison - Council and Standing Committees

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Communication_Councilors

BACKGROUND:

This communication from Councilors Remy, Workman and Madison are asking that the City Council conduct a thorough review and discussion of its meeting structure. Specifically, the communication is suggesting a review of the days of the week for meetings, the frequency of meetings, whether more Council business could be handled administratively and whether a consent agenda should be included in the Council's Rules of Order.

Councilor Remy, At Large
Councilor Workman, Ward 4
Councilor Madison, Ward 3

13th May 2021

Mr. Mayor & fellow Councilors,

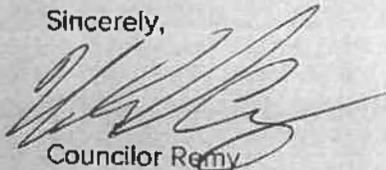
We would like to request a thorough review and discussion of our meeting structure, schedule, and the authority of City staff to streamline our meetings. Specifically, we would like to discuss:

- Reviewing which days of the week we meet
 - We have determined that our current meeting schedule contributes to the short timeline for Councilors to review agenda information prior to the meeting (in fact we have one of the shortest timelines to review in the State)
- Review the frequency of our Council meetings
 - We meet more frequently than any other city in the State
- Review items that can be handled administratively
 - The example we discussed was acceptance of donations, which could still be read aloud during City Manager or Mayor comments
- Review moving to a consent agenda format for Council

The three of us did not agree on what we'd like to see for each of these items, but we did agree that all four were worthy of discussion.

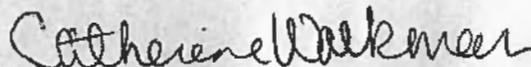
Thank you for your time!

Sincerely,



Councilor Remy

Councilor Workman



Councilor Madison



City of Keene, N.H.
Transmittal Form

May 12, 2021

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.1.

SUBJECT: Amendments to the Land Development Code - Historic District Commission

COUNCIL ACTION:

In City Council May 20, 2021.
Report filed as informational.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted the amendments to the Land Development Code as informational.

BACKGROUND:

Chair Bosley asked to hear from Tara Kessler.

Tara Kessler, Senior Planner, stated that these amendments are coming from the Historic District Commission (HDC) from their meeting on April 21, and are specific to the HDC's regulations, which currently are a stand-alone document. With the proposed Land Development Code those regulations would be morphed into the one body called the Land Development Code with other land use regulations. Typically, and by State statute, the HDC has authority to adopt and amend its own regulations through a public hearing process. The HDC held that public hearing, concluded on April 21. This agenda item works in some ways like an administrative act, in that those amendments are proposed to be incorporated into the proposed Land Development Code before the City Council acts on it. She can go through the HDC amendments in detail if the Committee wants that, or just answer their questions regarding the memo.

Ms. Kessler continued that there are two other amendments being proposed that do not relate to the HDC regulations. She would call them more like "scrivener's edits," versus substantial content changes. They are specific to two sections of the proposed Land Development Code. One area is related to the City's application submission requirements, clarifying language around what is required for notice of the public in an application submission. Typically, they call this an "abutter list" but they wanted to be more precise with their language so there are some amendments proposed related to that. Finally, staff proposes replacing the term "certified by" in any reference throughout the Land Development Code to when a plan needs to be stamped or sealed by a licensed professional. Right now they have "certified by" and they propose changing the language to be clear that it needs to be "signed and stamped" by such a professional. Those are the two edits that are outside of the HDC proposed amendments.

Ms. Kessler asked if the Committee wants her to go through the HDC's proposed amendments. Chair Bosley replied that for the purposes of the public understanding, it would be important to at least highlight them.

Ms. Kessler stated that the first amendment is related to the HDC's proposal to exempt buildings younger than 50 years old from the HDC's regulations. She continued that this is a change that is currently incorporated in the draft Land Development Code. The change that they voted on April 21 was to have the Planning Board send any new development that would meet the threshold for major site plan review to the HDC for recommendation. This amendment would need to come at a later date, since they are not proposing that the Planning Board amend its regulations as they have been incorporated in the Land Development Code at this time, but that is something that was included in the memo that was shared with the Council and that is before the Committee tonight. The other amendment that would O-2020-10A is an amendment that affects Article 25 of the proposed Land Development Code, which is the Historic District regulations. It would clarify that security fencing is exempt from the HDC regulations if it is required for Building, Fire, or Life Safety Codes.

Ms. Kessler continued that there was an amendment proposed to the standards related to art. There were concerns by Commission members about standards related to murals, specifically the criterion that murals in the Historic District, if painted on primary or contributing resources and painted on brick buildings, showcase images of local places, people, and/or products that have historic significance to Keene. The Commission felt this might be too restrictive and that other standards address similar concerns, so they propose eliminating that criterion from the mural standards.

Ms. Kessler continued that the HDC has a number of standards regarding windows and window replacement, and upon further review of those standards they felt like more clarity was needed with respect to historic windows replacement. They have included more precise language that certain standards related to window replacement would only apply to historic windows or windows that are considered architecturally significant, and they further define what that would mean. This is adding that clarification to language that actually exists today in the HDC's regulations.

She continued that the HDC also added some additional standards regarding window replacement, to provide more guidance for when a building that might be a historic building but has had its windows replaced over a period of time, and the windows might be of different ages and styles. These two standards, 3. and 4., relate to when and what standards would apply to a property owner who is proposing changing or replacing their windows. Number 4 specifically gives a threshold: if more than 50% of the existing windows on a primary elevation (which would be the front of the building or the street-facing façade) are proposed for replacement, then the applicant would need to ensure that the replacement windows are consistent with the historic windows on the existing building based on pictorial evidence, or they would need to show that the style and pattern of the window they chose is appropriate to that period for the building.

Ms. Kessler continued that finally, there were two additional edits proposed for standards related to the rehabilitation of primary and contributing resources, which are the most significant historic resources in the Historic District. There was interest in including a standard, which they have today for non-contributing and incompatible resources, which is that any alterations or building rehabilitation that is proposed not detract from the historic, architectural character of the surrounding area or to the relationship of any existing historical resources, including structures on the site. This is an existing standard that is just not currently under the standards they have for primary and contributing resources. Similarly, the HDC has asked that they include standards for when there is new construction added to a primary or contributing resource so that the new construction/additions reflect the context of the surrounding historic buildings or structures and not detract from the overall character of the Historic District.

She continued that those are the amendments that the HDC has voted on, through their own public hearing process that they would like to see incorporated into the Land Development Code. She is happy to answer questions. She has already given an overview of the other two amendments proposed by staff, which staff feels are mostly administrative. They are not changing the content of the Code, just providing clearer language about the application procedures.

Mr. Lamb asked if Ms. Kessler could speak to the broader set of changes for the Historic District that are not part of the amendments that were voted by the HDC, keeping in mind that they are making other really important and significant changes to the HDC process. Specifically, addressing the question of what type of review is done through the HDC. The threshold has changed. He asked her to address that briefly, to remind the PLD Committee members who might not remember staff's presentation from several months ago.

Ms. Kessler replied that when staff first started the Land Development Code project, they looked at all of the development review processes to see where there might be overlap or redundancy, or where there might be an opportunity to streamline the process. One area that showed the most promise for streamlining while still preserving community concerns about the quality of buildings downtown was the opportunity to exempt buildings in the Historic District that are younger than 50 years old from the HDC regulations. The HDC has historically had some issues with applying its standards to new construction, and the standards they have today do not provide enough guidance for how to evaluate new construction in the context of the Historic District.

Ms. Kessler continued that through the Land Development Code process, staff have done two things – one, they propose amending the HDC regulations with respect to visual and architectural appearance to provide a little more objectivity and specificity for the board and applicants, with respect to the appearance of buildings. A building's appearance needs to be compatible with the surrounding area. Two, they propose adopting form-based zoning in the downtown, which would be regulating through the Zoning Code some of the concerns the HDC has, like the size and mass of the buildings being compatible with buildings nearby or in that same area. They felt like through those amendments it gives the City the opportunity to remove a whole review process that an applicant might need to go through when they are building a new building in the downtown, while still ensuring that the same level of review or similar standards are being applied to the review of this new construction. Today, if you are building a new building in the downtown – which has happened a number of times in the past few years – you are in the Historic District and you need to go to both the HDC for review and then the Planning Board for review, which is two board processes. That is not only time, but money and expense on the part of the applicant, and you have two different boards weighing in on one proposal. Thus, this amendment staff is proposing, which is a pretty big one, would remove that requirement to go to the HDC. An applicant would just need to go to the Planning Board. The HDC, as she mentioned earlier, has asked that the Planning Board defer the larger projects, major site plan projects – like new buildings greater than 5,000 square feet or additions over 15% of the size of the main building – to the HDC for a recommendation, but not for a formal review process. And that would not be a binding recommendation. That would be for the Planning Board's consideration. This is a big step in trying to achieve the project goals, which are to create a simpler, more efficient, thoughtful set of regulations. It was one of the areas where staff has seen an opportunity to take a step out of the process while still ensuring that the standards they are applying are not diminished in any way.

Councilor Jones thanked Ms. Kessler. He continued that as someone who has been critiquing the process of the Historic District for a long time, he is glad they are lightening up on their restrictions. He asked about the window time of 50 years, on that one amendment – can there be something else in there? Just a date is not enough. If there have been significant changes over the past 50 years within that building, he does not think that counts. He has an example: they almost did not have their Keene Fire Department headquarters on Vernon St. because the HDC said there was a building there that the City owned that did not meet the requirements, and the City had to go to its own board and prove that there were significant changes over the years. That building was once a doctor's office, once a radio station, and once an attorney's office. The onus was on the property owner to go before that board and show those significant changes. Is there any way they can keep that in the amendment also?

Ms. Kessler asked if what he is asking is specific to windows. Councilor Jones replied no. Ms. Kessler stated that the 50-year "period of significance" is the period during which a building would be subject to the HDC regulations in this proposed Code. Today, all buildings in the Historic District are subject to the review of the

HDC. The proposal is to exempt those younger buildings. If a building is older than 50 years, there is a “resource ranking.” A building could be ranked as either “primary” or “contributing,” which means there are different standards that would apply to it, or it could be “incompatible” or “non-contributing,” with a lesser degree of standard that would be applied in the review. They have tried to create tiers in that sense, where if a building is not as architecturally significant as another one from that same time frame, the board has a little more flexibility in its review process.

Ms. Kessler continued that with the window amendment specifically, this is one area that is a big challenge for property owners, in that windows have been replaced in a building over time and that the standards today are not clear about what is a “historic window.” There is no definition today. The definition that they have proposed is that it would either have to be a window that is original to the building or is an example of exceptional craftsmanship or design, and it also gives the HDC the ability to evaluate whether a window is historical or not on a case by case basis. It is important to give the board that flexibility, because right now, if you are just doing a strict reading of the standards, sometimes their hands are tied with how they apply this standard.

Chair Bosley stated that originally, they were just going to speak to the HDC’ amendments, but during Ms. Kessler’s presentation she also spoke to the other scrivener amendments. She asked if that is correct. Ms. Kessler replied yes. Chair Bosley stated that how they want to do this procedurally, is potentially vote to accept the HDC’s report as informational and then accept all of the amendments: the HDC amendments as well as the Community Development Department scrivener’s amendments. Once they do that, if that is what they choose to do, that would create a B version of this ordinance. Once they have accepted those amendments and there is a B version, that is the version the PLD Committee would be sending to the City Council to vote on. She asked if everyone is clear on that.

Mr. Lamb stated that PLD Committee is accepting item 7) as informational. He continued that with item 8), they are amending Ordinance O-2021-10A. Thus, the motion should say “to amend the Ordinance based on the memorandum.” Once they have approved the amendment then they would vote on the B version. Chair Bosley replied right, and she wants the committee to be clear that the amendments include not only the HDC amendments but also the other Community Development Department’s amendments that Ms. Kessler noted in her presentation.

Councilor Jones stated that 8) also mentions Ordinance O-2021-11A. He continued that they are not changing that Ordinance and it should not be in there. He asked if that is correct. Mr. Lamb replied that 11A is the map amendment that goes along with 10B. Councilor Jones replied that it would not become a B version. Mr. Lamb replied that is correct; it would stay 11A.

Chair Bosley asked if there were any further questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted the amendments to the Land Development Code as informational.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.2.

SUBJECT: 2018 Homeland Security Grant - Keene Police Department

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the City Manager to do all things necessary to accept a 2018 Homeland Security Grant Program Award in the amount of \$4,501.01.

BACKGROUND:

Police Captain Steve Stewart addressed the committee first stated this item is regarding a grant from Homeland Security in the amount of \$4,501.01 for the purpose of purchasing search equipment.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the City Manager to do all things necessary to accept a 2018 Homeland Security Grant Program Award in the amount of \$4,501.01.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.3.

SUBJECT: 2019 Homeland Security Grant - Keene Police Department

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the City Manager to do all things necessary to accept a 2019 Homeland Security Grant Program Award in the amount of \$30,515.

BACKGROUND:

Captain Stewart stated the next item is another Homeland Security grant for the Police Department in the amount of \$30,515 used for the purchase of night vision equipment.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the City Manager to do all things necessary to accept a 2019 Homeland Security Grant Program Award in the amount of \$30,515.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.4.

SUBJECT: Acceptance of Donations - Keene Police Department; Parks, Recreation and Facilities; Fire Department

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the City Manager to do all things necessary to accept the discussed donations by various departments.

BACKGROUND:

Captain Stewart stated they have a pair of donations from Mr. Comerford, and Mr. Tim Russo who had positive experiences with Police Department and wanted to show their gratitude.

Parks, Recreation and Facilities Director Andy Bohannon addressed the committee next and stated the first donation is \$1,000 from Jennifer Alexander who would like to make sure the Keene International Festival is a successful event. In 2019, this was a very successful event. With collaboration of Parks and Recreation, the Human Rights Committee and the Keene Public Library. 1,200 people attended this event in 2019 but Mr. Bohannon wasn't sure this year's event will have the same participation. They are planning for a great event. Mr. Bohannon extended his appreciation for this donation.

The second donation is for 12 ice sculpture platforms used at the Ice and Snow Festival. In 2019, these platforms were built and the sculptures were placed on them so they could be lit up through the night. Mark Rebillard approached the city and had a discussion with the Public Works Director, Parks, Recreation Director and City Clerk and noted this is similar to what the Kiwanis Club has done for their initiative downtown. Mr. Bohannon noted there is space at 350-400 Marlboro Street behind the Michael Blastos community room where the platforms could be stored.

Fire Chief Mark Howard addressed the committee next. Chief Howard stated the Fire Department has a donation from a Larry and Miriam Lonard for services rendered on a call.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the City Manager to do all things necessary to accept the discussed donations by various departments.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: James Weatherly/SWRPC - CDBG Amendment - Shelter Facility Improvements

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to suspend Section 27 of the Rules of Order to act upon the amendment to the CDBG grant for the Shelter Facility Improvements, which was the subject of tonight's public hearing.

An amended motion was read into the record by the Finance Chair. Voted unanimously to authorize the City Manager to do all things necessary to authorize CDBG funds in the amount of \$185,091 through an amendment and authorize the submittal of the amendment requesting additional funds from the CDBG Gap Fund.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to authorize CDBG funds in the amount of \$185,000 through an amendment and to support the application to move forward. The Committee also requests the Mayor set a public hearing on May 20 at 7 pm.

BACKGROUND:

Mr. James Weatherly of Southwest Regional Planning Commission (SWRPC) was the next speaker. Mr. Weatherly stated this item is for additional funds for an ongoing CDBG project in the city. He explained the city was awarded \$500,000 in CDBG funds, the majority of which was granted to the Southwestern Community Services in March of 2020.

The overall purpose of this project is to acquire three shelter facilities in Keene that are operated by SCS and do major rehabilitation to two of those shelters.

Mr. Weatherly noted the cost of materials and construction overall have increased over the last year due to the pandemic, so a project budgeted for in 2020 is now experiencing cost overruns. The reason for this request is to request just over \$185,000 from the CDBG Gap Fund which has been released by the state. At the present time \$900,000 has been made available statewide to essentially allow for the project to retain some critical construction items.

Mr. Keith Tebo of Southwest Community Services extended his appreciation for the opportunity to try to make them whole on this project.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to authorize CDBG funds in the amount of \$185,000 through an amendment and to support the application to move forward. The Committee also requests the Mayor set a public hearing on May 20, 2021 at 7 pm.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.6.

SUBJECT: Repurpose of Completed Airport Capital Project Funds - Airport Director

COUNCIL ACTION:

In City Council May 20, 2021.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to repurpose funds remaining in completed airport capital projects to be used to fund a portion of the airport fuel farm replacement project.

BACKGROUND:

Airport Director David Hickling addressed the committee and stated in this year's Capital Improvement Program for the airport there is a project to replace the aviation fuel farm. The project was designed and bid in the spring. When the bids came in along with the engineering costs the project was over budget by about \$235,000. The Finance Department was able to identify some funds left over in some airport projects that have been completed. By repurposing these funds towards the fuel farm project, the airport would be able to make a significant progress towards closing this gap in funding.

Mr. Hickling went on to say, the airport was able to negotiate with the winning bidder to reuse some of the existing equipment rather than replacing all items, which will allow for some surplus funds for other expenses that might come up; the tank will still be replaced.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to repurpose funds remaining in completed airport capital projects to be used to fund a portion of the airport fuel farm replacement project.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: Envirotrac Change Order for Landfill Monitoring - Asst. Public Works Director/Solid Waste Manager

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute Change Order 1 for Envirotrac for technical services associated with additional monitoring services for an amount not to exceed \$15,277 for a revised contract total of \$38,952.

BACKGROUND:

Asst. Public Works Director/Solid Waste Manager Duncan Watson was the next speaker. Mr. Watson stated this item is in reference to a change order with the current landfill monitoring contractor. Back in 1999 when the landfill was closed, the City was required to do 30 years of post-closure monitoring which is being done several times a year and submitting the results to the state. The city changed contractors in 2018 and went with Envirotrac based on the bids that were received at that time. Since that time, the state decided they were going to add a testing criteria to the landfill monitoring to try to characterize the Pfas situation. He explained these are chemicals that are ubiquitous in the environment and have been represented to have a human hazard. Because of the change to the testing limits, the city was able to use 70 parts per trillion water, that number has now been reduced to 20 parts.

When the first round of testing was completed, it was discovered outside of the City's groundwater management zone an area just to the south of the landfill, a stream that feeds into Black Brook tested positive for Pfas. Even though this area was not the City's groundwater monitoring management zone, the state has requested the City to do some further testing. The change order that is before the committee tonight is reflective of the expanded scope to do that testing.

