



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

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- 09/16/2021 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Amendments to the Land Development Code - Ordinance O-2021-12-A

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Rebecca Lancaster - Designation of a Site for a Community Dog Park
2. Councilor Filiault - Rooms and Meals Tax Decrease
3. Chelsea Kasper - Requesting Permission for the Discharge of Fireworks
4. Keene Snoriders - Request to Use City Property - 2021/2022 Snowmobile Season
5. Attorney James Callahan - Assignment of License - 43-45 Roxbury Street - Access to City Property

D. REPORTS - COUNCIL COMMITTEES

1. Petition – Concerns Regarding Drainage – Barrett Ave./Ingalls St.
2. Acceptance of State of New Hampshire Grant Funding for Youth Services' Juvenile Court Diversion Programming - Youth Services

3. Tax Deeds for Unpaid 2018 Property Taxes - Revenue Collection

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Proposed Charter Amendment on General Election Ballot - City Clerk
2. Strategic Parking Plan - Economic Development and Special Projects

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. An Ordinance Relating to Authority to Use Electronic Signatures For Official City Documents
Ordinance O-2021-13

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, September 16, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Kate M. Bosley, and Thomas F. Powers were present. Mitchell H. Greenwald was absent. Ward Three Council seat vacant. Councilor Ormerod led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor announced that the Keene International Festival would be held Saturday, September 18 from 11:00 AM–3:00 PM at Fuller Park (Keene Parks & Recreation Center). This is a family-friendly, multicultural, and multi-generational experience. Mayor Hansel encouraged everyone's participation.

MINUTES

A motion by Councilor Powers to adopt the minutes of the September 2, 2021 meeting was duly seconded by Councilor Bosley and the motion passed with 13 Councilors present and voting in favor. Ward Three Council seat vacant.

PROCLAMATION – SOURCE TO SEA CLEANUP

Mayor Hansel welcomed Councilor Madison forward to accept the proclamation which recognized the 25th anniversary of the Connecticut River Conservancy's Source to Sea Cleanup, which would occur this year on Friday, September 17 and Saturday, September 18. He thanked all volunteers for their valuable contributions and encouraged Councilors and citizens to participate. Councilor Madison said this was his 7th year participating and he said the bulk of the work is conducted by the Cheshire County Conservation District, Moosewood Ecological, and the Harris Center. He thanked the Director of Public Works, Kürt Blomquist, and his crew for hauling trash away at the end of the event.

PRESENTATION – KEENE'S 2021 PROPERTY REVALUATION

Mayor Hansel welcomed Dan Langille, City Assessor, and the representatives of Vision Government Solutions, Sandra Schmucki and Steve Whalen for a presentation and update on the City-wide property revaluation that has occurred throughout this past year. Mr. Langille said the revaluation occurs every five years as required by law. The last City revaluation was in 2016. Since then, the market has been steady, with typical annual value increases of 2%. He added just recently the real estate market had taken-off in ways no one expected. The purpose of this revaluation was to bring figures in the assessment that reflect the 2021 market.

Next, Ms. Schmucki demonstrated a flowchart to demonstrate what happens throughout this revaluation process. First, she meets with Mr. Whalen and Mr. Langille at the beginning of the process to review the contract and discuss specifics of the job and how it would flow. Then, physical data is collected, and sales are analyzed for the prior period of April 1, 2020—April 1, 2021, the latter of which becomes the official valuation date. The sales studied were measured as

accurately as possible by the City. The sales were between willing buyers and willing sellers, meaning things like foreclosure, family transfers, or court proceedings are not considered, The goal is to determine what the market will bear. Information on the Multiple Listing Service is also studied to know interior information of properties and the sale. With all that information in a database, it can be analyzed statistically. They found that the 2016 assessment was much lower than what things are selling for now. Therefore, the values are then adjusted statistically to reflect sales at 100% of market values as of April 1, 2021. Next, all properties in town are evaluated and compared to the sales analysis to ensure that everything is assessed in a fair and consistent manner. The data is then reviewed with the City Assessor to ensure nothing is amiss before commencing informal meetings with taxpayers to field questions about their valuations. Then, the project is further reviewed by the Assessor's Office before the values are delivered to the City. Ms. Schmucki continued by stating that revaluation is important because it adjusts for disproportionate taxation and to reflect market changes. Properties are assessed for their current conditions, meaning that upgrades in the five years since the last valuation are reflected. She said this is also a transparent process with the NH Department of Revenue, which oversees this process. Ms. Schmucki also spoke of commercial properties, which are assessed by sending an income and expense form to businesses that is returned to the City and that information is also included in the database. Commercial sales were then measured for the April 2019—April 2021 period. Recent construction costs and selling costs of vacant lands were also analyzed. At the end of the analysis, everything should be within 10% of the market

Mr. Whalen said there are three approaches to valuation: 1) the sales approach (i.e., if there are any current sales within the period), 2) the income approach (i.e., only applicable to income producing or commercial properties), and 3) the cost approach. He said that all values set as of April 1, 2021 were reviewed in the field and checked for accuracy and consistency. Compared to the 2016 values, 2021 values for single family homes are up 25%, multifamily homes (2-4 families) are up 24%, residential condominiums are up 33%, manufactured housing is up 50%, apartments with five units or more are up 20%, and commercial industrial in general is up 10%.

Mr. Langille acknowledged that everyone would want to what these increased valuations would do to taxes. He said the ultimate increase in valuation was due in part to new constructions and not just an increase in the market value for properties; for example, the value of manufactured homes increased significantly. Some of that is from all the old units being removed as well as new units being brought into the parks. Mr. Langille said he is told often that the City only revalues so it can bring in more money and spend more money. He said that is not the case. The City Council determines what the City budget is and what it spends. He said the job of revaluation partly determines proportion, or how much each individual taxpayer pays based on the market value of that property. He showed the tax rate formula, which takes the total budget from the City and the schools, with revenue sources subtracted, and divided the total assessed value, allows for visualizing changes to the tax rate. If the budget increases and the assessed value stays the same, then the tax rate would increase. If the assessed value increases and the budget stays the same, the tax rate could drop. He said there were two things to remember from this presentation: 1) it is important to determine whether the assessed value represents the market (the value five years ago does not represent what someone would pay for a property today), and 2) Do not calculate the new

value with the existing tax rate, which would inflate the taxes. A significant increase in taxable valuable was evident and as a result there would be a decrease in the tax rate, which would be determined in the fall by the NH Department of Revenue.

Mr. Whalen added that the next step is the informal hearing process for which notifications of the new proposed assessment would be sent to all taxpayers sometime the week after this meeting. Informal hearings would begin the middle or end of the subsequent week and continue so taxpayers can discuss their property data, followed by a change notice to everyone with a hearing notifying whether it changed. After the hearings and all changes are made, the valuation reports would be finalized, and work products sent to the City for their review before the appraisal report and manuals are delivered to the Department of Revenue. Additionally, Mr. Langille reminded that in spring 2021, presentations were made before the FOP Committee and City Council, with recommendations to increase exemptions and credits in anticipation of values increasing and to help those in the City more vulnerable to tax fluctuations. This concluded the presentations and Mayor Hansel opened the floor to questions.

Councilor Johnsen expressed appreciation for the information and asked how Covid-19 impacted this process, knowing that the real estate market had changed. Ms. Schmucki said they tried to capture Covid-19 reactions in the sales data, but said that she could not say how much was directly related to Covid-19 because data was not analyzed specifically. Ms. Schmucki said there had also been a shortage of available housing, so it comes down to supply and demand, and what people are willing to pay for the houses; some people will say there is a bidding war, and that is probably a reaction there being insufficient available housing. Still, Ms. Schmucki said people will only be able to pay what they think they can afford. So, if the banks are responsible for making sure that people are only allowed to take out a loan for so much money, and if the people able to put a bigger down payment because they are willing to do that, then we show this is what the market will bear. Sometimes people will express that they overpaid but Ms. Schmucki said that is a risk assessment buyers make freely. Ms. Schmucki said her job is to demonstrate what people are paying for houses and ensure everyone's values are fair and consistent to what the market shows now.

Councilor Filiault stated that once again, everyone would be affected by a tax increase and that the City of Keene is looking at another year where the State of NH is going to shortchange the City of Keene millions of dollars of revenue again and get away with it. The shortfall would include rooms and meals taxes, pensions that the State is supposed to pay, and it includes business profit taxes, and This is an argument that he has been having for a few years and we have sent letters to Congress. He continued stating that Keene is hurting and that this Council and Staff would do everything possible as a team to make Keene a sustainable place to live. He said that Keene and other communities need to seriously get together and demand the State of NH return the revenue that is owed to us by law if we are going to sustain a City where people can come and actually be able to afford to live.

Mayor Hansel asked about manufactured housing, which in a lot of cases the land will be owned by a park that is essentially a business that could sell to various business interests. He asked if there was a mechanism to compensate for that; how the land under a manufactured house effects

this increase. Mr. Langille replied that a manufactured home park is a business and considered as such and each home as a residential unit, so they are completely separate.

Councilor Manwaring asked how they know whether people are working on their homes because she saw a dilemma between improving one's home and taxes increasing. Mr. Langille replied that sometimes you can tell from exterior cues when visiting properties or by aerial photography. There is also data from permitting for certain home improvements. He said it was an imperfect system.

Councilor Chadbourne said it was common knowledge and had been in the news that people are spending on housing in exodus from cities to more rural areas because Covid-19 has changed the way we see life. Just in her neighborhood there had been relocations from CT, MA, CA, OK, and IN, which gave her and neighbors concern for those buyers being able to pay so much more than the people who live and work in Keene already. She said that, in the end, it is great if someone needs the money from sale but not if they cannot afford to buy, which could push them into more rural areas like Sullivan and Winchester. Councilor Chadbourne felt it was unrealistic and unsustainable. She wondered if the people living here would be able to afford these increases and many constituents reported that concern to her. At the same time, the Councilor recalled the efforts to market Keene presented at the last meeting. Still, she had real concern that when taxes increase, that the people born, raised, and who work, live, and play here would no longer be able to afford to live here.

Councilor Jones said he understood the balance of values going up and rates going down, but said it scared him how the commercial/industrial was only looking at a 10% increase compared to residential, whereas he said commercial/industrial should be a big base for taxes, which he said was going away with a lot of empty storefronts in town that need to be used. He thought it was outside the City Assessor's hands but that the City Council needs to be looking into zoning and other factors. Mr. Langille said that Councilor Jones and others were picking-up on some of the flaws in NH's property tax system. He said that assessors' jobs are more as historians, recording what the market does and reporting on that.

Councilor Johnsen echoed Councilor Chadbourne's concerns, stating that she knew young couples unable to buy in Keene because of the out-of-state competition. She appreciated the understanding that assessors are more like historians. Still, Councilor Johnsen was concerned for what would happen in a few years. Mr. Langille said to some extent they looked at causes and effects and determining how they affect the value. Ultimately though, he said these conversations must happen amongst the Council and with the State. He said you cannot assess your way out of taxation, it is just a mathematical equation.

Councilor Madison recalled the housing market in 2008-2009 and the subsequent dramatic increase in the price of homes and the price of properties. He said there is always the possibility that there could then be a significant crash and he wondered how that was accounted for in assessing. Mr. Langille said that if there were a sudden decrease there would be a review. He said it is more about proportion and ensuring that everyone is represented at the same level and paying the same portion of the tax rate.

Mayor Hansel thanked Mr. Langille, Ms. Schmucki, and Mr. Whalen.

ELECTION – WARD THREE COUNCIL VACANCY – BRYAN LAKE

Mayor Hansel announced that one candidate had filed for the vacancy of Ward Three Councilor. He invited the candidate, Bryan Lake, to come forward and offered him five minutes to address the City Council relative to his candidacy. As provided for in Section 37 of the Rules of Order, City Councilors would not be permitted to ask questions of the candidate. In addition, with only one candidate, there would not be the initial “primary” vote of the City Council to narrow the field of candidates. After the address by Candidate Lake, voting would be by roll call vote with each City Councilor stating the name of his or her choice. If a City Councilor did not wish to vote for the candidate, the Councilor would vote "no." If the candidate received eight votes, he would be declared the winner. If the candidate did not receive the “majority vote” of the elected City Council, there were two choices; either Mayor Hansel could establish an additional 14-day period for candidates to file or a Councilor could move to suspend that provision and ask for a 2nd ballot. The candidate elected would be sworn by the City Attorney and would commence their duties immediately. Mayor Hansel, recognized candidate, Bryan Lake, to address the Council relative to his candidacy.

Mr. Lake stated: “Thank you Mayor Hansel and City Councilors. You may recall that I spoke to you earlier this year about this topic, so I will keep this pretty short tonight. But I do just want to briefly reintroduce myself to the public. My name is Bryan Lake. I am a native of Keene, I'm a new homeowner in Ward Three, but I also grew-up in Ward Three. I also went through the whole Keene school system, culminating in a Bachelor of Science in chemistry, right here at Keene State. I then went on to start a career at CNS wholesale where I am the senior analyst for its input procurement decision science. Since the last time that we spoke, I have also had the privilege of serving on Keene's Energy and Climate Committee, where we have been doing work to move forward on the Keene Sustainable Energy Plan. I have really enjoyed my work there. I have been really active on the Committee and getting some things done. So, I really look forward to the opportunity to continue to serve the City on the City Council. Thank you again Mayor Hansel and City Councilors for your time.”

Mayor Hansel thanked Mr. Lake for his comments.

On a roll call vote, with 13 Councilors present and voting in favor, the City Council unanimously elected Bryan Lake as Ward Three City Councilor. City Attorney, Thomas Mullins, administered the oath of office to Councilor Lake.

Mayor Hansel congratulated Councilor Lake and announced that the Councilor would be joining the Municipal Services, Facilities, and Infrastructure Committee as their new member. Councilor Filiault would be the Vice Chair of the MSFI Committee.

COMMUNICATION – ELM CITY ROTARY CLUB – AMENDMENTS TO CLARENCE DEMARMARATHON LICENSE

A communication was received from Alan Stroshine, Race Director, indicating that the Rotary Club is requesting amendments to their event license that will allow for a safer event with smaller crowds due to the rapidly changing conditions related to Covid-19. Mayor Hansel recognized Director of Public Works, Kürt Blomquist, and Alan Stroshine to speak on the matter.

The Director of Public Works reported that issues arose during the event planning. The Council in the community may be aware that the race is both the half marathon and full marathon, super seniors, and kids race. Keene State College contacted Mr. Stroshine and made him aware that the College could no longer allow the super seniors or kid's races to end at the college as planned due to evolving Covid-19 policies; the rest of the races and support Staff could use the college, but no spectators. The marathon organizers worked with the City on an alternate location. Staff recommended amending the license to allow the senior's race to end instead on a historical property just up Main Street and the children's race would be moved to west Keene, beginning at the YMCA on September 25, the day before the half marathon, and using streets like Skyline Drive and Stonehouse Lane before ending back at the YMCA. The actual race period would also be longer than normal to accommodate non-group start times for Covid-19 safety. The primary amendment is to hold the kid's race on the 25th and to allow the marathon on those streets near the YMCA.

A motion by Councilor Bosley to suspend the Rules of Order to act on this request was duly seconded by Councilor Jones on a roll call vote with 14 Councilors present and voting. Councilor Greenwald was absent.

