



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 7, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- August 17, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Zoning Map Change - Old Walpole Road - Rural to Low Density
2. Lower Winchester Street Reconstruction Project - McFarland Johnson

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
Heritage Commission
2. Nominations
Library Board of Trustees
Energy and Climate Committee

C. COMMUNICATIONS

1. Elizabeth Campbell - Resignation - Energy and Climate Committee
2. Ryan Grandmont - Hawker and Peddler - Request to Place Sandwich Board on City Sidewalk
3. Roger Weinreich - Request to Use City Property - Block Party
4. Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department

5. Petition - Request for Urgent Appeal for the Installation of a Sidewalk on Arch Street between Hurricane Road and Felt Road
6. Councilor Lake - Requesting an Update on the Sidewalk Asset Management Program
7. Jessica Wright - In Opposition to Ordinance O-2023-12 Amendment to the Zoning Map - Rural to Low Density - 0 Old Walpole Rd
8. Deborah Craig - In Opposition to Ordinance O-2023-12 Amendment to the Zoning Map - Rural to Low Density - 0 Old Walpole Rd
9. Dave and Kim Bergeron - In Opposition to Ordinance O-2023-12 - Amendment to the Zoning Map - Rural to Low Density - 0 Old Walpole Road
10. Bill and Anne Meddaugh - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - 0 Old Walpole Road
11. Thomas and Marianne O'Brien - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - 0 Old Walpole Road
12. Richard and Carolyn Campbell - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - 0 Old Walpole Road
13. Thais Frost - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - Old Walpole Road
14. Corbet Cook - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - Old Walpole Road
15. Attorney Thomas Hanna - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - Old Walpole Road
16. Attorney Thomas Hanna - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - Old Walpole Road - Spot Zoning

D. REPORTS - COUNCIL COMMITTEES

1. Uncollectable Sewer/Water Bill – 64 Valley Street
2. Keene ICE Expansion – Expanded Locker Rooms - Keene State College
3. Acceptance of 2023 Highway Safety Agency Grant
4. Acceptance of Grant Funds – NH Division of Historical Resources Certified Local Government Grant
5. Acceptance of New Hampshire Juvenile Court Diversion Network funding for Youth Services
6. Pamela Russell Slack - Requesting an Amendment to the City Council's Rules of Order – Workshops
7. Red Knights International Motorcycle Club - Motorcycle Rally - Parking Voucher System for Attendees

8. Request to Waive Purchasing Requirements - Sole Source - Flowbird Paystations
9. Change Order for Skate Park Construction
10. Transportation Heritage Trail Project, Phase 1 - Consultant Selection
11. Sewer Force Main Inspection Project - Consultant Selection

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Charter Amendment - Municipal Primaries - City Clerk
2. Report on the Completion of the Ad-Hoc Lower Winchester Street Project Steering Committee

G. REPORTS - BOARDS AND COMMISSIONS

1. Relating to an Amendment to the Zoning Map - 0 Ashuelot Street - High Density to Commerce - O-2023-13

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Performance Bonuses and Class Allocation
Ordinance O-2013-14

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Acceptance of Deed and Return of Layout – Brookfield Lane
Resolution R-2023-28
Resolution R-2023-29-A
2. In Appreciation of Christopher C. Staples Upon His Retirement
Resolution R-2023-30
3. Relating to the Appropriation of Funds - Sewer Fund Unassigned Fund Balance for the Martell Court Pump Station Bypass
Resolution R-2023-31
4. Relating to FY24 Fiscal Policies
Resolution R-2023-32

NON PUBLIC SESSION

ADJOURNMENT

08/17/2023

A site visit was held Thursday, August 17, 2023, at 5:45 PM relative to a petition from Whitcomb's Mill Estates to accept a warranty deed and return of layout for a public way known as Brookfield Lane. Mayor Hansel was in attendance. Councilors in attendance included: Bryan Lake, Michael Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert Williams, Philip M. Jones, Andrew Madison, Raleigh Ormerod, Catherine Workman, Mitchell H. Greenwald, Kate Bosely, and Thomas F. Powers. Kris Roberts and Bettina A. Chadbourne were absent. Staff in attendance included the City Attorney, Asst. City Attorney, City Engineer, and the Public Works Director. Jim Phippard represented the Petitioner. The site visit was called to order by the Deputy City Clerk at 5:45 PM.

The City Engineer opened the site visit by stating that the petitioner is proposing a small conservation residential development in the LD1 zone consisting of 9 lots of mixed single-family and duplex residences. The project will contain approximately 6.87 acres of open space. With the aid of a drawing, the City Engineer described the layout of the proposed new road called Brookfield Lane, which included: dimensions, pavement, culverts, other stormwater drainage features and a holding pond to be located off adjacent Whitcomb Mill Rd. The City Engineer continued that the homeowner's association will be responsible for managing stormwater runoff. The City Engineer indicated that the petitioner had requested waivers of City Code Sec. 22:37 relating to sidewalks, streetlights, underground utilities, and street trees.

The City Engineer and Public Works Director answered several questions regarding the future of the White Brook bridge on Whitcomb Mill Rd., pedestrian access, and vehicle traffic concerns from the City Councilors who were in attendance.

As there were no further comments, the Mayor declared the visit closed at 5:59 PM.

A true record, attest:



Deputy City Clerk

A regular meeting of the Keene City Council was held on Thursday, August 17, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Councilor Jones led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the July 20, 2023 meeting minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

Mayor Hansel and the Council wished a Happy Birthday to Councilors Roberts (August 9), Powers (August 12), and Lake (August 19). Mayor Hansel and the Council also acknowledged Councilor Madison and Lieutenant of Fire Alarm, Ray Phillips, for the emergency life-saving moment with a recent Route 9 motor vehicle accident.

Mayor Hansel also reminded Councilors and the public that the filing period has begun for the fall Municipal Elections. Candidates may either pay a filing fee and complete a declaration of candidacy or they may also file by petition by collecting the signatures of 50 registered voters to get their name on the ballot. The filing period for declarations ends on September 5 at 5:00 PM. The filing period for petitions runs until September 8 at 5:00 PM. Anyone wishing to run for office must be a duly qualified registered voter in the ward or district they represent. Filings will be accepted at the City Clerk's Office for Mayor, Ward Councilor, Councilor-at-large, and the various Election Official positions. Mayor Hansel asked the Councilors to encourage members of the community to run for office.

Mayor Hansel announced 3 Council workshops: September 18 (goals), October 16 (goals, if needed), and Sept. 26 (fiscal policies). These workshops will be at Heberton Hall at 6:00 PM. The setup for these meetings will not accommodate remote access, so Councilors should make every effort to attend. Light refreshments will be served in advance of the workshops.

PROCLAMATION – INTERNATIONAL OVERDOSE AWARENESS DAY

Mayor Hansel welcomed Councilor Bobby Williams, Anita Hansen, and Jodie Newell forward to receive a proclamation declaring August 31, 2023, as International Overdose Awareness Day in Keene. The Mayor encouraged all residents to join in remembering those lost to overdose in the upcoming candlelight vigil at Central Square on August 31 from 7:00 PM–8:00 PM. Ms. Hansen said candles would be provided and there would be speakers. It is a time to remember those lost, those struggling now, and the families that love them. This is a huge issue personally and economically in Keene and NH.

PUBLIC HEARING – ACCEPTANCE OF DEED AND RETURN OF LAYOUT – BROOKFIELD LANE – RESOLUTIONS R-2023-28 AND R-2023-20

Mayor Hansel opened the public hearing at 7:08 PM and the Deputy City Clerk read the public hearing notice. The Mayor welcomed Jim Phippard of Brickstone Land Consulting on behalf of Whitcomb's Mill Estates for a description of the proposed layout. The City Engineer presented on behalf of the City.

The City Engineer said this petition was requesting that the City Council lay out a new public road in the City, for which the petitioner has suggested the name of Brookfield Lane. The new

road would be located on the west side of Whitcomb's Mill Road, almost exactly opposite the entrance to Langdon Place. If the Council approves the petition, the City would take over public maintenance and operation of 850 linear feet (750 feet of roadway and 100 feet around the perimeter of the cul-de-sac) of new roadway from Whitcomb's Mill Road to the back of the cul-de-sac, in addition to the 1,350 feet of public sewers (and manholes, etc.) and 2 existing culverts. The petitioner proposes a stormwater management pond as a part of the development, which the City would not be responsible for. That pond will collect water from the roadway, filtering out the sediment before it enters the wetlands complex. The pond would be a part of the open space parcel that the homeowner's association would be responsible for.

The City Engineer said the petition also includes requests for 4 waivers. Chapter 22 of Keene's Land Development Code addresses how to grant waivers for public infrastructure (except for driveway street access permits). It is up to the City Council to approve these waivers. The petitioner requested waivers from 4 specific sections of the Land Development Code:

- Section 22.3.7 addresses sidewalks:
 - Sidewalks are required on at least one side of any proposed street in any residential Zoning District, which applies in this case.
 - There are provisions in the Code for developers that provide an alternative system of pedestrian accommodations that do not run parallel to the road.
 - In this case, the developer proposes constructing a gravel pathway from Brookfield Lane to the Cheshire Rail Trail to provide safe pedestrian access. The path would traverse the open space reserved for conservation.
 - While the City Engineer felt the petitioner met the requirements of open space for conservation, he said it would be very hard for the Public Works Department to maintain sidewalks or plow snow at this site because there is no sidewalk network anywhere in the vicinity of this development. Still, the City Engineer thought the petitioner proposed a reasonable compromise, and so he recommended granting this waiver request.

- Section 22.3.8.B addresses streetlights:
 - Streetlights are required at intersections in all Zoning districts and along the length of public streets in all residential Zoning districts. This section clearly applies to this proposed development.
 - The applicant has requested to provide no streetlights.
 - There are currently no streetlights on Whitcomb's Mill Road, so at the very least, the City Engineer thought that lighting that intersection would be a prudent safety measure for those turning. Still, he felt that this standard should apply in this case, with streetlights every 400 feet. This would mean 3 lights for this development: 1 at Whitcomb's Mill Road, 1 in the middle of the roadway, and 1 at the end of the cul-de-sac.
 - Thus, the City Engineer recommended *against* granting this waiver.

- Section 23.3.8.D addresses underground utilities:

- When underground streetlighting feed is required, then the telephone, electric, and cable TV utilities should also be placed underground. This is the case in many Zoning districts, including the Low Density Zone. This requirement applies to this proposed development.
 - The City Engineer found no basis for why the applicant should not put those utilities underground because it is a City Council standard.
 - Thus, the City Engineer recommended *against* granting this waiver.
- Section 22.3.16 addresses street trees:
 - There shall be at least 1 deciduous tree (2-inch caliper minimum at planting) of a species approved by the Public Works Director for every 50-foot interval of each side of any new street or extension of an existing street.
 - The applicant believes there are already a lot of trees on site, which the City Engineer said is essentially true because it is a wooded lot. However, once these properties are sold to individual homeowners, the City will have no control over whether those existing trees remain or are removed.
 - Street tree requirements allow the City to set an aesthetic standard for how streets should be developed and allow for environmental benefits like addressing heat islands and stormwater management.
 - The City Engineer said that City Staff saw no compelling reason to grant this waiver and recommended *against* granting it.

Mr. Phippard explained the petition. Last year, he said the City rezoned this property from Rural to Low Density 1, which made it possible to propose a small development like the one he showed on the plans. This would be a Conservation Residential Development (CRD) that would consist of 9 separate lots, 8 of which would be accessed by a proposed new City street that ends at the cul-de-sac. One of those 8 lots is a large, 6.8-acre tract, which is where part of the permanent open space required by the CRD would be located. There is also a lot with direct frontage on Whitcomb's Mill Road that would not have access from the proposed new road. This CRD is intended to be a mix of single-family homes on the smaller lots and duplexes on the 4 larger lots. However, buyers of those 4 lots could choose to not construct duplexes. He noted that costs were one reason he requested these waivers. He thought the sidewalk made sense because there are no sidewalks near the development, and it would be a burden for the Public Works Department to plow a sidewalk that is so far from the regular sidewalk network in the City. Mr. Phippard knew that concrete sidewalks built to the City's specifications would cost over \$100 per linear foot for a total of approximately \$75,000.

Mr. Phippard said that while this area was rezoned as Low Density 1, it is still a rural area, and he wants to respect that by not cutting all the trees on the lots; the owners' intent is to preserve as many trees as possible to maintain the character of that neighborhood. There are already many interested buyers as the project has been in progress for 3 years, and the interested parties want to preserve the large open space. The applicant proposed to construct a gravel pathway within the open space land, all of which would be maintained by the homeowners' association.

Constructing that path will require a license from the Trails Bureau of NH Department of Transportation (DOT) so it can be connected to the Rail Trail; Mr. Phippard was assured this would be granted. The applicant is willing to preserve trees within 20 feet of the right-of-way and give the City an easement to maintain those trees; this site would have 100s of trees within 20 feet of the right-of-way. He thinks a requirement to plant street trees would be redundant and a wasted expense; 30 street trees in the City's right-of-way would cost an additional \$75,000.

Next, Mr. Phippard talked about the waiver request for underground utilities. He met with Eversource at the site to get their approval to locate the underground utilities. Eversource informed him that they could not promise the transformers within the next year. Because of this, the petitioner immediately switched from underground to overhead electricity on site. Mr. Phippard mentioned that there were 4 contractors bidding for this site with the hope of starting this fall, but 2 dropped out because of all the wash outs and damages that had occurred this summer; NH DOT has been hiring all available contractors to help them rebuild roadways. If the developer cannot get the necessary permits and approvals, then they cannot start this fall. Mr. Phippard said costs for everything had been skyrocketing, which would only increase costs for future homeowners. For example, if forced to have underground utilities, the 5-inch conduits cost \$90 per linear foot compared to \$15 two years ago. That is just one part of the cost of the underground utilities. Not receiving this waiver could add \$100,000 to the cost of developing these 12 units.

Mr. Phippard said the goal for this development is to keep the homes under \$500,000 but said that all of these extra construction costs would make that harder. He is currently in negotiations with 2 suppliers to try to bring down the cost of these stick-built homes. He asked the Council to respect the fact that these waivers were not requested on a whim, but because he feels they are absolutely necessary to retain the budget.

Next, Mr. Phippard addressed City sewer access at the site. The sewer would originate across from Whitcomb's Mill Road at Langdon Place of Keene. In the 1980s, the sewer was extended from Arch Street, under White Brook, and all the way to the last wing of the Langdon Place building. The easement was extended to Whitcomb's Mill Road.

In addition to these waivers helping to keep the project on budget, Mr. Phippard said this development would contribute to the critical need for housing in Keene; more housing could bring more businesses to Keene.

Mayor Hansel opened the hearing to public comments.

Walter Lacey of 230 Daniels Hill Road said that the intersection of NH Rt-9 and Whitcomb's Mill Road has become more perilous over the years, with frequent accidents. It has become a shortcut to destinations in north and west Keene. He thinks this development will only make it more perilous. Langdon Place was built 25 years ago and recently a Rail Trail parking lot was added. Since this intersection was created, there have been 20 new homes built on Daniels Hill

Road and Langley Road, which has increased traffic dramatically. Mr. W. Lacey said that residents who use this intersection have been appealing to NH DOT for 25 years. He said his requests to the City Council had also been overlooked. He thought that this development would subject 12 households, their visitors, and vendors to unnecessary hazards; this would also be the case for long-time residents using the intersection. He shared examples of how scary the intersection can be, including near misses. Mr. W. Lacey thought it was sad that a fatal car accident was needed to affect change. He urged the City Council to not approve this development without a commitment from NH DOT for safety improvements to this intersection. He quoted from the 1994 mission statement of the Keene City government: *“The mission of the Keene City government is to provide the best possible public order, safety, justice, infrastructure and services expected by its citizenry; and to provide the forum for community planning and development.”*

Thomas Lacey of 241 Daniels Hill Road agreed with Mr. W. Lacey about this intersection becoming less safe over time as the number of users has increased. Speeds are incredibly high, and he often sees signs of accidents (e.g., broken glass or guardrail damage). Drivers do not slow down when approaching this intersection. While it might appear as though nothing is wrong with this intersection, he said it suddenly becomes really complicated. When he cannot avoid using the intersection, he mentioned that he had to develop a strategy of stopping short to avoid other vehicles. Mr. T. Lacey said the City Council had fair warning about this. Otherwise, he supported this development. Still, he thought that any acceptance of this new right-of-way should be suspended until there is a solution for safety at the intersection of Rt-9 and Whitcomb’s Mill Road; he did not think the developer should be responsible for paying for this solution.

Mayor Hansel shared that he sent a letter to the NH DOT Commissioner requesting a response about this but had not received one yet. He encouraged City Staff to bring this up with DOT as well.

Hearing nothing further, Mayor Hansel closed the public hearing at 7:43 PM, except for written comments, which would be accepted until 1:00 PM on Tuesday, August 22. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel referred Resolutions R-2023-28 and R-2023-29 to the Municipal Services, Facilities, & Infrastructure Committee for their August 24 meeting.

A true record, attest:



Deputy City Clerk

PRESENTATION – SLUDGE DRYER FEASIBILITY STUDY – BROWN AND CALDWELL
AN ENGINEERING CONSULTING FIRM

Mayor Hansel welcomed Aaron Costa, Assistant Public Works Director, and Wastewater Treatment Plant (WWTP) Manager to introduce the sludge dryer feasibility study. He introduced consultants from Brown & Caldwell: Colin O'Brien and Bill Browder. Mr. Costa thanked the partners on this project, which was funded by a \$100,000 grant through the American Rescue Plan Act administered by the NH Department of Environmental Services (DES). The City owns and operates the WWTP, which treats approximately 3 million gallons of wastewater daily (24/7/365). A discharge permit allows the City to discharge that treated wastewater into the Ashuelot River. Less commonly discussed are the biosolids—or sludge—disposed of at the WWTP. There are 3 ways to get rid of biosolids: 1) incineration (only 1 in NH), 2) landfilling at the Turnkey Landfill in Rochester, NH (current method; limited landfill capacity in New England and not a desirable landfill material because of high water content), and 3) reuse and land application (a company turns it into a compostable product that can be used as fertilizer and more). However, recent PFAS regulations have changed the ability for land application and beneficial reuse. The City of Keene has sludge dewatering equipment that produces a product that is approximately 30% solids and 70% water. The WWTP produces 4,500 tons of that material every year; if more water could be removed, it would reduce the tonnage that must be hauled and disposed of. The current rate for hauling is \$125 per ton in the City of Keene and there is an annual operating budget for this of \$600,000. This study assessed the feasibility of adding a sludge dryer to the City's current dewatering process to reduce the overall water content. The study also created a roadmap of how to best manage biosolids in the 21st century and what that could look like in Keene over the next 30 years. This study considered the City Council's goals regarding fossil fuels. This drying process could generate some energy that could be used at the WWTP. Mr. O'Brien said his team is working with many towns in NH facing this challenge. This study created a roadmap for the City to follow as sludge crises arise.

Mr. Browder said the consultants' task for this project was to assess the feasibility of a sludge dryer at the WWTP. He echoed that Keene has laudable energy goals: 100% renewable electricity by 2023 and 100% renewable thermal by 2050. Those goals gave this study a unique context. Like for other products, the costs of addressing biosolids are increasing, with pressures on landfills, driver shortages, higher costs, and other regulatory challenges. Since the City first opened a biosolids management contract, the unit costs have gone up 47% from \$85 per wet ton to \$125 per wet ton; that contract is through the end of 2025. So, the next time the City rebids for this, prices could be as high as \$1 million per year for the wastewater treatment plant. If the prices reached \$250 per wet ton—which is reasonable to expect—it would become over 50% of the overall WWTP budget for biosolids management. To avoid that, there are some things the City can do.

Mr. Browder explained the context of biosolids in NH, much of which are placed in landfills or burned. However, there are opportunities to beneficially reuse that material (e.g., inorganic fertilizer), which could be a cost-effective alternative. There is limited landfill capacity, especially for this wet waste, which can cause stability issues in landfills. As Mr. Costa mentioned, there has been a lot of regulatory action across the country on PFAS (forever chemicals), particularly in NH. So, there are strict drinking and groundwater standards. NH DES

is obligated to have soil screening standards by November 2023 that will push for a biosolid limit in NH. Most of the biosolid management companies the consultants contacted said they wanted dry material. The dewatered material (70% water) produced currently by the WWTP could be improved with a sludge dryer, which would leave a product that is only 10% water and much easier to handle in a landfill or as fertilizer. Keene's current method of dewatering and transporting to a landfill is not sustainable.

The recommendations that came from this feasibility study are to improve this situation in phases, with the first phase being the purchase of a thermal sludge dryer, which would significantly reduce the tonnage. Further, anaerobic digestion could be used to generate renewable energy (electricity or heat) for the dryer, resulting in fewer solids to manage. There is also an opportunity for thermal PFAS treatment technology. The consultants' primary recommendation at this time is to move forward with the thermal dryer. He showed an animation of how this dryer would work. This dryer would cost approximately \$11.3 million and would help the City reach its energy and climate goals. He showed another graphic depicting the carbon associated with all the power used at the WWTP and hauling the dewatered sludge to the landfill. He also noted that putting biosolids and any organic matter in a landfill generates significant amounts of methane, which is a potent greenhouse gas. With a dried product, Keene could continue sending its biosolids to the landfill or reuse the product more easily.

In consideration of running a thermal dryer with renewable energy, there are 4 options: 1) the solar array next to the WWTP, 2) Froling Energy in Keene has biomass boilers to heat the product and provide energy for the thermal dryer, 3) biogas from anaerobic digesters, and 4) syngas from a pyrolysis unit. A thin film dryer would have the best life cycle cost; he demonstrated how this works. Reusing biosolids beneficially is a common practice nationally. Mr. Browder said there could be additional phases to bring in new technologies, like anaerobic digesters, which are a common technology in use for over 100 years. An anaerobic digester puts organic matter in large tanks to generate biogas, which is essentially a renewable energy gas that can power boilers to create electricity. Federal incentives could help with funding some of these phases, such as accepting food waste in digesters or solids from other treatment plants, and thus generating revenue. There is still more research needed on PFAS treatment, which is why the consultants recommend the dryer as the first phase.

Councilor Johnsen asked if any wastewater is reusable. Mr. Browder said some evaporates as vapor, but most would be condensed and recycled back into the WWTP.

Councilor Madison asked if the thin film dryer was essentially a glorified centrifuge for biosolids. Mr. Browder said it is similar. A centrifuge is widely used for the dewatering step at WWTPs. This involves a heated jacket that is a similar concept and results in a much drier product.

Councilor Jones asked how the throughput of the dryer would be measured. Gallons per hour? Mr. Browder said yes, it is typically measured in wet pounds evaporated per hour. It is related to

the amount of water in the material, which fluctuates. The consultants looked at the sludge generated at the WWTP currently (the 2020 standard) and extrapolated out 20 years after purchasing the equipment. Wastewater flow at the WWTP will change with new development and additional flows. Councilor Jones asked if the digester tanks are an old technology and if the organisms in that process are just small bugs. Mr. Browder said a digester is just like the human stomach. There are microorganisms in the digester that break down solids into carbon dioxide and methane, which is captured as biogas and cleaned to use for electricity. Councilor Jones said it is essential to manage the pH and anything else in that system to keep the microorganisms alive. Mr. Browder agreed that it is important to watch the equipment closely, but digesters run successfully across the country. So, while it is older technology, it is proven to work.

Councilor Williams asked about how much methane could be generated using the biodigesters. Mr. Browder replied that digestion at Keene's WWTP could produce enough biogas to meet most of the needs of the thermal dryer. The amount of methane generated is what would be needed to dewater the product to 90% solid for municipal sludge. More digester gas production could better fulfill the obligation of running the thermal dryer full-time.

Councilor Ormerod asked if PFAS would still be in the solid waste going to the landfill after drying? Mr. Browder said some of the PFAS would come out during drying as condensate, some potentially as exhaust, and most would still remain in the solids. Councilor Ormerod asked about the \$11 million capital investment for the dryer. The Councilor wanted to know why not invest in the digester as the first phase, which is a lower capital expense of \$5 million. Mr. Browder thought that investing in the digester first would not leave the WWTP with a material that other companies want to manage. While digestion is a great technology, a dried product is needed for biosolids management in New England. Mr. O'Brien added that Keene's biosolid hauling contract is through 2024, and by that time, a digester would not have the same mass reduction as a dryer would. The hauling costs could go up when that contract is renegotiated.

Councilor Greenwald asked what the dryer would cost and what the payback to the City would be. Mr. Browder said the estimated preliminary capital cost would be \$11 million and the break-even point would be over the lifecycle of the dryer. It is less about return on investment and more so about the City not risking having a material and nowhere to go with it. There would be more management options and the WWTP could continue running. Mr. Browder also recalled that the City is currently paying \$600,000 annually for wet biosolid disposal.

Councilor Remy also asked about the payback period, which Mr. Browder said was listed in the report. Councilor Remy also asked if an anaerobic digester would process the dewatered sludge. Mr. Browder said that sludge would go through the digester, then through screw presses to make the somewhat dewatered product, which would then be put in the dryer.

Councilor Madison asked if the dryer is mainly to reduce volume and thus get past the current contract with Turnkey Landfill. He also asked if the anaerobic digester would eliminate the need for landfilling the biosolids. Mr. Browder said yes, there would be fewer solids going into the

dryer and there would be resulting renewable energy. Biogas provides an opportunity to accept food waste, other organic residuals, and solids from other communities. Councilor Madison asked Mr. Costa how long the current contract is with Turnkey. The contract is through 2025 with an option for 1-year renewals.

Councilor Giacomo asked if the City's current dewatering technology is a filter press that removes water. Mr. Costa said in 2016, the WWTP upgraded from belt filter presses to screw presses, which improved the solid output. Councilor Giacomo asked if the limitation on the amount of water that can be removed with the WWTP's current technology is the mechanical and technological restriction versus the cost. Mr. Costa said that was correct. While there have been improvements, there are limits to that technology.

Councilor Roberts cited challenges in New England with toxic materials leaching into the ground. Right now, the landfill contract is through 2025, but there is no guarantee that a company will take a new contract because of the risk. The City could be in 2025 with nowhere to put this waste material. Mr. Costa said that was why this study was needed; to know the future options with the understanding that high water content biosolids are not welcome at landfills. Mr. O'Brien thought this was a very accurate assessment of potential risks based on trends and potential crises in NH and New England.

The presentation concluded. Councilor Greenwald asked the next steps. The City Manager said that this potential purchase would be a part of the Capital Improvement Program conversation when that process begins in January 2024.

NOMINATIONS – HERITAGE COMMISSION

Mayor Hansel nominated the following individuals to serve on the Heritage Commission: Julie Emineth as a regular member with a term to expire December 31, 2026, Susan DeGidio to change from a regular to an alternate member with a term to expire December 31, 2026, and Rose Carey to change from a regular to an alternate member with a term to expire December 31, 2026. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – ATTORNEY MICHAEL BENTLEY – MONADNOCK T HANGAR CORPORATION – REQUEST TO RENEW EXISTING LEASE

A communication was received from Attorney Michael Bentley, on behalf of all unit owners of the Monadnock T Hangar Corporation. Mr. Bentley is requesting that the City of Keene grant Monadnock T Hangar Corporation an option to renew their existing lease for an additional 20-year term at the expiration of the current lease. They request terms consistent with the current lease or terms that may be in effect in 5 years for land at the Airport that is being leased to other tenants. By granting the option to renew the lease agreement for an additional 20 years, any concern over how long a new unit owner can stay and any maintenance issues would be resolved. They are also interested in discussing the possibility that the new lease could also

contain an option to extend the lease for a further 20-year term, consistent with the initial July 22, 1988 Lease Agreement. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

CITY MANAGER COMMENTS

First, the City Manager discussed body-worn cameras. The Police Department went through installation and training during the week of July 10 and went live with implementation on Friday, July 14. So far, there had been no major issues and everything was going well. The cameras had already proven useful in resolving what would have been citizen complaints in a couple of instances; the supervisor was able to easily review the video and see that what was being alleged simply did not happen. In addition to being activated manually, cameras include several safety features that automatically activate cameras, including: if an officer draws their handgun from its holster, begins to run, engages in jostled movement (i.e., during a fight), activates lights and/or sirens in the car, or lies flat for 10 seconds—this feature, known as Officer Down, notifies all cars in the district that an officer is in need of immediate assistance.