Councilor Hooper stated his priority has always been about safety and to make sure the city is on top of any type of chemical that could exist in the water and stated he was in support of this request.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council

authorize the City Manager to do all things necessary to negotiate and execute Change Order 1 for Envirotrac for technical services associated with additional monitoring services for an amount not to exceed \$15,277 for a revised contract total of \$38,952.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.8.

SUBJECT: Capital Project Transfer for Financial Software Package - Finance Director

COUNCIL ACTION:

In City Council May 20, 2021.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the capital transfer of \$520,000 from the 2020-2021 operating budget to the Financial Software capital project #90008. In addition, that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Tyler Technologies for the purchase of a financial software package and conversion of the City's current financial system.

BACKGROUND:

Finance Director Merri Howe stated she is happy to put forward a proposal for funding of a software package that has been discussed in the recent past. If the City moved forward with this it would be in the CIP for FY 24 and 26.

Ms. Howe provided a brief history – Keene is the only remaining Pentamation software customer in the State of New Hampshire. This company has been purchased several times and Central Square Technology is the current parent company and their customer support is basically nonexistent.

Staff has found a way to fund this project through funds available in FY21. For the first year, the total the project would be \$516,180, of which the majority is setup and training, the rest is for annual software as a service fee.

Funding sources identified are New Hampshire Inter-Local Trust, the City is getting a return for FY18 HRA funding in the amount of \$133,000; Health Trust did a return of premium for FY20 in the amount of \$174,000; and Human Services budgetary savings due to Covid this year is \$213,000. Hence, \$520,000 in funds have been identified for funding this \$516,000 project. This is a long project and is going to take probably up to three years for the city to migrate from the current financial software and cloud based software other departments are using. The new software company being considered is Tyler Technologies, they are based out of Texas. They also have an office in Falmouth Maine and multiple offices throughout the United States. They are staffed by 1,028 union employees and 201 support employees.

The cost savings in software licensing fees are estimated to be \$35,740 in FY23 and \$100,750 in FY24. This

does not include any maintenance or service fee charges or increases in mandatory upgrades with our current Pentamation software provider.

City Manager, Elizabeth Dragon noted, two nights ago, IT Director Rebecca Landry talked about the financial software and the reason the city needs to update this right now and this is because of the inability for the city to update its tax software. The City will be in an unsupported situation in a year and it takes quite a bit of time for the City to migrate into a new system and hence felt it is crucial to address this issue now.

She further stated there are several features of the software the City has not been able to successfully integrate, such as the HR function with finance, and this has created a lot of work in various departments.

The IT Director also talked about the need for her Department to provide an excessive amount of support for Pentamation because Pentamation was not providing the support to the City. She indicated this software is well known in the State of New Hampshire and used by other cities such as Concord and has a good reputation in the State of New Hampshire.

Councilor Ormerod stated he would like to speak in support of this because it does three things for the City. (1) It is necessary for compliance (2) It will reduce the cost of future of support, and other integrations, (3) It is going to provide much better service to the people.

Councilor Chadbourne stated she also supports this request.

The Manager asked the Finance Director to speak about the selection process.

Ms. Howe stated staff reached out to other communities and different companies and had brief demonstrations. What staff learned was that Tyler Technology was the only company that offered a software for tax and financial for the State of New Hampshire. Other companies' staff spoke to have a tax package but not a financial package to integrate with. Ms. Howe stated she also met with one of the IT employees for SAU 29 who also uses the Tyler Technology who highly recommended this software package.

Chair Powers felt this is the right thing to do. He indicated there is no question the software the City is currently using is old and recalled going through this process 25 years ago. He felt this software has been around a long time so they have proven their ability to do the job and likes the fact they are located in Falmouth and it is a company that has been purchased by a larger company so they have support. He felt staff has done the job that needs to be done.

With reference to financing, taxes are not being raised instead appropriated money is being used in this fiscal year to be able to do this project without sacrificing any other services.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council authorizes the capital transfer of \$520,000 from the 2020-2021 operating budget to the Financial Software capital project #90008. In addition, that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Tyler Technologies for the purchase of a financial software package and conversion of the City's current financial system.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Property Tax Exemptions and Credits - City Assessor

COUNCIL ACTION:

In City Council May 20, 2021.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council direct the City Manager to prepare Resolutions updating the exemptions for the Elderly, Deaf, Disabled, and Blind, and resolutions for both the Veteran and All Veteran tax credits.

BACKGROUND:

City Assessor Dan Langille addressed the Committee next and stated he was before them to go over the property tax exemptions and credits the City offers. Mr. Langille explained exemption is a certain amount of reduction on the assessed value of a property. On a \$200,000 home if someone gets a \$30,000 exemption they are going to be taxed on \$170,000.

The Council as part of its fiscal policies wanted to review these every five years. The last revaluation was done in 2016 and 2021 is when the next one is due to be completed.

Mr. Langille noted because of the current trend, the City is certainly expecting some increases in value especially on the residential side. If the City was to look at its sales to assessment ratio which we did last year in collaboration with the Department of Revenue, at that time the City was at about 12% below market – this means sales are selling higher than assessments.

In recent sales that number has likely increased even more - this doesn't mean anyone's taxes are going up by that amount. Typically what that means is as assessed value goes up, tax goes down but the City is certainly expecting an increase in valuation at least on the residential side.

The goal tonight is to go over the exemptions and the goal is to offer the same assistance to taxpayers that is being offered now.

Mr. Langille went over a spreadsheet included in the Committee packet and explained, the first thing staff did was to look at the average median assessed value of a home that receives an exemption today; the average value of such a home is about \$126,000 and the median value is about \$132,000. If you look at about 12% increase and what that would do to those values it would be about a \$15,000 increase in value for those individuals receiving exemptions.

Mr. Langille called the Committee's attention to all the exemptions and the credits the City offers. Staff looked at the county average medians for each of these exemptions which gives you an idea of what other communities in this area are offering for the same exemptions and credits. The spreadsheet shows how many of these exemptions the City currently has. For example, four deaf exemptions, 16 blind exemptions. In some cases, the amount will be higher than the 12%, specifically for the older populations, 75 to 79 age group and 80 plus age group. Staff decided to increase those levels even more, to tie them into what the other communities are offering in the area, and with the understanding that as this age group continues to age their income levels are going down, and they may need more assistance.

The proposed increases in the exemption, the overall value difference is over one million, in tax dollars it would be nearly \$41,888 tax dollars.

For solar, staff is not recommending any changes. Solar is a complete exemption on the assessed value of the solar system. If someone has a \$20,000 home with a \$10,000 Solar System attached to the house. What the City does is, it assesses that solar for 10,000, then we offer exemption so it really negates it - so that number seems high, but it is not a reduction necessarily in the assessed value, it's just eliminating the value placed on it. Wood heating system is the same idea, but exemptions are not offered for fire places or wood stoves, instead for a pellet stove that has forced hot air or forced hot water system. There is no change in value or changing the credit for those.

Mr. Langille then explained the credits. Veteran credit is for anyone serving during a qualifying war or that served in the military for no less than 90 days but didn't have to serve during the war time. There is a requirement that whatever the city offers to one it has to offer to the other as well. Surviving spouse and disabled is already at its maximum, so those cannot be increased. It has been a number of years since veteran credits were increased. Staff's proposal is for a \$25 change which would have an overall impact of about \$15,000 in taxes. Combination of both would be \$57,000 in tax dollars and \$1.5 million in value or equivalent. Each one of these on their own is not much but collectively the city is giving credits upwards of \$669,000 in taxes which is about \$17 million in value.

Mr. Langille noted for some of these exemptions you have to be under a certain threshold. For the elderly and disabled exemption, you have to make under a certain amount. Once again the City did the same process and looked at the county average for income and county average for assets. Income limits being suggested are \$32,000 for single and \$43,000 for married. For assets \$61,000 for a single and \$87,000 for married. Mr. Langille stated he is unaware how many more will qualify for these exemptions but from the applications received this year, everyone would have been under these requirements or at these requirements.

Councilor Remy clarified for the City to get the veteran amount in line with the county median, it would cost the city an additional \$30,000 beyond what is outlined on the spreadsheet. He indicated he would be supportive of being more in line with the county median for the veterans.

Mr. Langille noted every \$25 is about a \$15,000 impact. Councilor Ormerod and Councilor Hooper were also in support that.

Councilor Remy made a motion to recommend the veteran tax credit with bottom line with the county median at \$300. The motion was seconded by Councilor Ormerod.

Mr. Langille explained how this works is that the Finance Committee would direct him or the City Manager to come back with Resolutions for every one of these. Those Resolutions would come back before this committee for a vote.

Councilor Remy withdrew his motion and Councilor Ormerod withdrew his second but left it as a recommendation.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council direct the City Manager to prepare Resolutions updating the exemptions for the Elderly, Deaf, Disabled, and Blind, and resolutions for both the Veteran and All Veteran tax credits.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.10.

SUBJECT: Construction Oversight Change Order - Woodward Dam Improvements - City Engineer

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Gannett-Fleming, Inc. for professional services associated with the Woodward Dam Improvements Project, in an amount not to exceed \$79,000.

BACKGROUND:

Mr. Lussier addressed the Committee next. Mr. Lussier stated the first item he is going to be discussing is the Woodward Dam Improvements project. This is a request to approve a change order with the engineering consultant on the project to increase the amount of their contract for oversight services. He noted the bottom line is that this change order will not end up costing the City more money – it is all within the existing budget.

He explained this contract began last spring. The contractor worked on it all through the summer. Their original contract had them being completed by the fall. Unfortunately the contractor did not accomplish their contract requirements of completing in the fall. As of December 11, they ran out of contract time. Mr. Lussier stated, unfortunately the City has to keep its engineering consultants on site because the project is operating under a dam safety permit, and the state requires the City have competent dam safety engineers on site to make sure the safety of the system is protected. Hence, the City has to pay for these services. Ordinarily contracts include something called liquidated damages. This is a clause in the contract that says if the contractor doesn't complete the work on time, they will pay a penalty and have a certain amount determined in advance, in order to reimburse the City for the costs for this delay. In this contract was no different, the City did have a penalty clause that liquidated damages would be \$1,200 dollars a day to cover construction administration. On the other hand, construction contractors will go to great lengths to avoid having liquidated damages imposed upon them. It affects their bond rating, meaning their ability to get an insurance company or surety to guarantee that they are going to perform their next project. Without that bond rating it limits their ability to bid on large public infrastructure projects.

Hence, this contractor approached the City and made an offer. The offer they are proposing is to give the City credit in the form of the cost for rock excavation; part of the contract included excavating a new channel for the outlet of the dam which will require excavating quite a bit of that rock, so they are giving this as a credit.

Mr. Lussier stated staff feels this is a good outcome and a good alternative. The value of the credit is a little less than what the engineer is budgeting for additional contract time. However, without this arrangement in place, the construction contractor is very likely to have second thoughts and have problems completing the project, which would result in delays and lawsuits. Staff feels this is a fair compromise and would recommend that it be approved.

Attorney Mullins felt the skill with which the City Engineer negotiated this outcome will benefit the City and felt this is a good compromise.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Gannett-Fleming, Inc. for professional services associated with the Woodward Dam Improvements Project, in an amount not to exceed \$79,000.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Cheshire Rail Trail Phase III - Consultant Selection - City Engineer

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Greenman-Pedersen, Inc., in an amount not to exceed \$80,000, for Construction Engineering Services required for the Cheshire Rail Trail Phase III project.

BACKGROUND:

Mr. Lussier stated he has been before the Committee on several occasions recommending that a contract with an engineering consultant that completed a design for a project be extended with a new contract to oversee the construction work. He stated he continues to believe that it is always in the best interest of the City to have the design engineer overseeing the work who is intimately familiar with the design because they understand the intent of what is being done.

Unfortunately, DOT and Federal Highway Administration don't share his opinion in that regard. The federal highway policy is that you should have different consultants performing construction oversight, but that policy has never really been enforced until recently. As of January 1 the DOT is no longer allowing the use of the same consultant for construction oversight as did the design.

Because this project fell into that category the City sent out a request for qualifications to a total of five different firms; all of them were well qualified. The City interviewed and based on that, Greenman-Pedersen was selected as the preferred firm. Staff recommends negotiating a contract with Greenman-Pedersen in an amount not to exceed \$80,000.

The Chair asked where this firm is located. Mr. Lussier stated they have a local office in New Hampshire and also in Massachusetts. They are a firm that specializes in construction administration; construction oversight. Mr. Lussier added the RFP was for both the Cheshire Rail Trail and Winchester Street oversight work.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager

be authorized to do all things necessary to negotiate and execute a professional services contract with Greenman-Pedersen, Inc., in an amount not to exceed \$80,000, for Construction Engineering Services required for the Cheshire Rail Trail Phase III project.



City of Keene, N.H.
Transmittal Form

May 12, 2021

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: H.1.

SUBJECT: Requests to Use City Property - Music Fest, Art Walk, Tree Lighting, Art Market

COUNCIL ACTION:

In City Council May 20, 2021.
More time granted.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee placed these four items on more time to allow protocol meetings to occur.

BACKGROUND:

Chair Bosley stated that the PLD Committee will take the first four items on the agenda together. She asked to hear from City Staff. She asked Kürt Blomquist if it is correct that there are protocol meetings that need to happen for each one of these items.

Kürt Blomquist, Public Works Director/Emergency Management Director replied that is correct. He continued that the Keene Music Festival, Kiwanis Club, and the Keene Downtown Group all need protocol meetings. Most likely, they will start with the Downtown Group because that event is in June, so the timing is tight to meet with them and get then return to the PLD Committee and the City Council for approval. There is a little more time for the other ones.

Chair Bosley stated that it will be wonderful to have activity downtown again. She continued that the expectation is that these items will be placed on more time and staff can have those meetings and return to the Committee. Mr. Blomquist replied yes, that is correct.

Chair Bosley asked if there were any questions from the committee or public. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee placed these four items on more time to allow protocol meetings to occur.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: H.2.

SUBJECT: Power and Duties of the Assessors Board - City Assessor

COUNCIL ACTION:

In City Council May 20, 2021.
More time granted.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.

ATTACHMENTS:

Description

Ordinance O-2021-05

BACKGROUND:

Mr. Langille addressed the Committee again with reference to Ordinance O-2021-05 Related to the Powers and Duties of the Assessors Board. This board consists of three public individuals who are not certified or experienced assessors, and typically individuals who at least have some experience with real estate or appraisal and live in Keene. The main responsibility is to review abatements applications that are submitted to the Department. They look at what the applicant is submitting and look at the Assessing Department's recommendation. They provide a level of transparency and give an opportunity for the public to weigh in and explain why they are seeking abatement.

The Board meets a few times a year; typically as needed so it could be anywhere from one to two times a year. This is a board that is created by City Council and dates back to at least the 1970's with the same exact powers and duties that are in the ordinance today. There is no requirement for a city to have this type of board.

There is little guidance in the statute as to what the board should or shouldn't be doing. It is not for instance like a zoning board which has very defined statutory responsibilities. This was the main reason staff is bringing this up as the kind of outdated and archaic; to be aligned with the City Code.

The NH Department of Revenue has strict oversight over the Assessing Department and over the Assessor's Certification. There is also a statewide Assessing Standards Board. This is a board that looks over assessing practices, and it is made up of public members, legislative members and members of the assessing community. All aspects of the Department's assessing practices are reviewed and there is a process for this. In addition, all the assessments are verified and certified annually after a certain statistical standards.

If any taxpayer disagrees with their assessment there are a number of appeal options; there is the appeal option at the local level, there is also appeal options to the Board of Tax and Land Appeals as well as through the courts. If you look at the current rules, many of the current responsibilities belong to the City Manager. The Assessor reports directly to the city manager, she oversees this department, the same way she oversees the finance department or any other city department. This is not unique to Keene, this is the way, and communities handle this process throughout the state.

Mr. Langille stated he would be concerned that the board really isn't qualified or doesn't have the experience to do some things that are being outlined. The City funds an Assessing Department with qualified staff to do the job they need to do. The new language being added is trying to keep the main function in place which is for the board to act in an advisory manner; for the public to bring their abatement and their concerns to a public process, and continue to provide transparency and update the board of the current practices.

Councilor Ormerod stated his question is about specific language about public appeals responsibility for the board and that language seems to have been sanitized a little bit and made a little vague in the new ordinance. This is the only concern he would have. The Councilor asked for the City's Attorney's input.

Attorney Mullins stated this was really a decision of the City Assessor with respect to how he operates, how the department operates, and how the board operates. As the City Assessor pointed out, there is very little guidance in state law with respect to the functions and duties of an Assessing Board and how those relate to the City Assessor and the board, even in the public process, so it really is a question for the City Assessor. However if the Committee or the Council has some questions or concerns with respect to more specificity, he indicated he was happy to hear those and work with the City Assessor to see if those could be better defined. At the present time, it really does become a policy question as to how the Council wants to proceed based upon the recommendation of the Assessor.

Councilor Ormerod stated he understands eliminating overlapping duties with the City Manager and the Assessor, which was his only concern and that is why he might not support it as is.

Councilor Powers stated he understands the new duties as reviewing property tax abatement applications and Assessing Department recommendations and to advise the City Assessor whether to grant or approve abatement request and asked for clarification. Councilor Ormerod stated he was more concerned providing an opportunity for property owners to provide comments on the performance of the department, whereas the other language was specifically regarding providing comments and directly to address and intervene; it was less specific.

Mr. Langille stated as far as the appeal process, which is laid out in the state statutes - any property owner can file an abatement application. Staff would still take that abatement application to this board and the Assessing Department would still give their recommendation to this board; that process is not going away.

He noted Councilor Ormerod's concerns with reference citizens being able to provide comments on the performance of the Department of Assessment. He noted performance of a department falls under the purview of the City Manager; if anyone has a complaint about the work being done by the department those comments need to be directed to the City Manager. Hence the reason for the removal of that language.

Council Chadbourne stated when she reads this she questions the necessity of a board if the decision ultimately is going to be up to the Assessor. She indicated her understanding was that the purpose of the board was to be able to act independently with guidance, but to still be a separate source for property owners to challenge their assessments. She questioned the purpose of the board based on this language.

Mr. Langille felt that was a valid question – he stated he has worked in communities where there wasn't a board

and felt having a board at times creates a lot more work and often times takes a lot more time to get an answer to the public. He felt it would be a lot more efficient not having a board. However, if the Council feels otherwise he is certainly happy to continue to work with the board. He talked about the vast experience one needs to become certified assessor in the state.