Councilor Bosley made the following motion, which Councilor Jones duly seconded. On a vote of 14-0 the Keene City Council amended the Elm City Rotary Club license for the Clarence DeMar Marathon to hold the Kids DeMar event on September 25, 2021 at the Keene Family YMCA on Summit Road and grant permission to fully or partially close Summit Road from the entrance of Keene YMCA to Summit Ridge Road, Summit Ridge Road from Summit Road to Skyline Drive, Skyline Drive from Summit Ridge Road to Stonehouse Lane, and Stonehouse Lane from Skyline Drive to the pedestrian entrance of the Keene YMCA. All other license conditions previously approved will remain in effect.

Councilor Jones asked if there would be a press release on the change and the Director of Public Works replied in the affirmative. Mr. Stroshine thanked the Council and Staff for the support to keep participants safe.

COMMUNICATION – COUNCILOR FILIAULT – CHARTER AMENDMENT RELATED TO MUNICIPAL PRIMARY

A communication was received from Councilor Randy Filiault, requesting discussion regarding a potential question to voters that would amend the City Charter to eliminate or amend the parameters for holding a Municipal Primary Election. Mayor Hansel referred the communication to the October 14 FOP Committee meeting, which is purposefully to occur after the October 5 Municipal Primary to avoid any confusion for the voters.

MSFI REPORT – JOHN & LOUISE HILOW – FLOODING AT 36 WETMORE STREET

A Municipal Services, Facilities, & Infrastructure Committee report read recommending that the communication regarding flooding on Wetmore Street be accepted as informational. Mayor Hansel filed the report as informational.

MSFI REPORT – RENAMING OF THE NORTH BRIDGE – RECOMMENDATION FROM THE BICYCLE & PEDESTRIAN PATH ADVISORY COMMITTEE

A Municipal Services, Facilities, & Infrastructure Committee report read accepting the recommendation from the Bicycle & Pedestrian Path Advisory Committee on the renaming of North Bridge as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF FEDERAL FORFEITURE MONIES – POLICE CHIEF

A Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept federal forfeiture monies in the amount of \$54,781.26. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors present and voting in favor.

FOP REPORT – NH DOT HIGHWAY SAFETY GRANT; GRANT #22-095 – POLICE CHIEF

A Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund the Highway Safety Grant- Keene. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors present and voting in favor.

FOP REPORT – ENGINEERING SERVICES – 1.5 MILLION GALLON STORAGE TANK REPAIR PROJECTS – PUBLIC WORKS DIRECTOR

A Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Weston & Sampson to perform engineering and technical services for an amount not to exceed \$85,280 for the 1.5 Million Gallon Storage Tank Repair Project. If a contract cannot be negotiated, the City Manager is authorized to negotiate and execute a contract with the next ranked firm. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors present and voting in favor.

FOP REPORT – ENGINEERING SERVICES – SLUDGE PUMP REPLACEMENT PROJECT – PUBLIC WORKS OPERATIONS MANAGER

A Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute professional services with Underwood Engineers for engineering and technical services for an amount not to exceed \$58,200 for the Sludge Pump Replacement Project. If a contract cannot be negotiated, the City Manager is authorized to negotiate and execute with the next ranked firm. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The Assistant City Manager/IT Director, Rebecca Landry, shared the City's condolences with the Chertok family for the loss of Kathleen Chertok. Kathleen was a regular at the Library both as a patron and as a Board member for the Friends. She was very helpful with the book sales and with other Friends activities. She passed away earlier this week and we share our condolences with Kathleen's family, with sympathy.

The Assistant City Manager also announced a new process for accepting donations before the full Council once monthly to raise the profile for donors and recognize them more formally in an official process. This is also hoped to be more efficient for Staff and Council.

REPORT – ACCEPTANCE OF DONATIONS – SEVERAL DEPARTMENTS

Mayor Hansel welcomed the Assistant City Manager, Rebecca Landry, to announce the following donations:

From Tim Finnegan (\$250), and Ann-Siegle-Drege & Marsh Drege (\$100) to the Keene Downtown Memorial Tree Fund in memory of Mr. James P. Finnegan, a longtime resident of the area and active member of the community.

From Mary & Brian Gray (\$25) and Carolyn Burson (\$25) to the Keene Fire Department in memory of Larry Lanata, with acknowledgement to his widow Miriam Lanata.

From Walter & Mary Anair (\$100), Sharon Helie (\$100), and Patricia Sederstrom (\$50) to the Keene Fire Department in memory of Dan Snow.

From Rolling Thunder NH Chapter 2 (\$300) to the Keene Recreation Center for the cleaning of the monument at the War Memorial.

From Ann Henderson Interiors (\$500 & \$1,500) and Ray & Anne Anderson (\$800 & \$700) to the Library Renovation Project from the City of Keene Library Renovation Restricted Trust from March 3, 2021 to August 2, 2021.

From Gallup Fund (\$3,000) to the Human Rights Committee for collaboration with the Keene International Festival for event logistics.

A motion by Councilor Powers to suspend the Rules of Order to act upon these donations was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 14 Councilors present and voting in favor.

A motion by Councilor Powers to accept the donations with gratitude and appreciation was duly seconded by Councilor Bosley and the motion passed with 14 Councilors present and voting.

JOINT COMMITTEE RECOMMENDATION ON ORDINANCE O-2021-12A – RELATED TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT Code

A memorandum read from Senior Planner, Tara Kessler, recommending that the Mayor set a public hearing date for Ordinance O-2021-12A. Mayor Hansel scheduled a public hearing for Thursday, October 7, 2021 at 7:00 PM.

FOP REPORT - RELATING TO FY22 FISCAL POLICIES – RESOLUTION R-2021-37

09/16/2021

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Resolution R-2021-37. Mayor Hansel filed the report as informational. A motion by Councilor Powers to adopt Resolution R-2021-37 was duly seconded by Councilor Hooper.

Mayor Hansel added that along with going to the Cambridge Boston CPI we also made it a three-year rolling average to even-out some of the volatility in the Index, and hopefully gives us a more conservative goal.

The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

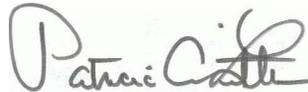
RELATING TO THE APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND
UNASSIGNED FUND BALANCE FOR THE REPAIR OF THE TRANSFER STATION FROM
FIRE DAMAGE AND UPGRADED FIRE PROTECTION – RESOLUTION R-2021-39

A Finance, Organization, & Personnel Committee report read recommending the adoption of Resolution R-2021-39. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors present and voting in favor.

ADJOURNMENT FOR LEGAL ADVICE

There being no further business, Mayor Hansel adjourned the meeting at 8:10 PM for legal advice.

A true record, attest:


City Clerk



Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2021-12A relating to amendments to the City of Keene Land Development Code. Petitioner, City of Keene Community Development Department, proposes to amend sections of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to address inconsistencies and issues identified by City staff during the period between the adoption of the LDC on May 20, 2021 and the effective date of September 1, 2021. Changes proposed generally include the re-categorization of "Day Care Center" from a Commercial Use to an Institutional Use; the removal of the requirement that onsite parking be provided for residential uses in the Downtown Core District; amendments to Section 9.3 related to driveway standards; the minimum onsite parking requirement for self-storage facilities in Table 9-1 be amended to 1 space / 3,000 sf GFA; the removal of Sections 18.4 and 1.3.1.A.1 related to nonconforming lots; the addition of definitions for the terms "awning" and "nonconforming lot"; and amendments to service connection fees in Appendix B of the City Code of Ordinances.

The full text of the ordinance and the City of Keene Land Development Code are available at <https://ci.keene.nh.us/land-development-code> or at the Clerk's Office of Keene City Hall during business hours.

HEARING DATE: OCTOBER 7, 2021
HEARING TIME: 7:00 PM
HEARING PLACE: Council Chambers, City Hall

Per order of the Mayor and Councilors of the City of Keene, this 16th day of September, two thousand and twenty one.

Attest:

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Rebecca Lancaster
Through: Patricia Little, City Clerk
Subject: Rebecca Lancaster - Designation of a Site for a Community Dog Park

Council Action:

In City Council October 7, 2021.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Communication_Lancaster

Background:

Rebecca Lancaster is representing a collective group of Keene citizens who wish to advocate for the City of Keene to designate the former Wheelock Park campground as the site for a community dog park.

October 4, 2021

Mayor George Hansel
Keene City Council
City of Keene
3 Washington Street
Keene, NH 03431

Dear Mayor Hansel & Keene City Council,

I write on behalf of a collective of Keene citizens who would like to advocate for the City of Keene to designate a site for a community dog park. We have worked with Andy Bohannon from Parks and Recreation over the past few years to evaluate possible sites and believe we have found an ideal location in the old Wheelock Park Campground.

The campground site is unique in that while it is private and secluded, it is also easily accessible and located within one of Keene's most trafficked public parks. The existing "loop" path creates a natural perimeter of approximately 1.5 acres in area. This is an ideal size space with pre-existing parking adjacent to the tennis courts. The existing pines provide shade and also an excellent ground cover source. The dead/unhealthy trees that would need to be removed can be chipped on-site to create a low maintenance ground cover.

Our largest anticipated expenses are tree removal and fencing. We will need to cut and chip approximately 50 trees and install approximately 1,100-1,200 feet of 5' fencing, including a double gated entry. Approximately \$10,000 have already been raised thanks to earlier fundraising efforts. We have secured an additional \$10,000 thanks to a corporate sponsor in the pet industry. Once the site is secured, we plan to continue fundraising efforts both locally and nationally. Understanding that the City's resources cannot support regular maintenance of the park, dog park visitors will be expected to work together to maintain the space, through both individual efforts and group clean up and work days.

A dog park would become an added draw to young people and families who may be considering moving to our area. In an effort to illustrate the amount of interest and support for this project, we have secured close to 400 signatures in support of this project in under a week. We also have an online following of more than 1,700 individuals who would love to see this project happen. We look forward to discussing this project further in hopes it can be realized in 2022.

Sincerely yours,



Rebecca Lancaster

10 Wildwood Road, Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Councilor Randy Filiault
Through: Patricia Little, City Clerk
Subject: Councilor Filiault - Rooms and Meals Tax Decrease

Council Action:

In City Council October 7, 2021.

Referred to the Finance, Organization and Personnel Committee.

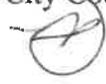
Recommendation:

Attachments:

1. Communication_Filiault

Background:

Councilor Filiault is requesting that the City Council discuss the recent reduction in the Rooms and Meals tax from 9% to 8.5%.

To: Mayor George Hansel and Keene City Council
From: City Councilor Randy L. Filiault 
Re: Rooms and Meals Tax Decrease
Date: October 5, 2021

As most of you recently heard, the State reduced the Rooms and Meals Tax from 9% to 8.5%. While this may appear as a tax reduction, it actually will result in increased property taxes for Keene residents in addition to an increased need for the State to make up funds owed to the City because of that budget shortfall.

Despite repeated letters and resolutions the Keene City Council has submitted to the State concerning Rooms and Meals Tax revenues owed to the City, the State has chosen to ignore our concerns rather than follow the law.

Therefore, I request the Council once against discuss this issue. Two proposals I would like to have discussed – amongst others – are:

- 1.) Since the State ignores letters and resolutions, I wish to discuss a possible lawsuit against the State, in which we demand enforcement of RSA 78-A, which requires 40% of all collected Rooms and Meals Tax revenue be returned to cities and towns.
- 2.) Discuss the possibility of local businesses sending only 60% of each dollar collected from Rooms and Meals Taxes to the State, thereby withhold 40% as required by RSA 78-A for local communities – in this case, Keene.

Clearly, both options will be difficult and complicated. But, to continuously allow the State to repeatedly ignore RSA 78-A and leave local taxpayers footing the bill is not only unacceptable, underhanded, and immoral, but, in many lawyers' opinions, is also illegal.

It is time to stand firm and represent our constituents as they expect.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Chelsea Kasper
Through: Patricia Little, City Clerk
Subject: Chelsea Kasper - Requesting Permission for the Discharge of Fireworks

Council Action:

In City Council October 7, 2021.

Voted unanimously to suspend Section 26 of the Rules of Order to introduce and act upon the request for the discharge of fireworks.

Voted unanimously to recommend that Chelsea Kasper be granted permission for the discharge of Class C fireworks at a private function at her home on 678 West Street on Friday October 8, 2021, and reserving a “rain date” of Saturday, October 9, 2021 subject to the following conditions: the signing of a revocable license and indemnification agreement; that the location is deemed compliant with all applicable New Hampshire Fire Safety Codes and approved by the Fire Department; that the petitioner obtain a Class C Fireworks Permit; that the fireworks vendor furnish a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene and the petitioner as additional insured; and, compliance with any recommendations of City Staff. In addition, the Petitioner agrees to absorb the cost of any City services provided.

Recommendation:

Attachments:

1. Communication_Kasper
2. State_Display of Permissible Fireworks

Background:

Chelsea Kasper is requesting permission for the discharge of a fireworks display for her parents' 40th wedding anniversary on Friday, October 8, 2021. Katherine Potts of Atlas Fireworks will serve as the licensed pyrotechnician. Fire Lieutenant John Bates has signed off on the State Display of Permissible Fireworks application.

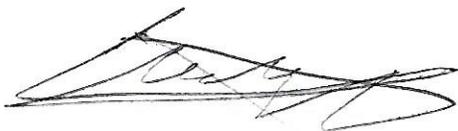
Dear City of Keene Council,

My name is Chelsea Kasper and I writing this letter on behalf of my parents, who will be celebrating their 40th wedding anniversary Friday October 8th, 2021. The devotion and commitment they have shown to each other over the years is admirable, and in a day and age when people are constantly jumping to the next thing, an unusual attribute. I am hosting a small gathering at my residence at 678 West Street to celebrate this milestone. My family owns Dusty Dog Horse Farm, and I have advised my neighbors that with the council's permission we would like to have a small professional firework show set off by Atlas Fireworks over one of our fields at the farm. This display will be set off by Katherine Potts who is a licensed pyrotechnician for the state of New Hampshire. Katherine has recently shot off the display for Keene State College and has been in contact with Captain Bates about the plan for the evening as the Keene Fire Department will be providing a fire detail.

I am committed to making this evening as special as I can for my parents, as they have always gone above and beyond to show my family the importance of dedication and perseverance through even the most difficult of times. I ask the councils consideration in helping to make this evening even more special by allowing us to show my parents just what an amazing accomplishment this is. Thank you.

Regards,

Chelsea Kasper

A handwritten signature in black ink, appearing to read 'Chelsea Kasper', written over a horizontal line.



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
OFFICE OF THE STATE FIRE MARSHAL**
33 Hazen Drive, Concord, NH 03305
(603) 223-4289 - FAX (603) 223-4294



NOTIFICATION FOR DISPLAY OF PERMISSIBLE FIREWORKS

NOTE: This application is for displays of permissible fireworks by other than a consumer.

Please note the following:

- Notify the local Fire Chief in writing at least **5 business days prior** to the intended date of the display.
- All notifications shall be submitted to the Office of the State Fire Marshal at least **3 business days prior** to the intended date of the display.

10/1/2021

Date of Application.

Chelsea Kasper (603) 547-5712

Name of company or sponsoring organization and contact number

Field behind 678 West Street, Keene, NH

Physical location / address of display.

(603) 547-5712 678 West Street, Keene, NH

Name, address and contact number of property owner

10/8/2021 @ 8:00 p.m. Rain Date: 10/9/2021 @ 8:00pm

Intended date and time of display, including rain date, if any.

Katherine Potts DOB:3/23/1995

Name of individual firing / responsible for the display, including date of birth

Shall submit the following with this form:

- Proof of appropriate liability insurance for the display.**
- Site plan - 200 feet from any audience, building, tent/canvas structure.**
- Inventory list of all permissible fireworks utilized during the display.**
- Written permission from the land owner.**
- Attach local permit, if one is required.**

[Signature]
Chief of Fire Department

[Signature]

10-01-21
Date

Approved - Shall comply with all ordinances and requirements established by the Fire Chief.