Next, the City Manager provided an update on the Martell Court pump station emergency repair. The wastewater treatment plant treats 6 million gallons of wastewater per day and operates 24 hours per day, 7 days a week. All wastewater from Keene and the Town of Marlborough is pumped to the treatment facility via the Martell Court pump station. There is no bypass of this pumping system that allows the station to be taken offline for repairs. On July 10, the station experienced a seal failure on a gate valve on the discharge side of the pumps. Raw sewage began to fill the pump room. Fortunately, this room is equipped with sump pumps that Staff quickly brought in. The City Manager declared this event as an emergency and notified the Council that it would be necessary to make emergency repairs outside of the normal process. With the assistance of a contractor, Staff were able to make some temporary repairs. To make a more permanent repair, the station will need to be offline, and a bypass pumping system will need to be in place prior to shutting down the flow. This will be done in 2 phases. Phase 1 will be a temporary bypass that will allow Staff to make necessary repairs. Phase 2 will be a permanent bypass pumping system that will remain in place and will allow staff to isolate the station for repairs. Phase 2 will be incorporated into the upcoming Capital Improvement Plan.

The City Manager shared that on August 23, she discussed with the Municipal Services, Facilities, and Infrastructure Committee an opportunity to partner with Keene State College (KSC) to invest in the infrastructure/building at the Keene Ice facility to support a KSC varsity program. This program would be built around the ice team that is currently not being used and no existing programs will be displaced.

Next, the City Manager explained that at the last legislative session, Senator Donovan Fenton put forward SB 110 on Keene's behalf. This bill was recently signed into law and was the first substantial change in welfare legislation in approximately 20 years. Staff met with Senator Fenton last week and began discussing potential legislation for the upcoming session. They

brainstormed a few ideas but will be working on drafting something to pass on to him in the upcoming weeks. The City Manager will keep the City Council apprised. Keene became one of the first municipalities in the state to use the state's homeless management information system. We have now requested access to the state's coordinated entry system—a module in this program that will allow us to enter homeless individuals who have been homeless for at least 14 days. These individuals are prioritized for rehousing and joint case conferencing with agencies in our region. The City Manager attended the first session on establishing joint case conferencing for our region a couple of weeks ago.

The City Manager also recently executed a memorandum of understanding with the state to install multi-use trail signs identifying the Ashuelot Rail Trail that crosses over NH Rt-101 on the South Bridge owned by the State, and the Cheshire Trail that crosses Rt-9/10/12 on the City-owned North Bridge. These signs will be within the state right-of-way. This was originally a request brought forward by Chuck Redfern.

Next, the City Manager provided an update on the 21 in 21 Program. Six properties representing 11 homes have or will soon receive weatherization measures as well as HUD housing quality housing standards upgrades or repairs. Staff had a meeting a couple of weeks ago regarding a P.R. effort around this progress to date. The City Council will be seeing some social media in the upcoming months highlighting specific projects and all of our partners. Southwestern Community Services has been vital to success to date.

The City Manager shared that in response to some Planning, Licenses, and Development Committee conversations on small cell wireless facilities, the City purchased an electromagnetic (EMF) reader that residents can loan from the Library. The City Manager split the cost with the Library. Councilor Jones expressed gratitude for the City Manager responding to this request.

Lastly, the City Manager discussed the CIP and Council goals. The capital planning process has begun. The document will go to the Council in January. Since this document plans out the next 7 years of capital expenses, it is important that investments are tied with to Master Plan and more specifically the Council goals. As the Mayor stated, there will be 2 goals workshops at the Library. Staff are planning to organize in the same informal format used in the past, utilizing tables for topic areas and providing updates on progress. If there is a need to change the format, please let the City Manager know.

REPORT – AMBULANCE BACK UP AGREEMENT – FIRE DEPARTMENT – RESCUE INC.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to act upon the next three items, which were time-sensitive because of the programming and financing, was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A memorandum read from the Fire Chief, Donald Farquhar, recommending the following motion. A motion by Councilor Powers to recommend the City Manager be authorized to negotiate and execute an agreement with Rescue Inc. for a period of 90 days and an amount not to exceed \$45,000 for EMS emergency backup services was duly seconded by Councilor Remy.

The Fire Chief, Don Farquhar, said that Rescue Inc. was the City's partner after Diluzio closed. An agreement is needed for important backup services. It is not just about call volume, but also having enough firefighters on site in an emergency. After exploring many options, Staff believes that the best option is to keep Rescue Inc., which is a non-profit company that is requesting 90 days of employee salary, and to keep an ambulance in Keene (has been at the Central Station since August 1). This has vastly improved staffing and resources. The fee structure is a maximum of \$15,000 per month for 90 days. That calculation was based on how many calls they were expected to take; how much money the ambulance would make weighed against the fixed costs, with a margin for safety. Staff were comfortable with the fee structure. This will provide incredibly important safety and redundancy in these 90 days as we continue to look at all the other options and see what else is going on in the County. The goal is a larger, more global system that will be supported Countywide by individual agencies helping each other out.

The City Manager said this agreement is also important because Keene has 1,000 calls annually from skilled nursing facilities and the City does not have the capacity to fulfill those. There is a regional conversation about ambulance services and establishing a County ambulance service would help partner communities. There needs to be a financial model for service calls that will sustain in the future. The City is subsidizing, and every call responded to costs money, which is why the City needs to pay Rescue Inc. for this partnership. A contract cannot move forward with the County until they decide on their number of contracts. Also, Rescue Inc. is dependable. The City Manager continues asking for meetings with the County about how many towns they want to serve, their capacity, and their estimated future costs.

Mayor Hansel said that, bluntly, what the County had done—justified or not—caused a disruption in ambulance service that is now costing Keene taxpayers. A backup ambulance service is essential.

Councilor Roberts spoke about how he felt what the County was doing was unethical and would cost people's lives because of power controls over money. He said this was not about money but about the welfare of Keene and Cheshire County residents.

Councilor Greenwald wanted to hear from the County directly and he did not think this was the forum for bashing the County.

Councilor Madison remarked—based on a recent experience with emergency services—that what Keene Fire and Rescue Inc. can do together is amazing and often saves lives. He agreed with Councilor Roberts that how the County had conducted itself, negotiated with the City, and used American Rescue Program funds was disappointing.

Councilor Jones recalled that this was only about a 90-day contract and not as long-term as some Councilors were discussing. He thought the long-term discussion was best left to the Council Committee. The City Manager said this was a 90-day contract and during that time, she hopes to have continued conversations with the County to have a plan for when this period ends and what the future of ambulance service will look like. She had great conversations with County Manager, Chris Coates, and they agreed that the City has reasonable questions to pursue.

Councilor Workman said that as someone who coordinates ambulance transportation and wheelchair transportation, she felt Rescue Inc. had been very reliable. She said they demonstrated that they can meet the City's current needs and the capacity of calls. She thought the City should be grateful for Rescue Inc.

A motion to amend the motion to say "*execute a sole source agreement*" was duly seconded by Councilor Remy and the motion carried unanimously.

Councilor Ormerod asked if it is more worthwhile for Rescue Inc. to have a sole source agreement. The City Manager said that the language in the motion is to waive the process the City must go through for Requests for Proposals.

The amended motion carried unanimously.

REPORT – CONTRACT AWARD – FIRE DEPARTMENT – SPEC RESCUE INTERNATIONAL

A memorandum read from the Fire Chief, Don Farquhar, recommended the following motion. A motion by Councilor Powers to recommend that the City Council authorize the City Manager to execute a contract with SpecRescue International to provide specialty rope rescue training was duly seconded by Councilor Remy.

The Fire Chief said this was for the company that would hopefully be hired to lead rope technician training. This is for the instructional portion of that. This was put to bid and Spec Rescue International was the sole bidder. He said they are an excellent company that Keene has worked with in the past. These funds are from a federal grant that will allow the City to hire Spec Rescue International as a contractor.

The motion carried unanimously with 15 Councilors present and voting in favor.

REPORT – CONTRACT AWARD – FIRE DEPARTMENT – SITEMED

A memorandum read from the Fire Chief, Don Farquhar, recommending the following motion. A motion by Councilor Powers to authorize the City Manager to execute a contract with SiteMed to provide NFPA 1582 occupational medical physicals was duly seconded by Councilor Remy.

The Fire Chief said this was about firefighters' essential annual physicals. Every fire attended has an impact on health. Very few organizations will come to Keene and do this training for a reasonable fee and this company responded to the Request for Proposals; they are working with Cheshire Medical Center on some advanced health screenings, like for early cancer. Working with this contractor had brought the costs down.

Councilor Remy asked about the cost. The City Manager said it was captured as a budget line increase. She would follow-up and send the total cost to the City Council.

The motion carried unanimously with 15 Councilors present and voting in favor.

REPORT – ACCEPTANCE OF DONATION – FINANCE DIRECTOR

A memorandum read from the Finance Director, Merri Howe, recommending that the City Council accept the donations in the amount of \$5,075 listed below and the City Manager be authorized to use each donation in the manner specified by the donor.

- The New England Mountain Bike Association (NEMBA) – Keene/Brattleboro chapter donated the bike park in 2020 and it has been a great addition to the recreational offerings within the City. The vision was greater than just the park. It was to introduce children to how to ride in the park and provide an opportunity to those children who might not have a bike to ride. With the assistance of the Keene Kiwanis Foundation, this vision has become a reality. The \$5,000 donation from the Keene Kiwanis Foundation will purchase 10 bicycles and helmets for children to use when registered through the Parks and Recreation Department programming. Through the memorandum of understanding with NEMBA-KB, the City will work collaboratively to provide programs at the bike park and they (NEMBA-KB) will provide instructors and will also train City staff so more opportunities can be programmed.
- The Fire Department received a donation in the amount of \$75.00 from Lesley Peterson in appreciation for their assistance in a recent visit to the City of Keene.

A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

ADJOURNMENT

This being Councilor Johnsen's last meeting, Mayor Hansel and the Council honored her diligence, hard work, and commitment, expressing their appreciation for her service. Everyone agreed that she had been an asset to the City and City Council, always striving to honor and fight for her constituents. Mayor Hansel presented Councilor Johnsen with a key to the City and Councilor Bosley presented her with a gift on behalf of the Planning, Licenses, and Development Committee. Councilor Johnsen said it had been her pleasure serving the City of Keene.

08/17/2023

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to act upon the resignation was duly seconded by Councilor Bosley and the motion carried unanimously. A motion by Councilor Powers to accept Councilor Johnsen's resignation with regret and tremendous appreciation for her service was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

Because the resignation is within 120 days of the election, the seat will remain vacant until the start of the new term of office starting January 1, 2024.

ADJOURNMENT FOR COLLECTIVE BARGAINING

There being no further business, Mayor Hansel adjourned the meeting for collective bargaining at 9:02 PM.



A true record, attest:

Deputy City Clerk

KEENE POLICE OFFICERS ASSOCIATION, AFT-NH, AFT LOCAL #6246 AND KEENE POLICE SUPERVISORS, TEAMSTERS LOCAL 603 - TWO MEMORANDUMS OF UNDERSTANDING – MODIFYING EXECUTED COLLECTIVE BARGAINING AGREEMENTS

Voted unanimously that the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding modifying the executed collective bargaining agreement with Keene Police Officers Association, AFT-NH, AFT Local #6246 to be effective October 1, 2023, through June 30, 2025, as well as a Memorandum of Understanding modifying the executed collective bargaining agreement with the Keene Police Supervisors, Teamsters Local 603 to be effective October 1, 2023 through June 30, 2026.



A true record, attest:

Deputy City Clerk



PUBLIC HEARING

Zoning Map Change – Old Walpole Road

Notice is hereby given that a public hearing will be held to consider Ordinance O-2023-12 submitted by Michael F. Conway, agent for Monadnock Habitat for Humanity. The Ordinance proposes to amend the Zoning Map for a 7.1-acre parcel of land located at 0 Old Walpole Road

The full text of the Ordinance is available for public review during regular business hours in the office of the City Clerk located in City Hall between 8:00 AM to 4:30 PM or by visiting keenenh.gov/public-notice.

HEARING DATE: September 7, 2023

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this twentieth day of July, two thousand and twenty-three.

Attest;

City Clerk

Staff Report – Ordinance O-2023-12

The Ordinance

This Ordinance proposes to amend the official Zoning Map of the City of Keene by changing the zoning of one specific parcel of land from the Rural District to the Low Density District. The total land area that would be impacted by this request is 7.1 acres.

The parcel that is the subject of this request is located at 0 Old Walpole Road (TMP# 503-005-000) and is owned by Monadnock Habitat for Humanity, Inc. The Applicant for this proposed zoning amendment is Monadnock Habitat for Humanity with Michael F. Conway acting as their agent.

In rezoning decisions, the Petitioner's intended use of the property should not be considered. Rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site. Additionally, the Board should consider and review:

- Surrounding land use and zoning patterns;
- The consistency of the proposed rezoning request with the Master Plan;
- Existing and proposed zoning requirements; and,
- Possible resulting impacts.

Background / Surrounding Land Use and Zoning Patterns

The parcel that is the subject of this proposal is located on the southwest side of Old Walpole Rd, about 0.7 miles northwest from the roundabout intersection of Court St, Maple Ave, Old Walpole Rd, and West Surry Rd. The property is undeveloped and located in the Rural District. Adjacent uses include single family residences and one undeveloped parcel.

The proposed Ordinance would create an area of LD that would be bordered by the Rural District to the north, east, and south and the Low Density District to the west. The map on the next page shows the location of the subject parcel in relation to the boundaries of nearby zoning districts.

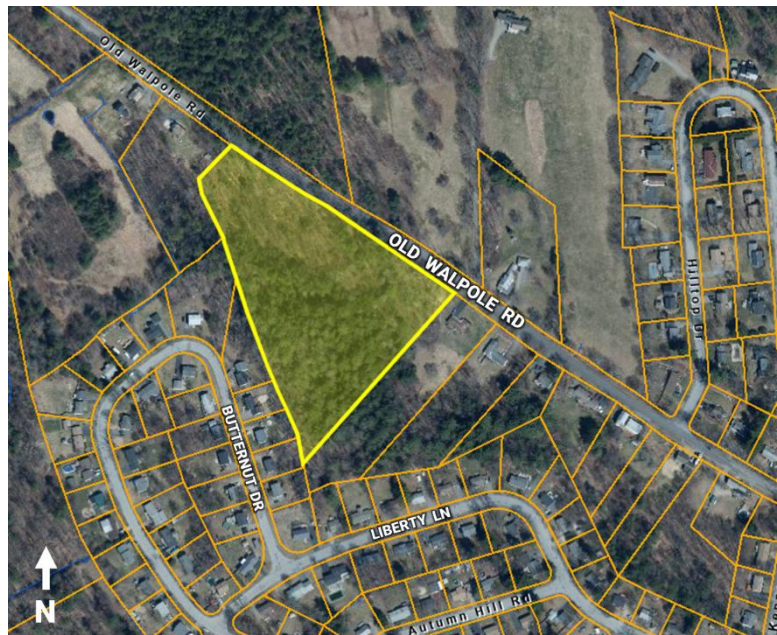


Figure 1. Aerial image showing the 0 Old Walpole Road property that is the subject of this proposal, highlighted in yellow.

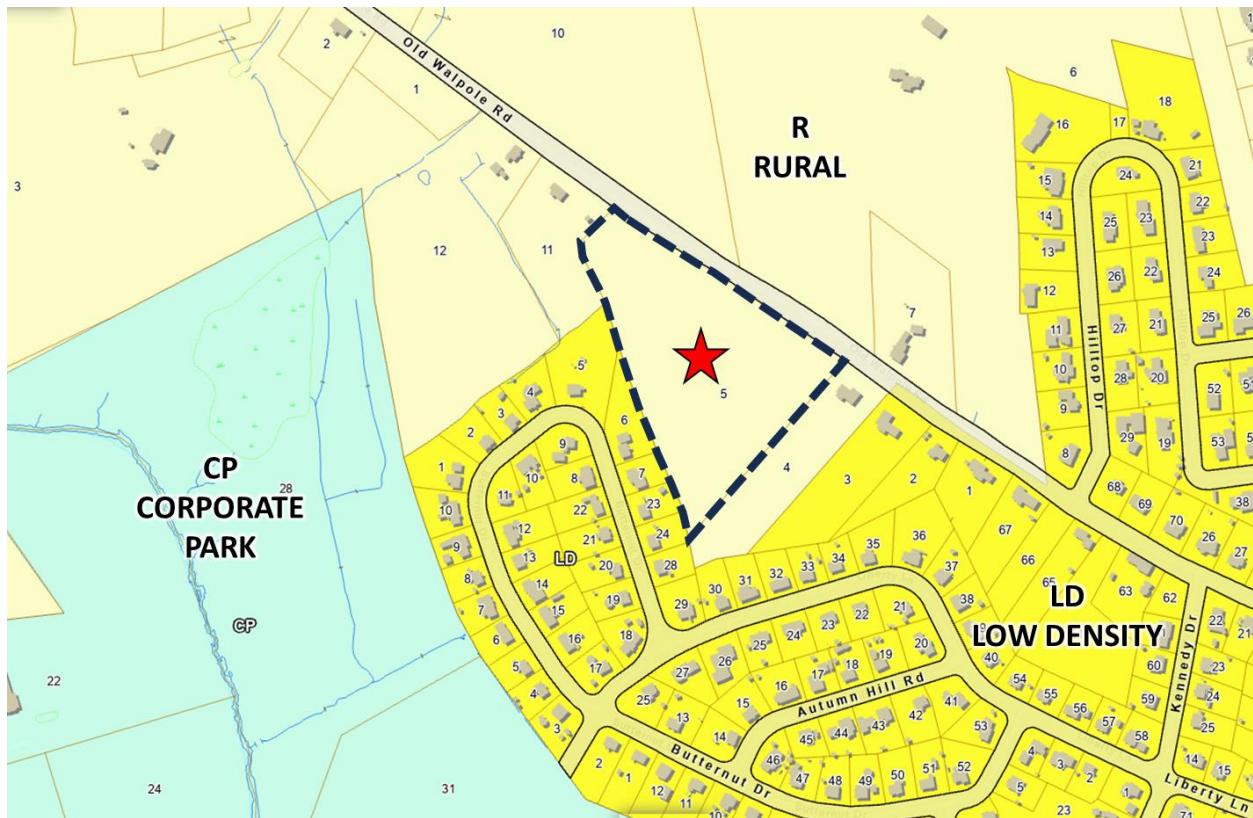


Figure 2. Map that shows the location of the property at 0 Old Walpole Road in relation to the boundaries of nearby zoning districts.

Master Plan Consistency

Community Vision

The Vision Focus Area that is most relevant to the proposed rezoning is Focus Area 1: A Quality Built Environment. Achieving a quality-built environment includes providing quality housing and balancing growth and the provision of infrastructure (among other items). This area of the City could have access to both City water and sewer if the lines are extended on Old Walpole Road or an easement is obtained to connect to existing water and/or sewer service on Butternut Drive. The proposed zoning change would provide the opportunity for more housing in that it would increase the maximum number of dwelling units that would be allowed on this lot from three units under the existing zoning (Rural) to ~30 units under the proposed zoning (Low Density).

Future Land Use Plan

The parcel of land that is the subject of this proposal is located in an area that is identified within the Future Land Use Map as being on the edge between a "Conservation Residential Development/Rural/Low Density Residential/Agriculture" (CRD) Area, and a "Secondary Growth Area/Low-Medium Density Residential" Area. The Future Land Use & Policy section of the Comprehensive Master Plan notes that the CRD category includes areas for continued preservation of open space, agriculture, and rural-residential uses, and also states *"There are many areas that are appropriate for Conservation Residential Development (CRD) designed to be compatible with conservation purposes coupled with the provision of important community identified amenities."* The Plan identifies the secondary growth area as consisting of single-

family, low- to medium-density development. The proposed zoning change would allow for single-family development, or if the land is developed as a Conservation Residential Development (CRD) subdivision, it could be developed as single-family, two-family, or small multifamily residential development (max. 6 dwelling units per building/lot).

Housing Chapter

In the application narrative, the Applicant states that the purpose of this proposal is to “create an opportunity for the development of affordable workforce housing.” The Comprehensive Master Plan identifies housing as a *“fundamental challenge for the community as costs of community services continue to increase and Keene’s reliance on property taxes places a growing financial burden on its residents and businesses.”* The Housing Chapter discusses the importance of providing a “balanced and diverse housing stock,” and notes that the greatest opportunity for new housing development is in developed areas. This proposal would provide for a higher density of housing development in an area that is on the edge of existing, low to medium density residential development.

Characteristics of Existing and Proposed Zoning Districts

Intent of the Zoning Districts:

The proposal is to convert the subject parcel at 0 Old Walpole Road from the Rural to the Low Density District. A description of these districts from the Zoning Ordinance is included below.

- *Current Zoning – Rural:* The Rural (R) District is intended to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied. (Section 3.1 of the Land Development Code)
- *Proposed Zoning – Low Density:* The Low Density (LD) District is intended to provide for low-intensity single-family residential development. All uses in this district shall have city water and sewer service. (Section 3.3 of the Land Development Code)

Based on the intent statements, the proposed zoning for the subject parcel could be appropriate in that City water and sewer service is available via Old Walpole Rd (would require extending the existing service) or via Butternut Drive (if an easement across private property is obtained). The owner or developer would be responsible for paying to extend water and sewer service to the site.

District Uses:

Table 1 on the following page highlights the differences between the permitted uses of the Rural District (existing) and the Low Density District (proposed). Both the Rural and Low Density Districts are residential zoning districts; however, the Rural District allows for a wider variety of uses including some commercial, open space, and infrastructure uses which are not permitted in the Low Density District. There are no uses that are allowed in the Low Density District that are not permitted in the Rural District.

Table 1. Permitted Principal Uses by Zoning District (P=Permitted, P ¹ = Permitted with limitations, SE= Special Exception, CUP = Conditional Use Permit, CRD = Permitted by Conservation Residential Development - = Not Permitted)		
Permitted Use	Rural	Low Density
Dwelling, Manufactured Housing	P ¹	-
Dwelling, Single-Family	P	P
Dwelling, Two-Family/ Duplex	CRD	CRD
Dwelling, Multifamily	CRD	CRD
Manufactured Housing Park	P	-
Agricultural-Related Educational & Recreational Activity as a Business	-	-
Animal Care Facility	P	-
Bed and Breakfast	SE	-
Event Venue	-	-
Greenhouse / Nursery	P	-
Kennel	P	-
Recreation/Entertainment Facility - Outdoor	-	-
Group Home, Small	CUP	CUP
Cemetery	P	-
Community Garden	P	P
Conservation Area	P	P
Farming	P	-
Golf Course	P ¹	-
Gravel Pit	SE	-
Solar Energy System (Small-Scale)	P ¹	-
Solar Energy System (Medium-Scale)	CUP	-
Solar Energy System (Large-Scale)	CUP	-
Telecommunications Facilities	P ¹	P ¹

Dimensional Requirements:

Table 2 highlights the dimensional requirements for the Rural, Agriculture, and Low Density 1 Districts. While there are some dimensional requirements that are the same across these three districts, such as Maximum Stories above Grade and Maximum Building Height, there is a substantial difference in the density of development that would be allowed in the Rural District as compared to the Low Density District. The Rural District has a larger minimum lot size requirement, larger setback requirements, and are more restrictive in terms of the maximum building coverage and maximum impervious coverage permitted on a lot. However, the required road frontage in the Low Density district is slightly higher than in the Rural District.

Under the current zoning, the subject parcel could theoretically be developed into 3 dwelling units with a conventional subdivision and would not be eligible for the "Conservation Residential Development" (CRD) subdivision option. Under the proposed LD zoning, the subject parcel could be developed into ~30 units with either a conventional subdivision or CRD subdivision. Site constraints such as steep slopes and the land area that would be required to construct a new

road are not considered in this calculation, so it is important to note that the actual number of dwelling units that could be developed is less than 30. If the parcel were subdivided without constructing a new road, the maximum number of new residential lots that could be created would be 13 due to the 60-foot frontage requirement.

Table 2. Dimensional Regulations for Rural and Low Density Districts		
Dimensional Standard	Rural	Low Density
Minimum Lot Area	2 acres	10,000 sf
Minimum Lot Width at Building Line	200 ft	70 ft
Minimum Road Frontage	50 ft	60 ft
Minimum Front Setback	50 ft	15 ft
Minimum Rear Setback	50 ft	20 ft
Minimum Side Setback	50 ft	10 ft
Maximum Building Coverage	10%	35%
Maximum Impervious Coverage	20%	45%
Minimum Green / Open Space	-	55%
Maximum Stories Above Grade	2	2
Maximum Building Height	35 ft	35 ft

Implications of the proposed Change

Density of Development

The proposed amendment would create an area of Low Density that would be surrounded by the Rural District on three sides and the Low Density District on one side. While this change would reduce the number of uses that could occur on this site, it would allow for a relatively large increase in the density of development that could occur from 1 dwelling unit per 2 acres to 1 dwelling unit per 10,000 sf. There are areas directly adjacent to this site or within a short distance with similar densities, including the residential neighborhoods in the area of Butternut Drive (average lot size of 14,577 sf) and Hilltop Drive (average lot size of 18,090 sf).

Provision of city water and sewer service

The zoning regulations state *"All uses in the Low Density District shall have city water and sewer service."* Therefore, if the parcel is rezoned to Low Density, the property owner would be required to extend city water and sewer to the site at their own expense prior to any development. According to City Engineering staff, there is sufficient volume and pressure available to connect to city water; however, the public main would need to be extended and, depending on the nature of any proposed development, the developer may be required to provide one or more hydrants. In addition, while there is sufficient capacity available in the existing sewer main on Old Walpole Rd, it is located further away at the intersection of Hilltop Drive and the developer would need to install a pump station to reach it. The Applicant notes that they plan on connecting to sewer service on Butternut Drive if they are able to secure an easement across private property.

Recommendation:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board.

Planning Board motion:

To find proposed Ordinance 0-2023-12 consistent with the 2010 Comprehensive Master Plan.

Planning, License and Development Committee motion:

To recommend that the Mayor set a public hearing date.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Mayor George Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations**
Heritage Commission

Council Action:

In City Council August 17, 2023.

Nominations tabled until the next regular meeting.

Recommendation:

I hereby nominate the following individuals to serve on the designated Board or Commission:

Heritage Commission

Julie Emineth, regular member - slot 1
209 Court Stret

Term to expire Dec. 31, 2026

Susan DeGidio, alternate member - slot 9
22 Cross Street

Term to expire Dec. 31, 2026

Rose Carey, alternate - slot 10
206 Washington Street

Term to expire Dec. 31, 2026

Attachments:

1. Emineth, Julie_Redacted

Background:

From: [Heather Fitz-Simon](mailto:Heather.Fitz-Simon)
To: [Heather Fitz-Simon](mailto:Heather.Fitz-Simon)
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, July 18, 2023 9:01:40 AM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, July 17, 2023 1:12 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 07/17/2023 - 13:12</p>

<p>Submitted values are:</p>

First Name:

Julie

Last Name:

Emineth

Address

209 Court Street
Keene, NH 03431

How long have you resided in Keene?

6 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Law offices of Wyatt & Associates [Ben Wyatt]

Occupation:

Operations & Litigation Manager

Retired

No

Have you ever served on a public body before?

Yes

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

Conservation Commission, Heritage Commission, Historic District Commission, Library Board of Trustees

Please let us know the Board or Commission that you are most interested in serving on.

Heritage Commission

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Library Board of Trustees

Optional - Please select your third choice of which Board or Commission you would like to serve on.

Conservation Commission

Please share what your interests are and your background or any skill sets that may apply.

I have a Masters of Education in Heritage Studies from Plymouth. I have served on the board of both the Springfield NH Library and Historical Society and was the curator of the historical society's small museum. I was also the librarian in Wilmot, NH for a while.

Please provide 2 personal references:

Julie Emineth

[REDACTED]
[REDACTED]

References #2:

Marilyn Huston

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From:

Through:

Subject: Attorney Thomas Hanna - In Opposition to Ordinance O-2023-12 -
Amendment to Zoning Map - Rural to Low Density - Old Walpole Road

Recommendation:

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations**
Library Board of Trustees
Energy and Climate Committee

Recommendation:

I hereby nominate the following individuals to serve on the designated Board or Commission:

Library Board of Trustees

Yves Gakunde, slot 1

Corrected term to expire June 30,
2024

Ritu Budakoti, slot 2

Corrected term to expire June 30,
2024

Dr. Donald Caruso
94 Hurricane Road

Term to expire June 30, 2026

Katherine Baer
147 Roxbury Street

Term to expire June 30, 2026

Attachments:

1. Caruso, Don_Redacted
2. Winograd, Michael_Redacted

Background:

From: [Heather Fitz-Simon](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission (Don Caruso)
Date: Wednesday, August 9, 2023 3:48:09 PM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, July 26, 2023 11:35 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 07/26/2023 - 11:35</p>

<p>Submitted values are:</p>

First Name:

Don

Last Name:

Caruso

Address

94 Hurricane Rd
Keene, NH03431

How long have you resided in Keene?