He stated it is not possible if someone with just statistics or real estate background to understand the mass appraisal process. He stated his concern having members from the public step into this process and have an impact on property values when they may not understand how an assessment is put into place. He felt it was valuable to have their perspective and valuable to hear the concerns of the public. Even if they disagree with the end decision, there is still an additional appeal process through the Board of Tax and Land Appeals and then to Superior Court.

He stated he was concerned with accuracy and fairness of everyone when someone gets an abatement, those same adjustments are carried out equally to everyone else in their neighborhood. The whole purpose of evaluation of assessment is to spread the tax burden out, equally amongst everybody.

Chair Powers noted if you read the minutes of the Board of Assessor, every year they deny a certain number and approve a certain number, but there has never been an action where the board has done one thing and the assessor has done something different; it is a pretty open dialogue. If the assessor board ceased to exist and someone disagreed with the assessor, the next step would be to going to before the Board of Tax and Land Appeals and then and then to Superior Court.

Councilor Chadbourne stated she is concerned about the public process; she agreed the Assessor has immense background, experience, education that a layman doesn't have. She compared the Board to the City Council who is there to represent to the public and the Council is comprised of people who have experience and those who don't and staff is always there to advise the Council She felt this takes away part of a public process and felt it is an important step without having to go to Superior Court etc. which is time consuming and a complicated process that costs money as well. She felt if this is approved it cuts the board off at the knees and it doesn't have any substance.

Attorney Mullins stated he would like to point out a legal conundrum the City is in with respect to the assessing process. There are certain aspects of the assessment process that operate as assessor pointed out, require a high degree of skill and competency. Those issues really arise in the context of exemptions, especially the charitable exemptions etc.

The problem can occur when the board takes an action that isn't necessarily in compliance with the law and when that happens the city is stuck with it. Unlike the zoning board, planning board or land use boards, the city doesn't have an independent right to challenge the decision of the board of assessors. When this happens, there can be inconsistencies especially on the exemption side of the house. This is one of the things the assessor is trying to avoid.

He stated he hears the concern being expressed by Councilor Chadbourne and others with respect to the operation of the board and felt the City perhaps needs to be a little bit more precise in separating out those duties, but felt that would be up to the Assessor and the Council.

Mr. Langille agreed with the Attorney and added the goal wasn't to remove the public process that is an important process and bring a level of transparency and if something needs to be reworded that can be done. He stated he was trying to make sure there is consistency in the decisions that are made. He added he has a bigger concern with looking at exempt properties, which is a legal issue and is up to legal interpretation.

Councilor Chadbourne noted the Assessor is a participant in these meetings, and therefore, if there is concern it can be addressed. This is where his experience and his background would come into play. He could always

pause the session to address an item with the City Attorney.
She felt the City is overstepping and stated she does not support this.

Attorney Mullins in response stated under the current process the City Assessor does not vote. He is the chair without the authority. He added he had advised the board not to pursue a decision and the board did so anyway, this is one of the reasons for this item to be brought forward. He noted the abatement issue is one thing, but once you get into the charitable side of the house it gets very complicated, very quickly.

Councilor Chadbourne suggested a different approach; the Attorney focused on the charitable issue. She questioned why we need to go to the extreme where all the power from the board is given entirely to the Assessor without a public process. She suggested looking at this issue again, perhaps the Assessor can become a voting member, can there be some limitations, and can there be a different process for charitable exemptions. She felt there needs to be something other than what is currently being proposed.

Chair Powers stated he is reading this as the City still retaining the Assessor's Board. They are still going to review property tax, abatements, and they are going to make recommendations on how to advise the City Assessor on whether to grant or disapprove a request. He felt what is rewritten in bold seems to take care of the actions that they are taking and have for the last 25 years. He felt if something needs to be changed, perhaps an off camera discussion needs to take place as to what points need to be looked at and developed.

The Manager felt the Committee and staff are struggling with a couple of different things; things have changed since the 1970s when this language was created. At that time they did not have the level of professional assessors making these types of decisions and there wasn't this level of scrutiny of the state. There is now a process the City needs to go through and we need to start by recognizing that. The second thing, the City Attorney is correct, this issue is being brought to the Committee because a decision was made that really should not have been made and the City had no alternative other than if it wanted to sue its own Assessing Board which would have put the City in a very precarious position and this is what staff is trying to avoid in the future.

She stated if there is to be a rewrite of this language, she would strongly recommend leaving exemptions out of any sort of decision related to the assessing board and focus only on abatements.

Councilor Ormerod agreed with what the Manager stated. He stated what makes it seem like the City maybe taking power away, is the fact that you're going from 19 items down to four statements. Perhaps, it's the way it is formatted which could be improved as well.

Councilor Remy asked whether there could be a process where City staff could ask for an appeal to the Council, request council review these as an appeal process of the board. Attorney Mullins stated that cannot be done as there is a very precise statutory appeal process.

Councilor Chadbourne stated she could get behind what the City Manager suggested regarding abatements.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.



CITY OF KEENE

Ordinance O-2021-05

Twenty-one

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to Powers and Duties of Assessor's Board

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bolded text in Section 2-684 "Powers, Duties and Guidelines" of Division 4 "Assessor's Board" of Article 5 "Boards and Commissions" of Chapter 2 entitled "Administration" as follows:

DIVISION 4. - ASSESSOR'S BOARD

Sec. 2-681. - Membership.

The assessor's board shall consist of three voting public members and the city assessor, who shall act as a permanent, nonvoting, **ex officio** chair and chief clerk of the board. In determining each member's qualifications, the mayor shall take into consideration an appointee's professional experience in real estate, assessing, property appraisal, and banking; as well as a background in financing, statistics, math, real estate development/management. Members must be Keene residents.

Sec. 2-682. - Terms.

Each public member of the assessor's board shall have a three-year term. Terms of public board members shall be staggered, and one public board member shall be appointed by the mayor in January of each year.

Sec. 2-683. - Relation to department head.

The assessor's board may give advice to the city assessor on the operations of his office and on matters within the board's functional jurisdiction.

Sec. 2-684. - Powers, duties and guidelines.

In accordance with the provisions of applicable law, ~~the powers, duties and guidelines in this section are established for the conduct of the assessor's board. The board shall:~~ **the City Assessor is authorized and responsible for all activities related to the fair and equitable taxation of real property in the City. In carrying out the duties of the Assessing Department the City Assessor is to act in an impartial manner. The Assessor's Board has been established as an advisory board to the City Assessor and specifically for the following purposes:**

Assist the City Assessor in building and maintaining the public's trust by ensuring transparent assessing practices.

Act as a publicizing agent bringing assessing programs and projects to the notice of the public.

Review property tax abatement applications and assessing department recommendations to advise City Assessor on whether to grant or approve abatement requests.

Provide an opportunity for property owner(s) to speak to the board on behalf of their abatement request.

Review and advise City Assessor regarding the NH Department of Revenue Assessment Review Audit.

- ~~(1) — Ensure that property of all types in the city is valued fairly, impartially, and equitably in relationship to all other property, so that no taxpayer pays more than his fair share nor less than his fair share of property taxes.~~
- ~~(2) — Assess taxes and grant abatements in accordance with the provisions of applicable law.~~
- ~~(3) — Hear citizen comments on the performance of the department of assessment.~~
- ~~(4) — Assist the city assessor in maintaining a high state of morale and readiness in the department of assessment by encouraging the training and professional development of the assessor.~~
- ~~(5) — Advise the city assessor on the problems and policies of the department of assessment.~~
- ~~(6) — Furnish information concerning any of the work, conduct, affairs and activities of the office to the city council on request. The board shall prepare an annual report which shall be filed not later than December 1 with the city clerk and shall show the total appraised valuation of all real estate in the city assessed thereon, the real estate and other property not publicly owned but exempted from taxation, the value of publicly owned real estate in the city, and other information which is deemed of interest to the city council and taxpayers of the~~

city. The annual report shall also show the total amount of taxes upon property or polls that has been abated during the period covered by the report and shall state briefly the reasons therefor and shall include any additional information requested by the council.

- ~~(7) Advise the city council and city manager on procedural matters concerned with tax assessment.~~
- ~~(8) Seek ways of improving the performance of the functions of the board.~~
- ~~(9) Advise the city council, city manager, city assessor, and director of finance on the application of the tax assessment and abatement laws and ways to improve the laws.~~
- ~~(10) Exercise its best efforts by every allowable means to promote and perpetuate the growth, responsiveness, and the usefulness of the assessor functions of the city.~~
- ~~(11) Act as a publicizing agent bringing all types of assessor programs and problems to the notice of the public.~~
- ~~(12) Inform itself thoroughly of the assessor's activities contemplated for improvements of the function.~~
- ~~(13) Designate a member of the board to appear before other boards or city council committees to testify on matters of concern to the board.~~
- ~~(14) Develop active regional cooperation with other committees and levels of government.~~
- ~~(15) Study and recommend methods of financing proposed improvements in assessor operations.~~
- ~~(16) Appear before state and federal agencies to request financial assistance for assessor programs or to advocate changes in the state laws and federal regulations as they affect the ability of the city to carry out its function.~~
- ~~(17) Recommend for the city manager's consideration matters concerned with program or policy expansion, contraction, or deletion.~~
- ~~(18) Request the city manager to require his subordinates to furnish to the assessors' board, within a reasonable period of time, such available information as it may properly require for its work.~~
- ~~(19) Perform such other related functions as required by the city council or requested by the city manager.~~

George S. Hansel, Mayor

In City Council May 6, 2021.
Referred to the Finance, Organization,
and Personnel Committee.



City Clerk



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: H.3.
SUBJECT: Relating to the FY 2021-2022 Operating Budget

COUNCIL ACTION:

In City Council May 20, 2021.
More time granted.

RECOMMENDATION:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing R-2021-22 on more time to allow the public hearing to occur on June 3, 2021.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend That Resolution R-2021-22 relating to the FY 2021-2022 budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 3, 2021.

ATTACHMENTS:

Description

Resolution R-2021-22

BACKGROUND:

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

That the Finance, Organization and Personnel Committee recommend placing R-2021-22 on more time to allow the public hearing to occur on June 3, 2021.

Councilor Ormerod asked why this item is coming up at today's meeting so that it can be placed on more time. Chair Power explained because the item came from the Council last week.

With reference to the motion on the floor:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing R-2021-22 on more time to allow the public hearing to occur on June 3, 2021.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.
On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend

That Resolution R-2021-22 relating to the FY 2021-2022 budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 3, 2021.

The Chairman stated the next meeting will be on Monday, May 17 at 5:30 pm to review Public Works.



CITY OF KEENE

Resolution R-2021-22

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to the 2021/2022 fiscal year budget

A RESOLUTION

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

That the sum of \$27,045,542 be raised by taxation during the current year which together with \$36,349,154 for estimated operating revenues aggregating \$63,394,696 is hereby appropriated for the use of the several departments of the City Government, and further that the sum of \$6,293,363 be appropriated for capital expenditures and capital reserve appropriations in the city proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2021, as attached hereto and made a part thereof.

George S. Hansel, Mayor

In City Council May 6, 2021.
Referred to the Finance, Organization
and Personnel Committee.
Public Hearing set for June 3, 2021 at 7:00 PM.


City Clerk

2021/2022 Annual Operating Budget

R-2021-22

General Fund Revenue & Other Financing Sources:	Adopted	General Fund Appropriations:	Adopted
Property Tax Revenue	\$27,045,542	Elected & Appointed Officials	\$2,964,182
Use of Surplus	850,000	Capital Projects	4,103,149
Other Taxes	1,131,000	Administrative Services	4,896,022
Tax Increment Financing	840,892	Community Services	21,399,740
Licenses, Permits & Fees	3,857,571	Municipal Development Services	7,021,505
Intergovernmental	2,639,916	Debt Service	4,539,979
Charges for Services	2,329,606		
Fines & Forfeits	56,951		
Miscellaneous	1,330,499		
Other Financing Sources	4,842,600		
NET GENERAL FUND OPERATING REVENUES	\$44,924,577	NET GENERAL FUND OPERATING APPROPRIATIONS	\$44,924,577
TOTAL PARKING METER FUND REVENUES	\$1,403,426	TOTAL PARKING METER FUND APPROPRIATION	\$1,403,426
TOTAL PC REPLACEMENT FUND REVENUES	\$63,560	TOTAL PC REPLACEMENT FUND APPROPRIATIONS	\$63,560
TOTAL SOLID WASTE FUND REVENUES	\$4,355,075	TOTAL SOLID WASTE FUND APPROPRIATIONS	\$4,355,075
TOTAL SEWER FUND REVENUES	\$5,986,146	TOTAL SEWER FUND APPROPRIATIONS	\$5,986,146
TOTAL WATER FUND REVENUES	\$4,153,857	TOTAL WATER FUND APPROPRIATIONS	\$4,153,857
TOTAL EQUIPMENT FUND REVENUES	\$2,508,055	TOTAL EQUIPMENT FUND APPROPRIATIONS	\$2,508,055
TOTAL OPERATING REVENUES - ALL FUNDS	\$63,394,696	TOTAL OPERATING APPROPRIATIONS - ALL FUNDS	\$63,394,696
CAPITAL:			
PARKING FUND CAPITAL FUNDING	\$206,361	PARKING FUND CAPITAL APPROPRIATIONS	\$206,361
SOLID WASTE FUND CAPITAL FUNDING	\$152,000	SOLID WASTE FUND CAPITAL APPROPRIATIONS	\$152,000
SEWER FUND CAPITAL FUNDING	\$2,085,782	SEWER FUND CAPITAL APPROPRIATIONS	\$2,085,782
WATER FUND CAPITAL FUNDING	\$2,275,888	WATER FUND CAPITAL APPROPRIATIONS	\$2,275,888
EQUIPMENT FUND CAPITAL FUNDING	\$1,573,332	EQUIPMENT FUND CAPITAL APPROPRIATIONS	\$1,573,332
TOTAL CAPITAL FUNDING - OTHER FUNDS	\$6,293,363	TOTAL CAPITAL APPROPRIATIONS - OTHER FUNDS	\$6,293,363



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: H.4.

SUBJECT: Petition to Acquire Property by Eminent Domain for Highway Purposes - City Engineer

COUNCIL ACTION:

In City Council May 20, 2021.
More time granted.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council accept a Petition to Acquire Property by Eminent Domain for Highway Purposes and that Resolution R-2021-19 be placed on more time for the site visit and public hearing to occur on June 17, 2021.

BACKGROUND:

Mr. Lussier stated this item is related to the Winchester Street Reconstruction Project. He reminded the Committee that last fall and winter the City went through a process whereby the City exercised its authority to acquire property by eminent domain; specifically portions of three parcels at the intersection of Key Road and Winchester Street. When the City began that process the City was operating under the assumption that the owners of Riverside Plaza were going to work with the City and sell it voluntarily. The City needs a total of about 525 square feet of their property to allow the sidewalks and roundabout to be constructed. Riverside Plaza and their management team has been very supportive of the project, they are looking forward to having continuous sidewalks into the plaza and a nice new intersection or entry way. This has not changed, but what has changed unfortunately is their lawyers looked at their lease agreements and their mortgage agreement and realized they weren't able to voluntarily sell a portion of the underlying asset for that mortgage and leases - without having to go through a legal process so they essentially requested the City use the eminent domain procedure, so that they didn't have to renegotiate leases and mortgages.

As a result, the Council received a petition signed by the Public Works Director to use its authority to acquire the property. The Mayor set the public hearing for June 17, and public hearing notices will be sent out in the next day or two. The Committee's role tonight is to consider it and offer its recommendation back to the Council. Then the item will be tabled until the public hearing can be held, public testimony received and then the full Council can vote on whether or not to exercise its eminent domain authorities.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council accept a Petition to Acquire Property by Eminent Domain for Highway Purposes and that Resolution R-2021-19 be placed on more time for the site visit and public hearing to occur on June 17, 2021.



City of Keene, N.H.
Transmittal Form

May 17, 2021

TO: Mayor and Keene City Council

FROM: Elizabeth A. Fox, Assistant City Manager/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: I.1.

SUBJECT: Relating to Class Allocation and Salary Schedule

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

That the City Council refer Ordinance O-2021-08 to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Ordinance O-2021-08

BACKGROUND:

The ordinance relating to salary and wage schedules for the 2021/2022 fiscal year reflects an adjustment that aligns to the across the board increase of 2% provided employees covered by approved collective bargaining agreements.



CITY OF KEENE

O-2021-08

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to Class Allocations and Salary Schedules

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting Section 2-231, "City Council Appointments' Salary Schedules" of Chapter 2, entitled "Administration;" as well as Section 62-141 "Call Firefighter Hourly Wage Schedule;" Section 62-166, "Hourly Wage Schedule for Probationary Public Works;" Section 62-191, "Probationary Firefighter;" Section 62-192, "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management - Annual Salary Schedule", of Chapter 62 entitled, "Personnel," and by substituting in lieu thereof the following attached new sections: Section 2-231, "City Council Appointments' Salary Schedule;" Section 62-141 "Call Firefighter Hourly Wage Schedule;" Section 62-166, "Probationary Public Works Hourly Wage Schedule;" Section 62-191, "Probationary Firefighter;" Section 62-192 "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management - Annual Salary Schedule," effective July 1, 2021.