Denied - Does not meet local requirements.

Approved and completed applications can be submitted by email to fmo.fireworks@dos.nh.gov, or mailed to the Fireworks Safety & Enforcement Unit, 33 Hazen Drive, Concord, NH 03305.

ALL ACCIDENTS, FIRES, PROPERTY DAMAGE AND INJURIES SHOULD BE REPORTED IMMEDIATELY TO (603) 223-4381 Ext. 0



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/01/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FIAI/Cross Insurance 1100 Elm Street Manchester NH 03101	CONTACT NAME: Carrie Morgan PHONE (A/C, No, Ext): (603) 669-3218 FAX (A/C, No): (603) 645-4331 E-MAIL ADDRESS: Manch.Certs@crossagency.com												
INSURED Atlas PyroVision Entertainment Group Inc 136 Old Sharon Road Jaffrey NH 03452	INSURER(S) AFFORDING COVERAGE <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>INSURER A: Lexington Ins Co</td> <td style="text-align: right;">NAIC # 19437</td> </tr> <tr> <td>INSURER B: National Indemnity Company</td> <td style="text-align: right;">20087</td> </tr> <tr> <td>INSURER C: Technology Insurance Company, Inc.</td> <td style="text-align: right;">42376</td> </tr> <tr> <td>INSURER D: StarNet Ins Co</td> <td style="text-align: right;">40045</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER A: Lexington Ins Co	NAIC # 19437	INSURER B: National Indemnity Company	20087	INSURER C: Technology Insurance Company, Inc.	42376	INSURER D: StarNet Ins Co	40045	INSURER E:		INSURER F:	
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INSURER C: Technology Insurance Company, Inc.	42376												
INSURER D: StarNet Ins Co	40045												
INSURER E:													
INSURER F:													

COVERAGES **CERTIFICATE NUMBER:** 21-22 All lines w/WC **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> \$5,000 Deductible GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			015375109	03/15/2021	03/15/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY incl MCS-90 <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			70APB004588	03/15/2021	03/15/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Hired Physical Damage \$ 90,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			15375094	03/15/2021	03/15/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	TARNH1026493-03	06/13/2021	06/13/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER (3a.) CT NH VT E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
D	Water Craft Protection & Indemnity			CHA5030216	03/15/2021	03/15/2022	Limit \$1,000,000 Deductible \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Fireworks display on 10/8/21 with a rain date on 10/9/21 in Keene, NH. City of Keene, NH and Chelsea Kasper are included as additional insured with respect to CGL as required by written contract with named insured.

CERTIFICATE HOLDER

State of New Hampshire Division of Fire Safety
 110 Smokey Bear Blvd

Concord NH 03305

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robin Kitter

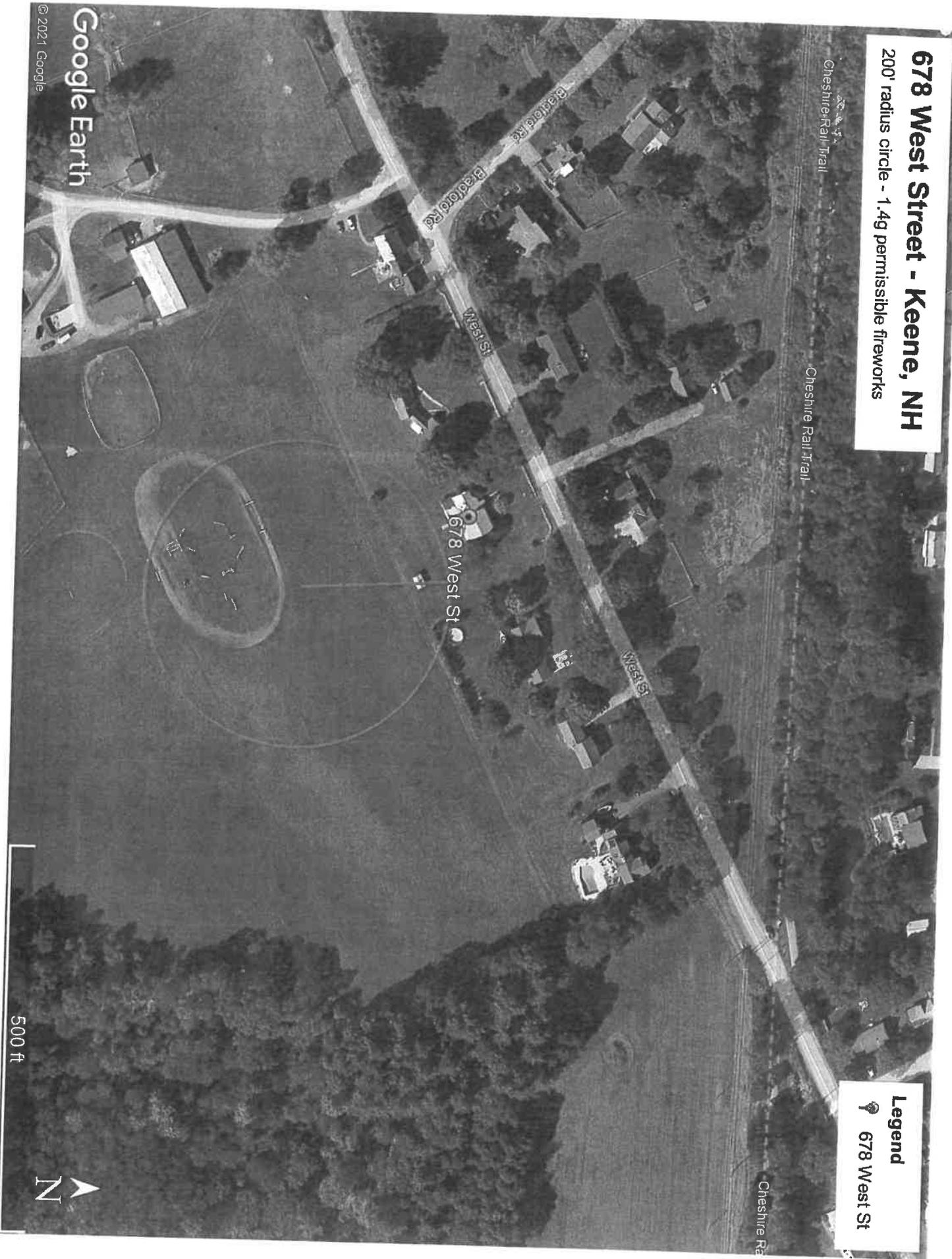
678 West Street - Keene, NH
200' radius circle - 1.4g permissible fireworks

Cheshire Rail Trail

Cheshire Rail Trail

Legend
📍 678 West St

Cheshire Ra



Google Earth

© 2021 Google

500 ft



Consumer Fireworks - Cobra Fired Show (Scripted) - 6 Minutes

CUE	MIN	SEC	FRAME				POS	QTY	SIZE	TYPE	DESCRIPTION
0	0	10	8								<i>Katherine Potts - C Show</i>
1	0	12	0	0	0	0	1	2	30	Misc	<i>Strobe - White</i>
2	0	12	0	0	0	0	2	2	30	Misc	<i>Strobe - White</i>
3	0	12	0	0	0	0	3	2	30	Misc	<i>Strobe - White</i>
4	0	12	0	0	0	0	4	2	30	Misc	<i>Strobe - White</i>
5	0	12	0	0	0	0	5	2	30	Misc	<i>Strobe - White</i>
6	0	40	0	0	0	0	1	1	10	Consumer 1.4G	<i>Daffodil - 9 shot</i>
8	0	40	0	0	0	0	3	1	10	Consumer 1.4G	<i>Daffodil - 9 shot</i>
9	0	40	0	0	0	0	5	1	10	Consumer 1.4G	<i>Daffodil - 9 shot</i>
7	0	58	0	0	0	0	1	1	10	Consumer 1.4G	<i>Fire and Ice</i>
10	0	58	0	0	0	0	3	1	10	Consumer 1.4G	<i>Fire and Ice</i>
11	0	58	0	0	0	0	5	1	10	Consumer 1.4G	<i>Fire and Ice</i>
12	1	55	0	0	0	0	1	1	10	Consumer 1.4G	<i>Magnificent Festival</i>
13	1	55	0	0	0	0	3	1	10	Consumer 1.4G	<i>Magnificent Festival</i>
14	1	55	0	0	0	0	5	1	10	Consumer 1.4G	<i>Magnificent Festival</i>
16	2	20	0	0	0	0	1	1	10	Consumer 1.4G	<i>Golden Dragon</i>
17	2	20	0	0	0	0	3	1	10	Consumer 1.4G	<i>Golden Dragon</i>
15	2	20	0	0	0	0	5	1	10	Consumer 1.4G	<i>Golden Dragon</i>
18	2	45	20	0	0	0	1	1	10	Consumer 1.4G	<i>Silent Mode Fountain</i>
19	2	45	20	0	0	0	2	1	10	Consumer 1.4G	<i>Silent Mode Fountain</i>
20	2	45	20	0	0	0	3	1	10	Consumer 1.4G	<i>Silent Mode Fountain</i>
21	4	5	0	0	0	0	1	1	10	Consumer 1.4G	<i>Top Maverick</i>
22	4	5	0	0	0	0	3	1	10	Consumer 1.4G	<i>Top Maverick</i>
23	4	5	0	0	0	0	5	1	10	Consumer 1.4G	<i>Top Maverick</i>
24	4	25	25	0	0	0	1	1	10	Consumer 1.4G	<i>Nation Ovation</i>
25	4	25	25	0	0	0	3	1	10	Consumer 1.4G	<i>Nation Ovation</i>
26	4	25	25	0	0	0	5	1	10	Consumer 1.4G	<i>Nation Ovation</i>
27	4	50	0	0	0	0	1	1	10	Consumer 1.4G	<i>Silver Screen</i>
28	4	50	0	0	0	0	3	1	10	Consumer 1.4G	<i>Silver Screen</i>
29	4	50	0	0	0	0	5	1	10	Consumer 1.4G	<i>Silver Screen</i>
30	5	10	1	0	0	0	1	1	10	Consumer 1.4G	<i>Balloon Fest</i>
31	5	10	1	0	0	0	3	1	10	Consumer 1.4G	<i>Balloon Fest</i>
32	5	10	1	0	0	0	5	1	10	Consumer 1.4G	<i>Balloon Fest</i>
33	5	20	6	0	0	0	1	1	10	Consumer 1.4G	<i>Magnificent Festival</i>
34	5	20	6	0	0	0	3	1	10	Consumer 1.4G	<i>Magnificent Festival</i>
35	5	20	6	0	0	0	5	1	10	Consumer 1.4G	<i>Magnificent Festival</i>
36	5	32	3	0	0	0	1	1	10	Consumer 1.4G	<i>Haunted Scarecrow</i>
37	5	32	3	0	0	0	3	1	10	Consumer 1.4G	<i>Haunted Scarecrow</i>
38	5	32	3	0	0	0	5	1	10	Consumer 1.4G	<i>Haunted Scarecrow</i>
39	5	35	0	0	0	0	1	1	10	Consumer 1.4G	<i>Insane Traffic</i>
40	5	35	0	0	0	0	3	1	10	Consumer 1.4G	<i>Insane Traffic</i>
41	5	35	0	0	0	0	5	1	10	Consumer 1.4G	<i>Insane Traffic</i>



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Ron Robbins
Through: Patricia Little, City Clerk
Subject: **Keene Snoriders - Request to Use City Property - 2021/2022 Snowmobile Season**

Council Action:

In City Council October 7, 2021.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Robbins

Background:

The Keene Snoriders is submitting their annual request for use of City rights-of-way to the 2021/2022 snowmobiling season.



KEENESNORIDERS
PO BOX 1511
KEENE NH 03431

Oct. 1st. 2021

To the Mayor and City Council:

The KeeneSnoRiders Snowmobile club is seeking renewal for permission to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street. The time frame would run from December 15TH 2021 through March 30th 2022 snow permitting.

We currently have permission from the following property owners:

Emile J. Ledger 460 Winchester Street	Tax Map: 84-02-001
Kiritsy LLC. 471 Winchester Street	Tax Map: 911-26-043
Emile Bergeron OFF Base Hill	Tax Map: 911-26-055
State of NH	Tax Map: 911

We are asking renewals of license for permission to cross the following City of Keene properties:

Access to portion of Old Gilsum Rd. approximate one mile to Gilsum town line.	
Crossing of Winchester St. at Krif Road	
Crossing of Production Avenue approximately 200 ft. South of Route 9	
Tax Map: 909-05-012	Off Route 10 by three mile reservoir
Tax Map: 911-26-015	Off Wetmore Street

We are available to answer any concerns you may have.

Thank You,

Ron Robbins
Trail Administrator
603-209-1344



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Attorney James Callahan
Through: Patricia Little, City Clerk
Subject: **Attorney James Callahan - Assignment of License - 43-45 Roxbury Street - Access to City Property**

Council Action:

In City Council October 7, 2021.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Atkins Callahan

Background:

Attorney James Callahan is representing Fieldstone Land Consultants, PLLC, which is purchasing land and buildings located at 43-45 Roxbury Street, currently owned by Roxbury Realty Partnership. In 2001, the City gave Roxbury Realty Partnership a license to access a 2 foot by 185 foot strip of land along the property line. Attorney Callahan is requesting confirmation from the City that the 2001 license is assignable and that the City will recognize the new owner as the Licensee.



James M. Callahan, Esq.
20 Depot Street, Suite 220
Peterborough, NH 03458
Direct telephone: (603) 845-1959
Direct facsimile: (603) 371-9056
Email: jcallahan@atkinscallahan.com

October 5, 2021

Mr. George S. Hansel, Mayor
City Council
City of Keene
3 Washington Street
Keene, NH 03431

Re: 43-45 Roxbury Street, Keene, NH (the "**Property**")

Dear Mayor Hansel and Ladies and Gentlemen of the City Council:

This office represents Fieldstone Land Consultants, PLLC, a survey and engineering firm that works with various clients. They are purchasing the land and buildings located at 43-45 Roxbury Street in Keene, NH, currently owned by Roxbury Realty Partnership and occupied by the law office of Goodnow, Arwe, Ayer, Prigge, Hoppock & Kane, P.C. Fieldstone intends to use the property for administrative offices for its business operations.

The Property benefits from a License from the City of Keene dated July 20, 2001, to pave and allow ingress and egress to and from the Property over City property, which is recorded at the Cheshire County Registry of Deeds, Book 1821, Page 695, copy attached.

We formally request that the City extend the same rights to the new owner of the Property. We expect to close on October 8, 2021. Fieldstone Lane Consultants, PLLC plans to vest the property in its real estate holding entity known as FLC Elm Street Realty Trust, LLC.

Please let me know if you require any further information.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Callahan', written over a light blue horizontal line.

James M. Callahan

Enclosures

NON-CONTRACTUAL TRANSFER

LICENSE

The City of Keene, a New Hampshire municipal corporation, having a usual place of business at 3 Washington Street, Keene, New Hampshire, 03431, acting by and through its City Manager, but without personal liability to himself, hereby grants a LICENSE to Roxbury Realty Partnership, a New Hampshire partnership, having a usual place of business at 45 Roxbury Street, Keene, New Hampshire 03431, to pass and repass on City property as follows:

Roxbury Realty Partnership desires to gain needed area access to pave and allow ingress and egress to and from its property.