4 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Retired

Occupation:

Physician

Retired

Yes

Please list any organizations, groups, or other committees you are involved in

Recently retired as CEO at Cheshire Medical Center

Have you ever served on a public body before?

No

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

Library Board of Trustees

Please let us know the Board or Commission that you are most interested in serving on.

Library Board of Trustees

Please share what your interests are and your background or any skill sets that may apply.

Health care

; Finance

Business

Please provide 2 personal references:

Judy Putnam

[REDACTED]

References #2:

Greg Tewksbury

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Saturday, January 28, 2023 8:48:33 AM

please save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>
Sent: Friday, January 27, 2023 3:08 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 01/27/2023 - 15:08</p>

<p>Submitted values are:</p>

First Name:

Michael

Last Name:

Winograd

Address

23 pleasant st
Keene, NH 03431

How long have you resided in Keene?

7 months

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Michael K Winograd and Associates LLC

Occupation:

Intelligence and Security Consultant

Retired

No

Have you ever served on a public body before?

No

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

College City Commission, Energy and Climate Committee, Historic District Commission

Please let us know the Board or Commission that you are most interested in serving on.

Energy and climate

Optional - Please select your second choice of which Board or Commission you would like to serve on.

College city

Optional - Please select your third choice of which Board or Commission you would like to serve on.

As considered most useful

Please share what your interests are and your background or any skill sets that may apply.

Climate change and renewable energy. Corruption. Security. 3 years intelligence work US Army, 26 years intelligence, counterintelligence, counterintelligence operations in Eastern Europe, Asia , Africa and Central Europe. 17 years due diligence operations in private sector. Adjunct professor University of North Texas. Licensed private investigator in New Hampshire and Texas

Suggest other public bodies of interest

Any police citizen board.

Please provide 2 personal references:

John Karshner

[REDACTED]
[REDACTED]

References #2:

John Moriarty

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Elizabeth Campbell
Through: Patricia Little, City Clerk
Subject: Elizabeth Campbell - Resignation - Energy and Climate Committee

Recommendation:

Attachments:

1. Communication_Elizabeth Campbell KECC Resignation

Background:

Elizabeth Campbell has submitted her resignation from the Energy and Climate Committee. Elizabeth has served on the Committee since February 2022.

Elizabeth Campbell
32 Upper Knight St.
Keene, NH 03431
beth.campbell@buildseamless.com

September 6, 2023

Dear City of Keene,

This letter is to submit my resignation from the City of Keene Energy and Climate Committee.

My partner and I are moving out of state and my last day serving on the committee will be September 30th, 2023.

It has been a pleasure to serve on the committee and have an opportunity to participate civically in the crucial mission of meeting the City's climate and energy goals.

I am stepping down in the hopes that my position can be filled quickly with a new committee member who has the capacity to contribute meaningfully to the undertaking.

Thanks especially to committee chairs Zach and Peter, as well as to Mari Brunner who has proven herself to be exceptional in her role in supporting the KECC.

Please reach out with any questions.
Thank you,

Beth Campbell

A handwritten signature in black ink, appearing to read 'Beth Campbell', with a stylized, cursive script.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Ryan Grandmont

Through: Patricia Little, City Clerk

Subject: **Ryan Grandmont - Hawker and Peddler - Request to Place Sandwich Board on City Sidewalk**

Recommendation:

Attachments:

1. Grandmont_Communication

Background:

The original location for this vending operation was the vendor spot #6 on the sidewalk immediately in front of Railroad Square. Due to the size of their fixtures and an expansion of an adjacent sidewalk cafe, it was realized that there was not sufficient space in that location. Mr. Grandmont was relocated to the indented vendor space on Railroad Street.

To; Mayor/City Council,

During April 2023, I paid for Main street vendor location #6 as a place to begin my Hot dog vending business. In July. It was determined that the #6 location(adjacent to Local Burger) was ill suited for vending due to the expansion of café space for the business. I was given an ultimatum, to move further down Railroad Street. Or have my license revoked. So I moved.

Since moving away from the main street location my sales have fallen by about 50%, which makes my business venture barely profitable. I am seeking, permission to place a 3x2 sandwich board sign at the vendor #6 location so that I can let people know of my new location. The sign is small enough that it should not cause any obstruction and my hope is that it will help me to continue this business the way I intended.

Best Regards,

Ryan Grandmont, rgrandmont@gmail.com 603 400 3310

DBA Toastybunsofkeene@gmail.com

A handwritten signature in dark ink that reads "Ryan R. Grandmont". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Roger Weinreich
Good Fortune
Through: Patricia Little, City Clerk
Subject: **Roger Weinreich - Request to Use City Property - Block Party**

Recommendation:

Attachments:

1. Communication_Weinreich

Background:

Roger Weinreich, owner of Good Fortune, is requesting permission to host a block party on Saturday, October 21, 2023 in front of the Good Fortune Block on Main Street. This would be a family-oriented event that would take place in conjunction with The Keene Pumpkin Festival and will feature live music, local food vendors, participatory games and art activities.

GOOD FORTUNE JEWELRY

August 23, 2023

The Honorable Mayor and City Council
Keene City Hall
3 Washington Street
Keene, NH 03431

Dear Honorable Mayor and City Council,

I am writing to ask permission to host a block party on Saturday, October 21st in front of the Good Fortune Block on Main Street. This family oriented event will take place in conjunction with The Keene Pumpkin Festival and will feature live music, local food vendors, participatory games and art activities.

The block party will begin at 2 pm and involves closing the northbound lanes of Main Street from Eagle Court to Cypress Street. Vehicle traffic will be routed onto Eagle Court and the event will be similar to the block parties that we have produced in the past.

Our goal is to create an event that serves to increase the vitality of downtown and expands the footprint of the Pumpkin Festival to include more of the Main Street Business Community.

We look forward to working with city staff to create a safe and enjoyable experience for everyone.

Sincerely,



Roger Weinreich

President, Good Fortune Jewelry & Pawn

110 Main Street • Keene • New Hampshire 03431 • (603) 357-7500

www.GoodFortuneJewelry.com



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Jared Goodell
Through: Patricia Little, City Clerk
Subject: **Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department**

Recommendation:

Attachments:

1. Communication_Goodell

Background:

Mr. Goodell recently opened a business and received a \$70.00 charge from the Fire Department that he believes is the charge for an assembly permit, and as such, is in violation of RSA 155:19. He is requesting that City staff immediately stop the practice of billing any Keene business for a Place of Assembly permit and that the City Code be amended to repeal any fees for inspection that are necessary before a permit is issued; and that City staff perform an audit covering the past two years to identify and refund any Place of Assembly permit fees that were collected.

Jared Goodell
PO Box 305
Keene, NH 03431

August 30, 2023

Honorable Mayor George Hansel
3 Washington Street
Keene, NH 03431

Via Electronic-Mail

Dear Mayor Hansel:

After recently opening my business in the City of Keene, I received a bill from the Keene Fire Department for \$70. The billable line item was for the "Assembly Permit" for the business. In New Hampshire, state statute governs Public Assembly Permits. The relevant statute is RSA 155:17 – 39.

The reason for my writing to you is I believe the City of Keene is charging businesses for Assembly Permits contrary to NH law. Specifically, RSA 155:19 states, in relevant part, that "Such permit shall be issued without charge for one year from date of issue..." *See attached statute.*

Upon inquiry to the City of Keene Finance Department regarding the bill for the Assembly Permit for my business, I received a written response from Keene Fire Chief Donald Farquhar. Chief Farquhar stated, "The fee is for the inspection, not the permit. The City Code of Ordinances ...describes the \$70.00 inspection fee under the *Life safety permit fees* section." *See attached email.*

Specifically, Chief Farquhar is referring to "Appendix B - Fee Schedule" of City Code. In the fee schedule, under the heading "Life safety permit fees," the first entry in the table lists "Place of assembly permits (valid for one year) -\$70." This fee, of which my business was charged, clearly is for a Place of assembly permit, not for the inspection.

In fact, the City of Keene does have a fee schedule for "Inspection Fees," but that fee schedule does not have a line for place of assembly permit inspections. Even if it did, it is arguable that such a fee would conflict with the intent of NH RSA 155:19.

I am requesting that the Keene City Council take the following actions in relation to this matter:

1. Issue a temporary order to City staff to immediately stop the practice of billing any Keene business for a Place of Assembly permit; and

2. Repeal City Code which charges businesses for Place of Assembly permits contrary to NH law; and
3. Refuse to enact any new code which would charge an inspection fee for a Place of Assembly Permit, or for any other fees which would burden a business in obtaining a Place of Assembly Permit or is contrary, in intent or otherwise, to State law; and
4. Instruct City staff to perform an audit, with a look back period of 2 years, of all fees charged to local businesses for Place of Assembly permits and provide the audit report (the "Audit") to the City Council; and
5. Order City staff to refund all monies, with interest, paid by businesses to the City of Keene for Place of Assembly permits as identified in the Audit; and
6. Grant such other and further relief as the Council deems is just and equitable.

I appreciate the City of Keene's commitment to being business friendly. Certainly this issue is not the fault of any person, but instead is likely an oversight mistake made by a previous Council in adopting fees contrary to NH law. Mistakes will always be made. It is the actions taken after mistakes are discovered that show a government's commitment to doing right by its people. I am confident that this City administration and City Council will take swift action in correcting this mistake and return what could amount to tens of thousands of dollars paid by local businesses, places of worship, community gathering places, and others for Place of Assembly Permits.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'JG' or 'Jared Goodell', written in a cursive style.

Jared Goodell

Cc:

City Manager, Elizabeth Dragon
City Attorney, Thomas Mullins
City Clerk, Patty Little
City Councilors

From: Donald Farquhar dfarquhar@keenenh.gov
Subject: Assembly Permit
Date: Aug 28, 2023 at 1:36:16 PM
To: j.goodell@me.com, j.goodell@me.com
Cc: Kelly Derosier kderosier@keenenh.gov

Mr. Goodell ,

The fee is for the inspection , not the permit . The City Code of Ordinances , found here (https://library.municode.com/nh/keene/codes/code_of_ordinances?nodeId=PTIICOOR_APXBFESC) describes the \$ 70.00 inspection fee under the *Life safety permit fees* section.

Donald M. Farquhar, Fire Chief
City of Keene Fire Department
31 Vernon Street
Keene, NH. 03431

[603-757-0681](tel:603-757-0681) - Office
[603- 499-6421](tel:603-499-6421) Cell
[603-283-5668](tel:603-283-5668) Fax
dfarquhar@keenenh.gov

I received an invoice addressed to my business, Bender's Bar & Grill, for an assembly permit. The invoice is #9533 and is for \$70. NH RSA 155:19 states, in relevant part, "... Such permit shall be issued without charge for one year from date of issue and shall be revocable for cause." This RSA chapter specifically pertains to Assembly Permits. Can you please confirm whether or not this invoice for an Assembly Permit was issued in error?

CONFIDENTIALITY NOTICE

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential, privileged or exempt information in accordance with NH RSA 91-A and other applicable laws or regulations. If you are not the intended recipient, please reply to the City of Keene sender or notify the City of Keene immediately at [\(603\) 357-9802](tel:603-357-9802) and delete or destroy all copies of this message and any attachments. Any unauthorized use, disclosure, or distribution of this message and any attachments is strictly prohibited. Thank you for your assistance.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 155

FACTORIES, TENEMENTS, SCHOOLHOUSES, AND PLACES OF PUBLIC ACCOMMODATION, RESORT OR ASSEMBLY

Places of Assembly

Section 155:19

155:19 Application; Issuance; Revocation. – A permit shall be obtained from the licensing agency by the owner or operator of any place of assembly. Such permit shall be issued without charge for one year from date of issue and shall be revocable for cause. Application for permit shall be made to the licensing agency who may require building plans, showing type of construction, exits, aisles and seating arrangements and details of decorations. No permit shall be issued by the licensing agency until the provisions of this chapter have been complied with.

Source. 1943, 153:3, eff. May 5, 1943.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Rebecca Lancaster

Through: Patricia Little, City Clerk

Subject: **Petition - Request for Urgent Appeal for the Installation of a Sidewalk on Arch Street between Hurricane Road and Felt Road**

Recommendation:

Attachments:

1. Communication_Lancaster_Redacted

Background:

Rebecca Lancaster is submitting a petition from the community requesting the installation of a sidewalk on Arch Street between Hurricane Road and Felt Road. They believe the community shares the concerns of safety at risk, traffic hazards, proximity to high school, elderly population, inclusive accessibility, and improved neighborhood mobility.

Rebecca Lancaster
10 Wildwood Road
Keene, NH
[REDACTED]

September 1st, 2023

Mayor George Hansel
3 Washington Street
Keene, NH 03431

Dear Mayor Hansel and Respected Members of the City Council,

Subject: Urgent Appeal for the Installation of a Sidewalk on Arch Street between Hurricane Road and Felt Road

We, the undersigned members of the Keene community, are writing to express our collective concern regarding the lack of a safe pedestrian pathway along a crucial section of Arch Street between Hurricane Road and Felt Road. As residents deeply invested in the well-being of our neighborhood, we earnestly request your attention and support in addressing this critical safety issue.

Our community shares the following concerns:

1. ****Safety at Risk:**** The section of Arch Street in question witnesses a significant influx of pedestrians, including children, parents, and seniors. The absence of a dedicated sidewalk forces pedestrians to navigate an unsafe environment, putting them at risk of accidents and injuries, particularly for the most vulnerable members of our community - our children and elderly residents.
2. ****Traffic Hazards:**** The road experiences vehicular traffic at speeds that regularly exceed safe limits for a mixed pedestrian-vehicle setting. By installing a sidewalk, we can create a clear demarcation between pedestrians and vehicles.
3. ****Proximity to High School:**** The road's close proximity to Keene High School has resulted in a large population of young, inexperienced drivers utilizing the stretch of road several times on a daily basis. The lack of a sidewalk, combined with young drivers' tendencies to be less cautious, creates a hazardous situation for students and pedestrians in the area. KHS teens and Symonds School elementary students residing within our neighborhood have no safe route to walk or bike to school.
4. ****Elderly Population:**** This section of Arch Street connects Langdon Place, which houses a substantial elderly population, to the rest of the West Keene neighborhood. These residents often depend on walking for their daily activities, and a sidewalk would greatly enhance their safety and mobility, reducing the risk of accidents.
5. ****Inclusive Accessibility:**** Our diverse community includes people with varying mobility needs. A sidewalk would not only provide a safe path for all pedestrians but also ensure that our neighborhood remains inclusive and accessible to everyone, regardless of their physical abilities.

6. ****Improved Neighborhood Mobility:**** With the installation of a sidewalk, several hundred households would gain safe access to walk around the neighborhood. This increased mobility would promote healthier lifestyles and enhance the overall quality of life for everyone.

The safety of our children and elderly residents is of paramount importance. The absence of a safe pedestrian pathway on Arch Street significantly hinders their ability to move about freely and independently. The risks they face are not only concerning but also preventable through the installation of a sidewalk.

We firmly believe that the installation of a sidewalk on Arch Street is an urgent necessity. We have gathered signatures from numerous neighbors who share our concerns and support this endeavor:

1. Rebecca & Jeff Lancaster - 10 Wildwood Road
2. Jon & Alex Lesser - 61 Felt Road
3. Suzanne & Larry Butcher - 44 Felt Road
4. Spencer & Ashley Noyes - 134 Arch Street
5. Julia & Danny Kerr - 35 Felt Road
6. Jonathan & Britney Poirier - 47 Felt Road
7. Emily Gannon - 110 Arch Street
8. Misha & Carolina Zaitzeff - 54 Felt Road
9. Jan Walker - 14 Wildwood Road
10. Peter & Barbara Russo - 13 Wildwood Road
11. Charles Sterling & Shayna Kirschner - 5 Felt Road
12. Gail Burgess - 30 Wildwood Road
13. Indira Singh - 53 Felt Road
14. Kathrine Piper - 19 Felt Road
15. Betsy & Joseph Stacey - 39 Felt Road
16. Steve Kunze - 126 Arch Street
17. Taylor Kunze - 116 Arch Street
18. Ken & Lynn Bergman - 14 Blackberry Lane
19. Alice Fuld - 11 Blackberry Lane
20. Jim Fay - 21 Blackberry Lane
21. Andrea & David Hope - 112 Arch Street
22. Maureen Selby - 92 Arch Street
23. Barbara Berry - 27 Felt Road
24. Langdon Place - 136A Arch Street

We understand that municipal projects involve careful consideration and resource allocation.

We kindly request your prompt attention to this matter and hope for a positive response. By addressing this concern, we can together create a safer and more livable environment for all residents of Keene.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Rebecca Lancaster', with a long, sweeping horizontal line extending to the right.

Rebecca Lancaster



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.6.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Councilor Bryan Lake
Through: Patricia Little, City Clerk
Subject: Councilor Lake - Requesting an Update on the Sidewalk Asset Management Program

Recommendation:

Attachments:

1. Communication_Councilor Lake

Background:

Councilor Lake is requesting an update on the Sidewalk Asset Management Program and, in particular, whether the City is on schedule for the scheduled sidewalks for 2023, and whether any changes will be necessary for the 2023-2029 CIP. In addition, the Councilor believes it would be beneficial to have the Councilor update their understanding of how sidewalks are determined to be replaced and why some sidewalks are prioritized over others.

Honorable Mayor & City Council,

I am requesting that City Staff present an update on the Sidewalk Asset Management Program. Given that we have seen project costs rising rapidly over the past few years, I believe it would be good to have a public discussion around the status of our sidewalk program. The project was put into motion a couple of years ago with the intent to replace 3 sidewalks with concrete each year and 2023 was the beginning of that work. Some questions that come to mind are the following:

Are we on schedule to complete the intended sidewalks for 2023(Lower Main, School, Lincoln)?

Are we on target to meet our budget?

Do we foresee any necessary changes to the schedule or funding as outlined in the '23-'29 CIP?

I think it would also be beneficial to have a refresh on how we determined which sidewalks would be replaced earlier in the process. Knowing that we have many, many miles of sidewalk to get to, understanding why some are prioritized over others would be beneficial.

Thank you to everyone that has been a part of this project. Improving our sidewalks across the City is an incredibly important endeavor that will improve the day to day lives of many of our citizens.

At your service,

Bryan Lake

City Councilor, Ward 3

68 Timberlane Dr, Keene NH

blake@keenenh.gov

A handwritten signature in black ink, appearing to read 'Bryan Lake', with a stylized, flowing script.

Bryan Lake
City Councilor, Ward 3



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.7.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Jessica Wright
Through: Patricia Little, City Clerk
Subject: **Jessica Wright - In Opposition to Ordinance O-2023-12 Amendment to the Zoning Map - Rural to Low Density - 0 Old Walpole Rd**

Recommendation:

Attachments:

1. Communication_Wright

Background:

Jessica Wright is an abutter to the proposed zone change for 0 Old Walpole Road and opposes Ordinance O-2023-12 which would amend the Zoning Map from Rural to Low Density.

August 26, 2023

Keene City Council
Keene City Hall
3 Washington St.
Keene, N.H. 03431

Re: Ordinance O-2023-12 Amendment to
the Zoning map rural to low
density O Old Walpole Road.

Honorable Mayor and Council,

I am writing to you in regard to
the above requested Change of zoning
to a Single Property on the Old Walpole
road.

I am an abutter to the West Side
of this Property and would given record
as Objecting to this Proposal.

My home is located at 108 Butternut
dr at the Northwest end of the
Street directly below the Parcel
in Confention.

A visit to my back and Side yards would quickly reveal to you that on a good day we already have a very large Portion of land retaining runoff, and is considered virtually unusable for 'land'

I fear and feel that by allowing this property on Old Walpole road to be Zoned Low Density thus effectively reducing required Lot Size to 10,000sf this would obviously increase the impermeable Land and increase the runoff toward my and my Neighbors back yards on Butternut Drive

I respectfully ask you to Consider all the Detrimental effects this will have to the entire Peco Development. Please Vote No to rezoning of this Property.

Respectfully
Jessica Wright
108 Butternut Dr.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.8.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Deborah Craig
Through: Patricia Little, City Clerk
Subject: Deborah Craig - In Opposition to Ordinance O-2023-12 Amendment to the Zoning Map - Rural to Low Density - 0 Old Walpole Rd

Recommendation:

Attachments:

1. Communication_Craig

Background:

Deborah Craig is an abutter to the proposed zone change for 0 Old Walpole Road and opposes Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density.

141 Old Walpole Rd.
Keene, NH 03431
August 30, 2023

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

Re: Ordinance 0-2023-12 Amendment to the zoning map, rural to low density, 0 Old Walpole Rd.

Honorable Mayor and Council:

We are writing to you to express our objection to this rezoning proposal.

We live at 141 Old Walpole Rd. in the rural neighborhood abutting the proposed rezoning property. We have 33 acres and built a home on this land in 1977. Other homes were built in this rural area in the 1960's and 1970's, consisting of minimum lots sizes of two plus acres.

Our objections to rezoning are as follows:

This is a rural neighborhood with rural homes on the East, North and West sides of the rezoning request. Rezoning to low density would create spot zoning in a surrounding neighborhood along the Old Walpole Rd.

The Habitat property of 7.1 acres has been overlooked for development over the years due to many issues which include a very spongy wetland, steep grades, wildlife habitat, water runoff and flooding below in the Butternut Dr. area.

Low density development would require the extension of water and sewerage service in order to satisfy Habitat's request for up to 30 homes and a major expense for affordable housing.

Consideration should not be granted based on the petitioner. Habitat could easily determine that this property is too costly for affordable housing and decide to sell it to other developers to build mid-priced homes.

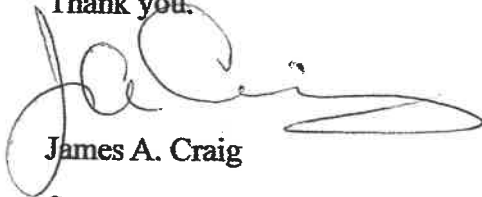
Extending the water and sewerage along the Old Walpole Rd. could make it attractive for future buyers of our property who could also request a zone change to low density and construct additional homes along 750 feet of frontage. Where does it stop!

This Habitat property is a sponge that absorbs rain water that flows into it from various locations. It is wet from top to bottom and removing more foliage will result in further flooding down to the Butternut Dr. area. (See attached recent photos)

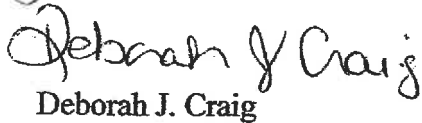
This Habitat property is a sanctuary for wildlife that include deer, coyote, fox, bear, bobcat, moose, turkey and many others. Low density would drastically affect this environment.

We urge the City Council to reject the rezoning request. However, this will still allow the petitioner to build three homes on two acres each which will be in keeping with the existing neighborhood.

Thank you.

A handwritten signature in dark ink, appearing to read 'James A. Craig', with a long, sweeping horizontal stroke at the end.

James A. Craig

A handwritten signature in dark ink, appearing to read 'Deborah J. Craig', with a stylized, cursive script.

Deborah J. Craig



Various photos showing rain water flowing into the Habitat property on Old Walpole Rd. creating very wet soil conditions.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.9.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Dave and Kim Bergeron
Through: Patricia Little, City Clerk
Subject: **Dave and Kim Bergeron - In Opposition to Ordinance O-2023-12 - Amendment to the Zoning Map - Rural to Low Density - 0 Old Walpole Road**

Recommendation:

Attachments:

1. Communication_Bergeron

Background:

Dave and Kim Bergeron are abutters to the proposed zone change for 0 Old Walpole Road and they oppose Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density.

David & Kim Bergeron
139 Old Walpole Road
Keene, NH 03431

September 3, 2023

City of Keene
Honorable Mayor and City Council
C/O Patricia Little, City Clerk
3 Washington Street
Keene, NH 03431

RE: Ordinance O-2023-12 Amendment to the Zoning Map, Rural to Low Density, 0 Old Walpole Road.

Honorable Mayor and Council,

I am writing to you regarding the above ordinance which is a request to rezone a single property on Old Walpole Road. I am an abutter/neighbor to the property, and I am writing to you to express my objection to this proposal.

The City Council recently changed the minimum lot size required for the Rural zone from five acres to two acres. The existing lots in this area of the Old Walpole Road are mostly two plus acre lots and fit with the updated Rural Zone standard. The property is seven plus acres so the recent zoning change now allows development of three houses where previously only one would have been allowed.

The proposed rezoning to Low Density would allow homes on 10,000 sf lots which would increase the number of houses permitted to 30 homes. This would be much denser residential housing than the existing housing in this area would not be in keeping with the neighborhood. In addition, based on the road frontage of the property and Low-Density lot size requirements, up to 12 homes could be built on the property fronting Old Walpole Road. There are no sidewalks, bike lanes or streetlights along this portion of the Old Walpole Road and is not an appropriate location for the higher density development allowed by the zone change.

The Rural Zone has 50-foot building setbacks on all sides while the Low-Density Zone has a front setback of 15 feet and a side setback of 10 feet allowing a much denser development. Again, this would not be in keeping with the current neighborhood and will drastically alter the character of the area.

Because this lot would not abut any other lots fronting on the Old Walpole Road that are Low Density this would result in Spot zoning one parcel of land different than abutting properties. This spot zoning would specifically benefit one property owner to the detriment of all other abutting properties which is not allowed by NH law.

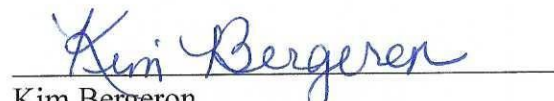
The Low-Density Residential zone requires municipal sewer and water service which is currently not available to this parcel. The sewer line extension would require the construction of a new municipal sewer pump station owned and maintained by the city which will further add cost and maintenance to an already extensive sewer system at the expense of the taxpayers. The City of Keene Master Plan states that this type of development should be clustered where existing utilities already exist to prevent additional costs of maintaining city services.

We would also like to add that the area of Butternut Drive to the rear and of this property is lower in elevation than the property. The residents of this area already experience extensive water problems from runoff from this property which has damaged the foundation of some homes in the area. Allowing a higher density development on this property will seriously compound the problem.

The Rural Zone only allows a total impermeable lot coverage of 20% of the lot. Changing the zoning to Low Density would not only allow more lots but would also allow a total impermeable coverage per lot of 45% which will more than double the allowable lot coverage. Please also keep in mind that the Keene Planning Board development standards do not require drainage control for single family lots. This will again exacerbate the water problems for the Butternut Road abutters.

In closing we would like to thank the City Council for listening to our concerns and we urge the Council to disapprove this zone change. We hope that you will do what is best for the residents in this area that you represent.


David Bergeron


Kim Bergeron



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.10.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Bill and Anne Meddaugh
Through: Patricia Little, City Clerk
Subject: Bill and Anne Meddaugh - In Opposition to Ordinance O-2023-12 -
Amendment to Zoning Map - Rural to Low Density - 0 Old Walpole Road

Recommendation:

Attachments:

1. Communication_Meddaugh

Background:

Bill and Anne Meddaugh are abutters to the proposed zone change for 0 Old Walpole Road and they oppose Ordinance O-2023-12 which would amend the Zoning Map from Rural to Low Density.

Sept. 4, 2023

Keene City Council
Keene City Hall
3 Washington Street
Keene, NH 03431

RE: Ordinance O-2023-12 Amendment to the Zoning Map, Rural to Low Density,
0 Old Walpole Road.

Honorable Mayor and Council.

We are writing to you regarding the above ordinance request to change the zoning of a single property on Old Walpole Road.

Our home is located at 65 Hilltop Dr and we have lived here for 36 years.

We oppose this ordinance change for a variety of reasons.

1. Changing this lot to Low Density Residential will drastically alter the character of the section of Old Walpole Rd from Hilltop Dr, north.
2. With the possible addition of up to 30 homes, the traffic on Old Walpole road would increase significantly making it even more hazardous to walkers, bikers, and children in the area. The amount of traffic and the speed at which the cars travel has already noticeably increased since the completion of the Covenant Living facility. Those residents are using Old Walpole as a direct shot to the hospital, physical therapy and downtown Keene. If there were up to 30 homes added on that property it would create an even more dangerous situation.
3. There exists a water drainage issue on both sides of Old Walpole Rd as demonstrated by the very recent Ditch work by The Department of Public Works. The heavy run-off from the higher elevation comes down not only to Old Walpole Rd, but extends even lower and further, and greatly impacts the Butternut Dr. residents' properties.