George S. Hansel, Mayor

In City Council May 20, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

City Code Section 2-231

**COUNCIL APPOINTMENTS
ANNUAL SALARY SCHEDULE**

(effective July 1, 2021)

<u>SALARY</u>	<u>City Clerk</u>	<u>City Attorney</u>	<u>City Manager</u>
<u>L</u>	92,037	113,932	136,769
<u>E</u>	96,179	119,059	142,924
<u>V</u>	100,507	124,417	149,356
<u>E</u>	105,030	130,016	156,077
<u>L</u>	109,756	135,867	163,100
	114,695	141,981	170,440

City Code Section 62-141

**CALL FIREFIGHTER
HOURLY WAGE SCALE**

Non-bargaining unit
(effective July 1, 2021)

<u>Grade</u>		<u>Step 1</u>
CF1	Non-certified Probationary Firefighter	\$ 10.71
CF2	Probationary Firefighter 4 (Level 1)	\$ 13.92
CF3	Probationary Firefighter (Level 2)	\$ 15.50
CF4	Firefighter (Level 1)	\$ 16.07
CF5	Firefighter (Level 2)	\$ 19.28
CF63	Special services (Chaplain, Photographer & Aide)	\$ 14.99

City Code Section 62-166

The hourly wage schedule for probationary public works employees is as follows:

**PROBATIONARY PUBLIC WORKS
HOURLY WAGE SCHEDULE**
Non-bargaining unit
(effective July 1, 2021)

<u>GRADE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
PPW 2	14.73	15.39	16.08	16.80
PPW 4	16.09	16.81	17.57	18.36
PPW 5	16.81	17.57	18.36	19.19
PPW 7	18.35	19.19	20.05	20.95
PPW 8	19.19	20.05	20.95	21.89
PPW 9	20.05	20.95	21.89	22.88
PPW 10	20.95	21.89	22.88	23.91
PPW 11	21.89	22.88	23.91	24.99
PPW 12	22.88	23.91	24.99	26.11

CLASS ALLOCATION

<u>GRADE</u>	
PPW 2	Maintenance Aide I; Recycler I; Recycler II/Attendant
PPW 4	Water & Sewer Service Aide I
PPW 5	Maintenance Aide II; Motor Equipment Operator I; Recycler II; Water & Sewer Service Aide II
PPW 7	Mechanic I
PPW 8	Motor Equipment Operator II
PPW 9	Mechanic II; Sign Maker; Maintenance Mechanic; Utility Operator
PPW 10	Highway Foreman; Solid Waste Foreman; Maintenance Technician I; Lead Mechanic
PPW 11	Water Meter Technician; Maintenance Electrician
PPW 12	Water & Sewer Foreman; Maintenance Technician II; Shop Manager; Solid Waste Operations Foreman

City Code Section 62-191

**PROBATIONARY FIREFIGHTER
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2021)**

<u>GRADE</u>		<u>STEP 1</u>
F 1	Firefighter/EMT B	\$20.64
F 2	Firefighter/A-EMT	\$21.87
F 3	Firefighter/Medic	\$23.27

City Code Section 62-192

**PROBATIONARY POLICE OFFICER
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2021)**

<u>GRADE</u>	<u>STEP</u>
PP 1	\$24.93
PP 2	\$26.05

City Code Section 62-194 Administrative, Office, Technical and Management Personnel

The annual salary schedule for administrative, office, technical and management personnel is as follows:

**ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT
ANNUAL SALARY SCHEDULE**

Non-bargaining unit
(effective July 1, 2021)

<u>GRADE</u>	<u>STEPS</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
S 4	36,523	38,167	39,885	41,680	43,556	45,516
S 5	38,167	39,885	41,680	43,556	45,516	47,564
S 6	39,885	41,680	43,556	45,516	47,564	49,704
S 7	41,680	43,556	45,516	47,564	49,704	51,941
S 8	43,556	45,516	47,564	49,704	51,941	54,278
S 9	45,516	47,564	49,704	51,941	54,278	56,721
S 10	47,564	49,704	51,941	54,278	56,721	59,273
S 11	49,704	51,941	54,278	56,721	59,273	61,940
S 12	51,941	54,278	56,721	59,273	61,940	64,727
S 13	54,278	56,721	59,273	61,940	64,727	67,640
S 14	56,721	59,273	61,940	64,727	67,640	70,684
S 15	59,273	61,940	64,727	67,640	70,684	73,865
S 16	61,940	64,727	67,640	70,684	73,865	77,189
S 17	64,727	67,640	70,684	73,865	77,189	80,663
S 18	67,640	70,684	73,865	77,189	80,663	84,293
S 19	70,684	73,865	77,189	80,663	84,293	88,086
S 20	73,865	77,189	80,663	84,293	88,086	92,050
S 21	77,189	80,663	84,293	88,086	92,050	96,192
S 22	80,663	84,293	88,086	92,050	96,192	100,521
S 23	84,293	88,086	92,050	96,192	100,521	105,044
S 24	88,086	92,050	96,192	100,521	105,044	109,771
S 25	92,050	96,192	100,521	105,044	109,771	114,711
S 26	96,192	100,521	105,044	109,771	114,711	119,873
S 27	100,521	105,044	109,771	114,711	119,873	125,267
S 28	105,044	109,771	114,711	119,873	125,267	130,904
S 29	109,771	114,711	119,873	125,267	130,904	136,795
S 30	114,711	119,873	125,267	130,904	136,795	142,951

City Code Section 62-194

ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT

(effective July 1, 2021)

<u>GRADE</u>	<u>CLASS ALLOCATION</u>
S 4	Library Aide
S 5	Minute Taker
S 6	Administrative Assistant; Records Clerk
S 7	Administrative Assistant I
S 8	NO POSITIONS ASSIGNED
S 9	NO POSITIONS ASSIGNED
S 10	NO POSITIONS ASSIGNED
S 11	Office Manager; Parking Services Technician
S 12	Librarian I; Planning Technician; Paralegal ; Executive Secretary; Staff Accountant; Police Dispatch Supervisor; Fire Department Administrator
S 13	Paralegal NO POSITIONS ASSIGNED
S 14	NO POSITIONS ASSIGNED
S 15	Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant; Youth Services Manager; Mapping Technician; Engineering Technician; Technical Support Specialist; Assistant City Clerk; Parking Operations Manager
S 16	Planner; Laboratory Supervisor
S 17	Appraiser; Recreation Programmer; Librarian III; Parks & Cemetery Maintenance Superintendent; Treatment Plant Manager; Fleet Services Operations Manager; Senior Staff Accountant; Airport Maintenance & Operations Manager
S 18	Water/Sewer Operations Manager Water & Sewer Superintendent ; Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk; Laboratory Manager; Human Services Manager
S 19	Transportation/Stormwater Operations Manager Highway Superintendent ; Operations Manager; Senior Planner; Recreation Manager ; Fleet Services Superintendent ;
S 20	Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney
S 21	NO POSITIONS ASSIGNED
S 22	NO POSITIONS ASSIGNED
S 23	NO POSITIONS ASSIGNED
S 24	City Engineer; Assistant Public Works Director/Division Head; Assistant IT Director; Database Administrator; Airport Director; Building/Health Official
S 25	Human Resources Director; Library Director; Assistant Finance Director/Assistant Treasurer; Police Captain; Deputy Fire Chief
S 26	Community Development Director; City Assessor; Parks, Recreation & Facilities Director
S 27	Finance Director/Treasurer; IT Director
S 28	Police Chief; Fire Chief; Public Works Director
S 29	NO POSITIONS ASSIGNED
S 30	NO POSITIONS ASSIGNED



City of Keene, N.H.
Transmittal Form

May 12, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: J.1.

SUBJECT: Relating to the Wearing of Face Coverings - Ordinance O-2021-07 and Continued Discussion - Keene Ordinance – Wearing of Face Coverings

COUNCIL ACTION:

In City Council May 20, 2021.

Report filed as informational. Voted 10 in favor five opposed to amend the recommendation to automatically terminate the Ordinance, without the necessity of further action by the City Council for the City Of Keene, on June 1, 2021.

Voted with 13 in favor two opposed for the adoption of Ordinance O-2021-07-B as amended.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends to amend Section 66-171 (l) of Ordinance O-2021-07 by deleting the paragraph and inserting the following:

This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City Of Keene, on July 1, 2021.

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted agenda item 5), Continued Discussion - Keene Ordinance – Wearing of Face Coverings, as informational.

ATTACHMENTS:

Description

Ordinance O-2021-07-B

Ordinance O -2020-07-A_ Redline version

Ordinance O-2020-07-A

BACKGROUND:

Chair Bosley stated that the discussion for agenda items 5) and 6) goes together. She continued that in O-2021-07, the wording refers to wearing of face coverings outdoors. The Committee has had lengthy discussions regarding the efficacy of wearing face coverings and she does not want to rehash all of that tonight. The Committee wants to hear public comments regarding whether or not the City should be looking at this Ordinance about wearing face coverings outdoors. She explained the procedures for participation. She asked the City Manager to begin.

City Manager Elizabeth Dragon asked the City's Health Officer, John Rogers, to talk about the more time item,

related to the wearing of face coverings, and to recommend a sunset date.

John Rogers, Public Health Official, stated that staff has been talking about this and keeping an eye on the vaccine rates. He continued that you will get different numbers depending on where you get your research, but New Hampshire certainly is heading in the right direction, with the percentages of vaccinations. They keep opening up different groups that are eligible for receiving vaccines. Currently, people 16 and older are eligible, and it appears that it will be opened to people ages 12 and older, possibly starting tomorrow. The State is working to release vaccines to get to those populations, and as such, his recommendation is for the City to continue with the Mask Ordinance to allow people who want to get vaccinated the opportunity to do so.

Mr. Rogers continued that as the Public Health Official, his recommendation regarding the outdoor portion is yes, they could look at changing the Ordinance based off the CDC's guidance. Being outdoors lowers the risk for transference of the virus. He would support this.

He continued that regarding a sunset date, they have had different dates and conversations, and have said possibly July 1. That would allow time for more people, in the groups that are just becoming eligible, to become fully vaccinated with the two shots.

The City Manager stated that today was the weekly COVID-19 meeting the City has with Cheshire Medical Center, SAU 29, Keene State College (KSC), the County, and the City's Emergency Management staff. She continued that they talked today about this PLD Committee meeting, because it is their recommendation to sunset the Mask Ordinance on July 1. Dr. Don Caruso from Cheshire Medical Center agrees. She asked if it was okay to share that information with the PLD Committee tonight and he said yes. There are a couple reasons why July 1 is the recommendation. By Memorial Day, everyone who is eligible for a vaccine will have had an opportunity to get one, and within 3 to 4 weeks of that date, they will have had their second shot. In addition, KSC's graduation will have passed and all of the public schools will have closed for the year. Everyone was feeling comfortable with the July 1 end date for the Mask Ordinance.

Mayor George Hansel stated that regarding how they got here, procedurally, with the version of a changed ordinance in front of the PLD Committee: he received feedback from many Councilors, wanting to see some action with the Mask Ordinance. It seemed like there was consensus among those who approached him that they were interested in removing the outdoor part of the mandate. He continued that that was the ordinance he instructed the City Attorney to craft and put before them last Thursday. Since then, he has heard from the same Councilors and others agreeing with the sunset date of July. The PLD Committee has before them an option to take. This has certainly taken up a lot of discussion and generated a lot of public interest. Regardless of whether or not the committee is able to build a firm consensus tonight, he suggests moving *something* on to the full City Council, because he knows there is a lot of interest among the Councilors to do something, which is what he has tried to facilitate.

Chair Bosley asked if there were any questions from the Committee. Hearing none, she recognized Councilor Filiault.

Councilor Filiault stated that it was a year ago this month when the PLD Committee first started talking about a Mask Ordinance. He continued that this is the first he has heard about the July 1 sunset date. What he recommended, which is up for debate, is to have the outdoor portion of the Mask Ordinance removed on June 1. He thinks July 1 is a good date for removing the indoor portion of the Mask Ordinance. They have heard that outdoors, the transmission rate of the virus is extremely low. For the most part, where people congregate the most outdoors is at outdoor restaurants' tables and chairs, and you do not have to wear a mask there. One of the reasons he brought this up for the outdoor portion was: it was brought to his attention that there is a gray area meaning that even if you are at Wheelock Park or Alumni Field and completely in an open air area, the Ordinance still requires you to wear a mask. He hopes the outdoor portion of the Mask Ordinance is lifted June 1 and if the discussion is to lift the indoor portion on July 1, he is up for listening to that.

Chair Bosley asked for public comment.

John-Michael Dumais [no address given] stated that he and others have been here a number of times, talking about masks and what he and others consider to be a valid but heterodox volume of information suggesting that masks do not work. He continued that his comments tonight have more to do with a perception that the City Council has decided what is real and true in all instances – not just Keene’s, but other city councils as well – and dismisses this heterodox information as “right-wing hogwash” or “extremism.” He requests that the City Council be more curious as to why a good number of citizens hold a different perspective and be curious as to what body of information they might be pointing to that might offer something different. For example: they are talking about vaccines being some kind of measure, and he understands that the City Council has the best interests of the people in Keene at heart. But there is other information out there, being suppressed, such as information about these vaccines. They are not designed to reduce infectivity or transmission. The City Council may or may not know that their evidence of the vaccines being effective was the reduction of a single, COVID-like symptom, not even all COVID-like symptoms. In the British Medical Journal, the vaccine-makers themselves have admitted that these vaccines do not stop transmission or infectivity. That is why there are “breakthrough cases” of people getting COVID-19 after receiving the COVID-19 vaccine. You can read about this from the FDA or Pfizer. He asks the City Council: please be curious as to why citizens of Keene say there is something the City Council is not seeing.

Councilor Greenwald stated that he has a question for the City Attorney: if the Committee wants to terminate the outdoor portion of the Mask Ordinance on June 1, how would that wording go into the recommended motion? The City Attorney replied that staff prepared a couple different recommended motions, which Chair Bosley has. He continued that as the Mayor mentioned, staff did submit the Ordinance as amended to remove the outdoor requirement. The only reason everyone is talking about June 1 is because that is how long it would take to move through the City Council process. There is no June 1 effective date in the motion; it is effective at the City Council meeting at which the Ordinance would presumably be adopted.

Councilor Greenwald asked if his understanding is correct that with the way that the Ordinance is presented now, it terminates the outdoor portion of the Mask Ordinance. Chair Bosley replied that is O-2021-07.

Councilor Greenwald asked if the options for consideration are potentially to terminate the entire Ordinance July 1 or wait for the Governor to lift the State of Emergency. The City Attorney replied that those are binary options. He continued that the Committee has other options they could consider. They could consider a hybrid of those two things, if they want. Not the end of the State of Emergency and not July 1, but some other metric. The July 1 date is just the suggested date at this point.

Chair Bosley asked if there were any further questions. Hearing none, she asked for more public comment.

John Schmitt of 31 Green Acres Rd. stated that he wants to share some science about masks, which applies to indoor or outdoor use. He continued that the vaccines and the use of masks are based on the germ theory of disease, which is the belief that there is a virus or bacteria spreading disease. Germ theory has never been scientifically proven for any disease. The terrain theory of disease says disease is caused by toxins or a lack of nutrition. Toxins could be in food, water, or air, and other toxins are electromagnetic radiation, stress, and emotions like fear or hate. There are also many toxins in vaccines. They are looking in the wrong place, by saying it is a virus and thinking they can stop it with a mask. If people are getting sick, and some people always are, we should find out why, and not just assume it is a virus. As he said last time, they have never isolated any virus for [COVID-19]. He suggests that the PLD Committee research the germ theory of disease versus the terrain theory of disease, and read the book *The Contagion Myth* by Thomas Cowan. One more example is that chickens eat dirt and filthy worms, knowing from instinct what they can or should eat, and what they cannot or should not eat. They do not get sick. If the dirt is full of Glyphosate and other poisons the chickens will get sick and die.

Chair Bosley asked if there was any more public comment. Hearing none, she asked for discussion from the committee.

Councilor Jones stated that he leans towards thinking they should eliminate the outdoor part of the Mask Ordinance, because 1) it is summer, and 2) there are many events coming up, including the opening of the Swamp Bats season, the Four on the Fourth road race, the Keene International Festival, and more. They want those to be successful. Thus, it is time to start tweaking the Ordinance and let the public know the City is beginning to allow things to happen.

Councilor Greenwald stated that he spent a lot of time talking with the public (about this), asking many people he came across at Home Depot what they think about this. He continued that he thinks the public realizes that mask wearing will end at some point. In the news, experts are saying that the curves are flattening, people are being vaccinated, and an end is in sight. He wants to remind the City Council that they are representing the public, who are the people out there talking to them. Still, he urges, regardless of what they vote, that wearing a mask is not a bad thing, and is probably a good thing, and probably should continue. But it becomes a personal choice at that point. There are situations in which he will wear a mask, and other times when he will not. For example, in Council Chambers, there is enough room for separation, and people have been vaccinated. Waiting for the Governor to terminate the Emergency Order will take a long time. He thinks there are other values to the Governor to keep the Emergency Order. The Governor is running the State his way without too much interference from the legislature. Fortunately, the City of Keene, under the Emergency Order, has been in great hands with the City Manager, who has not run wild doing things on her own. It has worked out well. But there comes a point when they need to get back to business as it was. He is not prepared to just wait for the State. If the committee wants to take the option of sunseting or terminating on or about July 1, they still have an opportunity between now and then, because this Ordinance goes through a second reading. If there is a surge, or new information that comes out, the City Council can throw the brakes on this. He feels confident that they should look to terminate the outdoor portion of the Ordinance as soon as possible and terminate the mandatory requirement essentially July 1.

Chair Bosley stated that she tends to agree with Councilor Greenwald. She continued that she probably was the lone person at the last conversation about this who was really interested in seeing the Committee make a decision about this. She compromised by making sure they left something on more time so they could continue the discussion. She spoke to several constituents who felt like there has been ample opportunity for people who are interested in vaccines to receive them and that everyone has been doing their part and wearing masks, and lots of people will continue to wear a mask in the grocery store or crowded place, but they want to have that choice themselves. These constituents felt June 1 was a reasonable date. She hears everyone tonight saying that July 1 is a reasonable date and she would go along with that. She would like to see it sooner, but she would accept July 1 as long as they are moving in the right direction. There are some good points happening, such as the fact that the majority of people from KSC, where the majority of the COVID-19 cases in our community are right now, will be going home this month; and the fact that more people are going to be socializing outdoors anyway, in this good weather. Thus, she supports deleting the paragraph regarding tying the Mask Ordinance to the Emergency Order, and she supports inserting a formal date for that.

Councilor Workman stated that she seconds what Chair Bosley, Councilor Greenwald, and the Health Inspector said. She continued that she agrees with the July 1 sunset date. A lot of information has changed and transpired since the last PLD Committee meeting. The CDC guidelines for outdoors changed almost immediately following the PLD Committee meeting. She supports eliminating the outdoor portion of the Mask Ordinance immediately upon the next City Council meeting, if agreed upon by the Council, rather than waiting until the specific date of June 1. She supports the July 1 sunset date for the overall mandate.

Councilor Johnsen stated that she supports what the other PLD Committee members have already said. She continued that outdoors, we have much more space. She was interested in July 1 but she supports whatever the

committee wants.

Councilor Jones stated that he agrees with the June 1 date for the outdoors. He continued that at the last PLD Committee meeting he did not want any sunset clause in the Ordinance, not the Governor lifting the Emergency Order or tied to anything else. He thought it should just be when a simple majority of the City Council thinks it should come to an end. He still thinks that, but he would go along with the recommendation because as Councilor Greenwald said, there will be a second reading, so if there is an event that could happen between now and then, they can adjust it. Thus, he may disagree, but he will go along with it.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends to amend Section 66-171 (l) of Ordinance O-2021-07 by deleting the paragraph and inserting the following:
This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City Of Keene, on July 1, 2021.

Chair Bosley asked for a motion for the new Ordinance, regarding the outdoors.