The area affected by the above described license is bounded and described as follows:

Beginning at an iron bar on the southerly side of Roxbury Street at the northwest corner of the within granted premises and the northeast corner of land now of Roxbury Realty Partnership;

thence North $79^{\circ} 36' 30''$ East 2 feet, along the southerly bound of Roxbury Street, to a point;

thence South $10^{\circ} 24' 50''$ East 185.74 feet, 2 feet easterly of and parallel with the easterly bound of said Roxbury Realty Partnership land, to a point;

thence South $79^{\circ} 36' 30''$ West 2 feet to a bound set 0.1' to the West of original, said point marking the southeast corner of land of Roxbury Realty Partnership;

thence North $10^{\circ} 24' 50''$ West 185.74 feet along the easterly bound of said Roxbury Realty Partnership land to the iron bar on the southerly side of Roxbury Street at the point of beginning.

Meaning and intending to grant a license to pass and repass over part of the premises conveyed to the City of Keene by Herbert J. Sweeney and Jessie F. Sweeney, by deed dated October 2, 1975 and recorded at the Cheshire County Registry of Deeds at Vol. 905, Page 271 and part of the premises conveyed to the City of Keene by Russell G. Putney and Olande C. Putney, being the sole shareholders of the Keene Steam Laundry, a defunct New Hampshire corporation, by deed dated August 16, 1974 and recorded at the Cheshire County Registry of Deeds at Vol. 887, Page 463.

BK1821PG0696

Roxbury Realty Partnership agrees that the permission granted herein is a license, which is revocable at the discretion of the City, to use City land, and that the land will at all times remain the property of the City of Keene. In the event of revocation, the area affected by this license shall be restored to its condition on the date of this license.

IN WITNESS WHEREOF, the parties hereto have set their seals and the hands of their duly authorized officers this 20 day of July, 2001.

CITY OF KEENE

Barbara Philipp
Witness

By: John A. MacLean
John A. MacLean, City Manager

[Signature]
Witness

ROXBURY REALTY PARTNERSHIP
By: William N. Prigge
William N. Prigge, Partner

RECEIVED
CHESHIRE COUNTY
REGISTRY OF DEEDS
JUL 25 2001
3:44 PM
EVELYN S. HUBAL
REGISTER



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Petition – Concerns Regarding Drainage – Barrett Ave./Ingalls St.

Council Action:
In City Council October 7, 2021.
Report filed as informational.

Recommendation:
On a roll call vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends to accept the communication as informational.

Attachments:
None

Background:
Councilor Manwaring asked to hear from Don Lussier, City Engineer.

Mr. Lussier stated that he begins by offering an apology to the neighborhood and the MSFI Committee. He continued that this should not have had to come to the Committee. The Public Works Department (PWD) made a couple mistakes in this case. First, they dropped the ball last year after the neighborhood contacted the PWD, which the constituents spelled out in their letter. He and Assistant Public Works Director Duncan Watson met with the neighborhood last summer. After that meeting, he and Mr. Watson devised a plan and shared it with the Highway team, and then he put it out of his mind. Somewhere along the way, it fell off the PWD's radar. The second mistake was in not communicating with the neighborhood this summer when they again contacted the PWD to find out what was happening. The PWD was actually working on the issue and trying to plan how to address it, but they never got that information back to the neighborhood. He understands the neighborhood's concern that nothing was happening.

Mr. Lussier continued that to give an update on what has been done: after the initial meeting with the neighborhood in 2020, the PWD came up with a plan, although not a great one. The constituents identified the crux of the problem in their letter, in that when this neighborhood was built, there was simply no drainage considered or built into the streets. There are no street drains in this area. The closest one is at the intersection of Barrett Ave. and Marshall Ct., which is a couple hundred feet away. The PWD's initial plan was going to be to reshape the roadway and cut a roadside ditch along the western side of Barrett Ave. in order to get the water to flow to that drain a couple hundred feet

away. It would have meant tearing up people's yards and would have been somewhat unsightly, and he is not sure how effectively it would work. No one was ever in love with that plan. When the topic came back up again and the PWD realized that it had not been addressed last summer, staff looked at it again, brainstormed more, and came up with a different approach.

Mr. Lussier continued that over the last couple of weeks, the Highway crew has installed two dry wells, which are catch basins but not connected to the rest of the City's drainage pipe system. They are intended to absorb and store the water and allow it to slowly infiltrate into the ground after the storm subsides. The calculations show that these two basins, which are connected so that they will equalize, combined with the stone envelope around them, will be able to accommodate something between a 5-year storm event and a 10-year storm event. If Keene gets another 100-year storm like we get twice a summer these days, he admits and acknowledges that these basins will be overwhelmed and water will run off into the surrounding yards. That said, the basins should take care of these routine storms. The bigger concern, as he recalls, was more to do with the water collecting on the side of the road and icing in the winter. He thinks the solution they came up with will be effective in addressing that problem.

Mr. Lussier continued that the work is nearly done now. Staff have gotten both basins in. The trench has been patched. The patch is about an inch and a half lower than the rest of the pavement, because they put the pavement in in two lifts and they try to let it sit for a bit in between lifts, so if there are any soft spots in the gravel underneath it will settle out and get compacted. When they put the final wearing surface on it will be flush. That last step needs to be done, and they still need to seed the areas/lawns that were disturbed. Other than that, the system is up and operational and should be working.

Skye Stevenson of 14 Barrett Ave. stated that on behalf of the residents on the eastern side of Barrett Ave., up to Marshall Ct., she wants to thank Mr. Lussier. She continued that they were surprised to see that work beginning unexpectedly before this meeting. It is correct that it is almost completed. They hope this work will help remediate and work with the water issues. The other members could not come tonight but they are all in coordination and they asked her to speak on their behalf as well. At the time, she and her neighbors had asked for a berm, thinking that would be the most cost-effective. It was nice to see something a little bit more, which does not often happen. They appreciate it.

Councilor Filaault made a motion to accept the communication as informational, which was seconded by Councilor Madison.

Councilor Williams stated that on the general issue of flooding, when he visited this area where the work was done, he noticed that there are many lawns and pavement areas and flat, grassy areas. He would love to see more rain gardens in that area and see some more green solutions to the run-off issue. This was a good solution that the City came up with and he thinks it will do the job, but ultimately, when we have cement solutions, it is not quite as cost-effective as green solutions, and not quite as clean or good for the environment.

The motion passed with a unanimous vote of 5-0.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of State of New Hampshire Grant Funding for Youth Services' Juvenile Court Diversion Programming - Youth Services**

Council Action:

In City Council October 7, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by the State of New Hampshire for Juvenile Court Diversion programming.

Attachments:

None

Background:

Youth Services Manager Demetria Kirby stated the City of Keene Youth Services Department has an opportunity for grant funding specifically for the Juvenile Court Diversion programming. This grant funding would come through the Department of Health and Human Services in the amount of \$32,808 to be dispersed in equal amounts over two fiscal years. Ms. Kirby stated the funds will be used to hire a paid intern as well as to provide educational opportunities to youth, families and community members. The funds will also be used to assist with travel and training reimbursement and to help low income families pay for property damage and have the youth earn that property damage reimbursement back through community service rather than having a court action against them.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by the State of New Hampshire for Juvenile Court Diversion programming.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Tax Deeds for Unpaid 2018 Property Taxes - Revenue Collection

Council Action:

In City Council October 7, 2021.

Voted unanimously to amend the Committee report to remove the two property that are scheduled for deeding. They include property at 329 Park Avenue, which is the subject of a bankruptcy and 92 Beaver Street, where the 2018 taxes were paid in full on Wednesday.

Voted unanimously to carry out the intent of the report, as amended.

Recommendation:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends a waiver to tax deeding for the following properties with staff returning after March 31, 2022, with additional recommendations after a review of the status of their accounts: 26 Oriole Avenue, 71 Oriole Avenue, 42 Starling Street, 55 Starling Street, 27 Minerva Lane, 14 Schult Street, 493 Elm Street.

On 4-0 vote, the Finance, Organization and Personnel Committee recommends a waiver to tax deeding for the following properties with staff returning after November 1, 2021 with additional recommendations after review of the status of the accounts: 18 Algonquin Drive, 792 Court Street, 888 Marlboro Road, 50 Hilltop Drive, 399 Elm Street, 25 Charles Street, 139 Carroll Street, 35 Forest Street, 23 Park Avenue, 163 Island Street and 30 Dartmouth Street.

On 4-0 vote, the Finance, Organization and Personnel Committee recommends issuance of a tax deed for the following properties: 329 Park Avenue and 92 Beaver Street.

Attachments:

None

Background:

Finance Director Merri Howe and Revenue Collector Mary Alther were the next two presenters. Ms. Alther stated the City has 20 properties which have 2018 outstanding taxes due and were leaned on May 3, 2019. Ms. Alther stated any property that has lien for non-payment of taxes and has not paid after two years and a day must be deeded unless the City Council directs the Tax Collector to waive the deeding and authorize the City Manager to sign deed waivers. She indicated deed waivers can be issued if there is a potential liability to the City, such as environmental and undesirable

obligations, real estate covenants, or anything contrary to public interest. She indicated for tonight staff has three different recommendations.

The first recommendation is for seven properties – staff is recommending a waiver of tax deeding and staff will return after March 31, 2022 with additional recommendations after review of the status of the accounts. She noted these properties could have liabilities and hence would like time to review them.

The second recommendation is for 11 properties which have payment plans and staff believe they would be able to have those paid by November 1, 2021 and hence staff is recommending a waiver until the November 1, 2021.

The third recommendation is for two properties staff is recommending to take by tax deed. One of them is not occupied but the other is occupied but there is no payment plan in place. All notifications have been completed per RSA requirements and staff has attempted to contact these individual on many occasions.

Councilor Chadbourne asked whether there could be any last minute effort these property owners could consider. Ms. Alther stated there is a process with tax deeding; staff has already sent out certified letters to let them know their property could be tax deeded. There will be additional notices sent out but the city has to give them a 90 day opportunity to repurchase (30 days to get back to the city and the city has to wait another 60 days before it can actually do anything).

At that point, however, the property owner will have to pay all of the taxes, not just the 2018 taxes in order to repurchase the property. She added once the city takes deed, an eviction notice is given if people are living on the premises and the city would also change the locks at that point. It is a 30 day eviction notice.

Attorney Mullins added once the city takes the property and there is no repurchase option, the city becomes the owner of the property. The City will go through the steps of informing the residents the City would be taking possession of the property. The City would have to go through a court process to commence eviction proceedings which can take some time. The attorney added the City does work with the residents to find them other accommodations. If they still haven't left, the Sheriff will assist in removing them from the property.

Councilor Ormerod asked whether provisions are in place to prevent homelessness. Ms. Alther answered in the affirmative.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends a waiver to tax dating for the following properties with staff returning after March 31, 2022, with additional recommendations after a review of the status of their accounts: 26 Oriole Avenue, 71 Oriole Avenue, 42 Starling Street, 55 Starling Street, 27 Minerva Lane, 14 Schult Street, 493 Elm Street.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends a waiver to tax deeding for the following properties with staff returning after November 1, 2021 with additional recommendations after review of the status of the accounts: 18 Algonquin Drive, 792 Court Street, 888 Marlboro Road, 50 Hilltop Drive, 399 Elm Street, 25 Charles Street, 139 Carroll Street, 35 Forest Street, 23 Park Avenue, 163 Island Street and 30 Dartmouth Street.

Councilor Remy clarified the map and lot number don't need to be referred to for 792 Court Street as it is referenced here and 23 Park Avenue is an apartment building. Ms. Alther agreed.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends issuance of a tax deed for the following properties: 329 Park Avenue and 92 Beaver Street.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: Proposed Charter Amendment on General Election Ballot - City Clerk

Council Action:

In City Council October 7, 2021.

Voted unanimously to suspend the Rules of Order to act upon the proposed Charter Amendment to be on the General Election Ballot on November 2, 2021.

Voted unanimously that the City Council direct the City Clerk to place the following question on the November 2, 2021, Municipal General Election ballot: "SECTION 2. WARDS. The City of Keene is hereby divided into five wards. If necessary to comply with any Constitutional requirement to equalize populations, the City Council shall review the ward boundaries and, shall, by ordinance, re-divide the City into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the City Council, at such time and place as the City Council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the term for which they were elected" the purpose of which is to amend the City Charter by removing the ward line descriptions from Section 2, and inserting language that would authorize the City Council to redistrict the City's wards as required by the Constitution and the decennial US Census.

Recommendation:

Move that the City Council direct the City Clerk to place the following question on the November 2, 2021, Municipal General Election ballot: "SECTION 2. WARDS. *The City of Keene is hereby divided into five wards. If necessary to comply with any Constitutional requirement to equalize populations, the City Council shall review the ward boundaries and, shall, by ordinance, re-divide the City into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the City Council, at such time and place as the City Council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end*

of the term for which they were elected” the purpose of which is to amend the City Charter by removing the ward line descriptions from Section 2, and inserting language that would authorize the City Council to redistrict the City's wards as required by the Constitution and the decennial US Census.

Attachments:

None

Background:

Every ten years, there is a statutory redistricting process based upon the Federal census data of current populations. This redistricting effort impacts lines for Federal and State Officials as well as ward lines for City Council Ward positions and election officials. In June, the US Census announced that the census data would not be available until September 30, 2021. Typically, the census data is available in early June and the redistricting process is concluded by August. The November general election ballot would typically include a charter amendment that would adjust the ward descriptions to equalize the ward populations. Due to this significant delay, there was insufficient time to review the census data, identify the necessary changes in the ward descriptions and meet the statutory timeline for an amendment to the City Charter.

On July 15, 2021, the City Council initiated the process for an amendment to the City Charter that would remove the ward line descriptions in Section 2 and identify the City Council as the authority to make future ward line adjustments as required by the Federal Census. The amendment provides that notwithstanding any changes in the ward boundaries, the elected ward officers that were in office at the time of the redistricting of City wards shall continue in said offices until the end of the terms for which they were elected. Finally, the charter amendment provides that future adjustments would be Ordinance.

The statutorily required Public Hearing for the charter amendment was held on August 19, 2021 and no public comments were offered. As required by State Law, the language of the charter amendment was provided to the Department of Revenue Administration, the Attorney General's Office and the Secretary of State. Representing all three State agencies, the Secretary of State issued a letter of no objection to the language of the charter amendment.

On a parallel track, the Mayor appointed an ad hoc Redistricting Committee to review the census data and to make recommendations that would equalize the ward populations. The Committee is in receipt of the census data and they are working to identify the necessary adjustments to the ward descriptions. The ward line descriptions will be detailed within an Ordinance that will require two readings and a public hearing. As requested by the House Redistricting Committee, the goal would be to adopt new ward lines as soon as possible in the 2022 calendar year.

The final action that is required by the City Council is a motion to direct the placement of the charter amendment question on the November 2, 2021 General Election Ballot. If adopted, the effective date of the Charter amendment will be January 1, 2022.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Medard Kopczynski, Economic Development Director/Special Projects
Through: Elizabeth Dragon, City Manager
Subject: **Strategic Parking Plan - Economic Development and Special Projects**

Council Action:

In City Council October 7, 2021.
Communication referred to the Finance, Organization and Personnel Committee.

Recommendation:

Refer the Strategic Parking Plan to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

1. STRATEGIC PARKING PLAN-10012021

Background:

Attached is a strategic parking plan developed by Parking Service staff used to guide direction and decisions, meet City Council Goal and Parking Management best practices. We feel it is a pretty good analysis of the parking system at this time and some of the discussion points may be of interest to the City Council. Tracking market needs and flexibility as well as the need to modernize aspects of our services are key points. As we begin discussion of our next Capital Plan, two important concepts are framed so that we can take direction; the future of meters and the siting of a possible parking garage.