4. The area in question is home to a vast variety of wildlife. Developing this 7 acre lot would negatively impact the natural habitat of bears, deer, birds, foxes, non-domesticated cats and more.
5. The Spot zoning aspect is not only illegal, but would set a precedent that could be used by others in the future to further infringe on the rural setting.
6. A tax increase would be likely to occur as municipal services would be required to extend and maintain the water and sewer services.
7. The water pressure in the homes on Hilltop would be impacted unless an additional pumping station was built or the current one servicing our homes was updated.

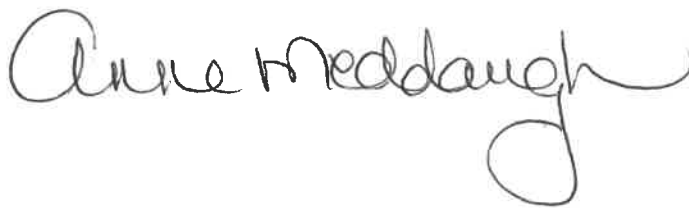
We have been meeting with a large number of neighbors in the area and there is a unanimous feeling that the area in question should remain zoned as rural.

As our elected council members, we hope that you will listen to the people you represent and oppose this ordinance change.

Thank you for your time and service.

Respectfully,

Bill and Anne Meddaugh
65 Hilltop Dr.

A handwritten signature in cursive script that reads "Anne Meddaugh". The signature is written in dark ink and is positioned to the right of the typed names.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.11.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Thomas and Marianne O'Brien
Through: Patricia Little, City Clerk
Subject: **Thomas and Marianne O'Brien - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - 0 Old Walpole Road**

Recommendation:

Attachments:

1. Communication_O'Brien

Background:

Thomas and Marianne O'Brien are abutters to the proposed zone change for 0 Old Walpole Road and they oppose Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density.

9/2/23

Councilor,

Regarding Ordinance O-2023-12 Amendment to the Zoning Map, Rural to Low Density, 0 Old Walpole Road. I am an abutter/neighbor to the property, and I am writing to you to express my objection to this proposal.

My name is Thomas G. O'Brien and my home is located at 130 Old Walpole Road. I have lived here with my wife Marianne for 36 years. We have raised five children at this location.

Before moving here a local real estate agent showed us a house on Butternut Road adjacent to the property in question. It was apparent from inside the house that there was significant water damage in the lower level of the house. Although prior months had seen unusual amounts of rainfall (much like the past few months), when we saw the land behind the house it was obvious this situation would never improve.

I would urge the Councilors to inspect the property with their own eyes before rendering a decision. Please don't rely on maps and photographs. An examination will offer proof the developed land will shed excess water in the area of Butternut Road. I can't see the advantage to Keene of creating new housing to the detriment of existing housing.

Thank you for considering my proposal with regard to this issue.

Sincerely,

Thomas and Marianne O'Brien

Thomas O'Brien
Marianne O'Brien



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.12.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Richard and Carolyn Campbell
Through: Patricia Little, City Clerk
Subject: **Richard and Carolyn Campbell - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - 0 Old Walpole Road**

Recommendation:

Attachments:

1. Communication_Campbell

Background:

Richard and Carolyn Campbell are abutters to the proposed zone change for 0 Old Walpole Road and they oppose Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density.

August 30, 2023
Keene City Council
Keene City Hall
3 Washington St.
Keene, NH 03431

RE: Ordinance O-2023-12 Amendment to the Zoning Map, Rural to Low Density, 0 Old Walpole Road.

Honorable Mayor and Council,

We are writing in regards to the above ordinance request to change the zoning of a single property on the Old Walpole Road.

We are neighbors to the property and are writing to object to this proposal. We have lived at 53 Hilltop Drive for more than 40 years and feel the change to low density will drastically change the character of the area.

The current zoning allows 3 homes to be built on this site. A change to low density will allow up to 30 homes to be built, which will result in a much denser neighborhood. This change will increase the volume of traffic on Old Walpole Road.

The Low Density Residential zone requires city water and sewer service, which is currently not available to that parcel of land. The sewer line extension will require the construction of a municipal sewer pump station, which will be maintained by the city. This will add the cost and maintenance to an already extensive sewer system at the expense of the taxpayers. This could also mean that a separate pumping station to increase water pressure to the homes may be required – also at the taxpayers' expense.

We are also concerned about ground water and flooding issues. By changing the zoning, and allowing more homes to be built, the total impermeable coverage per lot will change from 20% to 45%. This may affect the abutters on Butternut Drive.

We would encourage the city council to visit the land in question before making their decision.

Sincerely,

Handwritten signatures of Richard and Carolyn Campbell in cursive script.

Richard and Carolyn Campbell
53 Hilltop Drive
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.13.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Thais Frost
Through: Patricia Little, City Clerk
Subject: **Thais Frost - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - Old Walpole Road**

Recommendation:

Attachments:

1. Communication_Frost

Background:

Thais Frost is an abutter to the proposed zone change for 0 Old Walpole Road and is opposed to Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density.

September 2, 2023

City of Keene
Honorable Mayor and City Council
c/o Patricia A. Little, City Clerk
3 Washington Street
Keene, NH 03431
plittle@keenenh.gov

RE: Ordinance O-2023-12 Amendment to the Zoning Map, Rural to Low Density, 0 Old Walpole Road.

Honorable Mayor and Council,

I am writing to you regarding the above ordinance request to change the zoning of a single property on Old Walpole Road.

My home is located at 61 Hilltop Drive and I have lived here for 9 years with my husband Jason and children. I've loved raising my family here and I am writing to you to express my objection to this proposal.

It is my understanding that the proposed change to Low Density zone would allow for up to 30 units to be built in this lot. This proposal is highly concerning because:

- A change to low density residential zone requires municipal sewer and water. Since this service does not exist at this time, a pump station would be required to accommodate new buildings at the cost to current taxpayers like me.
- It would increase traffic on Old Walpole Rd. Cars travel at a high-speed making it dangerous to turn off of Hilltop Drive, Kennedy Drive, Glen Rd and American Ave as it is. Additional housing would make this issue even worse.
- This change would not be in keeping with the existing neighborhood. The large number of units would drastically alter the character of the area. This plan would not be beneficial to the neighborhood but rather to the one property owner. This is not something that residents want.

I object this amendment and appreciate your attention to my family's concerns.

Most sincerely,

Thais Frost



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.14.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Corbet Cook
Through: Patricia Little, City Clerk
Subject: **Corbet Cook - In Opposition to Ordinance O-2023-12 - Amendment to Zoning Map - Rural to Low Density - Old Walpole Road**

Recommendation:

Attachments:

1. Communication_Cook

Background:

Corbet Cook is an abutter to the proposed zone change for 0 Old Walpole Road and is opposed to Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density.

September 6, 2023

Keene City Council
Keene City Hall
3 Washington Street
Keene, NH 03431

RE: Ordinance O-2023-12 Amendment to the Zoning Map, Rural to Low Density, 0 Old Walpole Road.

Honorable Mayor and Council.

I am writing to you regarding the above ordinance request to change the zoning of a single property on Old Walpole Road. I am a neighbor to the property, and I am writing to you to express my objection to this proposal. My home is located at 56 Hilltop Drive. My wife & I have lived here for 9 years. We have 7 year old twin boys. We relish in the fact of being in a neighborhood that allows for safe outdoor play and exploration of the nearby fields and woods.

The City Council recently changed the minimum lot size required for the Rural zone from five acres to two acres. The existing lots in the subject area of the Old Walpole Road are mostly two plus acre lots and fit with the updated Rural Zone standard. This lot is 7+ acres and the recent zoning change now allows development of this lot to increase from one house to three.

The proposed change to Low Density zone would allow homes on 10,000 sf lots which would increase the number of units allowed on this lot from 3 to 30. This will not be in keeping with the existing neighborhood. Changing this lot to Low Density residential will drastically alter the character of the area. My wife and I feel very strongly that adding 3-30 houses would increase the traffic, negatively impacting our quite safe neighborhood. We already feel the negative impact on our neighborhood from the 8 houses put in on lower Walpole.

Please carefully consider how allowing a huge development of houses will impact this rural area, its neighbors, wildlife, and the safety of the families living here. This also sets a very dangerous precedent for this area and the rural community as a whole.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Corbet Cook', written in a cursive style.

Corbet Cook
56 Hilltop Drive
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.15.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From:
Through:
Subject: Attorney Thomas Hanna - In Opposition to Ordinance O-2023-12 -
Amendment to Zoning Map - Rural to Low Density - Old Walpole Road

Recommendation:

Attachments:

1. Communication_Hanna_Public Hearing

Background:

Attorney Hanna has submitted a communication opposing Ordinance O-2023-12 which would amend the Zoning Map from Rural to Low Density. His letter addresses several reasons why the proposed zone change is inconsistent with the intent of the Keene Land Development code and the City's Comprehensive Master Plan.

VIA EMAIL

August 29, 2023

Keene City Council
c/o Patricia Little, City Clerk
3 Washington Street
Keene, NH 03431
plittle@keenenh.gov

Re: Petition to Rezone 0 Old Walpole Road (TMP# 503-005-000) from the Rural District to Low Density District

Dear Mayor Hansel and City Council,

We write regarding the application submitted by Monadnock Habitat for Humanity (the “Applicant”) to amend the zoning designation of the parcel at 0 Old Walpole Road (TMP# 503-005-000) (the “Subject Parcel”) from Rural to Low Density. Our law firm represents David and Kim Bergeron of 139 Old Walpole Road, James A. Craig of 141 Old Walpole Road and Todd Palmer of 142 Old Walpole Road, in connection with this matter. Our clients are direct abutters to the subject parcel.

This letter addresses several reasons why the proposed zone change is inconsistent with the intent of the Keene Land Development Code and the City’s Comprehensive Master Plan, and, therefore, should not be approved.

I. The Proposed Zone Change Is Inconsistent with Surrounding Land Uses and Zoning Patterns

The Subject Parcel is located on Old Walpole Road in an area characterized by very low intensity residential development and open space. It is approximately one mile from the Town of Surry border and approximately 3.5 miles from Central Square and Keene’s downtown core. Surrounding parcels on Old Walpole Road are large lots set far apart that are either undeveloped or occupied by single family dwellings. All of these adjacent parcels on Old Walpole Road are in the Rural District.

The proposed zone change would allow significantly denser residential development to occur in this rural area. Currently, the 7.1-acre (309,276 sq. ft.) Subject Parcel could be subdivided into 3 lots. Each lot would need to be a minimum of 2 acres, with buildings set a minimum of 50 feet from the road and 50 feet from neighboring property lines. Lots need to be at least 200 feet wide where buildings are erected. Under the proposed zone change, the Subject Parcel could be subdivided into 13 lots, and would have sufficient land area to be subdivided into 30 lots with the creation of a subdivision road. These lots could be as small as 10,000 sq. ft. with houses as close as 15 feet from the road and 10 feet from neighboring property lines. This denser development pattern would be incompatible with the surrounding area and comparable to suburban sprawl.

Although the rear boundary line of the Subject Parcel is adjacent to the Low Density District, this area is a distinctly different land use pattern from the area surrounding the majority of the parcel, including its frontage. The parcels to the rear of the Subject Parcel are in the planned “Pako Park” or “Maple Acres”

development, which was built in phases in the 1950s through 1970s. This development occurred during a time of substantial population growth in Keene. However, the City's current Comprehensive Master Plan is focused more on sustainable development and discourages denser development in this area, which is outside the areas bounded by the 9/10/12 Bypass and Route 101.

II. The Proposed Zone Change is Inconsistent with The Comprehensive Master Plan

The focus of the City's Comprehensive Master Plan (CMP) is on guiding the community toward a more sustainable Keene. While the City is currently working hard to solve very difficult challenges with housing affordability and supply, these issues must be addressed via a holistic, long-range planning approach rather than piecemeal efforts to increase new house lots. Page 9 of the CMP includes a definition of a sustainable community as one that:

"...meets challenges through integrated solutions rather than through fragmented approaches that meet one of those goals at the expense of the others. And it takes a long-term perspective - one that's focused on both the present and future, well beyond the next budget or election cycle."

The proposed rezoning will do little to balance and diversify Keene's housing stock. Rather, it will contribute to a sprawling pattern of residential development along Old Walpole Road that is inconsistent with goals of the CMP. Currently, this area of Keene has no city water or sewer service, is not connected with the City's sidewalk infrastructure, and is over 3 miles from the downtown.

The CMP is clear that the City has a longstanding preference for concentrating development closer to the downtown to create a walkable community. See page 9 of the CMP. The CMP emphasizes this goal with the following cited objectives:

- *"Overall, housing must be conveniently located, healthy, safe, and affordable." (Page 48)*
- *"...housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock..." (Page 49)*
- *"Great care must be taken to ensure that existing, stable and livable neighborhoods are not made unstable or unlivable through the addition of significant new housing development. Infill or redevelopment within existing neighborhoods should be built at a scale, density and character consistent with the existing development patterns... This type of residential infill allows for a change in density, not a change in intensity of residential use, which in turn supports the community's goal to create a compact, walkable community and provide choice in housing. Areas suitable for housing growth include downtown and certain surrounding neighborhoods." (Page 49)*
- *"Given limited supply of large areas of readily developable land and the community's desire to concentrate land within existing developed areas, land-use issues are mainly concerned with redevelopment and enhancing the existing available land and infrastructure." (Pages 116-117)*
- *"In 2028, we have strategically managed our community's physical growth, maintaining its small-town character and friendly and inviting atmosphere, while simultaneously fostering our cultural and artistic identity. By successfully managing our physical growth we have created a city that is*

livable and accessible to all residents. Our built environment consists of mixed-use development and appropriate density within the city limits..." (Page 18)

In addition to promoting redevelopment and infill development closer to Keene's downtown, the CMP encourages the City to focus on preserving and improving its existing infrastructure over the creation of new infrastructure. However, the proposed zone change would require the expansion of City water and sewer to the Subject Parcel, as this is a requirement of the Low Density District. The CMP states that:

- *"The city should maintain its policy that maintenance or upgrades to the existing system has a higher priority than expansion of the system into new areas, unless the expansion would also improve an existing substandard system performance." (Page 90)*
- *"Long-term infrastructure investments are preferred over short-term remedies, and maintenance of existing infrastructure is preferred to the creation of new infrastructure (from both a financial and land-use perspective). Citizens expressed a strong desire for the city to create a consistently balanced and practical approach towards infrastructure that will preserve the community's hillsides visually and ecologically, efficiently use and reuse resources, and result in the responsible maintenance of the community's investments." (Pages 86-87)*

III. The Proposed Zone Change Is Contrary to the Intent of the Zoning Regulations

The intent of the Low Density District is "...to provide for low-intensity single-family residential development. All uses in this district shall have city water and sewer services." See Section 3.3.1 of the Keene Land Development Code (LDC). As noted earlier in this letter, the Subject Parcel is not served by city utilities such as water and sewer service and, therefore, is not aligned with the intent of the Low Density District. This infrastructure would need to be extended along Old Walpole Road to satisfy this requirement.

The expansion of water and sewer infrastructure on Old Walpole Road would create the potential for considerable residential density in this rural area if surrounding parcels were rezoned to Low Density. The property at 141 Old Walpole Road (TMP# 503-006-000), which is across the street from the Subject Parcel, is 33 acres and has 1,180 feet of Class V road frontage. If this parcel were to be designated Low Density, it has the potential to support 20 new lots or up to 130 new lots with the creation of a road.

Furthermore, this proposal would create an island of Rural District on Old Walpole Road. The lot to the southeast of the Subject Parcel at 142 Old Walpole Road (TMP# 503-004-000) would become a small pocket of the Rural District surrounded by Low Density parcels to the east, west, and south. It is incongruous that this parcel would remain in the Rural District if the surrounding area is deemed appropriate for the Low Density District.

IV. The Proposed Zone Change Will Adversely Impact the Surrounding Area

The proposed zone change will allow for a substantially denser pattern of development in this rural area of the City that will adversely affect the surrounding area. The Subject Parcel contains steep slopes and wetland areas and is not suitable for the density of development permitted in the Low Density District. This

area of the City, including the parcels along Butternut Drive at the rear of the Subject Parcel, has historically experienced drainage and flooding issues associated. As this land becomes more developed these problems will only be exacerbated. The Rural District contains most of the City's steep slopes and wetlands. The larger lot sizes are intended to protect these resources while still allowing for low intensity development.

This proposal would allow for significant increases in impervious lot coverage on a lot, which will negatively impact the wetlands on the parcel and the surrounding drainage regime. The maximum impervious area permitted in the Rural District is 20% of a lot, whereas, the Low Density District permits up to 45% of a lot to be covered with impervious surfaces. This increase in impervious area would reduce the amount of land area available for stormwater infiltration and could lead to increased velocity and volume of stormwater runoff. It also reduces the amount of remaining open space in the rural parts of the City, which provides both aesthetics and ecological benefits for the community at large. This is a zoning issue and should not be left to the subdivision or site plan review process for protection of the area.

The creation of 30 new lots would lead to a significant increase in average daily traffic on Old Walpole Road and the nearby intersection with Maple Avenue and Route 12A. The Institute for Transportation Engineers (ITE) estimates that a single-family detached dwelling generates an average of 9.43 trips a day. The addition of 30 dwelling units would lead to an increase of 282 vehicle trips per day.

Finally, this proposal will increase the demand for city services (e.g. fire and emergency services) further away from the downtown area, and will necessitate the provision of city infrastructure (e.g. sidewalks, bike lanes, city water/sewer) in a more rural area.

V. Conclusion

In conclusion, we urge the City Council to disapprove this zone map change request. The City recently reduced the minimum lot size the Rural District from 5 acres to 2 acres. As such, there is already increased opportunity for the Subject Parcel to be developed at a scale and density that is appropriate with the surrounding area. The proposed zone change would create a sprawling pattern of development that is inconsistent with the City's Master Plan and will adversely affect surrounding property owners.

We appreciate your consideration of the concerns outlined above and will be present at the hearing on September 7, 2023 to address our Clients' opposition to this proposed zone change.

Sincerely,



Thomas Hanna
BCM Environmental and Land Law, PLLC
(603) 352-1928
hanna@nhlandlaw.com



Tara Kessler, Planner Paralegal
BCM Environmental and Land Law, PLLC
(603) 352-1928
kessler@nhlandlaw.com



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.16.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Thomas R. Hanna
Through: Patricia A. Little
Subject: Attorney Thomas Hanna - In Opposition to Ordinance O-2023-12 -
Amendment to Zoning Map - Rural to Low Density - Old Walpole Road
- Spot Zoning

Recommendation:

Attachments:

1. Communication_Spot Zoning

Background:

Attorney Thomas Hanna is asserting that if the proposed Zoning Map amendment is approved, it will create illegal spot zoning. Attorney Hanna is recommending the Ordinance be defeated.

August 29, 2023

VIA EMAIL

City of Keene
Honorable Mayor and City Council
c/o Patricia A. Little, City Clerk
3 Washington Street
Keene, NH 03431
plittle@keenenh.gov

**Re: Ordinance O-2023-12 to Change Zoning Designation of 0 Old Walpole Road
from Rural to Low Density**

Dear Honorable Mayor Hansel and Members of the City Council:

I write to you on behalf of my clients, David and Kim Bergeron of 139 Old Walpole Road, Todd Palmer of 142 Old Walpole Road, and James A. Craig of 141 Old Walpole Road, regarding the proposed zoning map amendment, Ordinance O-2023-12 (the "Proposed Amendment"). Through the Proposed Amendment, the owner of 0 Old Walpole Road (TMP 503-005-000) (the "Property"), Monadnock Habitat for Humanity, Inc. (the "Applicant") seeks to change the zoning designation of the Property from Rural to Low Density. The Proposed Amendment should be denied, because, as set forth in detail below, such a change would constitute illegal spot zoning.

Background

On May 23, 2023, Michael F. Conway, agent for Monadnock Habitat for Humanity, submitted an "Application to Amend the Zoning Map" to change the zoning designation of 0 Old Walpole Road (TMP 503-005-000) from Rural to Low Density. The Property is approximately 7.1 acres and is currently undeveloped. The Applicant's stated purpose for seeking the change is to develop affordable workforce housing; the Applicant wishes to take advantage of the higher housing density permitted in the Low Density District (1 dwelling unit per 10,000 square feet) compared to the Rural District (1 dwelling unit per 2 acres). As it stands, the Property is largely surrounded by other properties in the Rural District. To the north, east, and south, the Property is completely bordered by Rural District properties. The western border is shared with Rural District and Low Density District properties. The orientation of the Property is toward the Rural District.

Spot Zoning in New Hampshire

Spot zoning occurs when an area of land is unjustifiably singled out for treatment different from that of similar surrounding land. *Schadlick v. City of Concord*, 108 N.H. 319, 322 (1967). Unless a change is necessary for the public good, owners of neighboring parcels should be able to rely on the rule that a zoning classification will not be altered once it is made. *Bosse v. City of Portsmouth*, 107 N.H. 523, 530 (1967). Changing the boundaries of zoning districts is only justified when the change is for the purpose of promoting the health, safety, morals, or general welfare of the community. *Id.* While it is true that “[t]he mere fact that the amendment zoned a small area at the request of a single owner does not of itself make the result spot zoning,” it is still the case that zoning regulations must be enacted as part of a comprehensive plan for the community so that zoning is by districts and not individual parcels. *Id.* (quoting *Edgewood Civic Club v. Blaisdell*, 95 N.H. 244, 246 (1948)).

The most determinative factor in establishing whether a proposed zoning change is spot zoning is whether the subject parcel “is being singled out for treatment unjustifiably differing from that of similar surrounding land, thereby creating an ‘island’ having no relevant differences from its neighbors.” *Id.* (quoting *Appeal of Mulac*, 418 Pa. 207, 210 (1965)). Additionally, the court will look to the size of the area, whether the proposed change is in harmony with the comprehensive plan for the community, the public need for the zoning change, whether the change is part of an “orderly and systematic scheme of planning,” and any change of conditions in the surrounding area. *Id.* at 530–31. Ultimately, whether a zoning change is appropriate turns on the facts of each case. *Bosse*, 107 N.H. at 531.

The Proposed Amendment Constitutes Spot Zoning

1. The Property is small and is being singled out.

Looking to the New Hampshire Supreme Court’s guidance for determining whether spot zoning exists, it is clear that changing the Property from Rural to Low Density would constitute illegal spot zoning. As a threshold matter, the Property is a single, relatively small parcel; no other parcels are included in the Proposed Amendment. While this is not conclusive, it is strong evidence of spot zoning. This is especially true given the fact that, while the Property itself will not be made into an island due to its contiguity with the Low Density District on its western border, it will essentially turn the neighboring lot of Todd Palmer, 142 Old Walpole Road (TMP 503-004-000), into an island. The Property itself would be made into a peninsula, sharing most of its border with Rural District properties. It is also important to note that the Property’s frontage (eastern border) faces the Rural District, so even if there is apparent contiguity with the Low Density District when looking at the zoning map, there would be no *actual* contiguity with or connection to the Low Density District on the western border. This speaks to the most determinative factor in the spot zoning analysis; the Property is being singled out even though there is nothing that differentiates it from the surrounding land. In fact, the Property contains steep slopes and wetlands that are characteristic of the Rural District, not the Low Density District. What is clear is the orientation of the Property. It is Rural.

There is nothing to justify the Property being singled out because the Proposed Amendment would not promote the health, safety, morals, or general welfare of the community. The Applicant may attempt to argue that the Proposed Amendment will promote the community morals and/or general welfare because it involves the development of workforce housing. In reality, allowing the Property to be developed with the higher density permitted in the Low Density district will adversely affect public health, safety, and welfare. As previously mentioned, the Property contains steep slopes and wetlands that make it unsuitable for dense development. This area of the City, including the parcels along Butternut Drive at the rear (western border) of the Property, has historically experienced drainage and flooding issues. These problems will be exacerbated if this land is allowed to become more densely developed. The larger lot sizes of the Rural District are intended to protect these resources while still allowing for low intensity development.

The Proposed Amendment would allow for significant increases in impervious lot coverage on the Property, which will negatively impact the wetlands on the parcel and the surrounding drainage regime. The maximum impervious area permitted in the Rural District is 20% of a lot, whereas the Low Density District permits up to 45% of a lot to be covered with impervious surfaces. This increase in impervious area would reduce the amount of land area available for stormwater infiltration and could lead to increased velocity and volume of stormwater runoff. It is also important to note that the test is whether the proposed change is *necessary* for the public good. Based on the drainage issues outlined above, the Proposed Amendment is certainly not necessary for the public good and would, in fact, put the public good at risk. Moreover, this is a zoning issue, and the Council should not pass the buck to the Planning Board's subdivision and/or site plan review process.

2. The Proposed Amendment is inconsistent with the City's comprehensive plan.

The Proposed Amendment is not in harmony with the comprehensive plan for the community. For an extensive discussion of the Proposed Amendment's inconsistency with the City's comprehensive plan, please see the companion letter our firm submitted on August 29, 2023. To summarize, the City's current Comprehensive Master Plan (CMP) establishes a strong preference for development near the City's downtown core, namely infill and redevelopment of existing stock. The Proposed Amendment would contravene this goal by allowing a development that is more than three miles from downtown, is not connected to the City's sidewalk infrastructure, and does not have existing City water or sewer service. This also speaks to one of the CMP's other goals, which is to focus the City's resources on preserving and improving existing infrastructure rather than creating new infrastructure. Ultimately, the construction of a brand-new development so far from the City's downtown corridor on a parcel without existing City infrastructure would be completely at odds with the City's focus on sustainable development, as expressed in the CMP.

3. The Proposed Amendment would not be part of an orderly and systematic scheme of planning.

Interrelated is the fact that the Proposed Amendment would not be part of an “orderly and systematic scheme of planning.” If the City were to adopt the Proposed Amendment, rather than addressing housing stock issues via a holistic, long-range planning approach, the City would be taking a piecemeal approach that is inconsistent with both the CMP and the legal requirement that a zoning change be part of a bigger plan. Changing the zoning designation of one parcel to permit the development of one housing development is not the type of comprehensive solution to housing affordability and supply that the CMP envisions. What is more, the nonexistence of infrastructure in the area (water, sewer, sidewalks, bike lanes, etc.)—with no preexisting plans by the City to expand—shows the lack of long-term plans for dense development in the area.

4. There are no changed conditions in the area near the Property to justify the Proposed Amendment.

The area is characterized by very low intensity residential development and open space with large lots that are either undeveloped or occupied by single-family dwellings. These characteristics are very much consistent with the preexisting Rural designation. Even the Low Density development on the Property’s western border is not a recent occurrence; the planned “Pako Park” or “Maple Acres” development was built in phases in the 1950s through 1970s when Keene was experiencing substantial population growth. Therefore, there has been no recent change in conditions in the area warranting a redesignation of the Property to Low Density.

5. The need for affordable housing does not justify a deviation from the other requirements for a zoning change.

The Applicant may argue that there is a “public need” for the Proposed Amendment because the current ordinance does not provide suitable space for workforce housing even though there is a demand for such housing. However, any need for workforce housing does not obviate the City’s obligation to zone based on an orderly and systematic scheme of planning; any housing must still be “*conveniently located*, healthy, safe, and affordable” and contribute to the City’s being “livable and accessible to all residents.” CMP at 18, 48 (emphasis added). As it stands, the proposed development would have virtually no connection with the City’s core (no sidewalks, bike lanes, etc.), and therefore would not further the City’s goal “to create a compact, walkable community.” CMP at 49. As highlighted in the CMP, there are ample infill and redevelopment opportunities near the City’s downtown that would allow for the development of workforce housing that *is* consistent with the City’s comprehensive plan and part of an orderly and systematic scheme of development. Given these opportunities, there is no public need for the Property to be rezoned.

Conclusion

If the Proposed Amendment is approved, it will create illegal spot zoning. The area covered by the Proposed Amendment is a single, relatively small lot that has physical characteristics typical of the Rural District and is oriented toward, and primarily bordered by, the Rural District. There is no justification for the Proposed Amendment because it is not necessary for the public good. In fact, it would harm the public good by exacerbating drainage and flooding issues in the area. What is more, the Proposed Amendment would be inconsistent with the City's comprehensive plan, would not be part of an orderly and systematic scheme of planning, and is not justified by changed conditions in the area. The Proposed Amendment should be rejected.

Sincerely,



Thomas R. Hanna
hanna@nhlandlaw.com
603-352-1928

CC: Clients
Thomas P. Mullins, Esq., City Attorney



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Uncollectable Sewer/Water Bill – 64 Valley Street**

Recommendation:

On a vote of 4-1, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council forgive the Sewer/Water Bill for 64 Valley St., Account 0899-09, in the amount of \$787.86 as being uncollectable. Councilor Roberts was opposed.