The City Attorney stated that first, he wants to make sure the Committee is clear, since the June 1 date has been batted around quite a bit: this Ordinance was introduced to the City Council at the last City Council meeting and had its first reading there, and it will go back to the City Council with the PLD Committee's recommendation, to be acted on May 20. He continued that it becomes effective on the date it is acted on, unless the City Council *wants* it to be effective on June 1. If that is what the Committee wants, the motion would have to include that.

Chair Bosley asked if he is saying that if the Committee does not include an effective date, it will be effective on May 20. The City Attorney replied essentially, yes. Chair Bosley replied that she is comfortable with that. Councilor Greenwald replied that was his intention.

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

Move to recommend adoption of Ordinance O-2021-07, as amended.

The City Manager stated that she has a question for the City Attorney: a couple of times there was reference to another reading of the ordinance. Is this coming back again? She did not think it was. The City Attorney replied no – that is his point – it was introduced at the May 6 meeting of the City Council, which was essentially the first reading, because it came in with an ordinance and an ordinance number. It did not come in as a request to go to the PLD Committee for a recommendation on whether to draft an ordinance; it already came in as an ordinance on May 6. Thus, the second reading will occur on May 20.

Councilor Greenwald thanked the City Attorney for the clarification. He continued that at that City Council meeting it would be an opportunity for the Council, if they want, to push it off or make a change. They could change the date, or they could change the July 1 issue, or they could just hold it until another meeting. Chair Bosley replied right, but the City Council will get the opportunity to have the conversation, which she thinks is important.

Chair Bosley asked if there were any further questions from the committee or public. Hearing none, she called for a vote. The motion passed unanimously.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted agenda item 5), Continued

Discussion - Keene Ordinance – Wearing of Face Coverings, as informational.



CITY OF KEENE

Ordinance O-2021-07-B

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Wearing of Face Coverings

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded text to Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

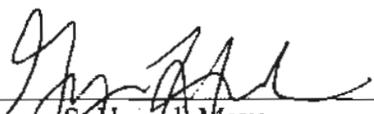
Section 66-170. Statement and Intent.

- a) COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and
- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties within the business premises, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any enclosed indoor business for any purpose, are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators ("Common Areas") unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
- d) As used herein, "business" is defined as any place, premises, or location within a premises ("Premises"), operated either for profit or not for profit, which is generally open to, or accessible to the public, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, fitness centers, personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that "business" shall not include any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein "face covering" means a covering made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials. The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
- f) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.

- g) A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health or safety. The individual shall not be required to produce documentation or other evidence to verify the condition.
- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.
- l) This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City of Keene, on June 1, 2021.
- m) Businesses in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.


George S. Hansel, Mayor

A true copy, attest:



City Clerk

Twenty-one

Relating to the Wearing of Face Coverings

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded text to Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

Section 66-170. Statement and Intent.

- a) COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and
- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties **within the business premises**, are required to wear a face covering completely covering their mouth

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and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.

- b) Members of the public entering any **enclosed indoor** business for any purpose, ~~including any outdoor area where business is conducted,~~ are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated ~~at a restaurant table.~~
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators (“Common Areas”) unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
- d) As used herein, “business” is defined as any place, premises, or location within a premises (“Premises”), operated either for profit or not for profit, which is generally open to, or accessible to the public, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, fitness centers, personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that “business” shall not include any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein “face covering” means a covering made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials. The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
- f) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.
- g) A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health or safety. The individual shall not be required to produce documentation or other evidence to verify the condition.

- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.
- l) ~~This Ordinance shall automatically and immediately terminate, without the necessity of further action by the City Council for the City of Keene, upon the termination of the COVID-19 State of Emergency by the Governor of the State of New Hampshire.~~ **This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City Of Keene, on July 1, 2021.**
- m) Businesses ~~owners~~ in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.

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George S. Hansel, Mayor



CITY OF KEENE

Ordinance O-2021-07-A

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Wearing of Face Coverings

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded text to Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

Section 66-170. Statement and Intent.

- a) **COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and**
- b) **Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and**
- c) **Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and**
- d) **Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and**
- e) **The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a proper face covering in a proper manner, and proper hand washing; and**
- f) **For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and**
- g) **The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and**
- h) **The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.**

Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties within the business premises, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any enclosed indoor business for any purpose, are required to wear a face covering completely covering their nose and mouth while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are required to wear a face covering over their nose and mouth while in the interior common areas, including but not limited to foyers, stairwells and elevators (“Common Areas”) unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.
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- e) As used herein “face covering” means a covering made of cloth, fabric, paper or other soft or permeable materials, without holes, mesh, or exhaust valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials. The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.
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- h) Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.
- i) Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.
- j) Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.
- k) This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.
- l) This Ordinance shall automatically terminate, without the necessity of further action by the City Council for the City of Keene, on July 1, 2021.
- m) Businesses in the City of Keene are also encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

May 12, 2021

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: J.2.

SUBJECT: Land Development Code and Downtown Zoning – Ordinance O-2020-10A Ordinance O-2020-11A

COUNCIL ACTION:

In City Council May 20, 2021.

Report filed as informational. Voted unanimously to adopt Ordinance O-2020-11A with an effective date of September 1, 2021. Voted unanimously to adopt Ordinance O-2020-10B with an effective date of September 1, 2021.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee amended Ordinance O-2020-10A as proposed in the memorandum dated May 10, 2021 from Tara Kessler.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council vote to adopt Ordinance O-2020-10B and Ordinance O-2020-11A with an effective date of September 1, 2021.

ATTACHMENTS:

Description

Ordinance O-2020-11-A

Ordinance O-2020-10-B

BACKGROUND:

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

On a vote of 5-0, the Planning, Licenses, and Development Committee amended Ordinance O-2020-10A as proposed in the memorandum dated May 10, 2021 from Tara Kessler.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council vote to adopt Ordinance O-2020-10B and Ordinance O-2020-11A with an effective date of September 1, 2021.



CITY OF KEENE

Ordinance O-2020-11-A

In the Year of Our Lord Two Thousand and Twenty.....

Relating to Change of Zone – Downtown Keene Zoning Update

AN ORDINANCE

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

That the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, “Zoning”, of the City of Keene, New Hampshire Code of Ordinances, as amended, be hereby further amended as follows.

1. The following zoning districts shall be established on the City of Keene Zoning Map as presented on the attached map, “O-2020-11 – Proposed Downtown Keene Zoning.”
 - a. Downtown Core (DT-C)
 - b. Downtown Edge (DT-E)
 - c. Downtown Growth (DT-G)
 - d. Downtown Institutional Campus (DT-I)
 - e. Downtown Limited (DT-L)
 - f. Downtown Transition (DT-T)

2. The parcels listed in the below table shall change zoning districts from the zoning district listed in the column labeled “Current Zoning District” to the zoning district in the column labeled “Proposed Zoning District.”

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
585028000000000	124 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585027000000000	122 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585008000000000	4 Crossfield St	(CB) Central Business	(DT-T) Downtown Transition
585024000000000	88 Water St	(CB) Central Business	(DT-T) Downtown Transition
585023000000000	84 Water St	(CB) Central Business	(DT-T) Downtown Transition
585025000000000	92 Water St	(CB) Central Business	(DT-T) Downtown Transition
568046000000000	67 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568052000000000	57 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554097000000000	47 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554087000000000	37 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554081000000000	27 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554082000000000	17 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568072000000000	82 Washington St	(CB) Central Business	(DT-L) Downtown Limited

PASSED May 20, 2021
EFFECTIVE September 1, 2021

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
568071000000000	74 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568070000000000	64 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568069000000000	50 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568056000000000	11 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568055000000000	1 Elm St	(CB) Central Business	(DT-L) Downtown Limited
568051000000000	31 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568050000000000	0 Court St	(CB) Central Business	(DT-L) Downtown Limited
568049000000000	49 Court St	(CB) Central Business	(DT-L) Downtown Limited
568054000000000	34 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568053000000000	28 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568022000000000	34 Court St	(CB) Central Business	(DT-C) Downtown Core
568021000000000	26 Court St	(CB) Central Business	(DT-C) Downtown Core
568020000000000	12 Court St	(CB) Central Business	(DT-C) Downtown Core
568019000000000	33 Winter St	(CB) Central Business	(DT-C) Downtown Core
575047000000000	60 Winter St	(CB) Central Business	(DT-C) Downtown Core
575046000000000	76 Winter St	(CB) Central Business	(DT-C) Downtown Core
575048000000000	55 West St	(CB) Central Business	(DT-C) Downtown Core
575049000000000	33 West St	(CB) Central Business	(DT-C) Downtown Core
568003000000000	37 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568002000000000	38 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568001000000000	43 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575052000000000	48 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575051000000000	50 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575050000000000	19 West St	(CB) Central Business	(DT-C) Downtown Core
568062000000000	23 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568060000000000	7 Court St	(CB) Central Business	(DT-C) Downtown Core
568061000000000	32 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568063000000000	20 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568064000000000	26 Washington St	(CB) Central Business	(DT-C) Downtown Core
568065000001000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568066000000000	34 Washington St	(CB) Central Business	(DT-C) Downtown Core
568067000000000	38 Washington St	(CB) Central Business	(DT-C) Downtown Core
568068000000000	40 Washington St	(CB) Central Business	(DT-C) Downtown Core
568057000000000	10 Vernon St	(CB) Central Business	(DT-C) Downtown Core
568058000000000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568059000000000	32 Vernon St	(CB) Central Business	(DT-C) Downtown Core
569056000000000	31 Washington St	(CB) Central Business	(DT-C) Downtown Core
568073000000000	3 Washington St	(CB) Central Business	(DT-C) Downtown Core
568074000000000	4 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568075000000000	1 Central Sq	(CB) Central Business	(DT-C) Downtown Core
569057000000000	40 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
575053000000000	2 Main St	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
574006000000000	25 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574005000000000	37 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574004000000000	43 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574001000000000	65 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574014000000000	92 Church St	(CB) Central Business	(DT-C) Downtown Core
574013000000000	11 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574034000000000	18 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574012001000000	17 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574011000000000	78 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574010000000000	76 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574003000000000	15 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574002000000000	21 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574008000000000	0 Church St	(CB) Central Business	(DT-C) Downtown Core
574009000000000	37 Church St	(CB) Central Business	(DT-C) Downtown Core
575055000000000	42 Main St	(CB) Central Business	(DT-C) Downtown Core
575056000000000	64 Main St	(CB) Central Business	(DT-C) Downtown Core
574007000000000	16 Church St	(CB) Central Business	(DT-C) Downtown Core
575054000000000	22 Main St	(CB) Central Business	(DT-C) Downtown Core
574042000000000	0 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575057000000000	82 Main St	(CB) Central Business	(DT-C) Downtown Core
575058000000000	88 Main St	(CB) Central Business	(DT-C) Downtown Core
574041000000000	0 Cypress St	(CB) Central Business	(DT-C) Downtown Core
585007000000000	96 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585006000000000	88 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585005000000000	78 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
575059000000000	100 Main St	(CB) Central Business	(DT-C) Downtown Core
575060000000000	102 Main St	(CB) Central Business	(DT-C) Downtown Core
575061000000000	106 Main St	(CB) Central Business	(DT-C) Downtown Core
575062000000000	110 Main St	(CB) Central Business	(DT-C) Downtown Core
574043000000000	12 Eagle Ct	(CB) Central Business	(DT-C) Downtown Core
574040000000000	75 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575006000000000	115 Main St	(CB) Central Business	(DT-C) Downtown Core
575007000000000	101 Main St	(CB) Central Business	(DT-C) Downtown Core
575008000000000	89 Main St	(CB) Central Business	(DT-C) Downtown Core
575011000000000	87 Main St	(CB) Central Business	(DT-C) Downtown Core
575012000000000	81 Main St	(CB) Central Business	(DT-C) Downtown Core
575013000000000	2 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575014000000000	12 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575024000000000	49 Main St	(CB) Central Business	(DT-C) Downtown Core
575025000000000	45 Main St	(CB) Central Business	(DT-C) Downtown Core
575026000000000	35 Main St	(CB) Central Business	(DT-C) Downtown Core
575027000000000	0 Lamson St	(CB) Central Business	(DT-C) Downtown Core
575022000000000	19 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
575023000000000	0 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575038000000000	70 West St	(CB) Central Business	(DT-C) Downtown Core
575037000000000	60 West St	(CB) Central Business	(DT-C) Downtown Core
575036000000000	43 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575035000000000	49 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575034000000000	44 West St	(CB) Central Business	(DT-C) Downtown Core
575033000000000	34 West St	(CB) Central Business	(DT-C) Downtown Core
575028000000000	17 Federal St	(CB) Central Business	(DT-C) Downtown Core
575032000000000	20 West St	(CB) Central Business	(DT-C) Downtown Core
575031000000000	1 Main St	(CB) Central Business	(DT-C) Downtown Core
575030000000000	15 Main St	(CB) Central Business	(DT-C) Downtown Core
575029000000000	27 Main St	(CB) Central Business	(DT-C) Downtown Core
584070000000000	120 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584069000000000	104 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584068000000000	80 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575017000000000	0 School St	(CB) Central Business	(DT-G) Downtown Growth
575016000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
584072000000000	85 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575001000000000	5 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584073000000000	59 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575002000000000	6 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
575003000000000	12 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584074000000000	43 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575009000000000	20 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575004000000000	31 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584075000000000	37 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575005000000000	7 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575010000000000	0 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575015000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575021000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575020000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575019000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575040000000000	100 West St	(CB) Central Business	(DT-G) Downtown Growth
575039000000000	86 West St	(CB) Central Business	(DT-G) Downtown Growth
575041000000000	104 West St	(CB) Central Business	(DT-G) Downtown Growth
574038000000000	158 Water St	(CB) Central Business	(DT-G) Downtown Growth
574039000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
585029000000000	152 Water St	(CB) Central Business	(DT-G) Downtown Growth
585026000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
567001000000000	0 Ashuelot St	(CBL) Central Business Ltd.	(HD) High Density
576014000000000	30 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576016000000000	29 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
576017000000000	9 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576018000000000	189 West St	(CBL) Central Business Ltd.	(COM) Commerce
569059000000000	88 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
569058000000000	80 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
584060000000000	147 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584059000000000	0 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584058000000000	21 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584061000000000	143 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584062000000000	133 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584063000000000	125 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584064000000000	12 Emerald St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
569065000000000	98 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569066000000000	106 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569107000000000	103 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569108000000000	93 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569109000000000	81 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574015000000000	100 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574016000000000	110 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574017000000000	116 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574033000000000	115 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574036000002000	110 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574036000000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
584067000000000	48 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584066000000000	38 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584065000000000	32 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576001000000000	122 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576002000000000	166 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576003000000000	172 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576005000000000	0 Gilbo Ave	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576004000000000	194 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
574036000000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584001000000000	122 Main St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585003000000000	10 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585002000000000	11 Eagle Ct	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585004000000000	16 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585001000000000	24 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585083000000000	36 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585084000000000	50 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585085000000000	56 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585045000000000	84 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590086000000000	91 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590087000000000	89 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590088000000000	83 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590089000000000	71 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590090000000000	67 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590094000000000	59 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590093000000000	57 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590095000000000	53 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590096000000000	47 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585086000000000	33 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
583027000000000	60 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583033000000000	0 Emerald St	(COM) Commerce	(DT-E) Downtown Edge
583028000000000	152 Davis St	(COM) Commerce	(DT-E) Downtown Edge
583030000000000	55 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584042000000000	134 Davis St	(COM) Commerce	(DT-E) Downtown Edge
584043000000000	56 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584044000000000	66 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
591007000000000	131 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592037000000000	141 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592036000000000	147 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592035000000000	165 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583029000000000	81 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
592033000000000	185 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592034000000000	0 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583026000000000	38 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
592032000000000	195 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592031000000000	223 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583034000000000	160 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001001000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583032000000000	1 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583031000000000	19 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583039000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576007000000000	149 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
575018000000000	0 School St	(COM) Commerce	(DT-G) Downtown Growth
584071000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576006000000000	0 Gilbo Ave	(COM) Commerce	(DT-G) Downtown Growth
585082000000000	196 Main St	(COM) Commerce	(DT-G) Downtown Growth
584003000000000	174 Main St	(COM) Commerce	(DT-G) Downtown Growth
584002000000000	162 Main St	(COM) Commerce	(DT-G) Downtown Growth
585014000000000	17 Dunbar St	(COM) Commerce	(DT-G) Downtown Growth
569015000000000	18 Spring St	(HD) High Density	(DT-T) Downtown Transition
569016000000000	20 Spring St	(HD) High Density	(DT-T) Downtown Transition
569017000000000	30 Spring St	(HD) High Density	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
569018000000000	38 Spring St	(HD) High Density	(DT-T) Downtown Transition
569019000000000	52 Spring St	(HD) High Density	(DT-T) Downtown Transition
569020000000000	58 Spring St	(HD) High Density	(DT-T) Downtown Transition
569054000000000	47 Spring St	(HD) High Density	(DT-T) Downtown Transition
569053000000000	57 Spring St	(HD) High Density	(DT-T) Downtown Transition
569062000000000	28 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
569061000000000	22 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
569060000000000	16 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
585013000000000	19 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585012000000000	31 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585011000000000	41 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585010000000000	57 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585009000000000	65 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585022000000000	74 Water St	(HD) High Density	(DT-T) Downtown Transition
585021000000000	68 Water St	(HD) High Density	(DT-T) Downtown Transition
585020000000000	60 Water St	(HD) High Density	(DT-T) Downtown Transition
585019000000000	54 Water St	(HD) High Density	(DT-T) Downtown Transition
585018000000000	48 Water St	(HD) High Density	(DT-T) Downtown Transition
585017000000000	42 Water St	(HD) High Density	(DT-T) Downtown Transition
585016000000000	32 Water St	(HD) High Density	(DT-T) Downtown Transition
585015000000000	26 Water St	(HD) High Density	(DT-T) Downtown Transition
584057000000000	29 Davis St	(HD) High Density	(DT-T) Downtown Transition
584056000000000	37 Davis St	(HD) High Density	(DT-T) Downtown Transition
584055000000000	47 Davis St	(HD) High Density	(DT-T) Downtown Transition
584052000000000	59 Davis St	(HD) High Density	(DT-T) Downtown Transition
584053000000000	47 Wilson St	(HD) High Density	(DT-T) Downtown Transition
584054000000000	43 Wilson St	(HD) High Density	(DT-T) Downtown Transition
584051000000000	71 Davis St	(HD) High Density	(DT-T) Downtown Transition
584050000000000	75 Davis St	(HD) High Density	(DT-T) Downtown Transition
584049000000000	87 Davis St	(HD) High Density	(DT-T) Downtown Transition
584048000000000	97 Davis St	(HD) High Density	(DT-T) Downtown Transition
584047000000000	107 Davis St	(HD) High Density	(DT-T) Downtown Transition
584046000000000	121 Davis St	(HD) High Density	(DT-T) Downtown Transition
584045000000000	125 Davis St	(HD) High Density	(DT-T) Downtown Transition
591001000000000	283 Main St	(HD) High Density	(DT-I) Downtown Institutional Campus
584006000000000	161 Main St	(HD) High Density	(DT-G) Downtown Growth
584004000000000	27 Winchester St	(HD) High Density	(DT-G) Downtown Growth
584005000000000	199 Main St	(HD) High Density	(DT-G) Downtown Growth
574037000000000	93 Railroad St	(I) Industrial	(DT-G) Downtown Growth
576019000000000	171 West St	(O) Office	(DT-T) Downtown Transition
576024000000000	17 Wilder St	(O) Office	(DT-T) Downtown Transition
576025000000000	151 West St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
576026000000000	143 West St	(O) Office	(DT-T) Downtown Transition
576030000000000	129 West St	(O) Office	(DT-T) Downtown Transition
575042000000000	117 West St	(O) Office	(DT-T) Downtown Transition
575045000000000	105 West St	(O) Office	(DT-T) Downtown Transition
575044000000000	86 Winter St	(O) Office	(DT-T) Downtown Transition
568006000000000	41 School St	(O) Office	(DT-T) Downtown Transition
568007000000000	75 Winter St	(O) Office	(DT-T) Downtown Transition
568008000000000	67 Winter St	(O) Office	(DT-T) Downtown Transition
568009000000000	61 Winter St	(O) Office	(DT-T) Downtown Transition
568010000000000	8 Middle St	(O) Office	(DT-T) Downtown Transition
568011000000000	16 Middle St	(O) Office	(DT-T) Downtown Transition
568012000000000	22 Middle St	(O) Office	(DT-T) Downtown Transition
568013000000000	28 Middle St	(O) Office	(DT-T) Downtown Transition
568026000000000	38 Middle St	(O) Office	(DT-T) Downtown Transition
568034000000000	61 Summer St	(O) Office	(DT-T) Downtown Transition
568035000000000	53 Summer St	(O) Office	(DT-T) Downtown Transition
568036000000000	45 Summer St	(O) Office	(DT-T) Downtown Transition
568037000000000	39 Summer St	(O) Office	(DT-T) Downtown Transition
568038000000000	31 Summer St	(O) Office	(DT-T) Downtown Transition
568039000000000	21 Summer St	(O) Office	(DT-T) Downtown Transition
568040000000000	56 Court St	(O) Office	(DT-T) Downtown Transition
568041000000000	70 Court St	(O) Office	(DT-T) Downtown Transition
568042000000000	82 Court St	(O) Office	(DT-T) Downtown Transition
568023000000000	42 Court St	(O) Office	(DT-T) Downtown Transition
568024000000000	18 Summer St	(O) Office	(DT-T) Downtown Transition
568025000000000	37 Middle St	(O) Office	(DT-T) Downtown Transition
568014000000000	29 Middle St	(O) Office	(DT-T) Downtown Transition
568015000000000	33 Center St	(O) Office	(DT-T) Downtown Transition
568016000000000	27 Center St	(O) Office	(DT-T) Downtown Transition
568017000000000	23 Center St	(O) Office	(DT-T) Downtown Transition
568018000000000	17 Center St	(O) Office	(DT-T) Downtown Transition
568048000000000	55 Court St	(O) Office	(DT-T) Downtown Transition
568047000000000	61 Court St	(O) Office	(DT-T) Downtown Transition
568045000000000	73 Court St	(O) Office	(DT-T) Downtown Transition
568044000000000	81 Court St	(O) Office	(DT-T) Downtown Transition
554107000000000	83 Court St	(O) Office	(DT-T) Downtown Transition
554106000000000	91 Court St	(O) Office	(DT-T) Downtown Transition
554085000000000	112 Washington St	(O) Office	(DT-T) Downtown Transition
554084000000000	106 Washington St	(O) Office	(DT-T) Downtown Transition
554083000000000	100 Washington St	(O) Office	(DT-T) Downtown Transition
569001000000000	85 Washington St	(O) Office	(DT-T) Downtown Transition
569013000000000	69 Washington St	(O) Office	(DT-T) Downtown Transition
569014000000000	57 Washington St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590097000000000	222 Main St	(O) Office	(DT-T) Downtown Transition
590098000000000	226 Main St	(O) Office	(DT-T) Downtown Transition
590099000000000	232 Main St	(O) Office	(DT-T) Downtown Transition
590101000000000	238 Main St	(O) Office	(DT-T) Downtown Transition
590100000000000	246 Main St	(O) Office	(DT-T) Downtown Transition
590109000000000	266 Main St	(O) Office	(DT-T) Downtown Transition
590110000000000	272 Main St	(O) Office	(DT-T) Downtown Transition