Meters

We have a bit of a crisis beginning with meters. The ones we have are old electro-mechanical, we cannot find parts or replacements. Normally metered systems keep 10% in reserve for to allow for shrinkage or repair. When units disappear now (due to theft, snow plowing etc.) we cannot restore the service. The future of meter space payment internationally is with pay-apps that do not require hardware (meters). Today where we cannot replace the meters in peripheral areas we are converting into pay by app only sections. We do recognize that for some folks there is still a want to be able to pay with coins ether due to tech fear or cost. For this reason, our future (and our now converted areas) has to continue some combination of app and coin payment allowances.

The present CIP contemplates the replacement of our on-street meters with smart meters. As we have had an opportunity to discuss this with other parking providers, with their description of the problems they have and the on-going costs we do not recommend the conversion to smart meters as

funded in FY 23/24. We would recommend a blended system where some parking areas would become pay by app only, where for now we would leave the meters in place (small side street etc.) and where on Main Street we would replace the meters with PayStations.

We would recommend an immediate trial of a Pay Station on Main Street in front of City Hall and/or other sections on Main Street. As detailed in the body of the report, there are suitable locations for Pay Stations based on cost and based on their ability to open up space in the right-of-way for business use. At this time, there are 11 Pay Stations in use that control 293 spaces compared to the 514 meters on poles.

Parking Garage

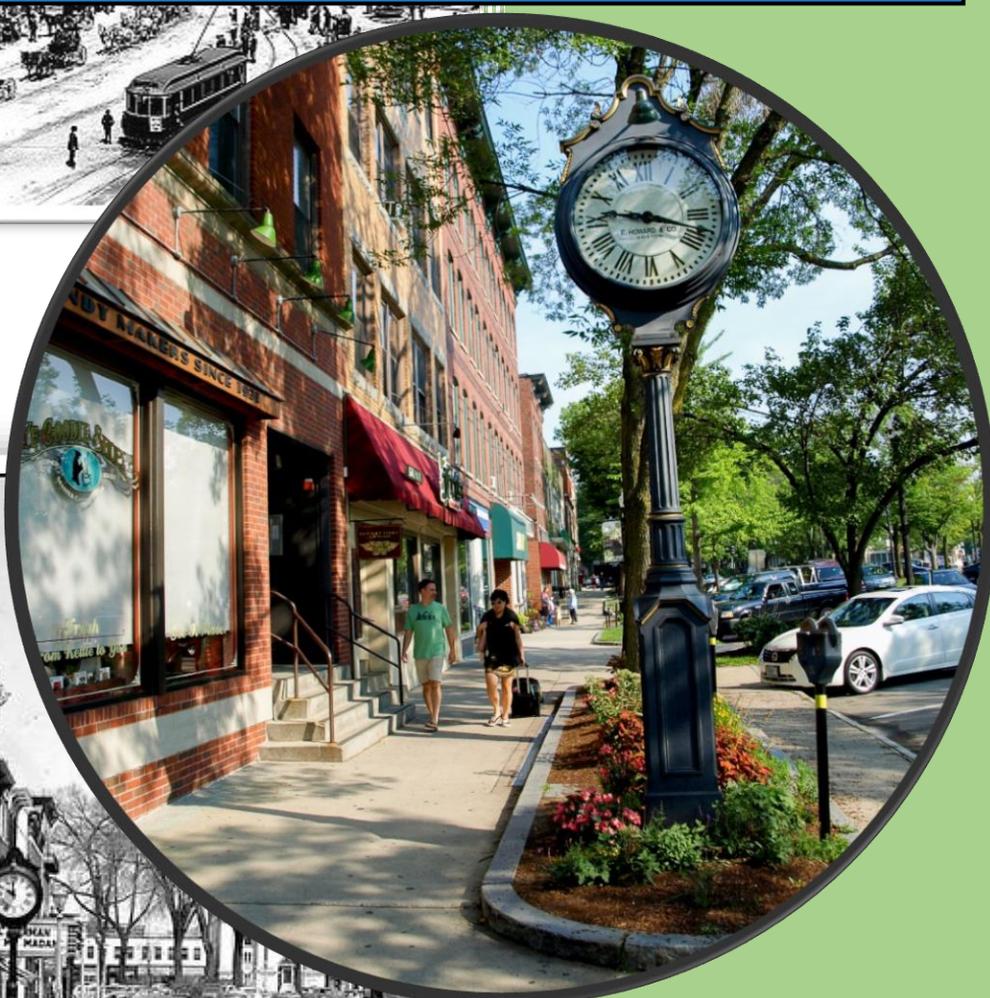
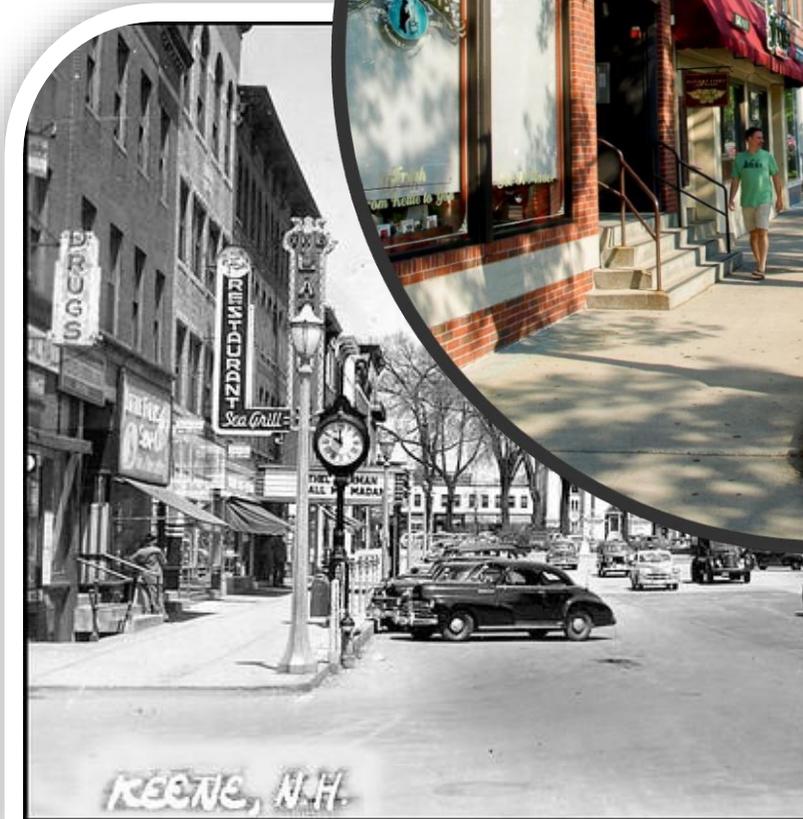
Effective September 2021 the City of Keene has adopted a new Land Use Code. To simplify the issue, the former districts in and adjacent to the former Central Business district have changed, as have the allowed uses and mixes of uses. Off-street parking requirements are modified, but for the most part, parking supply remains with the City of Keene. When conversations about the need for a garage have taken place in the past, the driving need for parking in a garage has been visitor overflow from Main Street as well as events such as could occur at the Colonial. The new "Showroom," was not included in the review, nor was the conversion of spaces to full-time residences or the needs of Keene State College. Parking for visitors is tight as is the needs of our workforce. When the City converted the Wells Garage over to the rental of spaces, it filled immediately and there continues to be interest and a waiting list. A garage on Gilbo Avenue is close to our theaters as well as restaurants, stores, where people work and live...very desirable. A good mix of daytime and nighttime uses. Modern garages can be much more than just parking spaces. The spaces can be demand parking by app and reserved, tickets for shows could be packaged, parking for on call deliveries...a range of options.

Staff has looked at differing garage options in the past for the use of Commercial Lot, Gilbo Lot and other lots in the Gilbo Avenue Corridor. The potential users, the site and the size matters in addition to the cost. We recommend that the Capital Improvement Budget include a FY23 Feasibility Study and Economic Analysis with a potential construction date of FY 29.

-

September
2021

STRATEGIC PARKING PLAN



*Medard Kopczynski- Director Economic
Development, Initiatives and Special
Projects/ Chelsea North-Parking
Operations Manager*

Special Thanks to Helen Mattson

THE GOALS

City Council Goals:

These City Council Goals that guide our direction.

Goal 1. Manage municipal finances in a manner to minimize the burden to the property taxpayer.

Goal 3. Support Diverse needs of all Keene residents.

Goal 4. To help stabilize and revitalize existing business along with the arts and other non-profit organizations and attract new ones.

Goal 6. Infrastructure - Continue to ensure that Keene's municipal infrastructure supports the varied needs of Keene residents and business.

Goal 7. Public Engagement - Conduct effective, ongoing public communications and engagement with Keene residents and business and with other partners as we negotiate these challenging times.

Goal 8. Make quality housing as affordable available as possible.

Parking Management Principles (best practices):

These ten general principles can help guide planning decisions to support parking management.

1. *Consumer choice.* People should have viable parking and travel options.
2. *User information.* Motorists should have information on their parking and travel options.
3. *Sharing.* Parking facilities should serve multiple users and destinations.
4. *Efficient utilization.* Parking facilities should be sized and managed so spaces are frequently occupied.
5. *Flexibility.* Parking plans should accommodate uncertainty and change.
6. *Prioritization.* The most desirable spaces should be managed to favor higher-priority uses.
7. *Pricing.* In a majority of circumstances, parking facility users should pay directly for parking services.
8. *Peak management.* Special efforts should be made to deal with peak-demand.
9. *Quality.* Parking facility quality (aesthetics, convenience, safety, etc.) is as important as quantity.
10. *Comprehensive analysis.* All significant costs and benefits should be considered in parking planning.

Source: "Parking Management Best Practices," Litman (2006)

We recognize that Main Street and the Parking Program have had to weather, adapt and adjust due to COVID 19 and that some recommendations may be longer term to examine the effects than some, which could be more immediate.

SUMMARY OF RECOMMENDATIONS/ACTIONS:

1. Create a Rental Permit Program

This program would provide 24 hour parking for residents of the downtown as well as employees seeking all day, convenient and cost effective parking options. This will become more critical as we transition into the Form-Based code especially in the Growth and Transition zones.

2. Create Bulk Purchase Permit Program

The purpose of this program is to provide for the opportunity for bulk, long-term purchases of designated day and/or night parking. Bulk leasing of unused public parking is already permitted by the City Code-Chapter 94, but no formal program has been developed. These would be leases with conditions and prices set by the Parking Division and the City Manager and would be limited by the spaces available (if any). Development of this program will allow the City Manager to address this need with the condition that ample metered parking is provided for downtown customers and visitors in addition to monthly rentals.

3. Change Hours of Operation

Parking Services use data (pre-COVID-19) indicates double digit percent increases in parking use when comparing use rates at 4:30 PM and 7:00 PM on Main Street. Just as importantly the morning use is scant. If the intent of parking management is to encourage turnover of parked vehicles so that parking is as available as possible then, it is prudent to shift our efforts to match the actual use and provide spaces. It has been noted that some employees of businesses will use on-street spaces for their parking at 4 PM, as well as some individuals who live in the downtown. With a better cost effective system for both employees and residents, some of that pressure would subside and that space availability would better meet new market needs.

Any change in the hours of operation should be discussed in detail with downtown businesses and users. A start time of 10 AM should be considered as opposed to 8 AM on Main Street. The length of time a space can be occupied should be extended to see if a 3-hour time frame would work more effectively for businesses.

4. Fees

Both ticket fees (tickets are actually intended to create parking opportunity by moving vehicles), as well as the actual fee to park have not kept pace with costs and finance projections, nor with adjacent and similar communities. If fees are not raised and kept current, then there could be a cost to the general taxpayer which would be contrary to adopted City Council goals. In time, on-street parking fees should be raised to \$1.00 and fees in the lots to \$.50. The time limitations, as well as the time for parking operations is to be changed to allow for 3-hour parking on Main Street. Longer-term parking in the lots...8AM – 5PM (9 hours), 6 days per week should remain but there must be a system to promote and accommodate downtown residents and our local workforce. To make it attractive, this rate should not be the same rate charged to the casual public.

5. Pay Stations and Smart Meters

Pay Stations are used at Roxbury Plaza (a street) and Elm Street (and in all city lots) and with the addition of the touch screens they are easy to use. The Parking Officers have recorded no user problems for over one year. We have concerns about the initial cost and ongoing cost for “smart” meters and the recent experience of Concord and Portsmouth would indicate that in some cases, Pay Stations might be the better option. In addition, the pandemic has allowed the City and businesses to experience a greater use of the right-of-way. If meters are removed, we eliminate poles which makes it easier to maintain our streetscape and open the space for other uses such as sidewalk cafes and sales racks.

We would recommend an immediate trial of a Pay Station on Main Street in front of City Hall. As detailed in the body of the report, there are suitable locations for Pay Stations based on cost and based on their ability to open up space in the right-of-way for business use. Some areas in Keene are likely suitable now for pay by app; locations such as Lower Main Street by Keene State College. Further review and discussion should take place after the trials of the Pay Station at City Hall and the app only section(s), to determine how many of the meters left after replacement by Pay Stations could be replaced by Smart Meters (if any). In addition, it would be beneficial to conduct a trial of Smart Meters as well in front of City Hall.

6. Overnight Parking and Rental Programs

Evaluate on-street parking outside of the Core and Growth Districts for possible overnight and permit parking opportunities. Implement permit programs for areas where new or existing demand affects neighborhoods and business opportunity. This could be a revised Residential Permit program or a Parking Benefits District or both. The use of a Parking Benefits District in New Hampshire, should it be a desirable path, will have to be evaluated by staff and the City Attorney. This option could be made available to encourage workforce housing.

7. Marketing

Continue to identify new markets, conduct interviews and create dialog with businesses; retail, restaurants, and entertainment interests. Continue to collect and refine data. Develop and implement a communications and marketing plan including signs, website, social media, and other information distribution methods. *Brand* Parking Operations. Continue to educate the public, staff, downtown businesses and the City Council on parking management and costs. It is important for all to recognize the importance of parking for the downtown economy, cost containment for the taxpayers, worker and workforce housing and the environment. Support of the Parking program is effectively support for our main street and our economy.

8. Loading Zones/Curb Side Pickup

Parking Services will continue to review the location of delivery spaces to permit easy stocking of stores and accommodating other business interests such as curbside pickup. We learned from our experience with the onset of COVID 19, keeping businesses open during a pandemic requires there be enough access to curbside pickup locations, clearly not enough is available and those that do exist, are not conveniently located. We know that curbside and delivery have become core needs for our Main-Street businesses. As space numbers are limited, we need to review the number and location of accessible parking spaces as well as curbside to achieve a balance. Accessible spaces must be located/constructed

to meet ADA current standards when we consider main-street construction. We should consider a program, additionally that permits parking of delivery vehicles that wait for delivery calls.

9. Wells Garage

Continue to market the use of the Wells Garage for long-term parking for residents of downtown and the local workforce. Finalize the conversion of the Wells Garage into reserved parking.

10. New Parking Garage

That the Capital Improvement Budget include a FY23 Feasibility Study and Economic Analysis with a potential construction date of FY 29.