Attachments:

None

Background:

Chair Greenwald asked to hear from Mr. Blomquist. Kurt Blomquist, Public Works Director, stated that there is an unusual situation. He continued that he cannot remember the last time he had to bring an uncollectable bill to the Committee and the Council.

Mr. Blomquist continued that the residence at 64 Valley St. was sold in a private sale, meaning the seller did not use a real estate firm or agent. They used a lawyer to do the sale. Typically, when a property is sold, the agent representing the seller will contact the Revenue Collection Office and request a final read for the property on a particular date. Staff does that read. If there was any usage prior to the exchange of the property, the read identifies that, and that sets up the account for the new owner. A person from the lawyer's office handling the sale contacted the Sewer/Water staff and the Revenue Collection Office and asked what the current bill was. The person from the lawyer's office did not clearly indicate what was happening. City staff now believes, after working through the issues here, that probably it was a new person in the attorney's office. The Sewer/Water person gave the requested information about what was due at that time.

Mr. Blomquist continued that a little time went by, and the new property owner took over and contacted the City when they were placed on the account and received a bill. The new owner asked the City why they were paying for the previous owner's usage. City staff realized that the office handling the sale of the property did not follow the typical procedures. Thus, with the information the City had about when the sale occurred, they were able to generate a bill for the new owner for the period they owned the property, as well as generate a bill for what the previous owner owed. City staff had an out-of-state address for the previous owner and mailed the bill to inform the previous owner what they owed the City of Keene. Unfortunately, the previous owner did not respond to the City. The Revenue Collection Office made multiple attempts to get the person to communicate,

including using registered communications. Those were returned because no one would sign for them. This went on for several months. Simultaneously, City staff attempted to contact the attorney's office and requested that they pay the outstanding bill. City staff did not receive any confirmation that the attorney's office would be moving forward with that. That went on for about six months.

Mr. Blomquist continued that finally, in his discussions with the Finance Director, they got to the point where the bill became uncollectable. The bill is for \$787.86. City staff looked at what it would take if they were to file in small claims court to get the bill paid. They determined that the staff time would be substantial due to the person no longer residing in the state. It would exceed the \$787. The City probably expended that just in their past efforts to date.

Mr. Blomquist continued that the normal process for outstanding bills is for staff to shut the water off at the property and, if necessary, place a lien on the property. That is why staff normally does a good job at collecting outstanding bills. In this particular case, it was a new owner, and staff felt it was inappropriate to shut their water off for a bill owed by the previous owner.

Mr. Blomquist continued that the City Code gives the City Council the authority to abate, reduce, or forgive "any bill or assessment for any rate, roll, or charge which may be or which may become legally due to the City, on an account of water or sewer service." In this context, "forgive;" it is an older word for how you dispose of debt. He and the Finance Director recommend this because the bill has become uncollectable, and they need to clear the books on it. They recommend that the Council forgive this outstanding \$787.86 for this property.

Chair Greenwald stated that that is a good explanation. He continued that with the thousands of water/sewer bills, it is outrageous that this is the only one that has become uncollectable – at least, in all of his years.

Councilor Roberts stated that he understands that it is uncollectable, and he knows it not worth going after in small claims court, but he will vote "no" on this out of principle. He continued that people who buy and sell should know these (matters). They did not do it, and it seems like the individual is making a conscious effort to not pay this bill. That is why he will vote "no." It is an enterprise fund, and by this individual not paying their bill this debt is being shifted to all the other people who are paying their bills on time.

Councilor Workman stated that she agrees with Councilor Roberts. She continued that she does not like the precedent that that will set, of (people thinking) they can run and hide and not pay their bills. She is particularly dismayed by the response, or lack thereof, from the local law office, assuming it was a local attorney who handled the transfer of property. She understands the previous owner trying to run and hide, but she does not like the way the lawyer is handling it. She asked if the staff was allowed to name the law office. She is curious to know because she would not want to do business with them. To some people, \$787.86 may seem like pennies, and it is a small amount in the grand scheme of the City's budget, but it is close to \$1,000. To her, \$787 is a lot of money. That is money the City is now out because someone did not pay their bill. She thinks they should name the law office if they are allowed to.

City Attorney Tom Mullins stated that Attorney Hockensmith's office conducted the closing.

Mr. Blomquist stated that he appreciates Councilor Workman's and Councilor Roberts's concerns. He continued that regarding setting a precedent, whether you are a private business or the City, you go through as much as you are capable of to collect what is legally owed to you. However, as they may be aware, there comes a point where it is not always possible. A private

business can write it off as part of doing business. A municipal business does not necessarily have that same capability, but as the Finance Director indicated, they do need to balance the books. Declaring this bill uncollectable is a way of doing that. He does not believe it is setting a precedent. He is sure the folks in the attorney's office have learned. Again, he believes this was a person who was new to their role. He cannot remember the last time he had to ask the Council to consider something like this, because as he said, usually the City's hammer of "We turn your water off until you pay the bill" works well. Staff works diligently with the City's customers to help them when they have issues with payment, and they are usually very successful in getting them paid and not having to deal with these kinds of issues. He appreciates Councilor Workman's and Councilor Roberts's sentiment, but he encourages the Council's forgiveness on this so the Finance Director can make sure the books are equal. If this continues to carry on, it is an issue for the City's finances.

Chair Greenwald stated that this is a good discussion and Councilor Workman and Councilor Roberts are making a good case. He continued that it reaches a point where it is a business decision, and the staff time involved with collecting this amount, and the reality is that when you get a judgment from small claims court, collecting that judgment is very difficult. If the person is out of state, it is "not even worth the postage." He is sure that the attorney(s) who did the closing will not let this happen again.

Councilor Filiault stated that he is with Chair Greenwald on this, although he agrees with the comments Councilor Workman and Councilor Roberts made. He continued that it does not make sense to go after \$787, if it would wind up costing the City a couple thousand dollars in staff time, court fees, and chasing people around. You cannot say to the taxpayers, "We saved you \$787 but it cost us \$2,000 to go get it." He is using a rough number; it could be higher. He has been here over two decades and can count on one hand the amount of times the City has had to ask the Council to forgive a bill. Thus, the City obviously does not have a problem and has done a phenomenal job over the years. They should forgive the money and move on.

Councilor Williams asked what the negative effect is of leaving an open debit like this on the books. City Manager Elizabeth Dragon replied that she does not think the auditors are crazy about it, but it can be "bad debt." She continued that eventually, you have to write off the bad debt and clean it up. It is still relatively new; she thinks it is from . The City will not get dinged on its audit as a result of that, but at some point, it will need to be addressed. She thinks the bigger concern was whether to spend more staff time because the next step would be the City Attorney's Office, and because it is an out-of-state case, it would be more costly to pursue. Councilor Williams replied that if they were ultimately going to have to write off the bad debt anyway, he would just as soon get it done tonight.

Chair Greenwald asked for public comment. Hearing none, he asked if the Committee had anything further to say. Hearing none, he asked for a motion.

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

On a vote of 4-1, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council forgive the Sewer/Water Bill for 64 Valley St., Account 0899-09, in the amount of \$787.86 as being uncollectable. Councilor Roberts was opposed.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: Keene ICE Expansion – Expanded Locker Rooms - Keene State College

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate an agreement with Keene ICE and Keene State College relative to the creation of expanded locker rooms at Keene ICE and report back to the MSFI Committee.

Attachments:

None

Background:

Chair Greenwald stated that Keene ICE is in a City building. He continued that the Parks, Recreation, and Facilities Director is the administrator of the ice arena.

Andy Bohannon, Parks, Recreation, and Facilities Director, stated that they are in the exploratory stages of Keene State College (KSC) possibly expanding the footprint of the Keene ICE arena. He continued that to give some history, Keene ICE was formed in 2011, began to do fundraising, and created this amazing facility for the City of Keene with one sheet of ice, several locker rooms, and bleachers. Unused space under the bleachers was potentially tapped for future growth. The new arena has been a great success for all the programs that have been involved, from hockey championships with the high school and the KSC men's club team, to women's leagues, to the Learn to Skate program. The Learn to Skate program has really taken off and has become a focal point of the community, which was the whole intention of the program when it was started.

Mr. Bohannon continued that success drives more success, and that is what KSC is looking at today – how to expand their community and resources and get more students involved in the college. The prime way to do that is through athletics. They have funding to expand their athletic program with the men's and women's varsity hockey programs, along with Esports, which he is also excited about because the Rec Center has an Esports program. He will be talking with (KSC's) Athletic Director about that. KSC is looking for the opportunity to expand the locker room space and work with the City to expand the locker rooms underneath the bleachers and into the City space behind that. In that space, the City has basic storage of some old materials that they need to either hold for a while or move. This is a real win for Keene ICE, to be able to utilize ice time that is not necessarily used during the middle of the day for the practice sessions, as well as for the rink services group that

manages the rink. Their president, Gary Warner, would be doing all of the scheduling for them. They would also take care of making sure they meet the correct guidelines from the NCAA. At the last Keene ICE board meeting, the board was in support of this action. He and Nathalie Houder, KSC Vice President for Finance and Administration, are here tonight to give an update. Raphael Podniesinski, chair of the Keene ICE board, is also here. He asked Ms. Houder to speak.

Ms. Houder stated that as Mr. Bohannon mentioned, their previous conversations have focused on enhancing the community collaboration between KSC, the City of Keene, and the surrounding communities. She continued that ice time is critical. She played ice hockey, as did her son. They have managed to support all of the local high school teams and all of the other organizations that Mr. Bohannon mentioned. The beauty of this is that, as Mr. Bohannon said when he said this is "win/win," KSC is committing to adjusting their academic scheduling during the time blocks that would allow their hockey teams to avail themselves of ice time that is not being used currently. They are not trying to take on ice time that is used by the high school teams and the organizations already. They are talking about morning towards afternoon. It is a complementary relationship and use of ice time between what is being used now and how KSC would utilize the ice time. The space is not being used right now and would be available for KSC additional construction for the locker rooms.

Ms. Houder continued that having been around for the process from the very beginning, she wants to add that this brings more people to Keene. More students at KSC, more hockey games, would bring traveling teams and other potential visitors to the Keene community to partake in the regular season games they anticipate occurring, and being an NCAA varsity team allows them to participate in post-season play. They have already been approved for the LEC conference [Little East Conference] as one of six members of the LEC for both men's and women's. They are ready to go. She is happy to answer questions.

Chair Greenwald stated that he sees that women's hockey is here, but he was hoping to see other representatives from Keene High School (KHS), Cobras, figure skating, and so on and so forth. He believes they were all notified but did not come. There are some issues he was hoping to ventilate a little bit. He continued that he and Councilor Filiault were both around for the inception of this ice arena and were both believers in it. It is a great recruiting tool for the City and employers, also. They do a good deal of business with C&S, and when new people come in, it becomes part of the tour. It is of interest not only to the college, but also to the City, which is great. His concern, which he thinks Ms. Houder partially addressed, is that ice time is precious, and competitive, regarding who gets it. He wants to make sure that KHS is not practicing at 2:00 AM to make room for KSC. His first priority is the local ones, and with KSC coming in with a new facility, new locker rooms, he wants to make sure it does not overshadow the others.

Chair Greenwald asked if KHS would have access to the new locker rooms. Ms. Houder replied that her "understanding is that they have locker rooms that are already available for them, or they don't." She does not know what they use currently. She continued that (KSC) had anticipated that the new locker rooms would be just for KSC. KSC is putting in the investment. However, they anticipate that other parts of the buildout would benefit all of the teams that use Keene ICE, such as a media room and so forth.

Chair Greenwald replied that that could become a negotiable. He continued that perhaps while the work is going on it could provide facilities for [others]. He does not know what the women have versus what the men have, on a high school level, but it could benefit everyone if it happens at the same time. There could be some good discussions. Ms. Houder replied that she would be open to discussions, but she has to say that the investment that KSC has mapped out from a financial perspective has been exclusive for the use of KSC for the varsity teams, because they do require

their own locker rooms.

Councilor Roberts stated that he will put his “school board hat” on and say, there was initially a problem at the ice arena with the hockey teams, because the boys were allowed to leave their equipment in their locker room and the girls had to take theirs out every day. He continued that it was a Title IX issue. They have gone on to correct that issue so the girls’ and boys’ hockey teams would have the same items.

Chair Greenwald stated that there has not been a lot of communication about what is going on (at Keene ICE), with the City Council, probably since opening day, so he is excited to hear more from Ms. Houder and Mr. Bohannon.

Ms. Houder stated that KSC considers itself local as well, so they want to make sure that their benefit is not to the detriment of anyone in the Keene community. She continued that she is always available to answer questions. If KSC can move forward, and she hopes they can, it would be with working with Keene ICE, the City, and the organization that operates Keene ICE.

Councilor Filiault stated that he agrees with nearly everything that has been said, and agrees that this is a win/win. He continued that he is a big hockey fan and spends a lot of time at Keene ICE in the winter. He attends many of the KSC hockey club games. He asked if they will be keeping a team also. Ms. Houder replied yes, the club team will stay the way it is, and they have been fortunate to have such a successful club team. They want to add on to that success with two NCAA teams. Councilor Filiault stated that like Chair Greenwald, he wants to make sure that everyone gets along and gets their ice time, and that no one gets the 2:00 AM short stick draw.

Councilor Filiault stated that he heard a comment the other day that when Keene ICE was developed, and the Public Works facility, they laid out in the development that potentially down the road a second sheet of ice could be laid. To be clear, he is not proposing anything. His question is whether that is viable if the success of Keene ICE and the ice time became so tight. He knows one of the reasons they cannot have more tournaments here is the one sheet of ice, because most colleges and high schools require at least two.

Mr. Bohannon replied that he thinks it is viable with the space that they have, with the giant caveat that they probably would be looking at building a brand new facility. He continued that it would take away a significant amount of space from the Public Works operations area, and currently, they do not have that space to do that. They would be giving up quite a bit and creating quite the facility. Councilor Filiault replied that it sounds like something a future City Council could look at down the road.

The City Manager stated that she wanted to add her thoughts on the KSC’s expansion request. She continued that she thinks this is a very exciting opportunity. The college is looking at expending over a million dollars to create this locker room space. In addition, they are working around the existing ice time schedules, which is important. That was a big concern the last time a proposal came forward. The college is very willing to work around that ice time, so that does make it a win/win. Keene ICE, as a separate entity, really could use the additional revenue. They are managing to get by, but as the Committee knows, at times the financial situation with Keene ICE has been strained. Thus, this is a win/win for them as well. In terms of the overall economic development and activity in the city’s downtown area and hotels, it will bring additional visitors to the city. She thinks it will also bring additional students to the college, and with the declining enrollment of the last several years, she thinks it is important that they have a way to maintain their level of student population and even slightly grow it. This is an exciting opportunity for the city. There is some work to do, in terms of getting all the agreements in place. Some lengthy agreements were put

in place when Keene ICE was created, so tonight she is asking the Committee to recommend authorizing her to begin the negotiations for some of those agreements, with the help of the City Attorney. Then they would come back once they had a final plan in place.

Councilor Roberts stated that he completely agrees with the City Manager. He continued that running a hockey rink is an expensive proposition, and most hockey rinks around the country understand that if you want to be above water, you have to have someone on the ice nearly every hour of the day. Because of many people's passion for ice, whether figure skating or hockey, you can find people/hockey leagues who will play at 2:00 AM. He was here when Rick Scott and his team started looking at creating something in that area. The individual from the candy shop was looking at coming up with proposals. They started to fundraise. With fundraising, you look at what you can do to get off the ground, and now they are off the ground. They knew they would get to a point where some major repairs and other costs would be involved, and to keep it viable, and so they can do those repairs and keep it upgraded and, as others said, make it NCAA standards, they need money/a viable partner. He wholeheartedly supports this.

Mr. Bohannon stated that through board conversations related to ice time and scheduling, he learned that Gary Warner manages about eight rinks in the state. He continued that Mr. Warner recently had this same scenario occur in one of the Nashua rinks. Revere College created a NCAA team and implemented that into the existing schedule of all the high schools and other teams in the Nashua rink. Thus, Mr. Warner is familiar with what needs to happen. It is fortunate that both the high school and college have their schedules way in advance of, say, youth leagues, so Mr. Warner can begin to understand what it is going to look like and forecast way before any problems should arise. He wants the Committee to be aware of the fact that Mr. Warner is already in the mode of looking to make sure this works.

Ms. Houder stated that regarding the investment mentioned, KSC was fortunate enough to receive an investment from the University System of New Hampshire. That is where these funds are coming from. They anticipate that it would be about up to \$1 million, and anticipate that it would be two phases, so they can build the first floor and then get into the second. She wanted to add that detail from a timing perspective investment and so that everyone is clear on where the funding is coming from.

Chair Greenwald asked for comments from the public.

Jodie Ballaro of 242 Concord Rd. stated that she is here representing the Cheshire Ice Cats, women's ice hockey. She continued that she also has a daughter who will be playing for KHS, and a son who played for KHS. The Cheshire Ice Cats' concern is that ice time is of a limited quantity, and there are some realities that are hard to work with. In terms of paying the bills and serving the community, and she appreciates that KSC is absolutely part of the community, her team practices once a week. They are not a group that is spending a lot of money at Keene ICE, and they have worked closely with Keene ICE for a long time to be able to keep their hour. Every year it is a struggle. They get "pushed a little this way, pushed a little that way." Summer comes, camps come in, and the Cheshire Ice Cats are told they cannot practice for a couple weeks because some outside group is there. The outside group has more money to spend, but most of Cheshire Ice Cats players are taxpayers, community members. She thinks everyone would say that they value women's hockey. What can they do to ensure that the Cheshire Ice Cats will still have their space, and that the other groups will, too?

Ms. Ballaro continued that another reality is the weekends. Many people come to the KHS games, for both boys' and girls', on Saturday nights, but now they are talking about two KSC teams also playing, plus the club teams, and Cobras all through the day. She does not know what that is going

to look like. In addition, local high schools come in, such as Monadnock. Her question is whether there will be some sort of guiding principles as to how that is scheduled out, such as “this group takes precedence over this one and this one.” They already squabble a lot about practice times. Her son, in his senior year, was practicing at 5:00 AM most days. The girls were also practicing very early. Monadnock was practicing right after school, which some would say was a better practice time than the Keene kids had. These are already issues. She knows KSC is talking about taking that time during the middle of day, which is great, but she questions whether that will truly happen as this is rolling out. Ms. Houser mentioned that Gary Warner will be doing the scheduling. Last she heard, Mr. Warner was not actually in Keene, so she assumes he is not physically doing the scheduling and that it might be one of the local people, who might also be potentially involved with the KSC coaching. She asked if it is possible for a neutral person who is not actively on the ice or involved with these teams to do the scheduling. She is sure this is going to be hard. The Cheshire Ice Cats’ question is how they can balance the needs of the “bigger fish” and the “little fish” who still want to be there.

Ms. Houser replied that she appreciates the Cheshire Ice Cats’ comments. She continued that she was on the Cheshire Ice Cats when it first started, and she appreciates that need for one hour of ice time, as well as all of the other organizations that Ms. Ballaro mentioned. She thinks allowing KSC to move forward will open the door for having those conversations, and working with Mr. Warner and the folks who work with him on the operating staff at Keene ICE. It is an ongoing conversation and she does not have an answer on the scheduling yet, but she knows that it is a priority to make sure that they acknowledge that there are many important organizations, and children and students in the community, who need to be considered as they move forward to figure out the scheduling. There was a question of whether they can move forward with that block in the day, and yes, that is something KSC is doing. They have their academic areas working on the change to the schedule to make sure that is available. That is part of why KSC thought this would work so well – they are making that commitment to make the change so that it is a complementary engagement between KSC and Keene ICE.

Ms. Ballaro stated that she has one more question. She asked if KSC has a backup plan for if the City says no. She asked if they would try to build their own facility. Ms. Houser replied no, KSC would not build its own. Ms. Ballaro stated that many of the other users who knew about this meeting have reached out to Mr. Bohannon with questions and comments as well. There are people who are watching and are curious about this – overwhelmingly positive, and excited for KSC. They are all in this together, trying to get more kids involved.

Chair Greenwald asked if there was anything further from the public. Hearing none, he asked if there was anything further from the Committee.

Councilor Filiault stated that he has a question for the City Manager. He continued that when the Committee/Council asks her to negotiate, the word “execute” (would not included in the motion), and at this point it would be just “negotiate and return to the MSFI Committee.” They would not want an agreement executed without it first coming back to the MSFI Committee. The City Manager replied yes, that was the intent.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate an agreement with Keene ICE and Keene State College relative to the creation of expanded locker rooms at Keene ICE and report back to the MSFI Committee.



ITEM #D.3.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Acceptance of 2023 Highway Safety Agency Grant

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene.

Attachments:

None

Background:

Police Captain Mike Kopcha addressed the committee and stated he was before the committee regarding the 2023 Highway Safety Grant. This year the monies have been combined into one lump sum of \$14,500. He indicated; however, the money is divided into categories such as – sustained traffic enforcement patrols, downtown patrol (bicycle and pedestrian safety), and DWI specific patrols. Captain Kopcha stated these monies allow the department to add an extra officer to a shift to deal with any specific detail.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Acceptance of Grant Funds – NH Division of Historical Resources Certified Local Government Grant**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a \$12,000 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Historic District Commission to work with a qualified consultant in the historical and architectural inventory of the properties located within the extension of the Downtown Historic District that occurred in 2012.

Attachments:

None

Background:

Planner Evan Clements addressed the Committee and stated he is the staff liaison to the Historic District Commission. Mr. Clements indicated the Commission has been awarded a \$12,000 grant through the certified local government program to inventory the 19 properties located within the historic district extension that occurred in 2012. Because these properties have not been inventoried, they have been ranked as contributing or not contributing to the district and as such must be assigned the strictest regulation.

Mr. Clements stated by receiving this grant and completing an inventory the City will be able to properly assess any changes done to those properties.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a \$12,000 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Historic District Commission to work with a qualified consultant in the historical and architectural inventory of the properties located within the extension of the Downtown Historic District that occurred in 2012.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Acceptance of New Hampshire Juvenile Court Diversion Network funding for Youth Services

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

Attachments:

None

Background:

Melissa Bender, Youth Services Manager stated the Juvenile Court Diversion Network has been provided another funding opportunity to the Youth Services Department in the amount of \$5,586. This amount is based on the average amount of cases for the last few years. This money is awarded because the department provides substance use and mental health screening which provides guidance for the department to properly work with youth.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Pamela Russell Slack - Requesting an Amendment to the City Council's Rules of Order – Workshops**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the communication be accepted as informational.

Attachments:

None

Background:

Ms. Pamela Russell Slack of 260 Beaver Street addressed the committee and stated this item is a request to amend City Council Rules of Order to include language regarding Council workshops. She indicated because of what happened this summer [when the Council voted on an item of business during a workshop] the public needs to have a better understanding as to what Council workshops are all about and so do the Council members.

Chair Powers asked for clarification from the City Attorney that any action by a Committee or otherwise needs to come before Council. Attorney Mullins explained RSA 91-A deals with Council powers and authority. He indicated under RSA 91-A once there are eight members of the Council present in a room, that triggers a quorum. Whether those individuals could act or not depends on other criteria; for example, the meeting must be publicly noticed and at that point, the Council has the power to act on the item. He indicated the statute does not distinguish between eight members being present at a council meeting or eight members being present at a workshop. He agreed the Council are the ones who have to ultimately act, the committees merely make a recommendation to the full Council. He indicated what is being proposed is to carve out an exception from the opportunity to vote on what is otherwise defined as a workshop. Attorney Mullins stated "what" is a workshop would need to be defined. The Attorney indicated during his tenure as the City Attorney that voting at a workshop has never come up as an issue, but in order to establish a requirement that voting at a workshop would not be permitted, that exception would need to be added to the Council's Rules of Order. Attorney Mullins noted that if the restriction were added to the Rules of Order, that provision could be suspended on a 2/3rds vote.

Councilor Remy asked whether there would be any circumstance where a meeting or workshop would not be noticed to the public. Attorney Mullins answered in the negative. The Councilor asked

whether a lack of communication could be the issue here and if it is noticed that when an eight-member Council body is present a vote could be taken would prevent perhaps another meeting from occurring where the public would have to return. Ms. Russell Slack stated what she is asking for is something to be put in writing because voting at a Council workshop has not previously happened, as a result a precedent has been set. She added the usual procedure is the matter before the workshop is referred to a committee and then forwarded on to the full Council.

Councilor Madison inquired if only eight councilors were present at a Council meeting whether an item could be voted on. Attorney Mullins answered in the affirmative. The attorney added what is being presented is the context of a workshop and whether a vote could be taken at a workshop.

Councilor Chadbourne asked whether it would be a Mayor who would decide that a workshop is being conducted and the Council would be taking a vote at that workshop. Attorney Mullins stated the Mayor can suggest a workshop but he does not have the authority to prevent eight members of the Council from taking a vote at a workshop. He also added anytime there is a noticed public meeting of the Council the Council has the right to act.

Chair Powers stated from his perspective the vote did not make any difference; according to Council Rules the City Council are the ones who take the final vote. He felt there was sufficient protection to pursue this item according to the Council's current rules.

Mr. Charles Redfern of 9 Colby Street addressed the committee and expressed concern about the mention of a prior workshop which he felt the public was not aware of. He stated it would be nice to get some background of that workshop and what the result was. Mr. Redfern stated he supports transparency to the public. He stated even if there are only five councilors who show up at a meeting, it is true a vote cannot be taken but when there are five there could be an agreement made between those councilors (for or against) and this can deprive the public of being fully educated of what the matter is. Mr. Redfern stated he always errs on the side of public transparency, and he wasn't sure whether that happened with this situation or not. Hence, codifying something into the Rules to help educate what a public workshop is, would be helpful.

The City Manager responded to Mr. Redfern's comment by saying that the concern came about as a result of a council workshop at which there was a vote on the downtown project. This workshop was duly posted, and the vote referred one of the downtown design options back to the MSFI. The concern is that in the past the City Council has not taken a vote in a workshop setting. Attorney Mullins added these workshops are open to the public and the public did attend these workshops.

Councilor Lake agreed precedent is an issue that needs to be considered when taking these actions and he stated at the workshop the Council did vote to send the item back to committee.

Councilor Madison clarified from the City Attorney that the Council at that workshop did not take a binding vote and referred the item to MSFI. The attorney agreed. Councilor Madison stated his recommendation would be to accept this item as informational as he felt this was a solution looking for a problem.

Ms. Russell Slack stated the item should have been sent to the MSFI Committee instead it was referred to a Council Workshop and at that workshop, the Council decided which design option should be sent to MSFI and this is one of the reasons she is bringing this item forward. She felt the public had to stay ten steps ahead to keep up with what was being decided.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the communication be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Red Knights International Motorcycle Club - Motorcycle Rally - Parking Voucher System for Attendees**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to work with Parking Services to explore potential options for a voucher system.

Attachments:

None

Background:

Mr. Bob Goodell of 671 Park Avenue, Chairman of the Red Knights International Motorcycle Club addressed the committee and stated he was before the committee regarding a motorcycle rally they are organizing in Keene on June 5 – June 9, 2024, at the Best Western Hotel. There will be about 400 motorcycles participating in this event. He indicated what is being requested is a parking sticker that the riders could utilize when they park in different locations in Keene. He noted not all 400 bikes will be parking at one time as most will be traveling to different areas of New Hampshire as well.

He suggested there could be a charge of one dollar per bike included in their registration fee to be paid to the City for the parking sticker.

Councilor Remy felt this would be a great event for the community.

Councilor Lake asked whether the committee can expect staff to come back before the committee with a follow-up regarding the voucher program specific to this event. The Manager stated she could have the Parking Services staff update the committee when the matter has been finalized.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to work with Parking Services to explore potential options for a voucher system.



ITEM #D.8.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Request to Waive Purchasing Requirements - Sole Source - Flowbird Paystations

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council waive the purchasing requirements of the City of Keene Code of Ordinances section 2-1332 for the sole source purchase of 15 pay stations for \$115,725.00, which includes the stations, hardware, installation, communication, and warranty fees from the pay station supplier, Flowbird.