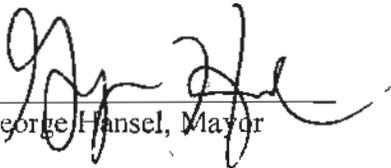
3. The Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment Overlay District shall be removed from the Zoning Map.

4. The following parcels shall be removed from the Sustainable Energy Efficient Development (SEED) Overlay District.

- 575010000000000 (0 Commercial St)
- 575009000000000 (20 Commercial St)
- 585008000000000 (4 Crossfield St)
- 574041000000000 (0 Cypress St)
- 584059000000000 (0 Davis St)
- 584058000000000 (21 Davis St)
- 584057000000000 (29 Davis St)
- 584056000000000 (37 Davis St)
- 584055000000000 (47 Davis St)
- 584052000000000 (59 Davis St)
- 584051000000000 (71 Davis St)
- 584050000000000 (75 Davis St)
- 584049000000000 (87 Davis St)
- 584048000000000 (97 Davis St)
- 584047000000000 (107 Davis St)
- 584046000000000 (121 Davis St)
- 584045000000000 (125 Davis St)
- 584042000000000 (134 Davis St)
- 583028000000000 (152 Davis St)
- 585003000000000 (10 Dunbar St)
- 585004000000000 (16 Dunbar St)
- 585014000000000 (17 Dunbar St)
- 585013000000000 (19 Dunbar St)
- 585001000000000 (24 Dunbar St)
- 585012000000000 (31 Dunbar St)
- 585011000000000 (41 Dunbar St)
- 585010000000000 (57 Dunbar St)
- 585009000000000 (65 Dunbar St)
- 585005000000000 (78 Dunbar St)
- 585006000000000 (88 Dunbar St)
- 585007000000000 (96 Dunbar St)
- 585002000000000 (11 Eagle Ct)
- 574043000000000 (12 Eagle Ct)
- 583033000000000 (0 Emerald St)
- 583033001001000 (0 Emerald St)
- 575005000000000 (7 Emerald St)
- 584064000000000 (12 Emerald St)
- 575004000000000 (31 Emerald St)
- 584065000000000 (32 Emerald St)
- 584075000000000 (37 Emerald St)
- 584066000000000 (38 Emerald St)
- 584074000000000 (43 Emerald St)
- 584067000000000 (48 Emerald St)
- 584073000000000 (59 Emerald St)
- 584068000000000 (80 Emerald St)
- 584072000000000 (85 Emerald St)
- 584069000000000 (104 Emerald St)
- 584070000000000 (120 Emerald St)
- 583034000000000 (160 Emerald St)
- 583035000000000 (220 Emerald St)
- 583026000000000 (38 Foundry St)
- 583027000000000 (60 Foundry St)
- 592034000000000 (0 Foundry St)
- 575013000000000 (2 Gilbo Ave)
- 575014000000000 (12 Gilbo Ave)
- 575015000000000 (0 Gilbo Ave)
- 575016000000000 (0 Gilbo Ave)
- 575012000000000 (81 Main St)
- 575057000000000 (82 Main St)
- 575011000000000 (87 Main St)
- 575058000000000 (88 Main St)
- 575008000000000 (89 Main St)
- 575059000000000 (100 Main St)
- 575007000000000 (101 Main St)
- 575060000000000 (102 Main St)
- 575061000000000 (106 Main St)
- 575062000000000 (110 Main St)
- 575006000000000 (115 Main St)
- 584001000000000 (122 Main St)
- 584063000000000 (125 Main St)

- 584062000000000 (133 Main St)
- 584061000000000 (143 Main St)
- 584060000000000 (147 Main St)
- 584006000000000 (161 Main St)
- 584002000000000 (162 Main St)
- 584003000000000 (174 Main St)
- 585082000000000 (196 Main St)
- 584005000000000 (199 Main St)
- 574035000000000 (0 Railroad St)
- 574036000000000 (0 Railroad St)
- 574037000000000 (93 Railroad St)
- 574040000000000 (75 Railroad St)
- 574041000000000 (51 Railroad St)
- 574042000000000 (0 Railroad St)
- 5740360000003000 (0 Railroad St)
- 583029000000000 (81 Ralston St)
- 583030000000000 (55 Ralston St)
- 583031000000000 (19 Ralston St)
- 583032000000000 (1 Ralston St)
- 584043000000000 (56 Ralston St)
- 584044000000000 (66 Ralston St)
- 575017000000000 (0 School St)
- 574039000000000 (0 Water St)
- 585026000000000 (0 Water St)
- 585015000000000 (26 Water St)
- 585016000000000 (32 Water St)
- 585017000000000 (42 Water St)
- 585018000000000 (48 Water St)
- 585019000000000 (54 Water St)
- 585020000000000 (60 Water St)
- 585021000000000 (68 Water St)
- 585022000000000 (74 Water St)
- 585023000000000 (84 Water St)
- 585024000000000 (88 Water St)
- 585025000000000 (92 Water St)
- 585027000000000 (122 Water St)
- 585028000000000 (124 Water St)
- 585029000000000 (152 Water St)
- 574038000000000 (158 Water St)
- 575001000000000 (5 Wilson St)
- 575002000000000 (6 Wilson St)
- 575003000000000 (12 Wilson St)
- 584053000000000 (47 Wilson St)
- 584054000000000 (43 Wilson St)
- 591007000000000 (131 Winchester St)
- 592031000000000 (223 Winchester St)
- 592032000000000 (195 Winchester St)
- 592033000000000 (185 Winchester St)
- 592035000000000 (165 Winchester St)
- 592036000000000 (147 Winchester St)
- 592037000000000 (141 Winchester St)
- 584004000000000 (27 Winchester St)

Effective Date of this Ordinance: September 1, 2021


 George Hansel, Mayor

PASSED May 20, 2021

A true copy, attest:



City Clerk



CITY OF KEENE

Ordinance O-2020-10-B

In the Year of Our Lord Two Thousand andTwenty.....

Relating to City of Keene Land Development Code

AN ORDINANCE

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. Add Chapter 100, "Land Development Code" to the Code of Ordinances, which shall read as presented in the attached document entitled, City of Keene, New Hampshire Land Development Code dated May 2021. This draft document contains amended versions of the City's Zoning Regulations, Subdivision Regulations, Site Plan Regulations, Historic District Regulations, Floodplain Regulations, Public Improvement Standards (referred to as Public Infrastructure Standards), Earth Excavation Regulations, and all related application and review procedures.

2. Remove the following sections of the Code of Ordinances in their entirety.

- a. Chapter 18. Article V. "Historic Districts"
- b. Chapter 34. "Environment"
- c. Chapter 54. "Natural Resources"
- d. Chapter 70. "Public Improvement Standards"
- e. Chapter 102. "Zoning"
- f. Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article II. "Floodplain"
- g. Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article III. "Land Filling and Excavation"
- h. Appendix B. Fee Schedule. Chapter 70. "Public Improvement Standards"
- i. Appendix B. Fee Schedule. Chapter 74. "Sign Code"
- j. Appendix B. Fee Schedule. Chapter 102. "Zoning"

3. Delete the stricken text and add the bolded underlined text in the following sections of the Code of Ordinances.

a. Chapter 18. "Building Regulations." Article I. "In General." Sec. 18-2. "Definitions."
 "~~Lodginghouse~~ shall mean any dwelling for ~~more than four~~ **between 5 and 16** unrelated **natural** persons, which ~~lets~~ **provides separate rooms for** sleeping accommodations **for a fee** ~~for a transient or permanent basis,~~ without personal care services, ~~with or without meals,~~ **but and** without separate cooking facilities for individual occupants. **A lodginghouse may include separate living quarters for an on-site property manager.** For purposes of this **article**, the term lodginghouse shall not include a hotel or motel."

b. Chapter 18. Article III. "Property and Housing Standards." Section 18-259. "Sanitary Facilities."
 "(4) Sanitary facilities, shared facilities—~~Lodging House~~ **Congregate Living Uses**. At least one water closet, lavatory, and bathtub or shower shall be provided for all ~~lodginghouses~~ **congregate living uses, as defined in Chapter 100, Article 8 in the**

City Code of Ordinances, for up to four rooms used as bedrooms. All such facilities shall be located within the building housing the sleeping rooms. Said facilities shall be accessible from a common hall, passageway, or a room used in common (lounge) and shall be not more than one story removed from any persons sharing such facilities. Such facilities shall not be located in a basement.”

- c. Chapter 18. Article III. “Property and Housing Standards.” Section 18-307. “Determination of the housing standards enforcement officer; issuance of orders, posting of placards.”

“(c) Any dwelling, dwelling unit or ~~lodginghouse~~ **congregate living use as defined in Chapter 100, Article 8 of the City Code of Ordinances**, which has been determined unfit for human habitation and which has been placarded as such by the housing standards enforcement officer shall be vacated within a reasonable time as required by the housing officer. No owner shall rent to any person for human habitation, and no person shall occupy, any dwelling or dwelling unit which has been determined unfit for human habitation and which has been placarded by the housing officer after the date which the officer has required the dwelling or dwelling unit to be vacated.”

- 4. Add the following language to Chapter 2, Article 5 “Boards and Commissions”, Division 15

“Planning Board,” relating to the powers of the Planning Board with respect to establishing a Minor Project Review Committee.

“(37) [The Planning Board shall] have the authority to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the departments of public works, community development, or other similar departments in the City, in accordance with NH RSA 674:43(III). The process and procedures for this committee, which shall be known as the Minor Project Review Committee, are set forth herein in Article 25 of Chapter 100 of the City Code of Ordinances.”

- 5. Add to Appendix B of the City Code of Ordinances, “Chapter 100. Land Development Code (LDC) Fee Schedule,” which shall read as follows.

“Chapter 100. Land Development Code (LDC) Fee Schedule

§14.3 Sustainable Energy Efficient Development Overlay District Incentive Application Fee.....	\$100.00
§22.4 Service Connection Permit	
Engineering Inspection Fees.....	\$55.00 per hour
Residential, Institutional or Commercial Building Service Connection Permit.....	\$15.00
Industrial Building Service Connection Permit.....	\$30.00
§25.3 Zoning Text or Zoning Map Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00

§25.4 Land Development Code Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00
§25.5 Zoning Variance	
Application Fee.....	\$100.00
§25.6 Zoning Special Exception	
Application Fee.....	\$100.00
§25.7 Expansion or Enlargement of a Nonconforming Use	
Application Fee.....	\$100.00
§25.8 Equitable Waiver of Zoning Dimensional Requirements	
Application Fee.....	\$100.00
§25.9 Zoning Administrator Written Interpretation	
Application Fee.....	\$125.00
§25.10 Subdivision Review	
Subdivision Application Fee.....	\$200.00 + \$100.00 per lot
Conservation Residential Development Subdivision Application Fee....	\$200.00 + \$100.00 per lot
Boundary Line Adjustment Application Fee.....	\$100.00 + \$20.00 per lot
Voluntary Merger Application Fee.....	\$100.00 + \$20.00 per lot
Request to extend expiration of conditionally approved subdivision.....	\$25.00 for 1st request, \$50 for each request thereafter
§25.11 Planning Board Advice and Comment	
Application Fee.....	\$25.00
§25.12 Site Plan Review	
Major Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Minor Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to modify an approved site plan.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to extend expiration of conditionally approved site plan.....	\$25.00 for 1st request, \$50 for each request thereafter
§25.13 Administrative Planning Review	
Review Fee.....	\$125.00
§25.14 Conditional Use Permit (CUP)	
Telecommunications CUP Application Fee.....	\$300.00
Hillside Protection CUP Application Fee.....	\$100.00
Surface Water Protection CUP Application Fee.....	\$100.00
Congregate Living and Social Services CUP Application Fee.....	\$100.00

Solar Energy System CUP Application Fee.....\$100.00

§25.15 Historic District Certificate of Appropriateness (COA)

Major Project Application Fee.....\$50.00

Minor Project Application Fee.....\$25.00

Request to modify an approved Major Project COA.....\$50.00

§25.16 Street Access Permit

Application Fee.....\$50.00

§25.17 Floodplain Development Permit

Floodplain Development Permit Application Fee.....\$50.00 + \$100 per acre (or portion thereof) of special flood hazard area proposed to be altered

§25.18 Sign Permit

Applications with a total project cost of \$5,000 or greater).....\$100.00 + \$10.00 per \$1,000 of total project value

Applications with a total project value less than \$5,000.....\$100.00

§25.19 Earth Excavation Permit

Application Fee.....\$50.00

Mailed Public Notice:

Postage for Certified mail.....Current USPS certified mail rate

Postage for First Class mail.....Current USPS First Class mail rate

Published Notice (unless otherwise specified in this Land Development Code Fee Schedule, the published public notice fee shall be as specified below):

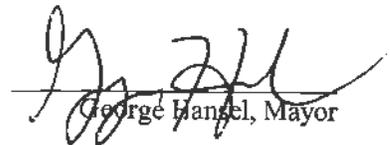
Printing fee for legal advertisement in newspaper.....\$62

Recording Fee:

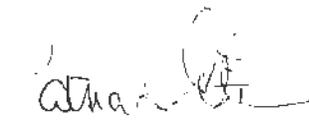
Recording Fee.....Current Cheshire County Registry of Deeds Fee, Including LCHIP fee"

Effective Date of Ordinance: September 1, 2021

PASSED May 20, 2021


George Hangel, Mayor

A true copy, attest:


City Clerk



City of Keene, N.H.
Transmittal Form

May 12, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: J.3.

SUBJECT: Relating to Chapter 46 Licenses and Permits – Social Services and Congregate Care Uses
License - Ordinance O-2021-04

COUNCIL ACTION:

In City Council May 20, 2021.