FY23 Feasibility Study and Economic analysis

FY25 Preliminary Design and property

FY27 Final Design

FY29 Construction

11. City Code

The ordinances that control parking services are extremely outdated, cumbersome, and difficult for staff and the public to understand. To that end:

- Economic Development staff will work with the City Attorney, Police Chief and Community Development Director to update the code to simplify the text.
- The revision should clarify the role of Parking Services and their authority. The role of Parking Service should be confined to the area of the City where fees are collected to manage the downtown parking system.
- The fees schedule(s) should be simplified as needed and to address new classes of parking requirements and pricing.
- Night parking in the parking system should be simplified so that the public and staff can take advantage of any night parking opportunity.
- There should be provisions in the code that would allow staff to experiment and explore options before any permanent changes are made to the code and in allowing for flexibility to respond quickly to changing needs. The pandemic was a great example of this need. Parking Services will have to become more *flexible* and *agile* to serve the public with greater efficiency.

12. Charging Stations

Consistent with the adopted Sustainable Energy Plan, Parking Management has begun a review of location and funding to add charging stations at city parking facilities.

INTRODUCTION

STRATEGIC PARKING PLAN

This Strategic Parking Plan builds upon the parking issues, direction and recommendations submitted to the City Council, June 06, 2018, and the Keene Parking and Zoning Analysis; findings and recommendations April 2020 created by Nelson\Nygaard consultants. The Nelson\Nygaard report details the possible impact of land use on parking in the proposed extended “downtown,” as well as the anticipated need created by the new “downtown” defined as Form-Based District land uses in conjunction with the Unified Development Code, also known as the Land Development Code (LDC). Parking requirements have changed but the impact of the changes could be felt most in the Downtown Core, Downtown Growth and Downtown Limited. There could be future impacts in the Downtown Edge districts.

WHAT IS A STRATEGIC PARKING PLAN?

A Strategic Parking Plan is a comprehensive framework to articulate and clarify the vision and approach for parking management. Prior discussions have centered on the Central Business District (the so-called downtown where off-street parking provision is not required by the property owner). Parking needs provision and enforcement extends beyond these boundaries (for example Roxbury Street, Elm Street, Adams Street), and there may be additional needs in other existing districts and the newly created Form-Based Districts. This plan outlines various strategies to address complex and varied needs, balance costs, further economic development, City Council Goals and the Master Plan. Any plan, to be truly useful will have to remain *dynamic* and *changeable*. This plan will be used to guide daily decision making for parking-related programs and policies in the coming years, as well as long-term direction and goals. As new parking conditions and opportunities arise, and parking needs change, the plan outlines direction to make parking decisions. Demand will change over time and the Strategic Parking Plan will need to be updated repeatedly as the City grows and changes and technology changes.

WHY REGULATE PARKING?

Parking availability affects the viability of businesses and residences in an automobile dependent society. The main reason we regulate parking is to provide *parking opportunity*; spaces that open up where demand is high on a frequent basis on-street (usually customers and visitors), and parking that is available for longer terms at a reasonable cost or with no fee, to provide parking opportunity for workforce and residents where on-site parking is not available. People expect that parking will be available, located next to where they want to go, and to be cheap. How parking is built and located affects the ecosystem of any downtown. Parking design and availability define the look and feel of a community and its utilization, construction and location have to be in balance with the environment. The true cost of parking is often hidden and it is never free; there is the cost to construct and maintain parking, and there are visual, storm water and heat island costs in addition to huge lost opportunity costs. The consumer pays the “fee” as a pass-through on private property and pays (metered/leased) for parking directly on the street or in public lots. Parking supply is often a key consideration for businesses when they seek to locate in Keene with both employee and customer access important. Customers and visitors can go elsewhere if parking appears to be too limited, is perceived as unsafe, too far away, too expensive, or too inconvenient and that will damage our economic development efforts. When parking is regulated it helps with the flow of downtown visitors. It keeps the flow of new people coming going, while helping make it so employees and residents don’t camp out park for long extended periods of time.

COSTS

The provision of parking on-street and off-street is a significant investment with costs to facilitate and maintain as well as operate. Street parking and parking lots have to be constructed with paving, compensation for storm water, landscaping, sidewalks, lighting and accessibility for the disabled.

Prior discussions about garages have been in the context of Main Street visitors and less on residents and workforce. We should be conducting a feasibility study and economic analysis in FY 23 with a targeted construction in FY 29. Parking garages are presently estimated to cost more than \$25,000 per space depending on the design of the structure, as well as the aesthetic needs of the community. With parking lots there is a lost opportunity cost for the land that could otherwise have been a park, or an employment-generating tax-paying building instead of parking; as well as the maintenance, and operating management expenses.

A significant amount of the income from the Parking Fund is directed to the general fund for purposes other than the operation of the system (that is parking services direct cost). Snowplowing and maintenance for lots, the garages, the streets and sidewalks; cleaning, lighting, sealing, resurfacing concrete and asphalt, striping, and signage to ensure that parking spaces are functional and clearly marked; in addition, parking fees largely pay for the maintenance of Main Street including trees and plantings, as well as enforcement outside of the “downtown.” Each space used for parking both on-street and off-street must be maintained to make sure it is safe and accessible in addition to the need to remove snow and ice. Moreover, parking use must be managed to meet the goals of the community and provide parking opportunity. That means there is constant monitoring and administrative management with repairs, collections, enforcement and data collection. Parking technologies such as Pay Stations, smart meters, on-line payment applications have a significant first cost and on-going costs for the *City and the consumer*.

The Parking Fund income has decreased as the character of Main Street has changed with less daily use and of course more so due to the Pandemic. This reflects changing times and the need to adapt our programs to the customer base(s). The City Council did, in January 2019, raise meter, rental and violation fees that had not been increased in many years. While this helped to balance the budget at the time, we are behind in the forecasted projections and compared to other communities. Ideally our rate system should have some mechanism to demand review on a reoccurring basis to adjust and keep pace. To continue to maintain downtown and the parking system, fees have to keep pace or the cost will burden the general taxpayer. When the fee structure gets too far behind, it makes it more difficult for the City Council to adjust these fees.

Presently, we are implementing updated parking enforcement software and have reviewed all known enforcement software as well as various types of “smart” systems. Each of these has a “first” cost which is where we tend to pay attention in the Capital Program and the Operating Budget. The cost that is not normally discussed is the cost that is charged to the customer directly in gateway fees and merchant fees. We really do not have a way to affect the amount charged as “convenience” fees and to be frank, they are clearly part of the provider’s business plan and normal in today’s world. When we talk to these providers, they are amazed at how low our meter fees are, and depending on the transaction, the cost charged for the transaction in convenience fees is by far greater than the fee paid to the City to park. In addition, with our Pay Stations and with *ParkMobile* we have set up a system that permits the purchase of time in 15 minute increments. With the electro-mechanical meters the set-up is based on the coin

used, converted to a time rounded up or down (i.e. divide \$.85 on-street or \$.35 in lots by nickels, dimes, and quarters). Without Pay Stations used universally or smart meters we really cannot take advantage of a pre-paid card that can be issued by the City of Keene nor normalize the time frame set-up across all platforms nor gleam data.

Our present meter fees are \$.85/hr. on-street and \$.35/hr. in the lots. Brattleboro is \$1.00/hr. on-street and 3/hr. \$0.70-\$1.00/hr./ 10 Hour \$0.40/hr., Portsmouth is A-Zone HOURS 1-3: \$2 each hour/4 +: \$5 each hour B-Zone 1-3 hours: \$1.50 each hour/4 hours: \$3 each hour, Concord \$1.00/hr. on-street and \$.50/hr. in the lots. On-street fees should be raised at some point soon to one dollar per hour. If we want to promote parking in the lots, we should consider only a slight increase of the fee, but more importantly, create opportunities for workforce parking at a reduced amount in addition to a section for 24/7 parking for residents. This should be presented in a balanced manner and the division should have the ability to provide a flexible approach as markets change as to location, hours, etc. Rates of course would be set by the City Council. All systems should be set to ½ hour calculating increments and the fees should allow a rational division to match the fee.

PARKING SUPPLY AND DEMAND

Parking Management should be thought of as a system and the City regulated parking system consists of 514 on-street meters, 293 spaces paid at pay stations, 71 leased spaces and 338 reserved spaces (mostly for employees who work downtown), plus 45 accessible spaces, 2 electric car spaces, and 12 official loading/curbside spaces. What should be counted as part of the “system” includes parking that is on private property, but not regulated by the City, which does provide some of the needed parking. There are additional spaces that Parking Services can (and often is called upon to) regulate and should be counted in the system, such as residential permit areas (Elliot Street for example) and time limited areas (usually 2 hr.) such as Adams Street and Spring Street where there is no charge to park. This adds an additional (approximate) 150 spaces.

The historic revenue stream for Parking Services is 36% meters, 13% permits and 4% leases with the balance coming from fines. Lower Main Street client requirements differ from those of Central Square and the Elm Street lot has different clients than Gilbo lot or Wells Garage. There are 156 spaces on Main Street including those on Central Square. A decrease in Parking Services revenue is due to lack of parking activity on Main Street and in the lots due to the loss of Keene State student use, largely caused by the pandemic.

Parking is categorized into on-street and off-street parking. Further, these categories can be defined as City owned off-street public parking, City owned off-street private parking (leased/rented), and City owned on-street parking that can be free, metered or reserved by permit. Privately owned off-street public parking is dedicated to the use of the property but often the excess parking is reserved and/or can be rented, or is simply left vacant. The city could seek to co-create a parking program with private property owners to permit some additional paid parking. In accord with the Nelson\Nygard report, there are 1,647 public spaces and 4,938 private parking spaces at present within the boundary of the expanded Form-Based Downtown. In addition, there are spaces provided and needed beyond the district that are not in the newly expanded downtown.

Parking occupancy rates are an important indicator of the success of a program. Too much parking availability can be as damaging as too little. A low occupancy rate in an area means that there are many spaces unused. Parking at capacity means that the available parking supply needs additional

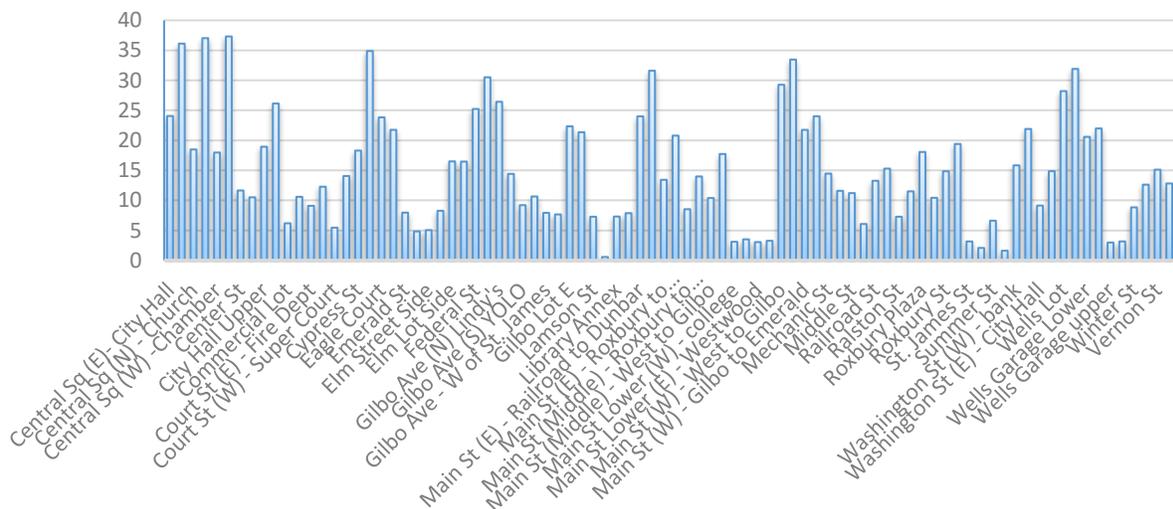
management. Parking is considered “at capacity” when available spaces are 85% occupied. Occupancy fluctuates seasonally, daytime vs. weekly and year to year when businesses come and go.

Parking turnover describes how often a parking space becomes available during an hour/day/week/month. Our metered turnover rate is a two hour limit on-street (limited three hour) and a nine hour limit in the lots. Reserved parking is quarterly paid and allows the use of the space 6 days a week, 8:00 AM to 5:00 PM. Actual lease spaces allow 24/7 use of the space by the lessee and they pay taxes. rules and restrictions are put in place to support parking goals such as turnover or access however, they should not be the single focus of a program. We do have economic development goals. Enforcement is used to ensure that rules and restrictions are observed, but enforcement is costly and over enforcement can create a negative image for the City.

As we learned during the surge of COVID 19, we have huge mix of users of Main Street Parking. Some business owners and their employees park on Main Street taking up space that should be available for customers. The needs of services such as hairdressers is very different from an office, restaurant or store. We have to provide for residents as well as visitors and regular customers. Most businesses (especially the restaurants) do not open until 10:00 AM or 11:00 AM and restaurants do not close until late in the evening. The time for the regulation of parking on Main Street should be shifted so that early parking on the street is permitted without a fee until 10:00 AM and a fee charged until 6:00 PM (at least) to provide turnover, as well as discourage employee parking on Main Street. We should extend the time limit to 3 hours to help with pedestrian circulation. We should encourage walking in our beautiful downtown. Shifting the time also makes it so the retail doesn’t carry all the weight of the parking topic. A time shift makes it so when the downtown is busy at night due to visitors dining out or enjoying a show are able to get spots because people have to still keep moving and not stay parked all night.

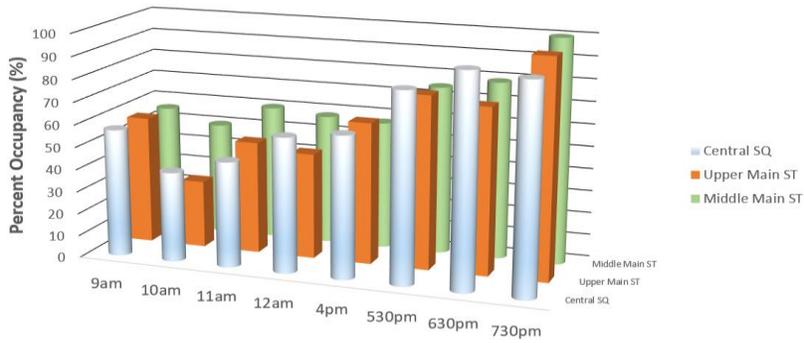
The average percentage of use where all usage is less than 40%.

AM and PM Street Count of All Meters - System Average Use - 2020



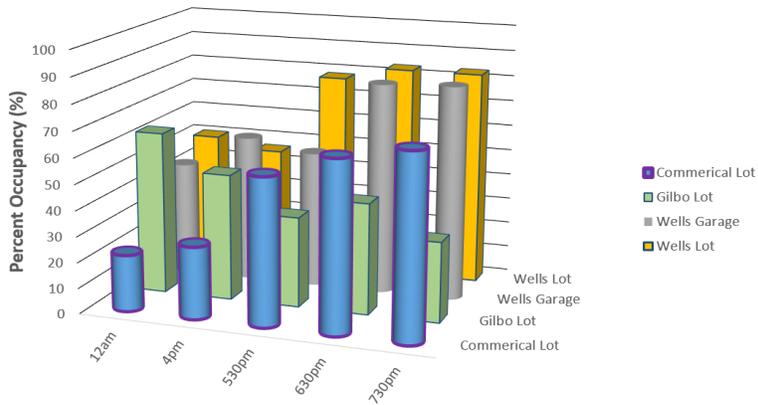
This is based on a hand count prior to COVID 19 and it shows the shift to more afternoon and evening demand on Main Street and it tracks visitors who come to dine and shop.