Attachments:

None

Background:

Economic Development Director Med Kopczynski stated at the present time there are 14 pay stations installed in the City and they are looking for a sole source to purchase 15 more pay stations. He indicated this request is consistent with the City's strategic plans, Council goals and the project was outlined in the capital program. This purchase would be for the same pay stations as the ones that exist right now.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council waive the purchasing requirements of the City of Keene Code of Ordinances section 2-1332 for the sole source purchase of 15 pay stations for \$115,725.00, which includes the stations, hardware, installation, communication, and warranty fees from the pay station supplier, Flowbird.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Change Order for Skate Park Construction

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Spohn Ranch, Inc. for design-build services required for the creation of a new skate park for an amount not to exceed \$300,000.00 with funding to come from Project Cost Center (65J0008A-300-0-544010).

Attachments:

None

Background:

Parks Recreation and Facilities Director Andy Bohannon addressed the committee and stated he was before the committee to request a change order for the skate park. He explained the original contract with Spohn Ranch was for \$225,000 which was the match for the fund-raising efforts. The original goal for the fund-raising effort was \$300,000. The fund raising brought in \$217,891.16 and the City had allocated \$25,000 in the CIP for a total of \$242,891.16 which was less than the original goal of \$300,000. This impacted the design they were able to create. By getting up to the \$300,000 it would expand the footprint of the park. Mr. Bohannon stated it would widen the park by eight feet which would then allow spines to be extended and to be able to add rails. He added this is the final item before the project could be executed.

Councilor Remy asked whether there is a plan for the remaining \$167,891. Mr. Bohannon stated it would be used for site improvement to the skate park area. The area where the Findings Buildings currently sit would have benches, fencing, and trees located. There will be a small parking lot constructed and a connection will be put in place between Russell Park and the Skate Park. Russell Park currently consists of four acres, and this site consists of two acres, so together this area will eventually be an approximately six-acre open park. The Cheshire Trail comes right through this area and the basketball court is located right next to this area as well. The Councilor asked if the site improvements don't cost \$167,891 dollars and whether there is a way to use those funds for additional site improvements for the skate park and not require staff to come back before the committee. Mr. Bohannon stated those funds will all be used for site improvements, especially with the rising costs. He further stated if possible, they would also like to connect the Russell Park parking lot to the skate park and have a sidewalk that is kid-friendly.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Spohn Ranch, Inc. for design-build services required for the creation of a new skate park for an amount not to exceed \$300,000.00 with funding to come from Project Cost Center (65J0008A-300-0-544010).



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Transportation Heritage Trail Project, Phase 1 - Consultant Selection

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with Stantec Consulting Services, Inc. for the Transportation Heritage Trail Project, Phase 1, for an amount not to exceed \$385,000.00.

Attachments:

None

Background:

City Engineer Don Lussier addressed the committee and stated the Transportation Heritage Trail Project is being funded through the Federal Highway Funds – Transportation Alternative Program. Because these are Federal funds the City has to go through a procurement process, which means the City has to undertake qualification-based selection for professional services. This process has been completed and three firms responded to the RFP. All three firms are qualified and are doing work in the City right now. After going through an interview process, the staff is recommending the City offer the contract to Stantec Consulting Services for design services for the Transportation Heritage Trail Project, Phase 1. This project would cover the area from Eastern Avenue through Route 101. It would include connections to Chapman Road and Marlboro Street.

Mr. Lussier referred to a typographic error on page 22 of the committee packet where it indicates The Prowse Bridge project is currently programmed for construction in 2025 – Mr. Lussier stated it should say the Transportation Heritage Trail phase 1 is programmed for construction in 2025. The Prowse Bridge will carry the project (next phase) over Route 101, which is not scheduled in FY25.

Mr. Lussier stated there is funding in place for this project (20% match). Mr. Lussier extended his appreciation to Pathways for Keene as well as Monadnock Conservancy which have helped with the City match.

Councilor Remy stated one of the criteria not listed was cost. Mr. Lussier agreed that was correct. The Councilor asked whether all the proposals were similar in cost. Mr. Lussier explained the Federal requirement for qualification-based selection excludes consideration for cost. He added for professional services (architecture, engineering etc.) you are required to select based on the most

qualified. Once a consultant is selected, the City can negotiate a scope and a fee. If you can't come to a consensus, you can set the proposal aside and go to the next qualified firm. Mr. Lussier added staff feels the proposed fee seems fair.

Before addressing the agenda topic, Mr. Redfern addressed the committee on behalf of Pathways for Keene. Mr. Redfern stated he has heard from many members from Pathways for Keene who have expressed their disappointment in Councilor Chadbourne who would not be seeking another term on Council. He stated the Council and the public would miss her service and expressed his appreciation. Mr. Redfern went on to thank the Council and staff for their continued support of Pathways for Keene. He added there are grants that are available and he encouraged the City to apply for those grants

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with Stantec Consulting Services, Inc. for the Transportation Heritage Trail Project, Phase 1, for an amount not to exceed \$385,000.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Sewer Force Main Inspection Project - Consultant Selection

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement with the US Environmental Protection Agency (EPA) for the Sewer Force Main Evaluation Project.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with Wright-Pierce for the Sewer Force Main Pipe Evaluation Project in an amount not to exceed \$450,000.

Attachments:

None

Background:

The City Engineer addressed the committee again. Mr. Lussier stated the sewer force main, which conveys Keene and Marlboro's sewer from Martell Court pump station to the treatment plant in Swanzey, is two miles long and 30 inches in diameter and was installed in 1985. He indicated should this main ever fail it could be quite catastrophic. Mr. Lussier stated there has been a discussion regarding the need to inspect this line and a project has been included in the CIP. The Manager has directed staff to possibly look for outside funding to support this work.

Staff put in for a grant through the Congressional Delegation for Congressionally directed spending. The City was selected for this grant. In addition to the appropriation in the CIP, there is a grant through the EPA for a total of up to \$325,000 to help pay for the cost of this project. It requires a 20% match like most Federal funds. Because these are Federal funds the City has to follow the Federal procurement process in terms of a qualification-based selection process. The City sent out an RFQ and three proposals were received. Interviews were conducted and the staff is recommending Wright-Pierce for this work.

The contract would allow for a comprehensive evaluation of the pipe. It will include test pits and external testing of the pipelines. Data will also be collected from inside the pipe.

Chair Powers asked whether it was common practice to have just a single pipe. Mr. Lussier stated he

was not sure how common it is, but it would not be his first choice. It was originally designed for twin pipes, but to cut costs at that time it was decided to eliminate redundancy and to eliminate the second pipe.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement with the US Environmental Protection Agency (EPA) for the Sewer Force Main Evaluation Project.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with Wright-Pierce for the Sewer Force Main Pipe Evaluation Project in an amount not to exceed \$450,000.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through: Thomas Mullins, City Attorney
Subject: **Charter Amendment - Municipal Primaries - City Clerk**

Recommendation:

That the City Council direct the City Clerk to include a ballot question on the November 7, 2023, Municipal General ballot that would amend Section 11 of the Keene City Charter to provide for a biennial Primary for only the offices of Mayor, Ward Councilor, and At-Large Councilor with all other offices to be elected at the Municipal General Election and to amend Section 14 to confirm with the proposed revision to Section 11.

Attachments:

1. State Review_Charter Amendment
2. Proposed Charter Amendment

Background:

The Charter amendment would eliminate the current language in Section 11 that authorizes the City Clerk to declare the necessity of having a Municipal Primary and instead to require a biennial Primary for only the offices of Mayor, Ward Councilor, and At-Large Councilor with all other City ward offices (Moderator, Clerk, Selectmen and Checklist Supervisor) to be elected at the Municipal General Election. The Charter amendment would also include a minor revision to Section 14 to confirm the proposed revision to Section 11.

As required by the State Statutes, the offices of the Attorney General, the Secretary of State, and the Department of Revenue Administration have reviewed the proposed amendment and the State Offices have indicated no objection.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

August 30, 2023

Patricia A. Little
City Clerk
City of Keene
3 Washington Street
Keene, NH 03431-3190

Re: Keene Charter Amendment

Dear Clerk Little:

Pursuant to RSA 49-B:4-a, on behalf of the City of Keene, you submitted a proposed charter amendment for review, dated July 17, 2023.

Upon review, the New Hampshire Attorney General's Office, the Secretary of State's Office, and the Department of Revenue Administration, pursuant to RSA 49-B:4-a, do not object to the proposed amendment to the city charter.

Sincerely,

/s/ Brendan O'Donnell

Brendan A. O'Donnell
Assistant Attorney General

cc: Thomas S. Mullins, Keene City Attorney
David Scanlan, Secretary of State
Peter Roth, Department of Revenue Administration

**PROPOSED AMENDMENT
KEENE CITY CHARTER**

Section 11. - Primaries.

~~Except as otherwise provided herein with respect to the primary election, the~~ The City of Keene municipal primary election shall be held on the Tuesday following the first Monday in October, biennially, and prior to the regular municipal election which is to be held on the Tuesday following the first Monday in November in the odd-numbered years.

~~If in the election for Mayor and in the election for each ward councilor two (2) candidates or fewer, and in the election of at-large City Council elections ten (10) candidates or fewer, file for such elected offices as of the close of the primary filing period, then the primary election shall be declared unnecessary by the City Clerk, who shall declare the candidates nominated and shall place their names upon the municipal general election ballot.~~

The primary ballot shall only contain the offices of Mayor, Ward Councilor, and At-Large Councilor positions. All other city ward offices to be elected within each ward, being the moderators, ward clerks, selectmen, or supervisors of the checklist, shall be chosen at the municipal elections to be held on the first Tuesday following the first Monday in November commencing in the year 2025, and biennially thereafter.

Section 14. - Elections.

All candidates for elective office shall be nominated in accordance with the following provisions:

- (a) The names of the two (2) candidates for the office of Mayor receiving the greatest number of votes cast in the primary election, ~~if any,~~ shall be printed upon the ballot to be used at the succeeding municipal election as nominees for said office.
- (b) The names of the ten (10) candidates for the offices of Councilor-at-Large receiving the greatest number of votes cast in the primary election, ~~if any,~~ shall be printed upon the ballot to be used at the succeeding municipal election as nominees for said offices.
- (c) The names of the two (2) candidates for the offices of Ward Councilor receiving the greatest number of votes cast in the primary election, ~~if any,~~ shall be printed upon the ballot to be used at the succeeding municipal election as nominees for said offices.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

Through: Elizabeth Dragon, City Manager
Kurt Blomquist, ACM/Public Works Director

Subject: **Report on the Completion of the Ad-Hoc Lower Winchester Street Project Steering Committee**

Recommendation:

That the Mayor refer the recommendations of the Ad Hoc Lower Winchester Street Project Steering Committee to the Municipal Services, Facilities and Infrastructure Committee for further consideration and a recommendation to the City Council.

Attachments:

None

Background:

On September 15, 2022, Mayor Hansel appointed members to the Ad Hoc Lower Winchester Street Project Steering Committee (Committee). The Committee consisted of seven members; five selected from the City of Keene and two appointed by the Town of Swanzey. The Committee was charged as follows:

To provide planning, guidance and general direction for the Lower Winchester Street Reconstruction Project, in partnership with affected residents, local businesses, City of Keene and Town of Swanzey staff, and the New Hampshire Department of Transportation. The Committee will specifically focus on balancing the needs of all the various project stakeholders and providing a conduit for the community to have their concerns addressed during the design process. The Committee will provide advice to the City's consultant through the review of collected data and draft work products. Ultimately, the Committee will make a recommendation to the City Council with respect to the scope of improvements and the preferred alternative.

The Committee held a total of five public meetings between October 4, 2022 and July 18, 2023. In addition, they hosted two public "Listening Sessions", where attendees were invited to share their thoughts on both the challenges within the project corridor as well as the opportunities presented by the reconstruction project.

During the course of their work, the Committee members provided valuable feedback to the design team and helped guide the development of alternatives for corridor improvements. One of the first tasks completed by the Committee was to assist the consultant in developing the project "Purpose &

Need" statement. This is a critical element in federally-funded transportation projects; it is the metric that potential improvements are measured against. The Purpose and Need statement developed for the Lower Winchester Street Reconstruction Project is as follows:

Purpose

The purpose of the project is to provide a Complete Street that addresses daily congestion and side street queueing that occurs along the Lower Winchester Street corridor from the Route 101 Roundabout in Keene to the Market Basket driveway in Swanzey. Improving aesthetics, access and safety for all users are essential goals of the project. The project will address deficiencies on the bridge that carries Winchester Street over Ash Swamp Brook.

Need

- *The high volume of turning traffic at the intersections and driveways along Winchester Street causes excessive queues and delays.*
- *Delays accessing Winchester Street lead to unsafe behavior with near-miss collisions.*
- *Pedestrian and bicycle facilities do not exist along the corridor.*
- *Poor aesthetics with no green space along the corridor.*
- *Excessive speed for those travelling to and from West Swanzey Road.*
- *The trail/snowmobile crossing is unsafe for its users due to poor signage.*
- *The Ash Swamp Brook Bridge is on the State's "Red-list", is too narrow, and has sub-standard bridge and approach railings.*

During their public meeting on July 18, 2023, the Committee voted on a set of recommended project elements to the City Council, thereby fulfilling their charge. The recommendations (along with the votes for and against) are listed below:

1. Two travel lanes in each direction between Rt. 101 and Krif Road. (3-2)
2. A raised median between Rt. 101 and Krif Road. (4-1)
3. A raised median between Krif Road and Mathews Road (3-2)
4. Roundabouts at the intersections of Krif Road, Mathews Road and the Market Basket entrance. (4-1)
5. A "shared-use center turn lane" between Mathews Road and the Market Basket Entrance. (5-0)



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Evan Clements, Planner
Through: Jesse Rounds, Community Development Director
Subject: **Relating to an Amendment to the Zoning Map - 0 Ashuelot Street - High Density to Commerce - O-2023-13**

Recommendation:

A motion was made by Mayor George Hansel that the Planning Board finds Ordinance O-2023-13 consistent with the City's Comprehensive Master Plan. The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Councilor Giacomo that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2023-13. The motion was seconded by Councilor Johnson and was unanimously approved.

Attachments:

1. O-2023-13_Community Dev_Staff Report

Background:

Ordinance – O-2023-13 – Relating to Zone Change. Petitioners JRR Properties LLC & the Monadnock Conservancy, on behalf of owner JRR Properties LLC, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the property located at 0 Ashuelot St (TMP #567-001-000) from High Density to Commerce. The total area of land that would be impacted by this request is 3.53 ac.

Attorney Tom Hanna addressed the Committee on behalf of JRR Properties LLC & the Monadnock Conservancy. Attorney Hanna stated the proposed site was used for overflow parking when the Colony Mill was in operation. The site was also used for snow storage by the Mill. In 2007, the Mayo Group obtained approval for 83 condominium units on this site but the project did not come to fruition. In 2013, JRR Properties purchased this site with the intent of turning most of this site into a city park and an area to load kayaks and canoes. In 2021, the applicant tore up all the pavement and loamed and seeded the site. In 2022 the City Council accepted the offered donation of 2.5 acres of the parcel for use as a city park. After the lot is subdivided, the remaining parcel will be donated to the Monadnock Conservancy in order to construct an office building to be used as the organization's regional headquarters.

Attorney Hanna then turned the presentation over to Tara Kessler to address the land use issue. Ms.

Kessler noted this parcel is located at 0 Ashuelot Street, and is a 3.5 acre parcel adjacent to the commerce district and is zoned high density. The site is surrounded by commercial uses to the south. To the north of the parcel is medium density and across the street is a low density with a pocket of high density. Ms. Kessler noted the expansion of the commerce district to include this parcel would provide for more opportunities for more sustainable development on this parcel as well as mixed use development. With the lot being in high density, those uses are not permitted; you can have one primary use on the lot and solar energy as a primary use is not permitted on a lot. This lot was historically zoned central business limited.

Ms. Kessler noted prior to the land use code update in 2021, this lot was in the central business limited district which is an expansion of the current downtown core. The central business limited district allowed for a variety of high intensity commercial uses, including residential.

Ms. Kessler went on to say when the land use code happened in 2021, the City gave the property owner an option of whether they wanted it to be commerce or whether they wanted it to be high density. At the time the property owner wanted to maintain the right to have residential uses, since commerce did not allow for residential at that time. They did have the intention of making this land or part of this land a city park. However, it was not until 2022 the idea for use of an office space or regional headquarters for the Monadnock Conservancy came up.

Ms. Kessler stated high density district is limited in what uses can happen. However, this does not mean it doesn't allow for density to occur. This is a 3.5 acre parcel can provide for significant residential density. The commerce district designation would be more aligned with the master plan and the intent for that neighborhood, which is designated as the Court Street Ashuelot Street neighborhood, which is in the city's primary growth area.

She noted the master plan identifies this area as *a neighborhood being comprised of a mix of office and commercial uses that transition to residential uses combined with open space and trail amenities*. Ms. Kessler stated the proposed zoning will allow for these mixed uses to occur. The parcel will continue to be next to the Ashuelot River green space and would continue to provide a transition into those more residential uses that are on Ashuelot Street, but it would allow for this mixed use to occur on the parcel.

Ms. Kessler went on to say the zone change would not make the lot non-conforming. If it was to become commerce, the lot size meets the minimum requirements of zoning, which is 15,000 square feet in the commerce district (this lot has 3.5 acres). The existing use is currently undeveloped open space, which would be permitted in commerce. She noted as mentioned previously, if this zone change was permitted their client would pursue green space conservation area as well as office for an Environmental Conservation Education Center and a ground mounted solar energy system.

Councilor Giacomo asked Ms. Kessler what the rationale behind changing this parcel when the redistricting was completed. Ms. Kessler stated at the time there were five parcels in the Ashuelot Corridor that were zoned central business limited. This district was eliminated with the Land Development Code. Hence, there needed to be a zone change for those parcels and the property owners in that area were given a choice. This property owner chose high density.

Attorney Hanna stated when the decision to move forward with high density, there was already a commitment to gift 2.5 acres and hence it only affected an acre.

The Chair asked for staff comments next. Planner Evan Clements addressed the Committee and stated his comments are going to focus on master plan consistency. He indicated staff looked at this proposal as having an economic opportunity. The economic chapter of the Comprehensive Master Plan encapsulates some of that , *"...the need for a strong and diverse economy in order to grow and prosper and enhance Keene's quality of life."* *The Economic Development Chapter discusses that the*

community wants new businesses that support the City's goals for social, financial, and environmental responsibility. This proposal would increase the opportunity for economic diversity that is oriented to serving the neighborhood that the parcel is located in as well as the community at large considering its proximity to West Street.

Mr. Clements stated the environmental responsibility of that component is important considering that the majority of the parcel in question is located within the floodplain. Hence, any future development is going to have to balance the needs of the impact to what is more or less now a green site for new development.

With respect to community vision – staff feels the vision focus area that is most relevant is Focus Area 2: A Unique Natural Environment. *Achieving a unique natural environment includes adaptive reuse of existing developed parcels. This can include returning a developed parcel to a natural state in order to accommodate the natural, undisturbed environment surrounding the subject parcel.* Mr. Clements stated as indicated previously, this area is within the 100 year flood plain. Any future development of the area would require low impact development (LID) techniques such as green infrastructure and floodplain mitigation strategies, including compensatory storage. The proposed zoning change would provide the opportunity for commercial activity and housing above the ground floor for any future development.

Mr. Clements then reviewed the intent of the two zoning districts.

The High Density District is intended to provide for high intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

The Commerce District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

Mr. Clements went on to say that there has been discussion about proposed future use of this property but would like to remind the committee that this might not be the end user for this parcel and there is an opportunity for a very intense commercial use of this parcel if it is rezoned as commerce.

He noted implications of the proposed change would create an area of commerce that is surrounded by residential districts to the north and east, conservation district to the west and commerce to the south and southeast. The change from high density to commerce would bring the parcel more in line with what was historically allowed on this parcel before it was changed to high density with the adoption of the Land Development Code.

Chair Bosley asked with the gift of 2.5 acres whether there would be a requirement for a subdivision. Mr. Clements answered in the affirmative. She asked whether there is indication as to what that division would look like and asked whether the remaining acre would be right next to the commerce district. Attorney Hanna stated the area to the north would be the acre; Monadnock Conservancy would locate their building in the northeast corner and to the west would be a solar array. Chair Bosley clarified the piece of land that is not green space will be next to the residential neighborhood. Attorney Hanna agreed. The Chair asked about access to the river. Attorney Hanna stated access to the river would be the city's decision; the access to the river would be in the middle with entrance in the southern part.

Chair Bosley stated she is trying to imagine the one acre without Monadnock Conservancy as the occupant; if for some reason there was a decision made that this plan did not come to fruition and that that one acre would be left to be developed into any one of the uses as listed on the page 16 of the committee's packet. The site might look a lot different if it was not Monadnock Conservancy. For

example a motor vehicle dealership, private club or lodge could be located here. She noted once the zoning is changed it does become a permanent and the zoning would go along with the land.

Attorney Hanna noted one reason for the formulation of the subdivision in the way it has been identified is because a good portion of that one acre, at least in the northeast of the entire lot would be outside the floodplain.

Planning Chair Farrington asked about the existing rail trail. Attorney Hanna stated the trail would not be impacted and remain in its current state.

Chair Bosley referred to the map on page 13 and noted the lot does abut the river and the trail system runs along the river toward the hospital and asked whether the trail dissects this property. Community Development Director Jesse Rounds stated the trail is located entirely on city property.

Councilor Giacomo stated it was important to keep in mind that subdividing this property is completely out of the scope of anything that is being discussed tonight - there has been no proposal to subdivide the property yet. What is being discussed tonight is turning the entire property into commercial, regardless of what this petitioner or anyone else in the future decides to do with the property. Chair Bosley stated there has been a lot of conversation about this gift to the city of this green space but what has not been finalized at this point is once the zoning is changed the applicant at any point could decide to sell this property to a developer. Attorney Hanna stated that will not happen; it has been pledged, it has been voted, and an offer was made and there will be a contract. Chair Bosley agreed that this is something that been discussed for a while at the city level but felt it was prudent to make everyone aware that there is no signed contract at this point.

Chair Bosley went on to say this is not a formal public hearing but the committee will take public comment at this point.

Mr. Peter Hansel who is on the Board of the Monadnock Conservancy addressed the committee and stated he was before the committee as his role on the Energy and Climate Committee (ECC) of the City. A few years ago ECC started looking for sites that could accommodate solar arrays. One of the sites that came up was this site. Mr. Hansel stated he contacted the city who had advised him the city was in conversation with the owner of the site regarding this issue. He indicated from the point of view of ECC this has been a prime site for a solar array.

Mr. Ryan Owens, Executive Director of Monadnock Conservancy was the next speaker. Mr. Owens stated Monadnock Conservancy is a nonprofit land conservation trust about 33 years old.

Most of that history has been based in Keene and over that time Monadnock Conservancy has conserved over 23,000 acres most of which land is in Keene. Mr. Owens indicated this conservation is done for the benefit of nature, but ultimately for the benefit of people and the quality of life enjoyed by people in Keene and the greater Monadnock region. Whether that is open space as places to recreate, forests to help clean the air and water, forest to help mitigate flooding in Keene, farmland to provide food to our local food system, etc. Monadnock Conservancy is involved in all this type of work and are looking forward to a major effort to expand that impact.

Mr. Owens stated they are launching a campaign to expand their staff from 10 to 14 people to be able to do more of that conservation work and this new building as proposed is part of that vision. He indicated they could have chosen to locate their headquarters somewhere deep in the woods or perhaps adjacent to a nature preserve but have chosen to stay in Keene to be close to where people are. He stated they hope that through that connection, proximity and visibility they will be building the relevance of open space, conservation, and the benefits of nature to more and more people.

Mr. Owens stated in the interest of building relationships with the abutters, they did reach out by letter to all abutters of this lot and invited them to a gathering two weeks ago. Only one couple attended the gathering and were supportive of this proposal.

Ms. Jacqueline Headings of Ashuelot Court stated she has a visual of this site from her home. She stated she likes the green space that exists here at the present time. Ms. Headings felt if this site was to be zoned high density and a condominium was located it would change the feel of this area and what abutters are used to. She indicated this is a cut through area for people in the neighborhood to get to the park or the commercial area. Ms. Headings stated she supports switching the zoning to commerce.

With no further comment, the Chair closed the public hearing.

Councilor Giacomo stated there was an intent to have this area be rezoned as high density to increase housing, which is also allowed in the commerce district. Hence, the request before the committee is to go back to what the previous use was – which was commerce. He felt if the intended plan came to fruition that would be good but if not the city would not be any worse off than it was.

Chair Bosley stated she agrees with Councilor Giacomo in that this is not a departure from what the original intent would have been in the prior zoning before the land development code. She added now that residential has been added into commerce, it is an added benefit. However, if the current proposal did not move forward and some mixed use was to be added to this site that would also be a benefit to the city. As a result, stated she did not have a problem seeing this item move forward.

Councilor Ormerod stated there is a benefit to the solar array being visible in that spot, demonstrating what the city is doing. He felt commercial zoning is beneficial not just for commercial development but for economic and social development as well and hence would support this proposal wholeheartedly

Mr. Orgaz stated he has confidence in the Conservancy's pledge and looks forward to the future of what will be constructed on this site and hence supports this proposal.

Mr. Clancy stated as much as he is in favor of the intended purpose he is concerned about what the zoning would do to that property. He used the example of a car dealership being located on this site. The Chair stated she feels it is her responsibility to make sure that everyone has complete information before a decision is made; to point out the sorts of potential unintended consequences.

She noted what she has read in the committee's packet is that you cannot have a secondary use in a high density district. If this site was to be left as high density and there was housing constructed on this site, you would not be allowed to have a solar array associated with that as a secondary use. She indicated this does not lend itself to the city's energy and climate goals and the reason she is comfortable with this particular zoning change which gives the city more flexibility in reaching some of its goals.

Mayor Hansel stated the committee needs to keep in mind what it is looking at tonight. As a Planning Board to determine whether this proposal is consistent with the master plan. He indicated ultimately this will need to be debated by the City Council; they are ultimately going to have to approve this ordinance change and the PLD Committee will be recommending that the Mayor set a public hearing which he stated he will be doing.

A motion was made by Mayor George Hansel that the Planning Board finds Ordinance O-2023-13 consistent with the City's Comprehensive Master Plan. The motion was seconded by David Orgaz

and was unanimously approved.

A motion was made by Councilor Giacomo that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2023-13. The motion was seconded by Councilor Johnson and was unanimously approved.

Staff Report – Ordinance O-2023-13

The Ordinance

This Ordinance proposes to amend the official Zoning Map of the City of Keene by changing the zoning of one specific parcel of land from the High-Density District to the Commerce District. The total land area that would be impacted by this request is 3.53 acres.

The parcel that is the subject of this request is located at 0 Ashuelot Street (TMP# 567-001-000) and is owned by JRR Properties LLC. The Applicant for this proposed zoning amendment is JRR Properties and The Monadnock Conservancy with Thomas R. Hanna acting as their agent.

In rezoning decisions, the Petitioner's intended use of the property should not be considered. Rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site. Additionally, the Board should consider and review:

- Surrounding land use and zoning patterns;
- The consistency of the proposed rezoning request with the Master Plan;
- Existing and proposed zoning requirements; and,
- Possible resulting impacts.

Background / Surrounding Land Use and Zoning Patterns

The subject parcel is located on the west side of Ashuelot St, about 500 ft north of the West St intersection. The property was previously used as an overflow parking lot for the former Colony Mill Marketplace. The bituminous parking surface was deteriorated and overgrown due to lack of maintenance and has since been removed and seeded with grass. The property is located in the High Density District; however, prior to the adoption of the Land Development Code in 2021, the parcel was in the Central Business Limited District. Adjacent uses include commercial, single, and multi-family residential.

The proposed Ordinance would create an area of Commerce (COM) that would be bordered by High Density (HD) and Low Density (LD) to the east, Medium Density (MD) to the north, COM to the south, and Conservation (CON) to the west. The map on the next page shows the location of the subject parcel in relation to the boundaries of nearby zoning districts.



Figure 1. Aerial image showing the 0 Ashuelot Street property that is the subject of this proposal, highlighted in yellow.



Figure 2. Map that shows the location of the property at 0 Ashuelot Street in relation to the boundaries of nearby zoning districts.

Master Plan Consistency

Community Vision

The Vision Focus Area that is most relevant to the proposed rezoning is Focus Area 2: A Unique Natural Environment. Achieving a unique natural environment includes adaptive reuse of existing developed parcels. This can include returning a developed parcel to a natural state in order to accommodate the natural, undisturbed environment surrounding the subject parcel. This area of the City is within the 100 year flood plain. Any future development of the area would require low impact development (LID) techniques such as green infrastructure and floodplain mitigation strategies. The proposed zoning change would provide the opportunity for commercial activity and housing above the ground floor.