Report filed as informational. Voted unanimously to adopt Ordinance O-2021-04 with an effective date of September 1, 2021.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council vote to adopt Ordinance O-2021-04 with an effective date of September 1, 2021.

ATTACHMENTS:

Description

Ordinance O-2021-04

BACKGROUND:

Chair Bosley asked to hear from Tara Kessler.

Ms. Kessler stated that this is an item that she presented on at the April 21 PLD Committee meeting when it was introduced for the committee's consideration. She continued that she is happy to answer any questions they have on it. It is specific to the proposal to establish a licensing process for congregate living and social services uses and it would be making amendments to Chapter 46 of the City Code of Ordinances to do so. Staff has given a few presentations on the content of this Ordinance previously, but she can answer questions.

Chair Bosley stated that she remembers the presentation and knows they made edits before the Ordinance was introduced, so she is comfortable moving forward. She asked if anyone from the committee had questions. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council vote to adopt Ordinance O-2021-04 with an effective date of September 1, 2021.



CITY OF KEENE

Ordinance O-2021-04

Twenty One

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to Chapter 46 Licenses and Permits

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

I. Add the following section to Article V “Boards and Commissions” to Chapter 2 “Administration” of the City Code of Ordinances:

“Division 24. - Congregative Living and Social Services Licensing Board.

Sec. 2-1111. - Membership.

The congregate living and social services licensing board shall consist of five regular members. At least three of the regular members shall be residents of Keene. One member shall be an administrative official of the City who need not be a resident of the City of Keene. In no instance shall City staff in a code enforcement or law enforcement role serve on this board. One member may be a member of the Planning Board.

Sec. 2-1112. - Terms.

Each regular member of the congregate living and social services licensing board shall be appointed for a term of three years. Except when required to fill vacancies, the terms of regular members shall be staggered so that no more than two appointments occur annually, and the terms of alternate members shall be staggered so that no more than one occurs annually. Vacancies in the board's membership occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term. Regular members may serve up to three consecutive terms.

Sec. 2-1113. - Powers, duties and guidelines.

In accordance with applicable laws and this code, the congregate living and social services licensing board shall have the authority to do the following.

1. Make decisions on applications for congregate living and social services licenses in accordance with Chapter 46 Article X. “Congregative Living and Social Services License.”
2. Suspend, revoke, or make provisional previously approved congregate living and social services licenses in accordance with Section 46-567 of this Code.
3. Shall hear and decide motions to rehear decisions of the board, and to accept, hear and decide appeals to the board taken by any person aggrieved.

II. Amend Chapter 46. Article I. “In General.” Section 46-1. “Definitions.” as follows:

~~“Lodginghouse means any dwelling for more than four persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with~~

PASSED May 20, 2021

EFFECTIVE September 1, 2021

~~or without meals, but without separate cooking facilities for individual occupants. For purposes of this article the term lodging house shall not include a hotel or motel."~~

III. Amend Chapter 46. Article II. "Licensing Generally." Section 46-63. "Designated licensing officials." as follows:

Lodging house	City council
<u>Congregate Living and Social Services</u>	<u>Congregate Living and Social Services Licensing Board</u>

IV. Amend Appendix B. "Fee Schedule." of the City Code of Ordinances as follows:

~~"§46-593. Lodginghouse license fee.....165.00~~ §46-569. Congregate Living and Social Services license fee.....\$165.00"

V. Replace Chapter 46. Article X. "Lodginghouses" with the full text included below.

"ARTICLE X. CONGREGATE LIVING AND SOCIAL SERVICES LICENSE

Section 46-561. - Applicability.

From and after the effective date of the ordinance from which this article derives no person shall allow or operate any of the following congregate living or social services uses as defined in Chapter 100, Article 8 of the City Code of Ordinances without first having obtained, and having maintained, a congregate living and social services license from the congregate living and social services licensing board (the licensing authority specified in Section 46-63 of this Chapter) for each property location.

1. Drug Treatment Clinic
2. Group Home, Large
3. Group Home, Small
4. Fraternity/Sorority
5. Group Resource Center
6. Homeless Shelter
7. Lodginghouse
8. Residential Care Facility
9. Residential Drug/Alcohol Treatment Facility

Section 46-562. - Application and License Renewal Requirements.

In addition to the application requirements of Division 4 of Chapter 46 of the City Code of Ordinances, the following information shall be required of an applicant for a congregate living and social services license and may be used by the licensing board in evaluation of an application and annual renewal for such license.

1. Description of the property location including street address and tax map parcel number.
2. Description of the client population to be served, including a description of the services provided to the clients or residents of the facility and of any support or personal care services provided on- or off-site.
3. Description of the size and intensity of the facility, including information about: the number of occupants, including residents, clients, staff, visitors, etc.; maximum number of beds or persons that may be served by the facility; hours of operation; size and scale of buildings or structures on the site; and size of outdoor areas associated with the use.
4. For congregate living uses, the average length of stay for residents/occupants of the facility.
5. Name, phone number, and address of the property owner.
6. Name, phone number, and address of a person acting as the operator, if not the owner, who will serve as a point of 24-hour contact for the public and the City.
7. Evidence that all required licenses, permits or authority to operate have been obtained.
8. An operations and management plan, which shall be based on industry standard "Best Management Practices" and, at a minimum, shall address the following.
 - a. A security plan that includes provisions for onsite security including lighting, security cameras, and/or other measures appropriate to provide for adequate health and safety of clients and management.
 - b. A life safety plan that demonstrates compliance with the State Minimum Building Code and Fire Codes.
 - c. Staff training and procedures plan.
 - d. Health and safety plan.
 - e. An emergency response plan that establishes procedures for addressing emergency situations and for coordinating with local emergency service providers.
 - f. A neighborhood relations plan that includes provisions for communicating with adjacent property owners and the City of Keene, including the Keene Police Department.
 - g. Building and site maintenance procedures.
 - h. In addition to the materials listed above, homeless shelters shall be required to submit the following information as part of an operations and management plan.
 - i. Rules of conduct and registration system for guests, including procedures for screening registered sex offenders and for separating individual guests and families with children.
 - ii. Policies and procedures for denying access to the homeless shelter when at maximum capacity or the determination that a person is unsuited for the facility, and how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled.

Section 46-563. - Public Hearing.

Within 30-calendar days of receiving a complete congregate living and social services license application, as determined by the licensing board or their designee, the licensing board shall hold a public hearing on the application. Notice of the date, time and place of the public hearing will be posted in accordance with NH RSA 91-A:2(II).

Section 46-564. - Inspections.

Prior to the issuance of an initial license, and prior to the renewal of an annual license, all appropriate City regulatory and enforcement officers shall make or cause to be made an inspection to determine if all applicable laws, ordinances, codes, permits, rules and regulations have been complied with.

Section 46-565. – Licensing Board Review Procedures.

1. The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregate living and social services license application.
 - a. The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.
 - b. The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.
 - c. The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.
2. The licensing board may require conditions on a license as reasonably necessary to insure compliance with the requirements of this article.
 - a. Failure of any licensee to comply with such conditions shall be considered a violation of the license.
 - b. Such conditions may include restrictions on the operation of the use (e.g. reduced hours of operation, limits on occupancy), and may include limits on the term of the license to a period less than 1-year.
3. The licensing board shall provide notice of its decision on the application in writing to the applicant. In the event that the application is denied, the licensing board shall provide a written statement to the applicant stating the specific reasons for the denial.

Section 46-566. – License Expiration and Renewal.

Licenses issued under this article shall expire in the year following the initial issuance date on the date specified in the list below for the category of use specific to the license; unless, conditions placed on the license require an earlier timeframe for license expiration and renewal. No postponements of the expiration date shall be granted except for good cause shown and as determined by the licensing authority; provided that the license has been applied for prior to the annual expiration date.

1. Residential Care Facility – April 1
2. Residential Drug/Alcohol Treatment Facility – April 1
3. Drug Treatment Clinic – May 1
4. Group Resource Center – May 1
5. Group Home, Large – June 1
6. Group Home, Small – June 1
7. Homeless Shelter – October 1
8. Lodginghouse – November 1
9. Fraternity/Sorority – November 1

Section 46-567. – Provisional License Status, Suspension or Revocation.

1. The licensing board, following notice to the licensee and a public hearing, may place the license on provisional status, or suspend or revoke any license issued under this article after it has been issued, when any one or more of the following grounds are found to exist.
 - a. Fraud, misrepresentation, or false statement contained in the license application.
 - b. Fraud, misrepresentation, or false statement made in the course of carrying on the use for which the license is issued.
 - c. Substantial violations of the terms of Chapter 46.
 - d. Any substantial violation of applicable municipal building, zoning, health, police and fire rules, regulations, and ordinances, and applicable statutes, rules and regulations of the state.
 - e. Any violation of a restriction or condition placed on the license.
 - f. The licensee is determined to be routinely conducting the use in such a manner as to be a substantial or unreasonable nuisance to the public health, safety, or welfare.
 - g. Refusal to permit an inspection by a duly authorized City regulatory or enforcement officer while in the performance of their duties in making such inspections required by this article.

2. Unless the circumstances otherwise justify, the licensing board shall hold a public hearing at the earliest possible date upon a credible allegation submitted in writing that a licensee is not in compliance with the terms of the license or that one or more of the grounds noted in Section 46-567(1) is found to exist.
 - a. Notice to the licensee of the public hearing shall be sufficient if sent by certified mail to the property owner and operator of the facility at the addresses listed on the license application form at least 10 calendar days prior to the public hearing. Such notice shall specify the time and place of the public hearing and shall state the specific purpose of the hearing.
 - b. The licensing board may act in any of the following ways.
 - i. Place the license on provisional status for a definite period of not more than 180-days, as determined by the licensing board. Under a provisional license, the licensee may continue to operate the use under certain conditions as determined by the board, and shall demonstrate that they have either met the conditions and/or have been found by the applicable regulatory or enforcement authority and by the licensing board to be in compliance with the terms of their license and any applicable regulations prior to the expiration of their provisional license status, failing which the licensing board may either suspend or revoke the license.
 - ii. Suspend the license for a definite period, not to exceed 1-year, as determined by the licensing board. Under suspension, the licensee may not operate the use and will not be able to resume operation of the use until any conditions as determined by the board are met and/or the licensee has been found by the applicable regulatory or enforcement authorities and by the licensing board to be in compliance with the terms of their license and any applicable regulations.
 - iii. Revoke the license. Under revocation, the licensee may no longer operate the use. A license that has been revoked shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon in accordance with this article.
 - c. In making a determination of whether to place a license on provisional status, or to suspend or revoke a license, the licensing board shall consider all of the following factors.
 - i. The circumstances leading to the violation and the owner/operator's history of violations.

- ii. The extent of deviation from the terms and conditions of the issued license and the licensee's approved operation and management plan.
 - iii. The severity of the violation on public health, safety and welfare, including the degree of impact to the clients of the use and/or the surrounding neighborhood or area.
 - iv. The duration and frequency of the violation, and the owner and operator's efforts to comply with the licensing requirements.
3. Following a decision of the licensing board on the license, the licensee shall be notified of the licensing board's decision. Such notice shall state the specific basis for decision, the necessary corrective action to be taken (if applicable), and the effective dates of the provisional license status, suspension or revocation.
 4. A congregate living and social services license may be suspended immediately if the licensing authority determines that immediate harm will otherwise occur and the suspension is required to protect public health, safety and welfare.

Section 46-568. Appeal.

1. **Motion for Rehearing.** For the purposes of this article, any person aggrieved by the decision of the licensing board shall first file a motion for a rehearing to the board within 30 calendar days after the date of the licensing board decision. For purposes of this section, "person aggrieved" includes any license applicant, or any person or entity directly affected by the licensing board decision.
 - a. The motion for rehearing shall fully set forth every ground upon which it is claimed that the decision rendered is unlawful or unreasonable. No ground not set forth in the motion for rehearing shall be urged, relied on, or given any consideration by the City Council on an appeal to the City Council, unless the City Council for specific good cause shown, shall allow the moving person aggrieved to specify additional grounds.
 - b. The licensing board shall deliberate the motion for rehearing within 30 calendar days of the date of the filing of the motion.
 - c. If the licensing board grants a motion for rehearing, the new public hearing shall be held within 30 calendar days of the decision to grant the rehearing and be subject to the procedures as stated in this article.
 - d. If a motion for rehearing is denied by the licensing board, the person aggrieved may appeal to the City Council within 30 calendar days after the date upon which the licensing board voted to deny the motion for rehearing.
 - i. The person aggrieved shall fully set forth in the appeal every ground which the person claimed to the licensing board in the motion for rehearing that the board's decision was unlawful or unreasonable. The appeal shall be filed with the Office of the City Clerk, with a copy of the appeal provided by the person aggrieved to the licensing board.
 - ii. The licensing board shall transfer to the City Clerk the complete record of the proceedings held before the licensing board. The City Clerk shall place the appeal on the City Council agenda, and transmit the record of the licensing board to the City Council.
2. **Appeal to City Council.** For the purposes of this article, any appeal of a final decision of the licensing board to occur before the City Council shall be in accordance with the process described below.

- a. The City Council shall hold a hearing on the appeal within 30 calendar days of the receipt of the appeal by the City Clerk, unless extended by the City Council for good cause shown.
- b. The burden of proof shall be upon the person aggrieved. All findings of the licensing board upon all questions of fact properly before the City Council shall be considered lawful and reasonable by the City Council. The decision appealed from shall not be denied, modified or vacated by the City Council, except for errors of law, unless the City Council is persuaded that the decision is otherwise unreasonable.
- c. The City Council shall allow the person aggrieved or the person's representative, to present the appeal before the City Council; provided, however, that the City Council shall decide the matter based on the record before it.
- d. The filing of an appeal shall not stay any enforcement proceedings upon the decision appealed from, and shall not have the effect of suspending the decision of the licensing board.
- e. The City Council may deny the appeal and affirm the decision of the licensing board; or vacate the decision complained of in whole or in part and remand the matter to the licensing board for further consideration with a written decision stating the specific basis for the remand. The decision of the City Council shall be final.

Section 46-569. Transferability.

Licenses issued pursuant to this article shall not be transferable or assignable without the prior approval of the licensing board.

Section 46-570. Enforcement.

For the purposes of this article, where compliance with zoning, building, plumbing, electrical and housing codes may be concerned, the enforcement officer shall be the Building and Health Official, and where fire and life safety codes may be concerned, the enforcement officer shall be the Fire Chief.

Section 46-571. Penalties.

Any person who operates a congregate living or social services use listed in Section 46-561 of this article without having first obtained a congregate living and social services license in accordance with this article, or who operates such a use without a valid license, shall be subject to a violation in accordance with City Code, Section 1-15 and subject to a fine of \$250.00 for each day that the violation continues.

Section 46-572. Fee.

The fee for each congregate living and social services license application shall be as set forth in the schedule of fees in Appendix B of the City Code of Ordinances.

Secs. 46-573 - 46-620. - Reserved."

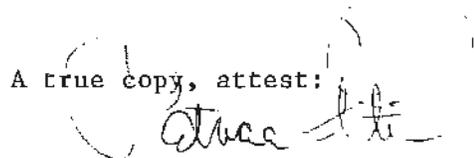
In City Council April 15, 2021.
 Referred to the Planning, Licenses
 and Development Committee.

Effective Date of this Ordinance: September 1, 2021


 Assistant City Clerk


 George Haisel, Mayor

PASSED: May 20, 2021

A true copy, attest:

 City Clerk



City of Keene, N.H.
Transmittal Form

May 12, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: J.4.

SUBJECT: Relating to Social Services and Congregate Care Uses and License – Ordinance O-2019-13
Ordinance O-2019-14

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to carry out the intent of the report, which recommended the defeat of Ordinances O-2019-13 and O-2019-14 defeated.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council vote to defeat Ordinance O-2019-13 and Ordinance O-2019-14.

BACKGROUND:

Chair Bosley stated that this item has been on more time on the PLD Committee's agenda for as long as she has been here. She continued that this Ordinance had been introduced hoping that it could move along separately from the Land Development Code, but during the Joint Committee proceedings and the PLD Committee process, it was recognized that it was not going to move quickly enough to be effective in the community any time sooner than the Land Development Code. Thus, that entire body language was introduced into the Land Development Code, therefore making these two ordinances redundant.

She asked if Ms. Kessler had anything else to add. Ms. Kessler replied that the Ordinance in 9) referenced O-2021-04 with changes to Chapter 46; this agenda item 10) also affected Chapter 46. The content has been incorporated in both the Land Development Code through O-2020-10B and O-2021-04.

Councilor Greenwald asked if the Committee "recommending to defeat the Ordinance" is really the best way to phrase it. The City Attorney replied that it is "to not adopt." Councilor Greenwald replied that it is confusing when you are voting "yes" to mean "no" and "no" to mean "yes." Mr. Lamb clarified that voting "yes" means voting to defeat/not adopt the Ordinance.

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

Move to recommend that the City Council vote to defeat Ordinance O-2019-13 and Ordinance O-2019-14.

Chair Bosley asked for public comment.

Loretta Simonds of 79 Woodburn St. asked: what is the name of that line item of the Ordinance that the

committee is voting for, so the public knows what is being voted on, other than just a set of numbers?

Chair Bosley replied that this is relating to an old version of the congregate living and social services uses and licenses ordinance that was introduced about a year and a half ago. She continued that it never made it through the full process. It sat on the PLD Committee's agenda under "more time" while they were clarifying amendments and ended up being rolled into the full Land Development Code. Thus, it does no good to adopt this item separately because the language is in the full Land Development Code. Essentially, they are doing housekeeping, by defeating this Ordinance.

With reference to the motion on the floor:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council vote to defeat Ordinance O-2019-13 and Ordinance O-2019-14.

Chair Bosley stated that the agenda is finished. She recognized Mr. Lamb.

Mr. Lamb stated that this is a monumental moment from staff's perspective, resulting from hard work from the Planning Board and the PLD Committee meeting for many months reviewing this Ordinance. He would like to recognize the work of staff who have put a lot of time and effort into this - in particular, Tara Kessler, who has been presenting to the PLD Committee and has also been the primary researcher and the primary person drafting this Ordinance, the contract manager, the general project manager, and doing all the presentations and all the outreach. She has done this in partnership with Med Kopczynski. He thanked her for her professional, high-quality work, and for her diligence and patience. He thanked the Committee for its hard work as well, and for putting the time in to understand the work and to work towards this great new future for the city.

Chair Bosley stated that she really appreciates the help of Rhett Lamb and Tara Kessler through this process. She continued that as a new PLD Committee member and a new Joint Committee member, she has found the information extraordinarily well organized and well delivered, and articulate.