Parking Utilization Trends – Central SQ/Main ST



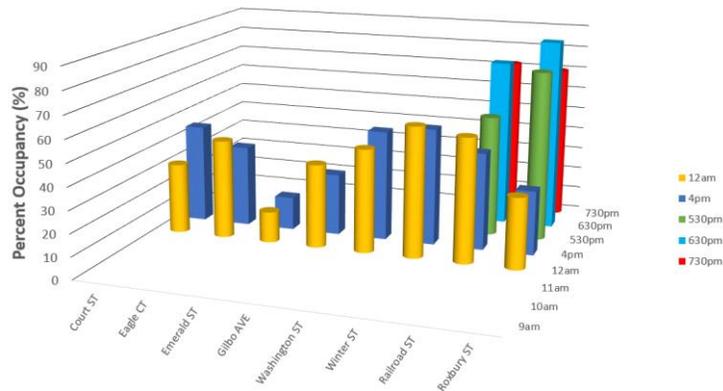
Parking Demand exceeds 85% at 5:30 and 6:30 PM on Central Square, Upper and Middle Main Street at 7:30 PM prior to COVID 19.

Parking Utilization – Lots



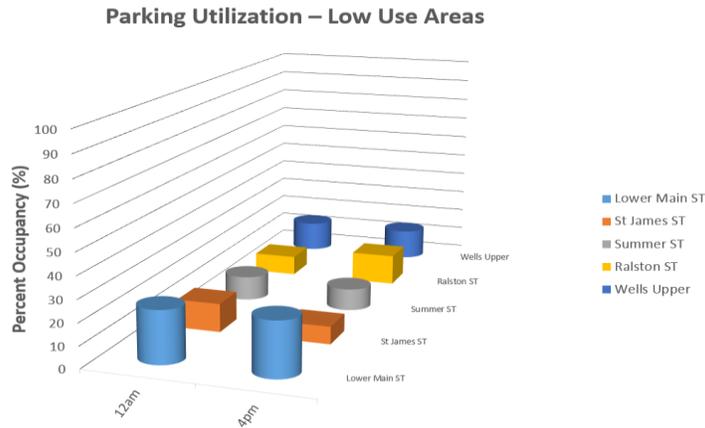
Pre COVID 19 Parking Demand exceeds 85% 6:30 and 7:30 PM at Wells Lot and Wells Garage Lower, Commercial lot increases use but does not reach the 85%.

Parking Utilization – Side Streets off CSQ/Main ST



Pre-COVID 19 Parking Demand exceeds 85% 6:30 and 7:30 PM at Railroad Street and Roxbury Street.

Pre COVID 19- Wells upper, St. James, Summer, Ralston and Lower Main are low use.



DOWNTOWN

Downtown is a term that is used in various contexts that mean different things and of course have different meanings to people. Most people assume “Downtown” is Main Street. For City Council Licenses, “Downtown” refers to Central Square, Railroad Square, Main Street to Marlboro Street, Court Street to Vernon Street, Washington Street to Vernon Street, West Street to Federal Street, Roxbury Street to Roxbury Plaza, and Gilbo Avenue to St. James Street. Public Works for its work and maintenance plans has another definition. We must consider that the Form Based Downtown has changes from the former Central Business District (CBD). The CBD becomes the Downtown Core, Downtown Growth and Downtown Limited districts. For the Core and Growth district, the City of Keene will be required to provide parking for all uses including residential. As the uses change from offices, stores etc. the dynamics of need will change from a system, that provide parking movement (and turnover) during the days to one that has to accommodate 24/7 parking needs in addition to visitors and workforce. To accommodate these changing markets and needs we need to address them directly as well as creatively. We need to recognize that market forces change all of the time, so flexibility is paramount.

GARAGE

Effective September 2021 the City of Keene has adopted a new Land Use Code. To simplify the issues this raises, the former districts in and adjacent to the former Central Business district have changed, as have the allowed uses and mixes of uses. Off-street parking requirements are modified, but for the most part, parking supply remains with the City of Keene. As part of the Community Development Departments initial review of Land Development Code uses, Nelson\Nygaard-consultant completed a Parking and Zoning Analysis with findings. The Nelson\Nygaard report details the possible impact of land use on parking in the proposed extended “downtown,” as well as the anticipated needs created by the new “downtown.” The thoughts were current to the time of the report (June 2020) based on known uses and development direction. The report did not directly address the need for a parking garage but did recommend that one could be located on Gilbo Avenue should the uses and possible densification require one.

When conversations about the need for a garage have taken place in the past, the driving need for parking in a garage has been visitor over-flow from Main Street as well as events such as could occur at the Colonial. Parking for visitors is tight as is the needs of our workforce. When the City converted the Wells Garage over to the rental of spaces, it filled immediately and there continues to be interest and a waiting list. A garage on Gilbo Avenue is close to our theaters as well as restaurants, stores, where people work and live...very desirable. A good mix of daytime and nighttime uses. Modern garages can be much more than just parking spaces. The spaces can be demand parking by app and reserved, tickets for shows could be packaged, parking for on call deliveries...a range of options.

Staff has looked at differing garage options in the past for the use of Commercial Lot, Gilbo Lot and other lots in the Gilbo Avenue Corridor. The potential users, the site and the size matters in addition to the cost. We recommend that the Capital Improvement Budget include a FY23 Feasibility Study and Economic Analysis with a potential construction date of FY 29.

CHOICE

Everyone wants to park right next to where *they* want to go, no matter if it is for work, home, business or pleasure. In addition, they want to park *there* as long as they want at little or no cost. The reality is that parking options that meet these criteria are limited and do not exist even in shopping centers. When options are limited then a decision is made that balances cost and comfort compared to proximity by the parker. Most parking systems capitalize on that decision modified by the target market (that is the consumer). Demand profiles vary and change over time, which have clearly been changed by the reductions at Keene State and with COVID 19, as well as the business mix on Main Street, in addition to the consumers comfort with technology. Technology is rapidly changing this market, but it does have direct *consumer* cost. Employees want to park where they work, but if parking is not provided by the employer then employees, when provided with a comfortable path with reasonable or no cost, will walk to a more distant parking spot.

Today, we have little control of the cost of technology where our system is frankly quite small, and the consumer pays access and merchant fees on top of the metered fee. There are different needs depending on the type of employee and time of day parking. An employee (or for that matter a business owner) working in an office during daytime hours has very different needs than a nighttime restaurant worker. Customers and visitors have a variety of demand profiles.

It is estimated that about half of the people who park on Main Street may be first time visitors to New England, have heard about Keene or have come to view the Wall Dogs murals. Some customers come to shop, but most come for entertainment and for the restaurants, clearly reflected in the shift to later opening and closing times. Some come to work or to access personal services. For on-street parking on Main Street, we have to recognize the changes in business and their needs, as well as address the varying needs of all or our downtown users as these uses change. Once again *flexibility* and *adaptability* are required.

As more mixed uses are allowed (LDC and Stay, Work, Play) more and more people are living in the downtown. This need is very different from employees and customers. Employees have needs for parking especially those who are in the service industry that are very different from residents and visitors. This is why targeted parking for workforce is vital as well as parking for residents. Workforce parking, as well as some resident parking should be located in discrete areas at the Gilbo lot. Wells

Garage is now mostly leased and quarterly rental. Covered 24/7 parking is a huge asset. This garage is being converted into 100% rental to service businesses and residents of the downtown, in addition to Roxbury Plaza and Norway Avenue.

Finally, yet importantly, are the services needed for contractors, loading zones/curbside pickup to serve businesses and parking places for persons with disabilities. Loading zones/curbside pickup have become vital as lifelines for businesses during the COVID 19 pandemic for merchandise pick-up. As business models have changed we suspect that this need is permanent. These requirements are different and in different areas of downtown in various quantities and times. Presently there are not enough loading zones to support the present businesses for deliveries and curbside pickup. There are limited opportunities for the parking of service vehicles (such as contractors). Based on our review of the (filed by the Access Board, never adopted) ADA draft standard for the Rights-of-Way (PROWAG), there is likely twice as much accessible parking as would be required by the draft standard (and what would be required on private property) and most do not meet the standard as they are presently constructed. We should convert some of these to loading/curbside parking and provide PROWAG compliant parking.

Technology, Smart Meters, Pay Stations, Electric Vehicle Chargers.

The City of Keene has made significant investments in parking devices and technology. History shows how the system has evolved over time with meters installed in the first time in 1947, the very first parking meter was installed in Oklahoma City in 1935. Most of our meter housings date from that era, but some were purchased as other systems were modernized. In 1985 - 1986 the city conducted a “free parking experiment” (which cost the city \$55,000) when meters were removed at the request of downtown merchants and then at their request the meters were returned. However, the basic parking philosophy and business model has remained the same from the beginning, the housing for the meters is the same and the only change was the replacement of the mechanical systems with electro-mechanical systems. The only other change for payment was the installation of Pay Stations and the use of a parking app (ParkMobile).

Currently, 514 parking spaces have traditional electro-mechanical meters, and 293 parking spaces are managed with Pay Stations. The parking meters are not electronic and do not take credit cards, but parking can be paid for with a mobile phone using the ParkMobile App, the ParkMobile website or with a credit card at the Pay Stations. However, none of the true advantages of smart-meters (or Pay Stations) are available in the existing meters.

As we all know the world has changed; business models and the businesses themselves have evolved to on-line and digital methods. Parking systems and their business models must change and are changing to adapt to that world. No matter what we think about our system (that is, not wanting to change it) we are forced to adapt to sales using cards or the internet, as well as digital enforcement. This is what is sold for equipment and systems and is what the majority of the public wants. The tools we have for business management and parking management include hardware and software. The hardware we use includes computers, phones, mobile phones/printers, and meters (meters on a pole or multi-stations, also called Pay Stations or kiosks). The software includes back office software to manage tickets i.e., number of tickets issued, payments, and appeals, leases and rentals and the interface with payment systems (banks, merchants of record, credit card companies), and they have to interface with internal

systems such as the City's finance system, and with the meters (at this time only the Pay Stations) and the officer's enforcement systems.

Parking management internationally is evolving towards *completely touchless systems* where all the reservations (rentals e.g.) or payments of a space are made on a mobile phone or the internet and not with the use of hardware like meters or multi-stations. Mobile parking apps are no longer alternative methods of payment and have become mainstream to being fully-equipped, one-stop-shop service providers. *ParkMobile*, the app used in Keene, is now available in the center console display units of all new model BMWs. *Passport*, another pay app is integrated with Google maps. From the center display of the car, users can now find, reserve, and pay for parking (depending on the system). The modern parking operation is evolving into an end-to-end digital operating system to unify parking management. Unified systems, permit the management of mobility operations, including parking, enforcement, permits, and payments, as well as reservations and open space availability. These integrate fully with Smart City concepts.

Passport enforcement software was selected as the software vending for the management of violations and they do provide a payment app. Some communities allow the uses of multiple payment systems; there are advantages for the consumer, and for the City. One concern should a vendor cease operations how that could affect the system. There are also differences for the consumer as well with different pricing models. Both Manchester and Portsmouth allow the use of two methods, one an app, the other a device. Staff will examine this issue in more detail to see what benefits could be accrued to City operations as well as the consumer.

One aspect of a unified digital system is the ability to extract data. We know, based on the use of the Pay Stations and the *ParkMobile* App, the time purchased and the amount paid. With the coin system we only know what was paid. We do a hand count once a week to get a percentage occupied, but it is only an estimate and it does not track all dates, all times. A digital system would allow the public to know what space is vacant so that they could choose in less time and provide the City with real-time data.

Payment Mechanisms:

There are clear advantages to Pay Stations and Smart Meters.

PayStation Advantages

Electronic payment.

Coins are accepted.

Less equipment to maintain, less overall operational and first cost.

More payment options, increases convenience for parkers.

Eliminates meter posts/heads that blanket city streets.

Eases maintenance of streets and lots.

Helps to create more space for the use of the sidewalks, adds to economic sustainability.

Saves time and improves efficiency of monitoring – no need to monitor each meter and collect cash from each meter.

Data.

Pay Stations record each transaction associated with a parking transaction by recording the number plate.

Easy to find

Disadvantages

Acceptance was an issue especially with one unit. There are 11 units in use today and with the addition of the touch screen fronts we have had no issues for well over a year.

When a station goes down, while rare, all of the spaces regulated by the PayStation go down.

Electronic Meter Heads Advantages

Electronic payments.

Coins are accepted.

More payment options increases convenience for parkers.

Data.

Parking meters record each transaction associated with a parking transaction recording the number plate.

Disadvantages

There is a higher upfront cost and ongoing cost to replace and keep the meters we have on the streets today.

Adds to street clutter and street and sidewalk maintenance costs.

We often have to replace poles and heads when struck by snow removal operations.

Lost street-scape opportunities and on street business expansion.

Communities in New Hampshire that have recently had new meters placed have been having problems with their operation, quality and warranties.

Pay-by-Phone (that is an area where parking payment is only by phone)

Advantages

Electronic payment - this would be for designated areas (note: our system does allow pay by phone now where we have meters, as well as Pay Stations).

Low or no capital costs - no meters to buy.

No operational costs - Except for the software, most of which is paid via convenience fees.

Increases convenience for parkers.

This is the direction that all cities are moving in.

Up-to-date Parking Management software integrates with parking apps as well as Pay Stations.

If completely pay-by-phone, we remove a safety and accounting issue with coins.

Covid safe

Disadvantages

Acceptance by some users.

No coin use.

Advertisement of availability

The introduction of new parking technology, *ParkMobile* and Pay Stations in particular has provided more payment options for patrons and efficiency for the Parking Services Division. All of the technology described has to integrate with the projected replacement software that the Parking Services Office is proposing for Parking Management. Permit management software platforms streamline documentation collection, expiration and payment tracking with real time data from vehicle interactions to make parking transactions easy and accessible. Drivers can pay for parking using apps they already use.

Upgrading to PayStations instead of meters would also make it so we can store our old meters and use them for parts when we run into issues. At this time, we do not have any replacement meters at all. This will help us save money and make it possible to fix broken meters at a faster rate.

The Problem:

We have moved and will continue to move to a digital system...all businesses do. All the meters on poles are electro-mechanical. The problem is that these units are no longer produced, and we cannot find parts or replacements and we are out of replacements. Our system is beginning to fail. We have to make changes to the system but there are considerations to be evaluated.

In the parking industry, the suppliers of hardware and software have adopted models of equipment production and cost structures that we have no control of, and as we are a very small system, we do not have much negotiating clout. The models all consider a “first” cost and an “annualized” cost, and this is true for meters, Pay Stations, back office software and enforcement hardware and software. Whenever there is a transaction there is a charge either to the City or to the customer (sometimes both). When someone makes a payment there is a charge to use the system, as well as a charge by the bank or credit card company to the customer’s account. This is really no different than what we all pay now using a bank card at the grocery store or with an on-line purchase at Amazon...we just may not overtly see it.

Payment Systems:

The cost to use payment systems for Keene Parking spaces today is:

Processing Fees in person through Point and Pay is \$2.00 up to \$80, anything over \$80 is 2.45%

EB2Gov – on line payments is \$1 for every \$50

Pay Stations and *ParkMobile* is \$.45 mostly...but *ParkMobile* has different rates if you pay with *Pay Pal*, *Pay Wallet*... for most customers it is \$.45

At this time, there are 11 Pay Stations in use that control 293 spaces compared to the 514 meters on poles. These stations are in lots except for Roxbury Plaza, which by city code is actually a street and Elm Street (and that station serves Elm Street lot as well). We did have an issue with one Pay Station that was located at Central Square West. At least part of the problem with that station was set-up and part of the problem was rough handling by patrons. We know we have a crisis looming with the meters as they continue to break down and the lack of parts availability and no more replacements, we have to decide our future path now.