Future Land Use Plan

The subject parcel of this proposal is located in the West Side/Ashuelot Neighborhood identified within the Future Land Use Map as being, "...nestled between the Ashuelot River, Court Street, and north of West Street. It is comprised of a mix of office and commercial uses that transition to residential uses, combined with open space and trail amenities." The proposed zoning change would allow the mix of office, commercial, and residential uses to continue to

transition into predominantly Medium-Density and Low-Density residential uses that currently exist in the neighborhood. The neighborhood is also identified as part of the City's Primary Growth Area that is best suited for mixed use and transitional developments. The proposed zoning change will allow for office/commercial uses as well as residential uses above the ground floor of any future building.

Economic Development Chapter

The Comprehensive Master Plan recognizes, *"...the need for a strong and diverse economy in order to grow and prosper and enhance Keene's quality of life."* The Economic Development Chapter discusses that the community wants new businesses that support the City's goals for social, financial, and environmental responsibility. This proposal would increase the opportunity for economic diversity that is oriented to serving the neighborhood that the parcel is located in as well as the community at large.

Characteristics of Existing and Proposed Zoning Districts

Intent of the Zoning Districts:

The proposal is to convert the subject parcel at 0 Ashuelot Street from the High Density to the Commerce District. A description of these districts from the Zoning Ordinance is included below.

- *Current Zoning – High Density:* The High Density (HD) District is intended to provide for high intensity residential development and associated uses. All uses in this district shall have city water and sewer service. (Section 3.6 of the Land Development Code)
- *Proposed Zoning – Commerce:* The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service. (Section 5.1 of the Land Development Code)

Based on the intent statements, the proposed zoning for the subject parcel could be appropriate in that City water and sewer service is available via Ashuelot Street and vehicular connection to Ashuelot Street via West Street allows for easy travel to the parcel.

District Uses:

The permitted uses of the High-Density District (existing) and the Commerce District (proposed) differ significantly. Both the High Density and Commerce Districts allow for Multi-family dwellings, Neighborhood Grocery Store, Senior Center, Domestic Violence Shelter, Lodginghouse, Residential Care Facility, Conservation Area, and Telecommunications Facilities uses. There are a large number of commercial uses as well as institutional, industrial, infrastructure, and transportation uses that are permitted within COM that are not permitted in HD, and there are a few residential uses that are permitted within HD that are not allowed in COM. Table 1 shows the permitted principal uses for the Commerce District, and Table 2 shows the permitted principal uses for the High-Density District.

Table 1. Permitted Principal Uses for the Commerce District

RESIDENTIAL USES					
Dwelling, Multi-family	P1	8.3.1.C			
COMMERCIAL USES			SECTION		
Animal Care Facility	P	8.3.2.B			
Art Gallery	P	8.3.2.C			
Art or Fitness Studio	P	8.3.2.D			
Banking or Lending Institution	P	8.3.2.E			
Bar	P	8.3.2.F			
Car Wash	P	8.3.2.H			
Clinic	P	8.3.2.I			
Event Venue	P	8.3.2.J			
Funeral Home	P	8.3.2.K			
Greenhouse / Nursery	P	8.3.2.L			
Health Center / Gym	P	8.3.2.M			
Hotel/Motel	P	8.3.2.O			
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S			
Motor Vehicle Dealership	P	8.3.2.T			
Neighborhood Grocery Store	P	8.3.2.U			
Office	P	8.3.2.V			
Personal Service Establishment	P	8.3.2.W			
Private Club / Lodge	P	8.3.2.X			
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y			
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z			
Research and Development	P	8.3.2.AA			
Restaurant	P	8.3.2.AB			
Retail Establishment, Heavy	P	8.3.2.AC			
Retail Establishment, Light	P	8.3.2.AD			
Self Storage Facility - Exterior Access	P	8.3.2.AE			
Self Storage Facility - Interior Access	P	8.3.2.AF			
Sexually Oriented Business	P1	8.3.2.AG			
Specialty Food Service	P	8.3.2.AH			
Vehicle Fueling Station	P1	8.3.2.AI			
Vehicle Rental Service	P	8.3.2.AJ			
Vehicle Repair Facility – Major	P1	8.3.2.AK			
Vehicle Repair Facility – Minor	P1	8.3.2.AL			
INSTITUTIONAL USES			SECTION		
Community Center	P1	8.3.3.A			
Cultural Facility	P1	8.3.3.B			
Day Care Center	P	8.3.3.C			
Place of Worship	P1	8.3.3.E			
			Private School	P1	8.3.3.F
			Senior Center	P1	8.3.3.G
			CONGREGATE LIVING / SOCIAL SERVICES USES		
			SECTION		
			Domestic Violence Shelter	P1	8.3.4.A
			Drug Treatment Clinic	CUP	8.3.4.B
			Food Pantry	P	8.3.4.D
			Group Resource Center	CUP	8.3.4.G
			Homeless Shelter	CUP	8.3.4.H
			Lodginghouse	CUP	8.3.4.I
			Residential Care Facility	CUP	8.3.4.J
			Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
			INDUSTRIAL USES		
			SECTION		
			Artisanal Production	P1	8.3.5.A
			Data Center	P	8.3.5.C
			Industrial, Light	SE	8.3.5.E
			Outdoor Storage Yard	P	8.3.5.F
			OPEN SPACE USES		
			SECTION		
			Conservation Area	P	8.3.6.C
			INFRASTRUCTURE USES		
			SECTION		
			Solar Energy System (Small-Scale)	P1	8.3.7.A
			Solar Energy System (Medium- Scale)	CUP	8.3.7.B
			Telecommunications Facilities	P1	8.3.7.E
			TRANSPORTATION USES		
			SECTION		
			Parking Lot (Principal Use)	P1	8.3.8.A
			Parking – Structured Facility (Principal Use)	P1	8.3.8.B

P = Permitted
P1 = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

Table 2. Permitted Principal Uses for the High-Density District

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
Neighborhood Grocery Store	SE	8.3.2.U
INSTITUTIONAL USES		SECTION
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P ¹	8.3.4.A
Group Home, Large	CUP	8.3.4.E
Group Home, Small	CUP	8.3.4.F
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ²	8.3.7.E
P = Permitted P¹ = Permitted with limitations per Article 8. SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit		

Dimensional Requirements:

Table 3 highlights the dimensional requirements for the Commerce and High-Density Districts. The Road Frontage and Building Setback requirements for the two districts are similar but overall, the dimensional requirements of the two districts reflect their differences in allowed uses. The High-Density District has a Minimum Lot Width at Building Line requirement that all residential districts have in the City of Keene and that the Commerce District does not require. The Commerce District allows for buildings up to four stories with setback and step-back requirements, whereas the High Density only allows two story buildings.

Table 3. Dimensional Regulations for Commerce and High-Density Districts		
Dimensional Standard	Commerce	High-Density
Minimum Lot Area	15,000 sf	6,000 sf
Minimum Lot Width at Building Line	-	50 ft
Minimum Road Frontage	50 ft	50 ft
Minimum Front Setback	20 ft	15 ft
Minimum Rear Setback	20/50 ft	15 ft
Minimum Side Setback	20 ft	10 ft
Maximum Building Coverage	80%	55%
Maximum Impervious Coverage	80%	75%
Minimum Green / Open Space	20%	25%
Maximum Stories Above Grade	2/3/4	2
Maximum Building Height	35/42/56 ft	35 ft

Implications of the proposed Change

Density of Development

The proposed amendment would create an area of Commerce that is surrounded by residential districts to the north and east, the Conservation District to the west, and Commerce to the south and southeast. The proposed change would increase the number of allowed uses for the parcel. It is worth noting that prior to the adoption of the Land Development Code in 2021, the parcel was in the Central Business Limited (CBL) District. The intent of the CBL district was to, *"...be an extension of the central business zone. It is next to the CB zone and is oriented toward vehicular access rather than pedestrian. The uses permitted are expanded to include those that would require larger lots than are available in the CB zone. On-site parking is required as is on-site landscaping and buffering when abutting residential zones."* The change from High-Density to Commerce would bring the parcel more in line with what was historically allowed on the parcel before it was changed to High Density.

Provision of city water and sewer service

The parcel has existing City water and sewer service connections along Ashuelot Street. Both the High-Density and Commerce Districts require City water and sewer service. Any future development on the parcel will need to determine if the existing systems have sufficient capacity to serve the proposed use.

Recommendation:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board.

Planning Board motion:

To find proposed Ordinance 0-2023-13 consistent with the 2010 Comprehensive Master Plan.

Planning, License and Development Committee motion:

To recommend that the Mayor set a public hearing date.



CITY OF KEENE NEW HAMPSHIRE

ITEM #I.1.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Performance Bonuses and Class Allocation Ordinance O-2013-14**

Recommendation:

That the City Council refer Ordinance O-2023-14 to the Finance, Organization, and Personnel Committee for their review and recommendation.

Attachments:

1. O-2023-14 Performance Bonuses and Class Allocation

Background:

Modifications to City Code Sec. 62-195, related to performance bonuses provided for non-union leadership positions in the police and fire departments, are advanced following modification of performance bonus schedules for police officers. The class allocation adjustments for police positions included in Sec. 62-194 align to wage scale adjustments for other officers effective 10/1/2023. These adjustments maintain compensation differentials and mitigate wage scale compression for certified positions in these departments.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Three

AN ORDINANCE Relating to Performance Bonuses and Class Allocation

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

That the ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-195, "Performance Bonuses" of Chapter 62 entitled "Personnel" effective January 8, 2023, as follows:

Sec. 62-195. Performance bonus.

Employees holding the following positions with the City of Keene and who receive a satisfactory performance evaluation **in the positions listed below** shall be entitled to an annual performance bonus in the amounts specified. Such payment shall be made within the month of the anniversary date of hire ~~or rehire~~, or at any other time as authorized by the city manager.

- (1) Fire chief and
deputy fire chief: annually ~~\$2,000.00~~ **\$4,000.00**
- (2) Police chief and
police captain: annually ~~\$2,000.00~~ **\$4,000.00**

That the ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-194, "Administrative, Office, Technical and Management Personnel" of Chapter 62 entitled "Personnel" effective October 1, 2023, as follows:

Sec. 62-194. Administrative, office, technical and management personnel

<u>GRADE</u>	<u>CLASS ALLOCATION</u>
S 4	Library Aide
S 5	Minute Taker
S 6	Administrative Assistant; Records Clerk
S 7	Administrative Assistant I
S 8	NO POSITIONS ASSIGNED
S 9	NO POSITIONS ASSIGNED
S 10	Audio Video Production Specialist

S 11 Office Manager; Parking Services Technician

S 12 Librarian I; Planning Technician; Executive Secretary; Staff Accountant;
Fire Department Administrator; Purchasing Specialist; Human Resource Specialist

S 13 NO POSITIONS ASSIGNED

S 14 NO POSITIONS ASSIGNED

S 15 Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant;
Youth Services Manager; Mapping Technician; Engineering Technician; Assistant City Clerk;
Senior Paralegal; Police Dispatch Supervisor; Social Worker

S 16 Planner; Laboratory Supervisor

S 17 Appraiser; Recreation Programmer; Librarian III; Parks & Cemetery Maintenance Superintendent;
Airport Maintenance & Operations Manager; IT Systems Specialist; Parking Operations Manager

S 18 Water/Sewer Operations Manager; Purchasing Agent; Civil Engineer; Solid Waste Manager;
Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk;
Laboratory Manager; Human Services Manager; Treatment Plant Manager

S 19 Transportation/Stormwater Operations Manager; Utilities Treatment Operations/Plant Manager;
Senior Planner; Recreation Manager; Fleet Services Manager, Accounting & Fund Manager;
Infrastructure Project Manager

S 20 Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney

S 21 NO POSITIONS ASSIGNED

S 22 NO POSITIONS ASSIGNED

S 23 NO POSITIONS ASSIGNED

S 24 City Engineer; Assistant Public Works Director/Division Head; Database Administrator;
Airport Director; Building/Health Official

S 25 Human Resources Director; Library Director; Assistant Finance Director/Assistant Treasurer;
~~Police Captain~~; Deputy Fire Chief

S 26 Community Development Director; City Assessor; Parks, Recreation & Facilities Director
Police Captain

S 27 Finance Director/Treasurer; IT Director; Communications & Marketing Director

S 28 ~~Police Chief~~; Fire Chief; Public Works Director

S 29 **Police Chief**

S 30 Deputy City Manager

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Relating to the Acceptance of Deed and Return of Layout – Brookfield Lane
Resolution R-2023-28
Resolution R-2023-29-A

Recommendation:

COMMUNICATIONS:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the communications from Tad Lacey and Ross Conklin as informational.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the memorandum from the Community Development Director as informational.

REQUESTS FOR WAIVERS:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends approving the requested waiver of Section 22.3.7.A., "Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts."

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the approval of the requested waiver of Section 22.3.8.B, except for the placement of a streetlight at the intersection.

On a vote of 3-1, the Municipal Services, Facilities, and Infrastructure Committee recommends approving the requested waiver to Section 22.3.7.D, "When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also. Councilor Williams was opposed.

On a vote of 2-2, the Municipal Services, Facilities, and Infrastructure Committee failed to make a recommendation relative to the denial of the requested waiver of Section 22.3.16.A, "There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval of each side of any new street or extension of any existing street." Chair Greenwald and Councilor Filiault were opposed.

RESOLUTIONS:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the

adoption of Resolution R-2023-29-A.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolution R-2023-28.

Attachments:

1. R-2023-28 Brookfield Lane Acceptance of Warranty Deed_Referral
2. R-2023-29-A TPM RL Brookfield Lane Utilities and Public Improvements
3. R-2023-29-A TPM RL Brookfield Lane Utilities and Public Improvements_redlined

Background:

Chair Greenwald stated that relating to the acceptance of deed and return of layout, Brookfield Lane, the Petitioner has asked for a number of waivers. He continued that the Committee has three Resolutions, a report from the Planning Board, and written comments from Tad Lacey and Ross Conklin.

Chair Greenwald asked the City Attorney to first explain what the public can or cannot comment on, since there has been a public hearing. The City Attorney replied that according to the City Council Rules, because it was the subject of a public hearing and the public had the right to speak and submit further written comments, no further public comment is allowed. He continued that if the applicant has specific questions of the City, they could answer those, but generally, the public is not allowed to speak at this point.

Councilor Roberts asked if this is the one that had the on-site hearing last week. Chair Greenwald replied yes. Councilor Roberts replied that he was not present at that, so he is not allowed to participate tonight. Mr. Blomquist replied yes, since Councilor Roberts did not participate (in the on-site hearing), he is unable to participate in the Committee's discussion or vote and he is unable to participate in the City Council's discussion and vote.

City Engineer Don Lussier stated that they are here to talk about a petition that has come before the Committee and the Council for the layout of a new public highway. He continued that the Petitioner has requested that the new public highway be known as Brookfield Lane. This was the subject of last week's public hearing and site visit.

Beginning a slide presentation, Mr. Lussier continued that if the Council approves this petition and adopts this as a new public highway, the City) will be taking responsibility for new public infrastructure. Specifically, it will include about 850 linear feet of new roadway, 1,350 feet of public sewers, and two culverts. The sewers will connect to existing sewers on the Langdon Place parcel. When Langdon Place was developed, the developer foresaw the opportunity to develop across the street, and they included with their development a sewer easement to the City, to have public sewers across that property. The developer of this residential development proposes to connect to those sewers that already exist.

Mr. Lussier continued that the authority and process for laying out a public highway is found in State law. RSA 231 lays out the requirements and the items that have to be done. You must have a petition, which was submitted to the Council by the property owner. You have to have a notice, at least 30 days in advance, of a public hearing to do the site visit; that happened last week. There has to be a referral to the Planning Board. The MSFI Committee's agenda packet has a letter from the Planning Director. In the case of this development, the developer went to the Planning Board before submitting the petition, and the Planning Board has already approved the subdivision plan. They

have the Planning Board's approval for the new roadway.

Mr. Lussier stated that by State law, the Council gets to decide what the damages are for roadway layout across private property. In this case, the property owner is the one making the petition. The City requires, as part of its process, that the property owner sign a waiver of those damages. Obviously, the City will not pay them to take property that they are developing and giving to the City. The last step is the "Return of Layout." It is a 7document that gets filed with the City Clerk's Office, and that is the last step that turns a strip of land into a public road and makes the City responsible for the maintenance of it.

Mr. Lussier continued that the City's implementation of these regulations is described in Chapter 22 of the Land Development Code (LDC), Public Infrastructure Standards. Some relevant quotes are: "All public infrastructure shall be formally laid out and accepted." In other words, this process of layout and acceptance is what they are supposed to use. Other processes can be used, prescription and whatnot; but they are used less often. The City Council has adopted the layout as its process for establishing public ways. The LDC says, "No improvements shall be considered for layout until such infrastructure has been demonstrated to meet all standards in this article." That is a paraphrase of a much longer paragraph, which says that those public infrastructure standards, which cover everything – such as pavement, sidewalks, trees, water and sewer utilities, drainage, and telecom - apply when they are accepting new public infrastructure. Finally, "Requests for waivers from the standards of this article shall be addressed in writing to the City Engineer, who shall make written recommendations to the City Council." That is what he is doing here tonight with the rest of this discussion.

Mr. Lussier continued that the Petitioner has asked for four waivers to those public infrastructure standards. The first one is Section 22.3.7 A., the standard that covers sidewalks. It says, "Sidewalks shall be required on at least one side of any proposed street in any residential zone." This is a residential zone, and it applies. In this case, Public Works staff recommends the Council grant this waiver. There are no connecting sidewalks anywhere near this neighborhood; it is an island to itself. It would be very difficult for the City to do routine winter maintenance and get a piece of equipment out there to plow it. The Code has a provision where the applicant provides an alternative system of pedestrian accommodations. This applicant proposes to build a footpath on their private property that will connect to the Cheshire Rail Trail system, which is just behind and adjacent to the development. City staff thinks this is a good alternative. It allows people convenient and safe access to the trail network, which they can then use to access downtown Keene and all of the amenities.

Mr. Lussier continued that the next waiver request is Section 22.3.8.B., the standard regarding street lighting. The relevant parts are, "Streetlights shall be required at intersections in all zoning districts and along the length of proposed public streets in all residential zoning districts." It is applicable here. It would require that they have streetlights at a maximum of 400 ft. spacing, so for this road, staff recommends one at the beginning of the intersection with Whitcomb's Mill Rd., one at the end of the cul-de-sac, and one in the middle of the road. The project's engineer spoke last week about the benefits of having a dark sky to enjoy at night, but the standards are there because people who live in these residential districts generally want to have a lit street so that at night, they can safely walk their dogs and ride their bikes. The City Council established that as a standard. City staff have not really seen a compelling reason to not uphold that standard, so they recommend against granting that waiver.

Mr. Lussier continued that the next waiver relates to sidewalks, 22.3. D, "When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also." It is applicable in the Low Density District. In this case, the standards would require that those streetlights be fed underground, and therefore, all the other utilities would be required to be fed

underground. Last week, the project's engineer spoke about the difficulty in obtaining conduit to put those utilities underground. He himself cannot verify or validate that; however, the Council adopted the standard for a specific reason, that this was the aesthetic they wanted Keene's residential neighborhoods to have. Staff recommends against granting the waiver.

Mr. Lussier stated that the last waiver is regarding street trees, Section 22.3.16.A, "There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval of each side of any new street or extension of any existing street." He continued that the standards, presumably, are adopted to achieve a specific goal, which may be aesthetics, but also it is about achieving things like reducing the heat island effect, mitigating climate change, and addressing storm water concerns. All of those are addressed by the presence of street trees. The standards have a caveat for the Petitioner to provide those street trees either in the public right-of-way or within 20 feet of it. He does not know if the applicant has decided to do it one way or the other. The applicant has requested a waiver from this standard. Staff does not see a compelling reason to not have street trees. Last week it was discussed that the property is heavily wooded, but once that development is built and people buy those lots, there is no way of telling property owners they cannot cut trees down on their property. That is not to say that everyone is going to clear-cut their front yards, but the standards exist to protect the City's interest in having that aesthetic quality and having those benefits of street trees. Staff recommends against the waiver.

Chair Greenwald stated that the Committee has two Resolutions, a report from the Planning Board, comments (from the public), and these waivers. He asked the City Attorney if each of these should have separate motions. The City Attorney replied that each Resolution requires a separate motion and action. He continued that the return of layout gets filed if the Committee and Council agree to accept the road as a public way, so there does not need to be a specific motion on that, because that will just get recorded with the City Clerk's Office if the Council agrees to the petition. He has a question for the City Engineer. There was an option on here to place it on more time. He asked if that was because of the question with the Planning Board. Mr. Lussier replied that he thinks so, but that has been resolved, since the subdivision has been approved by the Planning Board.

The City Attorney stated that he thinks they should have a motion to accept both Resolutions. Chair Greenwald asked what R-2023-28 is. The City Attorney replied with the acceptance of the deed. Mr. Blomquist stated that the Committee should accept the communication from the Planning Board. Chair Greenwald asked what R-2023-29 is. The City Attorney replied the Resolution for the layout of Brookfield Lane and its public utilities and improvements. He continued that the Committee has to discuss the waivers in connection with that, and whether they want to grant those. If the Committee decides to make a change with respect to the waivers, then R-2023-29 will have to be amended, because that Resolution currently includes the waivers that are being requested.

Chair Greenwald stated that he is trying to determine the process. He continued that the Planning Board communication would be accepted as informational, and comments from Mr. Lacey and Mr. Conklin would be accepted as informational as well. Mr. Blomquist replied that the Committee needs to then vote on each waiver, to recommend approving or denying. He continued that then they would need to amend R-2023-29, saying (something like), "recommend adoption of R-2023-29 based on the vote of the various waiver requests." Councilor Filiault asked if the Resolution would then become an A version. Mr. Blomquist replied yes.

Chair Greenwald stated that Mr. Conklin's and Mr. Lacey's comments are appreciated. He asked if the Committee had anything to say about those comments. The City Attorney suggested Chair Greenwald explain what those communications were, which were submitted after the public hearing, and the public has not had an opportunity to hear those.

Chair Greenwald read:

"Dear Councilors,

As a follow-up to my testimony at the last City Council meeting:

No further City approvals should be given to the Brookfield Lane development until significant safety improvements are made to the Whitcomb's Mill Rd./Rt. 9 intersection. That intersection has always been dangerous, and the incremental development on the westerly side of Keene, e.g. the junior high, the YMCA, Summit Rd. area businesses and condo developments, the rail trail parking lot, and car dealerships (test drives), have dramatically increased the use of the intersection with virtually no safety improvement.

This development will only add to the safety issues. There have been numerous accidents over the years, but it seems it might unfortunately take the ultimate sacrifice to get anyone's attention, as occurred at Rt. 9/Base Hill Rd. after years of the locals dealing with the unsafe conditions.

Among the issues are 1) very high speeds (on Rt. 9), 2) lack of turning lanes, 3) poor warning to 55+ mph drivers that an intersection is coming, and 4) blind spots.

Suggested improvements are reducing the Rt. 9 speed zone from 55 to 40 mph from the roundabout at Base Hill Rd. to .5 miles west of Whitcomb's Mill Rd., a blinking light at the intersection of Whitcomb's Mill Rd. to warn Rt. 9 travelers, and improved turning lanes onto Whitcomb's Mill Rd.

By the way, an EMT was administering to the driver of a smashed up car on Rt. 9 just a few yards below the Daniels Hill Rd. intersection (same area as Whitcomb's Mill Rd.) this past Friday afternoon. Such is life in this neighborhood.

Respectfully,

Tad Lacey"

Chair Greenwald asked Councilor Workman to read Mr. Conklin's letter for the record.

Councilor Workman read:

"I'm writing to express my concern about the traffic intersection at Whitcomb's Mill Rd. and Rt. 9, West Keene. This traffic intersection is already very congested and dangerous. The additional traffic resulting from the Brookfield Lane development will make it even more so. I know there have been at least two serious accidents in the last three years. I believe one resulted in the death of a passenger. The sight lines to the west are not good. When sitting on the north side of the road, the high guardrails force the driver to pull up very close to crossing traffic. When sitting on the south side, the tree line and road curvature make it challenging to see eastbound traffic. This intersection gets very crowded when Keene High School dismisses, and often drivers get impatient.

I strongly encourage you to see if there is any way to work with the NH Department of Transportation to make this intersection safer prior to, or alongside, the approval of Brookfield Lane development.

Thank you for your consideration,

Ross Conklin"

Councilor Workman made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the communications from Tad Lacey and Ross Conklin as informational.

Chair Greenwald stated that next, they will address the Planning Board review of Brookfield Lane.

Councilor Filiault read the memo from Jesse Rounds, Community Development Director:

“At the May 22, 2023 meeting of the City of Keene Planning Board, the Board voted to conditionally approve S-03-23 (Conservation Residential Development Subdivision) and SWP-CUP-02-23 (Surface Water Protection Conditional Use Permit) for the property located at 19 Whitcomb's Mill Rd. Once all conditions precedent are met, the petitioner may request the Planning Board to vote to provide final approval for the subdivision of the land.

Conditions precedent numbers 8 and 9 refer to a proposed public street to be laid out and constructed on the property. Condition 8 requires that the applicant obtain approval from the Keene City Council for all necessary waivers from Article 22 of the Land Development Code for the proposed new street design. Condition 9 requires that the applicant obtain approval from the Keene City Council for the layout of the new street and that “an adequate security” be posted for the construction of same as approved by the City Engineer and Community Development Director.

The applicant subsequently brought the proposed public street to the City Council on August 14, 2023. This application to the City Council is in accordance with both the conditions precedent of the Planning Board's conditional approval and with Article 22.2 of the City of Keene Land Development Code.”

Councilor Filiault made the following motion, which was seconded by Councilor Workman.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the memorandum from the Community Development Director as informational.

Chair Greenwald stated that the Committee will next address R-2023-28, acceptance of the deed. He asked for questions or comments. The City Attorney suggested addressing the waivers first, because that could influence how they go about accepting the deed.

Chair Greenwald stated that the applicant has requested a number of waivers, some of which the City is in favor of, and some of which the City is not. He continued that the Committee will consider each waiver one at a time. The first one is regarding sidewalks. The City Code wants sidewalks on most any street, but for this one, staff says sidewalks are not essential because there are provided pathways and connections. He thinks this solution is good, and he is glad to hear that they are not requiring concrete sidewalks and granite curbs in a rural neighborhood, which he thinks the Code needs to address and give more flexibility to. He asked if anyone wanted to make a motion.

The City Attorney stated that he has a suggested change to the motion, to make the motion consistent with the other recommendations. He continued that the [recommended motion] would be “move to recommend the approval of the requested waiver,” if the Committee is inclined to do that. The recommended motion says, “move to recommend the requested waiver.”

Councilor Williams stated that [the recommended motion] says that “sidewalks shall be required,” and they are saying the opposite of that. He asked if they should say “shall not be required.” The City

Attorney replied that it is “the approval of the requested waiver.” The sidewalk is only referencing the 22.3.7.A, which is why he wanted to make it clear.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends approving the requested waiver of Section 22.3.7.A., “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts.”

Chair Greenwald stated that street lighting is the next requested waiver. He continued that the Code wants streetlights in all zoning districts along the length of the road. The Petitioner is requesting that they not be required. City staff recommends that they should be.

Councilor Williams asked if this would be a standard City streetlight, and if those have any features that protect the night sky. Mr. Lussier replied that the current Code says that all new streetlights should be solar-powered. He continued that there is not a lot of precedent for that yet. That is what they are installing, for example, on Winchester St. right now. It also requires all of the streetlights to be fully cutoff, so it avoids glare and uplighting.

Chair Greenwald stated that if they do require streetlights, then they will be requiring underground wiring, whether it is needed or not, which is an anomaly to the Code. He continued that he keeps hearing, “housing, housing, housing,” particularly affordable housing. This is not going to be low-income housing, but increased expenses heaped on a builder/developer are reflected in the price of the housing. Most of the Committee has been to the site. It is rural, which is part of the allure. Putting up streetlights does nothing for him. He lives on a dead-end road that predates all City Codes, and residents get along fine without streetlights, and with overhead wiring. He is more in favor of making the housing a little more affordable, a little more encouraging for builders, so he is good with waiving the streetlight requirement as well as the underground wiring.

Councilor Filiault stated that he agrees with Chair Greenwald, especially given the rural nature of this development. He continued that it will be a little darker, which he thinks many people would like, given the rural character of the neighborhood. If anyone wants a bit of lighting, he is sure there will be some porch lights put on out there. He has no problem with the request, based on where the development is proposed.

Councilor Workman stated that her concern is the number of streetlights. She continued that it sounds like there would only be three. Having worked at Langdon Place, she is familiar with their lighting. They have many lights throughout the property, but they are not what one would deem a typical streetlight. She asked it would be possible for Brookfield Lane developers to mimic the lighting at Langdon Place to blend with the character of the neighborhood.

Mr. Lussier replied that it certainly is possible; he is just trying to think of what form that would take, in terms of the City Council’s motion and adoption of a Resolution. He continued that he is not sure he knows the answer.

Mr. Blomquist stated that something for the Committee to think about is that these become the City’s responsibility. He continued that these would not be the responsibility for the future residents of the project. They have to remember that with all of these projects, the developer eventually goes away, and then the infrastructure becomes the City’s responsibility. Having a set of streetlights that is not in the City’s inventory is an additional cost to the City, which is something to think about for the long term. If they do not go underground for electrical and telephone, there will be utility poles on Brookfield Lane. That is how the electricity will get there. He is confident that if future residents feel

it is too dark there, they will come in and request that the City place streetlights out there. Hopefully, the Council would be putting on the record that when a future resident comes in requesting streetlights, the Council would be able to deny that request, having determined that streetlights are not appropriate for the location. That is something to think about.

The City Manager stated that she will add one more thing for the Committee to think about – they have heard comments from the public about the safety of that intersection. She continued that lighting at an intersection does improve the safety of the intersection.

Chair Greenwald stated that the intersection is on City land, also, if there was a real need and desire to have a streetlight at the intersection. Mr. Blomquist replied that it would be the intersection of Brookfield Lane and Whitcomb's Mill Rd. He continued that again, they would be placing the responsibility of the costs onto the general taxpayer. There is a developer saying "We want to do this," and it is typically appropriate to have the developer provide that infrastructure, because ultimately, the responsibility for its replacement and its cost falls back onto the City. As the Committee is considering this, he concurs with the City Manager that if the Committee wishes to not require streetlights down the street, the intersection should be lighted, for safety. The Federal Highway and the City Engineer could comment on this. On rural roads there is more of an emphasis because rural roads have a higher vehicle accident rate than urban roads, and typically those accidents are more severe at areas where there is a change, such as curves or infrastructure. Lights are warranted for those.

Chair Greenwald replied that they could say there needs to be a streetlight at the intersection and not trigger the other four and the underground utilities. He asked if that is correct. The City Attorney replied yes, and he was going to make that suggestion as a sort of compromise. He continued that if the Committee wanted to recommend the approval of the requested waiver, with the exception of a streetlight to be located at the intersection, they could do that.

Councilor Williams asked if they would still be able to require underground wiring if they did not do the streetlights. Mr. Lussier replied that the way that the LDC is currently written, the requirement for underground wiring is a subparagraph of the streetlight section. He continued that it is probably not the best way of structuring it, now that they are getting into this, but because of the way it is written, that requirement for underground wiring would only apply if the streetlights had to be fed underground.

Chair Greenwald stated that his concern is the cost of doing it. He continued that he knows it is very expensive. The developer has to build the road, which is not inexpensive work.

Councilor Williams stated that he is strongly in favor of underground utilities. He continued that he is neutral about the streetlights but would be supportive if it includes underground utilities. He understands that cost is an issue here. He would be more concerned if they were talking about \$200,000 houses rather than \$500,000 houses. At that level, he thinks that the people moving in there will not be too hurt to pay what it costs additionally to put the utilities underground, which would save the City money in the long term. Underground wires are not affected by ice storms. They are more secure, in terms of the power not going out. The poles do not need to be replaced as often. You could make the case that if you do not bury the wires in the beginning, you are taking that cost and shifting it onto the general public down the line. He would rather those costs are covered upfront.

Chair Greenwald stated that they will vote on each topic separately but are discussing them jointly. He asked about the trees. He continued that the LDC wants one deciduous tree, with a minimum of 2-inch caliper, every 50 feet. They have not heard what the Petitioner thinks about this,

or maybe he missed it at the presentation. He asked Mr. Blomquist what the problem with this is for the Petitioner. The City Attorney replied that he recalls that the problem was the cost and the fact that it is a rural zone with many trees. He continued that that was the point the Petitioner was making.

Councilor Williams stated that he would prefer to keep the trees. He continued that one reason is that street trees reduce speeding, and this road looks like it has the opportunity to be a bit of a speedway getting down to the circle at the end. He thinks trees encroaching on the road a bit would slow cars down a little and it would be a little safer.

Councilor Filiault stated that he agrees with the waiver. He continued that as they saw with the site visit, all that is out there are trees. The comment was made that maybe a property owner will decide to clear cut a few, but he thinks the people who will move there are looking for the rural character and probably will not be removing too many trees. With some projects in the city, he understands that they need trees to add a little character, but this is an extremely wooded, rural area. He thinks there are enough trees, and adding more is an unnecessary added expense.

Councilor Workman stated that she supports the denial of this waiver, because they are discussing a lot of "what ifs" and putting a lot of faith on unknown homeowners, hoping they do the right thing. She continued that as was pointed out, the Council decided to have these safeguards in place for a reason, so they can maintain the character of the city. She thinks this is a simple solution and they should deny this request because they do not know what the potential homeowners are going to do. They may come in and completely clear their land. The Council would have no control over that, but this, they do have control over.

Chair Greenwald asked if someone wanted to make a motion about the streetlights.

Councilor Workman made a motion for the Municipal Services, Facilities, and Infrastructure Committee to recommend the denial of the requested waiver of Section 22.3.8.B, "Streetlights shall be required at intersections in all zoning districts and along the length of proposed public streets in all residential zoning districts." Councilor Williams seconded the motion.

Chair Greenwald stated that just to be clear, the denial will mean that the full requirement of streetlights will be required. He continued that the possibility they just discussed, of just the streetlight at the intersection, would not be part of this motion.

Chair Greenwald made a motion to amend the motion to require a streetlight at the intersection only. Councilor Williams seconded the motion.

Chair Greenwald stated that he thinks the safety issue is the intersection, and that is it. He continued that he does not think anything further is necessary, and the dark sky at night is very important for the rural nature of this location.

The motion to amend passed with a vote of 3-1. Councilor Williams was opposed.

Chair Greenwald stated that the motion stands amended, to require a streetlight at the intersection. The City Attorney replied that now they need to clarify the motion, because they do not want the other two streetlights (that the LDC requires). He continued that the amended motion would be, "Move to recommend the approval of the requested waiver of Section 22.3.8.B, except for the placement of a streetlight at the intersection."

The motion passed with a vote of 4-0.

Chair Greenwald stated that the next issue is the request that the underground wiring be waived.

Councilor Filiault stated that he has a technical question. He continued that the (LDC requires) underground wiring “when underground streetlight feed is required,” but because of the motion they just made, they will not have streetlights there anyhow, so this is a moot point. The City Attorney replied that there will be underground lighting at the intersection. Councilor Filiault replied yes, at the intersection, but going into the project, this is no longer needed. The City Attorney replied that that would be his take on it, too.

Mr. Blomquist stated that perhaps for clarity’s sake, the Committee could move to recommend granting the waiver for the underground wiring. He continued that it is a little confusing how these two interact with each other. The City Attorney replied that it is also a little confusing in the LDC.

Councilor Filiault made the following motion, which was seconded by Councilor Workman.

On a vote of 3-1, the Municipal Services, Facilities, and Infrastructure Committee recommends approving the requested waiver to Section 22.3.7.D, “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also.” Councilor Williams was opposed.

Chair Greenwald stated that the Petitioner requests a waiver for the deciduous trees.

Councilor Williams made a motion to recommend denial of the requested waiver of Section 22.3.16.A, “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval of each side of any new street or extension of any existing street.” Councilor Workman seconded the motion.

Chair Greenwald stated that just to be clear, the motion is to require the trees to be planted. He continued that the Petitioner is asking that that not be required.

The vote was 2-2. Councilor Workman and Councilor Williams were in favor, and Chair Greenwald and Councilor Filiault were opposed. Chair Greenwald asked what they do now. The City Attorney replied that it goes to the City Council with no recommendation.

Chair Greenwald stated that now they can move R-2023-28, acceptance of deed. The City Attorney replied that he recommends doing them in the other order, beginning with the layout, R-2023-29. Mr. Blomquist added, the A version, subject to granting or denial of the requested waivers. The City Attorney replied yes, it would be R-2023-29-A. He continued that they will need to recraft Section 7 of the Resolution in accordance with what was just decided, rather than doing that on the fly. Mr. Blomquist replied that they can pass it tonight as an A version, and the background notes will be there. The City Attorney replied yes, they will submit the A version to the City Council with the changes.

Chair Greenwald made a motion to recommend the adoption of Resolution R-2023-29-A. Councilor Filiault seconded the motion.

Councilor Filiault stated that regarding the letters that Mr. Lacey and Mr. Conklin sent, and their comments made before the City Council about what should be part of the project, that intersection is very dangerous. He continued that that is not a City street; it is a State highway. His question is whether the State has been notified or talked to about this intersection. He was listening to the scanner the other night right when an accident happened there. He wants to make sure the State will

be involved here, because it is the State's intersection.

Mr. Blomquist replied that the answer to Councilor Filiault's question is yes. He continued that the issue is that at the end of the day when the State looks at these, they look at statistical data, and to date, they have not found sufficient reasons to perform any changes at the State's cost. City staff is working with the Southwest Regional Planning Commission (SWRPC) and will be requesting to the State a "road safety audit." The State will either approve or disapprove the road safety audit. Councilor Filiault asked Mr. Blomquist to send that study back to the MSFI Committee when they have it. Mr. Blomquist replied yes, but so the Committee is aware, it will probably be a year away. He continued that they first have to submit it, and it goes through a State committee he himself participates in, Highway Safety Program Committee. That committee funds all the road safety audits across the State. They review the information and determine whether the applicant meets the criteria. Then the on-call engineering contractor goes out and performs the audit and reports back. That process takes about a year. Councilor Filiault replied that he understands that, and wants to point out there is a potential development down the road that will be increasing traffic in this location, which is updated information for the State to be aware of. Mr. Blomquist replied yes, and he wants the Committee, the public, and the Council to understand that this is not something that just happens quickly; it is a process.

The motion passed with a vote of 4-0.

The City Attorney stated that the A version that will go to the City Council for its consideration next week will not change anything with respect to the street trees until the Council acts. He continued that assuming the Council acts and makes a change, there may be a B version.

Councilor Workman made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolution R-2023-28.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION FOR THE ACCEPTANCE OF A WARRANTY DEED FOR BROOKFIELD
LANE

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

The City Manager is authorized to do all things necessary to accept and execute the attached Warranty Deed subject to the following condition:

All documents are to be in a form and content acceptable to the City Attorney, City Engineer, and Planning Director.

George S. Hansel, Mayor

In City Council July 6, 2023.
Referred to the Municipal Services, Facilities
and Infrastructure Committee and the
Planning Board. Site visit scheduled for
August 17, 2023, at 5:45 PM. Public hearing
scheduled for August 17, 2023 at 7:00 PM.

City Clerk



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION FOR THE LAYOUT OF BROOKFIELD LANE AND UTILITIES AND PUBLIC IMPROVEMENTS

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

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to lay out a highway as described in the attached Return of Layout and said Petition, subject to the following conditions, precedent to the recording of the Return of Layout:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated in connection with the layout and acceptance of the street, utilities and/or public improvements are borne by Petitioner.
3. Construction and acceptance by the Public Works Director or his/her designee of the laid out street, sewer, utilities and/or public improvements within a thirty-six month period from the approval vote by the City Council.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
5. If construction has not started within the twenty-four (24) month period from the date of Council action, said approval of layout shall not become effective and can only be extended upon petition to the City Council.
6. Receipt of security in an amount to be determined in accordance with Section 22.2.4, Security & Warranty, of the Land Development Code ("LDC").
7. Petitioner shall receive a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.3.7.A Sidewalks, Section 22.3.8 Street Lighting, but with the exception of the required street light at the intersection of the road layout and Whitcomb's Mill Road, Section 22.3.7.D, underground street lighting feed and utilities, and Section 22.3.16 Street Trees.
8. Petitioner shall waive any and all claims for damages arising from the said layout of Brookfield Lane that may be assessed pursuant to RSA 231:15, and shall indemnify the City from any costs, expenses or damages, including attorney's fees, related thereto.

George S. Hansel, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

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

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to lay out a highway as described in the attached Return of Layout and said Petition, subject to the following conditions, precedent to the recording of the Return of Layout:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated in connection with the layout and acceptance of the street, utilities and/or public improvements are borne by Petitioner.
3. Construction and acceptance by the Public Works Director or his/her designee of the laid out street, sewer, utilities and/or public improvements within a thirty-six month period from the approval vote by the City Council.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
5. If construction has not started within the twenty-four (24) month period from the date of Council action, said approval of layout shall not become effective and can only be extended upon petition to the City Council.
6. Receipt of security in an amount to be determined in accordance with Section 22.2.4, Security & Warranty, of the Land Development Code ("[LDC](#)").
7. Petitioner shall receive a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.3.7.[A](#) Sidewalks, Section 22.3.8 Street Lighting, but with the exception of the required street light at the intersection of the road layout and Whitcomb's Mill Road, ~~and~~ Section 22.3.7.D, underground street lighting feed and utilities, and Section 22.3.16 Street Trees.
8. Petitioner shall waive any and all claims for damages arising from the said layout of Brookfield Lane that may be assessed pursuant to RSA 231:15, and shall indemnify the City from any costs, expenses or damages, including attorney's fees, related thereto.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Christopher C. Staples Upon His Retirement
Resolution R-2023-30**

Recommendation:

That Resolution R-2023-30 be adopted by the City Council.

Attachments:

1. Resolution R-2023-30

Background:

Captain Staples retired from the Fire Department effective May 31, 2023, with almost 21 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Christopher C. Staples Upon His Retirement

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

- WHEREAS: Christopher C. Staples began his career at the Keene Fire Department 10 June 2002; served as Acting Lieutenant 10 August 2013 to 9 February 2014, on which date he was promoted to Fire Lieutenant; served as Acting Captain 30 December 2018 to 3 February 2019 and again 8 December 2019 to 16 February 2020, at which time he was promoted to the Fire Captain position; and has the distinction of finishing first for both his Lieutenant and Captain promotional processes; and
- WHEREAS: Passionate about the job, with strong emergency medical service and firefighting skills, Chris stayed calm and focused during complex incidents, was able to process information quickly and make solid tactical decisions while keeping a sense of situational awareness throughout, optimizing available resources, and keeping crew safety his top priority; and he was excellent with the public, presenting himself as courteous, sympathetic, and professional with members of our community; and
- WHEREAS: Chris is an enthusiastic team player who didn't shy away from hard work, continually sought to better the department while never losing sight of the individual needs of the group, actively participated in senior management meetings, advocated for the safety of both the community and department members, presented himself in a calm and reassuring manner for a less stressful environment that improved the overall performance of the team, and was witnessed regularly giving more of himself than he received in return; and
- WHEREAS: With a natural ability to lead and a knack for listening to those with concerns, he was passionate about his role as a supervisor, taking every opportunity to lead by example and creating a team environment without even realizing he was doing so, was excellent at delegating and following up to ensure quality and completion, treating those he supervised fairly and respectfully while carrying out the mission and goals of department, and not hesitating to commend, discipline, or counsel members in a manner that gained voluntary compliance and guided people to the desired outcome; and
- WHEREAS: Volunteering as a Pump Technician, Chris became both very knowledgeable on the inner workings of all the fire equipment and above average in maintaining it, which was invaluable when issues with apparatus developed and, as a member of the Truck Committee, he played a key role in developing specifications for purchase of replacement equipment; and
- WHEREAS: Earning his Associate Degree in Fire Science while here, some of Chris's other accomplishments and contributions included serving on the EMS Committee, Training Committee, Uniform Committee, Alerting Committee, Staffing Committee and as a Hazardous Materials Technician, the EMS Supply Clerk, a grade-school fire prevention program presenter; managing department grants; and participating in KFD functions; and
- WHEREAS: Chris earned a Fire Service Committee of Merit Award in 2004 in honor of his lifesaving efforts; and
- WHEREAS: Chris retired 31 May 2023, with practically 21 full years of honorable service to the City;
- NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Christopher C. Staples for his dedication to the City of Keene and the Monadnock Region and wishes him the very best for his retirement years; and
- BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Chris in appreciation of his years of service to the City of Keene.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds - Sewer Fund Unassigned Fund Balance for the Martell Court Pump Station Bypass Resolution R-2023-31**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-31.

Attachments:

1. Resolution R-2023-31

Background:

Public Works Director Kurt Blomquist stated the Martell Court Pump Station is still under an emergency situation. He indicated this station is the heart of the city's wastewater system and if it fails the result would be catastrophic. Mr. Blomquist explained the goal is to repair a single knife valve and because there is no bypass there is no way of shutting the station down or moving sewage around the station. There must be a plan formulated to do this. An initial amount of \$100,000 will be required to begin the work. The Resolution before the committee is to use unallocated fund balance from the sewer fund. Mr. Blomquist referred the presentation over to Christian Tarr, Sewer Services Manager. Mr. Tarr stated recently the 30-inch knife valve had a failure causing about 100,000 gallons to leak out onto the floor of the dry area of the building.

The following afternoon a consultant was retained and with the help of the contractor and City staff, the leak was slowed down to a manageable situation (two to three gallons a minute). Mr. Tarr stated this is just a temporary fix.

Mr. Blomquist stated this is not an easy repair and the plan is to have this work completed by the end of this calendar year. He added a more permanent fix will be added to the CIP.

Councilor Chadbourne felt this might not be the most ideal location for the pump station and asked whether consideration has been given to moving to a different location. Mr. Blomquist stated it can be done but that would be an approximately 15-million-dollar project.

Councilor Madison thanked staff for their work during this emergency. Councilor Lake echoed

Councilor Madison's comment.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2023-31.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance
for the Martell Court Pump Station Bypass

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

That the sum of four hundred thousand dollars (\$400,000) be appropriated from the Sewer Fund Unassigned Fund Balance to the Martell Court Pump Station Bypass project 32JM012A.

George S. Hansel, Mayor

In City Council July 20, 2023.
Referred to the Finance, Organization
And Personnel Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 7, 2023
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Relating to FY24 Fiscal Policies
Resolution R-2023-32**

Recommendation:

That Resolution R-2023-32 relating to FY24 Fiscal Policies have a first reading before the City Council and that it be referred to the Finance, Organization and Personnel Committee.

Attachments:

1. R-2023-32 Relating to Fiscal Policies
2. R-2023-32 Relating to Fiscal Policies_redlined

Background:

Shortly after the beginning of each new fiscal year the fiscal policies of the City are reviewed and updated to provide guidance for fiscal management and decision making. This is also the time of year when the City Manager and staff start planning for the next fiscal year.

The update to the fiscal policies is the first step in the budget process. This document sets the boundaries for which both the Capital Improvements Program and City Operating Budget need to stay within while providing direction that incorporates City Council goals and objectives.

The updates to the FY24 fiscal policy are to address long-time city practices and formalize them into fiscal policies, add a new fund, and update recommended levels for unassigned fund balance.

- Page 1 – three new 'WHEREAS' sections have been inserted immediately above the 'NOW, THEREFORE, BE IT RESOLVED'. The purpose is to formalize the process of appointing an Acting City Manager the temporary assignment of powers, rights, duties, and responsibilities from the City Manager to the Acting City Manager.
- Page 2 – I. Budget, section G. – formalized the City's practice of funding the payment of vested earned leave to an employee upon separation of employment.
- Page 5, Part 2 – Financial Policies, B 1), c) iv. – Equipment Capital Project Fund was created to account for the capital projects and equipment purchased by the Equipment (Fleet) Fund.

- Page 10 – VIII. Stabilization Funds, A. 1) and 3). – Update unassigned fund balance to levels recommended by New Hampshire Department of Revenue Administrations and other government finance officer organizations.

The reminder of the fiscal policies remain unchanged from FY23.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to FISCAL POLICIES

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

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible; and

WHEREAS: The City Manager is hereby granted the authority to appoint a designee to temporarily perform the duties and responsibilities of the City Manager in his or her absence; and

WHEREAS: The City Manager will in writing inform the City Council of the temporary appointment including name and dates of appointment; and

WHEREAS: The Acting City Manager filling the position designated in the city budget as "City Manager" shall be vested with all the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, state statute, or by any city ordinance, resolution, agreement, document or other authority. Whenever the term "City Manager" is utilized in the Charter, state statute, or any such ordinance, resolution, agreement, document, or authority, it shall mean the "City Manager" as so designated; and

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior fiscal policies and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

Strategic Governance links both operational and capital budgets to long term goals established by the City's Master Plan and prioritized through the City Council goal's process. Departments prepare budgets with proposed strategies to advance the goals of the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget.

This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high-level goals and ensures budget dollars are tied to community and council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of October each year.
- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Outside Agencies seeking funding from the City shall complete an application substantiating their request, the necessity of the services provided, and financial impact on the City if services were not provided. All applicants shall meet eligibility criteria set by the City and eligible applications shall be reviewed by a committee consisting of at least 2 City Councilors, and representation from Human Services, Finance, Community Development, and Police Departments. The committee shall put forth a list of Outside Agencies to the City Manager with recommended funding to be included in the budget.
- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- G. It is the City's policy to permit employees to accumulate earned and unused leave. The City shall maintain an amount equivalent to the total of the earned and unused leave at the close of each fiscal year in a special revenue project. All vested earned leave is accrued when incurred and paid to the employee upon separation of employment as specified in the City's then current Employee Handbook and/or current Collective Bargaining Agreements, from the special revenue project. Should the project balance fall below the accumulated total, the city shall budget and transfer funds accordingly.

- H. A periodic budget status report for each fund will be provided to the City Council.
- I. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- J. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- K. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- L. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- M. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston-Cambridge-Newton, (MA-NH) CPI net of expenditures required by law, and excluding debt service payments and capital leases. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
 - 2) Property Tax Credits and Exemptions.
All exemptions and credits will be reviewed with the City Council at least every five (5) years in conjunction with the City revaluation unless there are legislative changes that cause a review to occur on a more frequent basis.
 - 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.
- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$35,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$35,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than \$35,000.

- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
 - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include projects such as:
 - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.
- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:
 - 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
 - a) Within the same fund and
 - b) Not funded with bond proceeds/debt and/or
 - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
 - 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
 - a) Within the same fund and
 - b) Funded with bond/debt proceeds and/or
 - c) Funded with a new capital reserve appropriation.

PART 2 - Financial Policies

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds.
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds.
 - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
 - c) Capital Funds.
 - i. Capital Project Fund – shall be used to account for the capital projects funded by any of the governmental funds excluding the Sewer Fund and the Water Fund.
 - ii. Sewer Capital Project Fund – shall be used to account for the capital projects funded by the Sewer Fund.
 - iii. Water Capital Project Fund – shall be used to account for the capital projects funded by the Water Fund.
 - iv. Equipment Capital Project Fund – shall be used to account for the capital projects/assets funded by the Equipment Fund.
 - 2) Proprietary Funds.
 - a) Enterprise Funds.
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
 - 3) Internal Service Funds.
 - a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
 - b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

C. Designation of Revenues.

- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
- 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
- 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

- 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
- 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery Standard for Fees and Charges.

Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to Cost Recovery Standard for Fees and Charges:

- 1) Fees and Charges may be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
 - b) Collecting the fees and charges is not cost effective.

- c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
 - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
- 2) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
 - d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.
- 3) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be “public assists.”
- D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- G. Fees and charges shall be adopted by the City Council when required.
- H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.

IV. Bonded Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.

- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
- G. The City of Keene issues bonds including but not limited to:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.

V. Other Sources

- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
- B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset-Management Programs

- A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community

users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:

- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
- 2) Establishment of condition and functional standards for various types of asset.
- 3) Criteria to evaluate infrastructure and facility assets and set priorities.
- 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
- 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

A. Fund Balance.

Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:

- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
- 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
- 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
- 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
- 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.

B. Spending Prioritization.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year, and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

- A. Objectives (in priority order):
 - 1) Safety – the safety of principal is the foremost objective.
 - 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
 - 3) Yield – taking into account the priority objectives of safety of principal and liquidity, a market rate of return.
- B. Authorized Investments:
 - 1) US Treasury obligations.
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 - 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
 - 4) Certificates of Deposits in New Hampshire Banks (collateralized).
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George S. Hansel, Mayor

Twenty-Three

Relating to FISCAL POLICIES

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible; and

WHEREAS: The City Manager is hereby granted the authority to appoint a designee to temporarily perform the duties and responsibilities of the City Manager in his or her absence; and

WHEREAS: The City Manager will in writing inform the City Council of the temporary appointment including name and dates of appointment; and

WHEREAS: The Acting City Manager filling the position designated in the city budget as "City Manager" shall be vested with all the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, state statute, or by any city ordinance, resolution, agreement, document or other authority. Whenever the term "City Manager" is utilized in the Charter, state statute, or any such ordinance, resolution, agreement, document, or authority, it shall mean the "City Manager" as so designated; and

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior fiscal policies and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

Strategic Governance links both operational and capital budgets to long term goals established by the City's Master Plan and prioritized through the City Council goal's process. Departments prepare budgets with proposed strategies to advance the goals of the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget. This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high level goals and ensures budget dollars are tied to community and

council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of October each year.
- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Outside Agencies seeking funding from the City shall complete an application substantiating their request, the necessity of the services provided, and financial impact on the City if services were not provided. All applicants shall meet eligibility criteria set by the City and eligible applications shall be reviewed by a committee consisting of at least 2 City Councilors, and representation from Human Services, Finance, Community Development, and Police Departments. The committee shall put forth a list of Outside Agencies to the City Manager with recommended funding to be included in the budget.
- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- G. It is the City's policy to permit employees to accumulate earned and unused leave. The City shall maintain an amount equivalent to the total of the earned and unused leave at the close of each fiscal year in a special revenue project. All vested earned leave is accrued when incurred and paid to the employee upon separation of employment as specified in the City's then current Employee Handbook and/or current Collective Bargaining Agreements, from the special revenue project. Should the project balance fall below the accumulated total, the city shall budget and transfer funds accordingly.
- H. A periodic budget status report for each fund will be provided to the City Council.

- I. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- J. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- K. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- L. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- M. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston-Cambridge-Newton, (MA-NH) CPI net of expenditures required by law, and excluding debt service payments and capital leases. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
 - 2) Property Tax Credits and Exemptions.
All exemptions and credits will be reviewed with the City Council at least every five (5) years in conjunction with the City revaluation unless there are legislative changes that cause a review to occur on a more frequent basis.
 - 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.
- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$35,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$35,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than \$35,000.

- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
 - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include projects such as:
 - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.
- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:
 - 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
 - a) Within the same fund and
 - b) Not funded with bond proceeds/debt and/or
 - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
 - 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
 - a) Within the same fund and
 - b) Funded with bond/debt proceeds and/or
 - c) Funded with a new capital reserve appropriation.

PART 2 - Financial Policies

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds.
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds.
 - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
 - c) Capital Funds.
 - i. Capital Project Fund – shall be used to account for the capital projects funded by any of the governmental funds excluding the Sewer Fund and the Water Fund.
 - ii. Sewer Capital Project Fund – shall be used to account for the capital projects funded by the Sewer Fund.
 - iii. Water Capital Project Fund – shall be used to account for the capital projects funded by the Water Fund.
 - iv. Equipment Capital Project Fund – shall be used to account for the capital projects/assets funded by the Equipment Fund.
 - 2) Proprietary Funds.
 - a) Enterprise Funds.
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
 - 3) Internal Service Funds.
 - a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
 - b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

C. Designation of Revenues.

- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
- 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
- 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

- 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
- 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery Standard for Fees and Charges.

Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to Cost Recovery Standard for Fees and Charges:

- 1) Fees and Charges may be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.

- b) Collecting the fees and charges is not cost effective.
 - c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
 - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
- 2) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
 - d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.
- 3) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be "public assists."
- D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- G. Fees and charges shall be adopted by the City Council when required.
- H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.

IV. Bonded Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.

- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
 - E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
 - F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
 - G. The City of Keene issues bonds including but not limited to:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
 - H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
 - I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.
- V. Other Sources
- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
 - B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset-Management Programs

- A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:
- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
 - 2) Establishment of condition and functional standards for various types of asset.
 - 3) Criteria to evaluate infrastructure and facility assets and set priorities.
 - 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
 - 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

- A. Fund Balance.
- Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:
- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
 - 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
 - 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
 - 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
 - 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.
- B. Spending Prioritization.
- When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and ~~ten seventeen~~ percent ~~(1017%)~~ of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between ~~five seven~~ percent ~~(557%)~~ and ~~fifteen seventeen~~ percent ~~(151517%)~~ of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

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