Councilor Greenwald stated that he also appreciates the work of City Attorney Tom Mullins, City Manager Elizabeth Dragon, and Med Kopczynski, Economic Development Director. He continued that he also wants to recognize PLD Committee Chair Kate Bosley and Planning Board Chair Joshua Gorman, for having run the meetings so well and keeping it all on task.

The City Manager stated that she wanted to specifically recognize Mr. Kopczynski and the City Attorney. She continued that Mr. Kopczynski has changed roles with the City over the last few years and one of his primary objectives was seeing the Land Development Code project through, and she really appreciates all of his help making sure this process stayed on track and appreciates him assisting however he could. Also, the City Attorney has spent a lot of time reviewing this Land Development Code and also deserves a great deal of recognition.



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: J.5.

SUBJECT: Relating to the Duties of the City Attorney

COUNCIL ACTION:

In City Council May 20, 2021.
Report filed as informational. Voted unanimously to adopt Ordinance O-2021-06.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-06.

ATTACHMENTS:

Description

Ordinance O-2021-06

BACKGROUND:

Mayor George Hansel addressed the Committee and stated for reasons no one can remember the City built into this ordinance (dates back to 1957) that the City Attorney needs the direction of the City Council to testify before the state legislature on any legislative issues. This does not come up too often but it has come up this year, where we wanted our City Attorney to weigh in on some legislation that was going through the state legislature and this requirement to come before the Council became a hindrance. It can slow up the process and can actually prevent our City Attorney from weighing in.

He stated for many years, people have complained how their voices are not been heard enough over in Concord and felt amending this ordinance and freeing the City Attorney up and letting our voices be heard is important.

The Mayor stated his suggestion would be to endorse this idea for removing this requirement for the City Attorney to obtain City Council approval before testifying.

Chair Powers asked for the Attorney's comments. He stated the Mayor is correct, there are items that need to be acted on quickly and what is in place right now prevents him from being able to act on items. He stated he appreciates the removal of this restriction.

Councilor Remy suggested that perhaps there should be some direction given to the City Attorney when testifying on legislation, and that maybe that should come from the Mayor rather than the Council in order to streamline things. Councilor Ormerod stated he would appreciate some accountability as well.

The City Manager pointed out the City Attorney is the only charter employee with this restriction and is not sure why it was created in this manner.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2021-06.



CITY OF KEENE

Ordinance O-2021-06

In the Year of Our Lord Two Thousand and Twenty-One.....

AN ORDINANCE Relating to Functions and Powers of the City Attorney

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

That the City Code of the City of Keene, as amended, is hereby further amended by deleting the stricken text in Section 2-143 "Functions and Powers" of Division 3 "City Attorney" of Article III "Charter Officers" of Chapter 2 entitled "Administration" as follows:

Sec. 2-143. - Functions and powers.

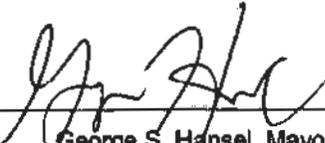
Functions and powers of the city attorney shall be as provided in this section. The city attorney shall:

- (1) Represent the city in all matters in which the city has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the city council.
- (2) Call to the attention of the city manager all matters of law affecting the city.
- (3) Render all legal opinions in writing, insofar as practicable, and maintain an indexed record of the opinions.
- (4) Advise the city council, mayor, city manager, department heads, boards and commissions, in all cases when a legal opinion is required or requested, in writing, insofar as practicable.
- (5) Examine and approve all deeds, leases, contracts and other legal instruments tendered to the city prior to their acceptance.
- (6) Draft or be responsible for the drafting of all bonds, deeds, obligations, contracts, leases, conveyances, agreements, and other legal instruments of whatever nature which may be required of him by any ordinance or order of the city council or which may be requisite to be done and made by the city and any person contracting with the city in its corporate capacity and which, by law, usage and agreement, the city is to bear the expense of drawing.
- (7) Commence and prosecute all actions and suits to be commenced by the city of any of its officers in his official capacity before any tribunal, whether in law or equity.
- (8) Appear in, defend and advocate the rights or interests of the city in any suit or prosecution, wherein any estate, right, privilege, ordinance or act of the city government or any breach of any statute or ordinance may be brought into question.
- (9) Commence and prosecute before the district court of the city any suit or complaint that may be brought by the city before the district court, for the violation of any statute.
- (10) ~~Appear when directed by the city council~~ before the state legislature or before any committee thereof, whether for either or both branches of the legislature, and there, in behalf of the city, represent, answer for, and defend and advocate the interests and welfare of the city.
- (11) Aid the city clerk to keep current and up to date this Code, and in this respect the city clerk shall furnish the city attorney with copies of all ordinances upon passage by the city council.

PASSED

May 20, 2021

- (12) Do all and every professional act incident to the office of the city attorney which may be required of him by the city council.
- (13) Account for and pay over to the city treasurer all monies received from adverse parties, when the city shall recover the monies.
- (14) Review and resolve any contradictions and inconsistencies in city ordinances during the amending process and as otherwise required.


George S. Hansel, Mayor

In City Council May 6, 2021.
Referred to the Finance, Organization,
and Personnel Committee.



City Clerk

PASSED May 20, 2021

A true copy, attest:



City Clerk



City of Keene, N.H.
Transmittal Form

May 20, 2021

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.1.

SUBJECT: In Appreciation of Gary W. Croteau Upon His Retirement

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to adopt Resolution R-2021-08 In Appreciation of Gary W. Croteau Upon His Retirement.

RECOMMENDATION:

That Resolution R-2021-08 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2021-08

BACKGROUND:

Mr. Croteau retired from the Parks, Recreation and Facilities Department effective February 26, 2021, with 26 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and ~~Twenty-One~~.....

A RESOLUTIONIn Appreciation of Gary W. Croteau Upon His Retirement.....

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

WHEREAS: Gary Croteau began his career with the City of Keene as a Maintenance Aide II effective September 24, 1995; was reclassified to Maintenance Technician II on December 24, 2005; and served as Acting Parks & Cemeteries Superintendent during parts of 2011, 2012, and 2014; and

WHEREAS: Starting with the mission to provide great service and demonstrating outstanding job knowledge of various maintenance systems in the parks and cemeteries, Gary set his priorities to meet customer needs, adapting as the pace became hectic but not taking shortcuts to risk the safety of his coworkers or their equipment; and his positive manner, workmanship, and work ethic ensured those goals were met; and

WHEREAS: Certified in irrigation design and installation, pesticides application, and pool operations, Gary served as the "go-to guy" not only for these processes, but also anything related to carpentry, plumbing, electrical, and special projects, such as renovating City Hall's second floor when the Police Department moved to 400 Marlboro Street; and

WHEREAS: Whether it was turning Robin Hood Pond into an ice rink before dawn, repairing baseball turf, pouring cement, or preparing for special events, Gary was relied on to always "hit the ground running" and to make sound, impartial decisions as he saw each job through to completion; and

WHEREAS: While the many different skills he brought to the workplace exceeded the level required, he always was ready to learn new concepts and techniques; and Gary led by example in his willingness to do whatever it took to get the job done correctly and to anticipate, prevent, and solve problems often confronting the division; and he earned an Employee Achievement Award in 2015; and

WHEREAS: Gary retired from the City of Keene February 26, 2021, with 26 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Gary W. Croteau for his dedicated service and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Gary in appreciation for his many years of assistance to the residents of Keene and the Monadnock Region.

PASSED May 20, 2021

A true copy, attest:

City Clerk


George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

May 20, 2021

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.2.

SUBJECT: In Appreciation of Christopher W. Simino Upon His Retirement

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to adopt Resolution R-2021-11 In Appreciation of Christopher W. Simino Upon His Retirement.

RECOMMENDATION:

That Resolution R-2021-11 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2021-11

BACKGROUND:

Mr. Simino retired from the Keene Fire Department effective March 31, 2021, with almost 27 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and ~~Twenty~~ One

A RESOLUTION ~~In Appreciation of Christopher W. Simino Upon His Retirement~~

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

WHEREAS: Christopher W. Simino began his career with the City of Keene as a Firefighter/Emergency Medical Technician on 18 July 1994; was promoted to Lieutenant 13 January 2002; provided good leadership as Acting Captain from 17 January through 2 May 2009; with his service spanning Shifts B, A, then C; and

WHEREAS: Chris is a team player willing to do whatever needed to get the job done, and his experience, knowledge and skills have been a real asset to the department as he stayed atop new paramedic techniques and protocols; was prepared for rope, ice water and swift water rescues and biological and radiological terrorist responses; and was well versed in the particulars of the City's apartment complexes; and

WHEREAS: With a fair and consistent management style, he was followed willingly and without question by making fair and objective decisions after listening to all opinions, not letting little things bother him but addressing important ones, mentoring anyone needing it, using his own experiences as teachable moments for newer members of the department, and leading by example—thus earning their respect; and

WHEREAS: Also contributing to the overall department through the Hazardous Materials and Fire Investigations Teams, the EMS and Fire Station Committees, hiring oral boards and ALS equipment reviews, Chris worked to achieve positive outcomes in any situation—building teamwork that was truly appreciated—and was used as a sounding board by his Captain to determine whether or not to implement ideas; and

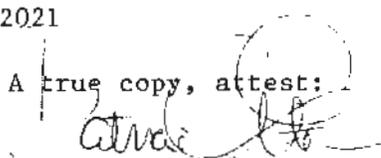
WHEREAS: Dealing head on with the ever-changing conditions that fire and emergency medical services face, Chris demonstrated a commitment to better himself by graduating from the first internal paramedic program, and he exercised that same drive when challenging his shift to be operationally prepared, having them train with high-risk, low-frequency equipment and strengthening them as a team with drills and familiarization tours; and

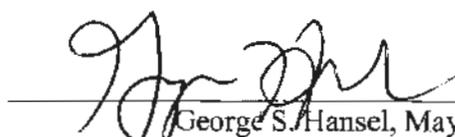
WHEREAS: Chris retired from the City of Keene 31 March 2021 with almost 27 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Christopher W. Simino for his dedicated service and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Chris in appreciation for his many years of assistance to the residents of Keene and of the Monadnock Region.

PASSED May 20, 2021

A true copy, attest:

City Clerk


George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

May 20, 2021

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.3.

SUBJECT: In Appreciation of Garrett J. Greeley Upon His Retirement

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to adopt Resolution R-2021-13 In Appreciation of Garrett J. Greeley Upon His Retirement.

RECOMMENDATION:

That Resolution R-2021-13 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2021-13

BACKGROUND:

Mr. Greeley retired from the Highway Division of the Public Works Department effective March 31, 2021, with over 21 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and ~~.....Twenty-One.....~~

A RESOLUTION ~~.....In Appreciation of Garrett J. Greeley Upon His Retirement.....~~

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

WHEREAS: Garrett J. Greeley began his City of Keene career December 6, 1999, as a Maintenance Aide I in the Highway Division of the Public Works Department; was promoted in less than a year to Motor Equipment Operator I effective October 2, 2000; and advanced to Motor Equipment Operator II on January 30, 2012; and

WHEREAS: Self-motivated, Garrett took pride in his work as demonstrated by his can-do attitude, his projects always having the best possible initial outcome and never needing to be double-checked, his handling of any assignment given him in the safest way possible, using his time efficiently and always staying productive, his outstanding care of the equipment allocated to him, and his high standard of ethics; and

WHEREAS: He always was willing to do whatever needed to complete any assignment and, as a common-sense guy, had mastered different approaches to situations that enabled him to shift focus rapidly when unexpected situations arose and to use his strong leadership skills with crew members as needed; and

WHEREAS: Garrett was admired for his ability to deal with any customer concerns—listening to their concerns with respect, compassion and patience; staying open minded; and responding professionally with clear communication, appropriate questions, speed and accuracy; and

WHEREAS: Inquisitive, as well as a quick learner, Garrett regularly took advantage of trainings to stay abreast of changes and safe work practices, always trying to increase his knowledge and skills and implement improvements on the job; and he achieved the Roads Scholar I designation from UNH Technology Transfer Center to better understand construction practices; and

WHEREAS: Garrett contributed to team success on a regular basis—always one of the first to step up and help in any way, no matter the division or department, assisting coworkers to prepare for their Commercial Driver's License tests, serving on the Health Insurance Review Committee, earning a 2014 group Employee Achievement Award, and being the go-to guy for many needing assistance; and

WHEREAS: Garrett retired from the City of Keene March 31, 2021, with over 21¼ years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Garrett J. Greeley for his dedicated service and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Garrett in appreciation for his many years of assistance to the residents of Keene and of the Monadnock Region.

PASSED May 20, 2021

A true copy, attest:

City Clerk

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

May 20, 2021

TO: Mayor and Keene City Council

FROM: Merri Howe, Finance Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.4.

SUBJECT: FY 2021-2022 Budget - Bond Resolutions

COUNCIL ACTION:

In City Council May 20, 2021.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

That resolutions R-2021-15, R-2021-16, and R-2021-17 relating to appropriation of funds for the Flood Management, Patricia T. Russell Park Improvements, and Road Rehabilitation Projects be introduced and read at the May 20, 2021 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2021-15

Resolution R-2021-16

Resolution R-2021-17

BACKGROUND:

Included in the proposed 2021-2022 operating budget are several bond issues to fund projects advanced through the Capital Improvements Program (CIP) process, as follows:

				TERM
R-2021-15	General Fund	Flood Management	\$744,000	15
R-2021-16	General Fund	Patricia T. Russell Park	\$1,283,000	15
R-2021-17	General Fund	Road Rehabilitation	\$922,000	10
SUBTOTAL - GENERAL FUND			\$2,949,000	
SUBTOTAL - OTHER FUNDS			\$0	
TOTAL - ALL FUNDS			\$2,949,000	

These resolutions require two readings before the City Council, the first of which will be May 20, 2021.



CITY OF KEENE

R-2021-15

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

A RESOLUTION Relating to the Appropriation of Funds for the Flood Management
..... Project

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

That the sum of seven hundred and forty-four thousand (\$744,000) is hereby appropriated for the Flood Management Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to seven hundred and forty-four thousand (\$744,000) under the provisions of the Municipal Finance Act, and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from date of approval.

George S. Hansel, Mayor

In City Council May 20, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk



CITY OF KEENE

R-2021-16

In the Year of Our Lord Two Thousand andTwenty-one.....

A RESOLUTIONRelating to the Appropriation of Funds for the Patricia T. Russell
Park Improvements Project.....

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

That the sum of one million, two hundred and eighty-three thousand (\$1,283,000) is hereby appropriated for the Patricia T. Russell Park Improvements Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million, two hundred and eighty-three thousand (\$1,283,000) under the provisions of the Municipal Finance Act, and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from date of approval.

George S. Hansel, Mayor

In City Council May 20, 2021.
Referred to the Finance, Organization and
Personnel Committee.


City Clerk



CITY OF KEENE

R-2021-17

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

A RESOLUTION Relating to the Appropriation of Funds for the Road Rehabilitation Project

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

That the sum of nine hundred and twenty-two thousand (\$922,000) is hereby appropriated for the Road Rehabilitation Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to nine hundred and twenty-two thousand (\$922,000) under the provisions of the Municipal Finance Act, and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from date of approval.

George S. Hansel, Mayor

In City Council May 20, 2021.
Referred to the Finance, Organization and
Personnel Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

May 13, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: K.5.

SUBJECT: Cheshire Rail Trail Phase III - Appropriation of Funds - City Engineer and Cheshire Rail Trail Phase III - Reallocation of Project Balance - City Engineer

COUNCIL ACTION:

In City Council May 20, 2021.

Voted unanimously to re-allocate the unspent project funds from the Cheshire Rail Trail Phase II project to the Cheshire Rail Trail Phase III project. Voted unanimously to adopt Resolution R-2021-24.

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-24.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the reallocation of unspent project funds from the Cheshire Rail Trail Phase II project to the Cheshire Rail Trail Phase III project.

ATTACHMENTS:

Description

Resolution R-2021-24

BACKGROUND:

Mr. Lussier addressed the Committee again. He indicated the Cheshire Rail Trail phase three project has been in the works for quite some time. This is the next project on the continuing evolution of the City's Rail Trail system. This one specifically will improve the rail trail from Hurricane Road to a right onto Amie Brown Trail near Summit Ridge Road and then up to the Surry line. It will include road features on Summit Ridge and on Park Avenue. Eventually, bringing the user back to West Street and on to North Bridge. When it is completed users will be able to run, walk, or ride a 7.1 mile loop.

This project began in 2016 and was funded through a grant through the Federal Highway Transportation Alternatives Program Grant. It allows for federal money to pay for 80% of non-motorized transportation improvements, with the City matching 20% through either City funds or private donations.

This project needed property permissions and rights of way of acquisition. That was part of this process and negotiating with the property owners and all that took quite a bit of time but the project is ready to go and was advertised last fall. However, the bids came in very high and staff recommends that all the bids be rejected and rebuilt in the spring, which has now been done. Bids came in earlier in April which are still high but considerably lower than they were in the fall for approximately \$700,000 at 20% match that means the City has to come up

with \$140,000.

Back in 2016, the City appropriated \$50,000 of City money from the Transportation Improvements Capital Reserve. The City also received a donation from Pathways for Keene for \$30,000, and the Monadnock Conservancy donated another \$15,000 for this project. So in all the City has raised \$95,000 from City and charitable donations. That means that as of today the City has to raise another \$45,000 to match a total project cost of \$700,000.

The next item number 17 is the remaining \$23,500. This is the accumulated balance of previously completed Rail Trail projects that were completed under budget so right now there is approximately \$23,591 left in project balances that has not been spent. But when the Council appropriated that money originally it was specifically for Cheshire Rail Trail phase two and phase three. So as a matter of housekeeping staff would like you to make clear that the Committee approves the movement of that from one phase of the project to the next.

Councilor Hooper stated this is great collaboration with local group and Rail Trail system is really truly a destination for the City and surrounding areas and brings interest in an economy into the City.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-24.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends the reallocation of unspent project funds from the Cheshire Rail Trail Phase II project to the Cheshire Rail Trail Phase III project.



CITY OF KEENE

R-2021-24

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to the Appropriation of Funds for the Cheshire Rail Trail Phase III

A RESOLUTIONconstruction project.....

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

That the sum of Twenty One Thousand, five hundred Dollars and no cents (\$21,500) be appropriated from the Transportation Improvements Capital Reserve (620) for the Cheshire Rail Trail Phase III project (90057-F).

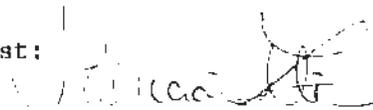

George S. Hansel, Mayor

In City Council May 6, 2021.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED May 20, 2021

A true copy, attest:



City Clerk