Here are the anticipated costs based on current data:

Smart Meters- replace 513*includes 10% added spare meters

Purchase cost-	\$487,993.95- if reuse of existing housing-\$301,307.29
Annual Cost-	\$38,550.00
Plus \$.13 per transaction...	\$5,850.00 Est. paid by city, or customer, plus all card fees.

We thought it would be prudent to compare this estimate to replacement of the meters with PayStations.

Pay Stations- replace 513 meters with either 52 or 35 Pay Stations

This comparison is less straight forward because Pay Stations can replace anywhere from one meter to fifteen. The rule of thumb is you replace either 10 or 15 meters with one station.

Purchase cost-	One per 10 = \$ 352,090.00
	One per 15 = \$ 234,726.67
Annual cost-	One per 10 = \$ 40,092.00
	One per 15 = \$ 26,728.00

this includes communication fees, but there is still a charge to the customer to use a card or an app and at this time it is \$.45 per transaction.

Staff did look at the Pay Station location issue in more detail. We do not think every location is suitable for a Pay Station based on the following criteria:

- a) the location should be one that has considerable street maintenance issues or would provide more on-street space to allow use of the right of way for sales or seating.
- b) There must be enough street space to allow for the siting of a Pay Station, meet ADA, etc.
- c) There has to be a reasonable amount of meters replaced to warrant the cost.
- d) There should not be another mechanism to provide the service that would be more effective such as mobile app only spaces (at least at this time).

There are places where it makes sense to replace the meters with PayStations due to access or number. These estimates below assume that the west side of lower Main Street adjacent to Keene State College, would be an app only payment section, as well as Ralston Street with a total of 51 spaces paid by app only.

Pay Stations - replace 234 meters with 26 Pay Stations

Purchase cost -	\$ 178,100.00
Annual cost -	\$ 20,280.00

this includes communication fees, but there is still a charge to the customer to use a card or an app and at this time it is \$.45 per transaction.

229 old meters could be left in place (not replaced) with an abundance of spare meters in storage to allow a future purchase or an evolution to an app payment system. We would lose data and the ability of direct card use, but of course, pay by app is still available.

Or we could replace these meters with Smart Meters...

Smart Meters - replace 229 meters *includes 10% added spare meters

Purchase cost -	\$ 221,138.41 - if reuse of existing housing - \$134,877.57
Annual Cost -	\$ 17,175.00

Plus \$.13 per transaction...
card fees.

\$ 3,250.00 Est. paid by City, or customer, plus all

We would recommend an immediate trial of a Pay Station in front of City Hall to assess acceptance and to be able to troubleshoot any evolving issues with a station on Main Street. We recommend that the system evolve into pay by app and Pay Stations with the cost of Smart Meters so high, and with technology evolving to apps...Additionally, we are experimenting with pay by app only sections due to the lack of replacement meters.

Electric Vehicle Chargers:

In 2019, the City of Keene committed to a 100 percent renewable energy transition. All energy that Keene uses for electricity will come from renewable sources by 2030, and all energy used for heating, cooling, and transportation will come from renewables by 2050. The Energy & Climate Committee, with input from the public, developed a Sustainable Energy Plan, which adopted by the Keene City Council by unanimous vote on January 21, 2021. In 2015, ground transportation in Keene accounted for almost half (46%) of all greenhouse gas emissions. The majority of these emissions were generated by on-road gasoline use (84%) followed by on-road diesel use (16%). Electric Vehicles (EVs) are becoming more widely available and affordable, it is important to begin increasing the adoption of EVs to ensure that a majority of passenger vehicles on the road in 2050 are EVs or other alternative vehicles that use renewable energy sources.

According to the adopted Sustainable Energy Plan, one of the priority implementation strategies and actions includes the installation of EV charging stations (level 2 and fast-charge) in on-street parking areas and in public parking lots or structures.

EV Charging Infrastructure:

There are 3 charging locations within the City of Keene, including two “Level 2” charging ports in the Commercial Street parking lot (available for a parking fee of \$1.49/hour), two “Level 2” charging ports at the Fairfield Kia Dealership, and one “Level 2” charging port at the Antioch University New England campus. There are no DC fast charge stations (“Level 3” charging stations) in Keene. However, within 20-30 miles of Keene, there are a number of charging stations and charging ports, most of which are along the Route 91 corridor between Brattleboro and Putney across the Connecticut River in Vermont, including 4 public DC fast charging locations. There are 13 “Level 2” charging locations within 20 miles, and 16 additional “Level 2” charging locations within 30 miles of the City. According to the adopted Sustainable Energy Plan, the City of Keene should develop a plan to deploy Level 3 public EV charging infrastructure using grant funding and/or public-private partnerships. By providing DC Fast Charge stations in or near Downtown Keene, the City will help accelerate the shift to EVs and ensure the City does not discourage business from tourists and other visitors who drive EVs. Parking Management has begun a review of location and funding.

Implementation Steps

Implementation Steps	
✓	Identify priority locations for public EV charging stations. Assess EV ownership trends and regional/local travel data to identify areas where there will likely be demand for EV charging infrastructure.
✓	Choose a specific location and type of charging equipment. The specific location and type of charging equipment will impact utilization and installation costs. The selected location should be convenient to drivers, in close proximity to an existing electrical panel that has the capacity to handle the additional load required for EV charging, have network access (if “smart” chargers are planned), and should meet lighting and accessibility requirements. The selected EV charging equipment (e.g. Level 2, DC fast charge, etc.) should be chosen to best meet the needs of the intended users.
✓	Determine the project budget. There are two components to EV charging station costs: the capital costs of installing the equipment, and ongoing operations and maintenance costs. Capital costs are comprised of hardware, permitting, and installation and will vary depending on the charging level, site characteristics, and equipment features. Operation and maintenance costs include electricity costs, maintenance and repair of the EV charging equipment, and network and charging session fees (i.e. cost of cellular/Wi-Fi network and back office support).
✓	Secure funding. Identify potential partners and grant or other funding (e.g. Volkswagen Environmental Mitigation Trust funds) to reduce the cost burden on the City and local taxpayers.

DEMAND FOR OVERNIGHT AND ON-STREET PARKING

PARKING BENEFIT DISTRICTS

Recent interest in overnight on-street parking has resulted in an evaluation of City practices and regulations by Parking Services. With new housing development probable, and changes to city code (LDC) it is likely we could see that interest grow and frequent use the right-of-way for parking. We know that this was an issue with the proposal for the Hundred Nights Shelter to purchase 80 Roxbury Street in October 2020. Any use of the right of way should include consideration of overnight on-street parking during winter maintenance periods and how that would be accomplished including enforcement.

City code currently restricts how (and where) vehicles are allowed to park on the street, i.e. *“On the travel portion of any roadway so as to obstruct the movement of traffic in the travel lane.”* This general restriction limits on-street parking in many areas with narrow streets. This restriction along with the winter maintenance overnight parking ban between November 1st and April 1st makes right-of-way use problematic.

In some of the districts near “downtown” and in the proposed Core, Growth and Transition districts there are residential properties that do not have adequate on-site parking. These are properties that could be expected to have increased density pursuant to the LDC, as well as promoting “live/work/play parking” can limit development. One way to address this need without constructing facilities, is by creating an on-street parking system. We have the framework of one with the “special residential parking district.”

How this works now, is the City Council receives a petition representing a majority of the residences within an area requesting to be designated as a special residential parking district and upon approval by the City Council, passenger motor vehicles whose gross weight is less than or equal to 5,000 pounds displaying authorized municipal residential parking permits can park on the street. The streets that have

been designated by city code are Adams Court, north and south sides, Appleton Street, both sides, Bruder Street, north side, Elliot Street, south side, for a distance of 120 feet east of Main Street, Wilcox Terrace, east and west sides; all near Keene State. Hancock Street, both sides (off of Marlboro Street); Hamden Drive east and west sides, and Iceland Circle (near Keene High and Crossway Church), north and south sides. There is some free parking, but two hour limited parking is on Spring Street...parts of Washington Street and parts of Court Street and some unregulated. There is open parking on Center Street and part of Summer and Elm Streets.

A Parking Benefit District is an area where some of the parking revenues raised are then reinvested back into the district for a wide range of transportation-related improvements. To some extent, this is how the Parking Fund operates today where income is used to support operations and maintenance as well as provide some funding for Main Street maintenance, landscaping and improvements. Funds are used to purchase and operate meters/Pay Stations (if required), invest in walking and biking infrastructure, or pay for improvements such as street trees, benches, and lighting. Reinvesting parking revenue within a specific district cannot only help better manage parking supply and demand, but can also support economic development, and neighborhood revitalization efforts.

Finally, Parking Benefit Districts can also increase the supply of affordable housing. On-street parking often is controversial when targeted for housing on private property. Most cities require new housing to provide enough off-street parking. These parking requirements can increase the cost, may not be available in retrofit situations and can reduce the supply of housing.

COMMUNICATIONS AND MARKETING PLAN

The main service provided by Parking Services is parking availability. That availability changes over time as does the cost, and how we “park” is core to the health of Main Street’s economy. Main Street itself does not have a branding or marketing regime, nor does Parking Services. In order for the public to understand what the role of Parking Services is and to be able to become aware of openings, specials, announcements, as well as creating a feedback loop, must be developed as part of a Downtown Marketing plan. We need to outreach in multiple ways including social media, paper marketing, radio marketing, and word of mouth. Visiting businesses and talking to residents and visitors can help us gauge the best ways to communicate. Education on the parking fund can be added to our marketing and communications plan.

The parking fund has many layers to it that our community is unaware of. Parking Funds go towards the beautification and maintenance of our Downtown. We need to continually educate our City Council members, our tax-payers and downtown community. Many people do not understand that the “fees’ (rental, meters and fines) that they pay to park help with benches, landscaping, plowing, crosswalks, lighting, etc. Helping educate on the parking fund may shed a light on what it is the parking department does overall in helping keep our downtown vibrant. Parking is also more than writing tickets, most people visiting our community reach out to our staff when they have questions about our area. Our staff stays up-to-date on relevant tourism information for our community and can leave a great lasting impression on people visiting.

When visitors come to Keene for events, dining and shopping our City Parking Services team is often the first line of contact (and sometimes the only contact with a city employee). As ambassadors for the City of Keene, we stay current in what is happening in regards to activities, detours/construction, bathrooms,

and City of Keene ordinances. Our team greets guests and residents in a friendly and knowledgeable manner. This is important because it can leave a lasting impression on visitors and help encourage them to come back to Keene.

CITY CODE

Chapter 94 Article III is the code section that defines the methods and means for Parking Services (in addition to Appendix B for some of the fees). This article is imbedded into a code chapter related to Traffic, Parking and Public Ways. Most of the chapter relates to policing of the streets by the Police Department. With the removal of Parking Services from the Police Department there are connections that no longer make sense, questions about authority, as well as expectations of what Parking Services does beyond the metered section of the system. In addition the Article is old, poorly written and is not clear in the intent that City Council had. There is very little authority for Parking Services to try alternative ways to address parking which is vital if we are to be nimble and creative.

Two Examples:

Sec. 94-94. - Restrictions. **Remember the Airport is in Swanzey**

(g) Dillant-Hopkins Airport.

(1) Parking at the Dillant-Hopkins Airport shall be limited to customers of the Dillant-Hopkins Airport or its tenants, lessees, and other users of the facility and shall be in the designated paved parking area north of the terminal building only. Each vehicle shall be parked within the lined spaces provided therefor. No vehicle shall be left parked and unattended adjacent to the sidewalk in front of the terminal building for any reason whatsoever. Any vehicle left parked and unattended in violation of this subsection may be towed away at the expense of the owner thereof, and a reasonable charge for such towing shall be a lien upon the vehicle to be paid before the towing company selected by the airport director to do such towing shall be required to surrender the vehicle.

(2) No unregistered vehicle shall be left standing or parked on any portion of the Dillant-Hopkins Airport property. No registered vehicle shall be left continuously for longer than 15 days. Vehicles in violation of this subsection may be towed away at the expense of the owner thereof, and the reasonable cost of such towing shall be a lien upon the vehicle and shall be paid by the owner before the vehicle shall be surrendered to him by the person towing at the direction of the airport director.

Sec. 94-95. - Snow and street maintenance period.

(c) The prohibitions described in subsections (c) through (f) of this section shall not apply during the period from May 1 through October 31, except that no vehicle shall be left continuously **in any city-owned parking lot for longer than five days**. Any vehicle that is left in any city-owned parking lot and/or that is unregistered may be towed as stated in [section 94-154](#) pertaining to enforcement practices.

Nothing in this exception to parking prohibitions will prohibit the public works department from closing all or parts of any parking lot for maintenance, as long as the parking lot has been signed to notify users of the parking lot of the closing at least five days prior to the closing of the parking lot for maintenance.

(d) No vehicle shall be left standing on the city-owned Elm Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. Exceptions: This Elm Street lot prohibition shall not pertain to the spaces specifically designated for overnight permit parking.

(e) No vehicle shall be left standing on the city-owned Gilbo Avenue parking lot west of St. James Street and Commercial Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on

Monday, Wednesday, Friday, and Sunday; and no vehicle shall be left standing on the Gilbo Avenue parking lot east of St. James Street between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. Exception: This prohibition shall not pertain to the space rented to Vermont Transit or its successor organization or the spaces specifically designated for overnight permit parking. This exception shall terminate automatically upon the termination of the monthly rental by Vermont Transit or its successor organization.

(f) No vehicle shall be left standing on the city-owned Wells Street parking structure **between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday and Thursday**, except in the spaces specifically designated for overnight permit parking.

Just one example of this poorly written section, this is for snow removal, yet the bottom deck at wells is covered and the section allowing five days has been misused and was in the code for Keene State Students who parked in the dirt lot (free) that is now the COOP and its parking .



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: October 7, 2021
To: Mayor and Keene City Council
From: Rebecca Landry, ACM/IT Director
Through: Elizabeth Dragon, City Manager
Subject: **An Ordinance Relating to Authority to Use Electronic Signatures For Official City Documents
Ordinance O-2021-13**

Council Action:

In City Council October 7, 2021.
Communication referred to the Finance, Organization and Personnel Committee.

Recommendation:

That Ordinance O-2021-13 be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

1. Ordinance O-2021-13 _Referral

Background:

Modern electronic signatures provide a means for quick and secure document signing and are commonly used to indicate acceptance of an agreement. They can engage a variety of electronic authentication methods to identify the identity of signers, such as email and passwords, and the result includes proof of signing via a secured process and audit trail included in signed documents.

The use of electronic signatures can significantly streamline processes that require document signatures such as bid summaries, vendor and consultant contracts, employee enrollments, etc. It is recommended that the City officially authorize the use of electronic signatures via an amendment to the City Code to formally accept this method as an acceptable means of signature.



CITY OF KEENE

Ordinance O-2021-13

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to Authority to Use Electronic Signatures For Official City Documents

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, are hereby further amended by adding a new Section 2-4 in Article I "In General" of Chapter 2 entitled "Administration" as follows:

ARTICLE 1. – IN GENERAL

Sec. 2-4. – Signatures

In any written communication or contract by or with the City, in which a signature is required or used, the City may authorize the use of an electronic signature by any party. The use of an electronic signature shall have the same force and effect as the use of a manual signature using ink applied to paper.

George S. Hansel, Mayor

In City Council October 7, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk