



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
August 1, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- 07/18/2024 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Retirement Proclamation - Helen Mattson
2. Community Recognition - Lily Runez and Peter Runez
3. Public Hearing - Ordinance O-2023-16-B - Amendment to Land Development Code - Charitable Gaming Facility

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Library Board of Trustees, Partner City Committee
2. Nomination - Congregate Living and Social Services Licensing Board

C. COMMUNICATIONS

1. Jared Goodell - Pledge of Donation for the Purchase and Installation of a Safe Haven Baby Box
2. Robert C. Hamm - Request for Improvements in Sidewalks and Traffic Patterns - Intersection of Grove Street and Water Street

D. REPORTS - COUNCIL COMMITTEES

1. Request to Discharge Fireworks - First Responder Appreciation Community Day

2. Request for Authorization for the Issuance of a Building Permit for 3 Aliber Place and 57 Marlboro Street
3. Donation of Land at 0 Ashuelot Street
4. Rules of Order Amendments
5. Contract Award - Fire Department - Spec Rescue International
6. State Homeland Security Program - DHS Approved Training for Locals
7. Professional Services Contract - Final Design of the Downtown Infrastructure Project
8. Fire Damage Repair at Keene Transfer Station

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Board Memberships
Ordinance O-2024-05-B
2. Relating to Class Allocation and Salary Schedules
Ordinance O-2024-12
3. Relating to the City Attorney Functions and Powers
Ordinance O-2024-13

K. RESOLUTIONS

NON PUBLIC SESSION

L. TABLED ITEMS

1. Request to Acquire Property Located at 0 Washington St. Extension for Conservation Purposes - Conservation Commission

ADJOURNMENT

07/18/2024

A regular meeting of the Keene City Council was held on Thursday, July 18, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, & Mitchell H. Greenwald were present. Councilor Greenwald led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt the June 20, 2024, minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

Mayor Kahn and the Council wished a Happy Birthday to Councilors Remy and Haas.

Mayor Kahn reminded the Council that its summer vacation would start with the cancellation of the August 15 Council meeting and would include the September 5 meeting. The Council Standing Committee meetings of August 7–8 and August 21–22 are also canceled. The Committees will start meeting again on September 11–12. The Council will start meeting again on September 19.

COMMUNITY RECOGNITION – ALAN RUMRILL, HISTORICAL SOCIETY OF CHESHIRE COUNTY

Mayor Kahn welcomed Alan Rumrill, Executive Director of the Historical Society of Cheshire County. The Mayor shared the following in recognition of Mr. Rumrill's retirement (effective 11/01/2024) after 41 years with the Historical Society. For many in Cheshire County, Mr. Rumrill had been the scholar-in-residence and voice for history in the Monadnock Region. He had written and recorded over 1,500 "Monadnock Moments" for radio spots on WKBK Radio since 1995. He had also written Keene Sentinel columns called "Moments in History" each weekend, in addition to submitting weekly photos to the Monadnock Shopper News. Mr. Rumrill had taught hundreds of classes on local history and Museum management topics, having worked with hundreds of student interns and volunteers. He had responded to over 1,000 invitations from organizations to present public programs on local topics. Mr. Rumrill had developed and installed more than 50 featured exhibits on themes ranging from industrial history to immigration history, to art, archaeology, agriculture, advertising, baseball, the Civil War, Civil Rights, conservation, and many more. He is the author of many articles and 10 books on histories of various towns in the Monadnock Region. Mr. Rumrill's family has lived in Cheshire County since the 1770s. He attended Keene State College, majoring in History. He became the first paid employee at the previously all-volunteer Historical Society of Cheshire County in 1983. Under his stewardship, the Historical Society had grown to 6 staff members, 130 volunteers, 3 buildings, 150+ programs annually, an annual budget of over \$500,000, and an endowment of over \$4 million.

Mayor Kahn continued, noting that Mr. Rumrill's valuable efforts were recognized on the recently released a BIPOC (Black, Indigenous, and People of Color) Monadnock website: www.BIPOCMonadnock.org. Jenna Carroll, the project's co-director and Mr. Rumrill's successor, recently announced access to these historical records gathered through the Historical Society in Keene and the Monadnock Center for History and Culture in Peterborough, NH. BIPOC Monadnock explores a diverse history of NH's Monadnock Region between the 1730s and 1930s. Having reviewed many of the hundreds of biographical records, Mayor Kahn said he was fascinated by the stories. Though the story of Rubin Giddim written by Mr. Rumrill, one learns of how a person enslaved by a MA man likely earned his freedom by serving for his slaveowner in the MA Militia before settling in Richmond, NH, until his death in 1820. These various aspects of local history were compiled by Mr. Rumrill. He will continue this effort after stepping down as Executive Director.

Mayor Kahn noted that Mr. Rumrill had been honored with several career awards: the NH Preservation Alliance's 2023 Preservation Achievement Award for outstanding leadership in research, public outreach, and stewardship; the American Association for State and Local History's 2023 Leadership in History Award; and a Rotary Paul Harris Fellow Award. Mayor Kahn said that Mr. Rumrill deserved to be recognized many times more for his contributions to documenting the history of NH and its communities. Before his retirement, Mayor Kahn formally recognized and thanked Mr. Rumrill for the irreplaceable value he had contributed to Keene and the Monadnock Region, and presented him with a pin of the key to the City of Keene.

Mr. Rumrill thanked the Mayor for this recognition and honor of the work he loved doing. He said it had been a privilege to preserve and share history of this region through thousands of stories over 41 years. He thanked his fellow staff members at the Historical Society.

RETIREMENT PROCLAMATION – MEDARD KOPCZYNSKI

Mayor Kahn read into the record a Proclamation honoring Med Kopczynski's 25 years of service to the City of Keene in various roles, including serving as the past City Manager. The City Manager, Elizabeth Dragon, added that over the years, Mr. Kopczynski had taken on any duty/task asked of him, succeeding at everything he did. She thanked him for working with her during her transition to City Manager and said Mr. Kopczynski's assistance had been truly impactful since. He had consistently demonstrated a deep commitment to public service. The City Manager called Mr. Kopczynski a true servant-leader and thanked him.

Mr. Kopczynski said he could not have done anything he did alone, and he recognized the public he served and worked with. He recognized his fellow City staff, whom he called a good example of impartial and congenial City government; the staff are unparalleled in New England and the nation. He was comfortable turning the City over the City Manager Dragon at the time, and he thanked her. He also thanked past City Councils and Mayors. Lastly, he recognized City Attorney, Tom Mullins, for helping to keep him grounded, and City Clerk, Patty Little, whom he called a polished jewel that would be missed when she retires. The Council applauded Mr. Kopczynski.

PROCLAMATION – PARKS AND RECREATION MONTH

Mayor Kahn read into the record a Proclamation declaring July 2024 as Parks and Recreation Month in Keene, with the theme “Where You Belong,” and encouraged all citizens to recognize Parks and Recreation staff, relish in the wonders of nature around them, and participate in the diverse recreation opportunities available in the City of Keene.

Mayor Kahn presented the Proclamation to the new Parks and Recreation Director, Carrah Fisk-Hennessey. Ms. Fisk-Hennessey said we are all fortunate to live, work, and play in such a wonderful community with so many resources and offerings. She looked forward to this year’s theme of “Where You Belong,” with a multigeneration impact on Keene’s Parks and Recreation programming. She recognized the great Parks and Recreation team and encouraged the community to recognize that team when visiting parks, trails, cemeteries, or any community events.

CONFIRMATIONS – HERITAGE COMMISSION AND HISTORIC DISTRICT COMMISSION

Mayor Kahn nominated Rose Carey and Louise Zerba to serve as regular members of the Heritage Commission, with terms to expire December 31, 2026. The Mayor also nominated Louise Zerba to serve as a regular member of the Historic District Commission, as the Heritage Commission’s representative, with a term to expire December 31, 2026.

A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION – JON LOVELAND, PE – DOWNTOWN INFRASTRUCTURE PROJECT

A communication was received from Jon Loveland, PE, sharing some information and expressing his critical opinion of the downtown project budget. Mayor Kahn accepted the communication as informational.

JIM COPPO/JIMMY TEMPESTA – REQUEST TO DISCHARGE FIREWORKS – FIRST RESPONDER APPRECIATION COMMUNITY DAY – AUGUST 18, 2024

A communication was received from Jim Coppo and Jimmy Tempesta, requesting a license to discharge fireworks at Alumni Field as a part of the First Responder Appreciation Community Day held on August 18, 2024. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

MSFI REPORT – THE ELM CITY ROTARY, THE KEENE ROTARY, AND THE MONADNOCK INTERFAITH PROJECT – REQUESTING PERMISSION TO ERECT A PEACE POLE IN CENTRAL SQUARE

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the City Council direct the City Manager to work with the petitioners to incorporate elements of the proposed peace pole into a new fountain design for the common. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. Councilor Greenwald encouraged the public to contribute personal donations for this effort, as he would be. The motion carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT – NEIGHBORHOOD PARKING PROJECT – WALKER CONSULTANTS

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

MSFI REPORT – ELECTRIC VEHICLE INFRASTRUCTURE PLAN

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the report as informational, and that the City Manager be authorized to do all things necessary to identify and apply for grants to help the City implement the report's recommendations. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT – PROJECT UPDATE – ROADWAY SAFETY ACTION PLAN

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the presentation on the Roadway Safety Action Plan project as informational. Mayor Kahn filed the report as informational.

MSFI REPORT – CUSTOMER SERVICE OPPORTUNITIES FOR COMMUNITY DEVELOPMENT AND FIRE PREVENTION

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the presentation on Customer Service Opportunities for Community Development and Fire as informational. Mayor Kahn filed the report as informational.

Mayor Kahn noted that this matter would appear before MSFI again in the future as aspects are implemented.

MSFI REPORT – DOWNTOWN INFRASTRUCTURE PROJECT

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the City Council approve the Preliminary Design for the Downtown Infrastructure Project as depicted on a drawing entitled "City of Keene, Downtown Infrastructure Project, Preliminary Design Plan" dated June 26, 2024, by Stantec Consulting Services, Inc. A

motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Greenwald shared opening comments on the past several years of work on this project. He was very happy that the MSFI Committee reached its goal to arrive with a unanimous recommendation at this meeting. Councilor Greenwald and Councilor Filiault worked hard with the consultants and Committee to reach this compromise that was based on input from the consultants, City staff, Councilors, and the public. As a compromise, this recommendation included aspects that some would not like; likely no one would be 100% content with the entirety. Still, he was pleased that it was an open discussion, with nothing forced by the consultants or City staff. He mentioned that some safety concerns were addressed with terrific traffic plans for Roxbury Street, West Street, and the shape of Central Square; while it will look different, it will still be the Central Square that so many fought to save. This recommendation included bike lanes, and while this left some with safety concerns, the City had a specific Committee studying Keene's roadway safety, so he thought that it would work with strict enforcement and cooperation. The Committee had managed to accommodate pedestrians, bikers, diners, and more. Still, cooperation by all will be needed for these 3 years of difficult construction. Councilor Greenwald was committed to work with all downtown merchants to get through the project as smoothly as possible. Unfortunately, the utility work below ground downtown was well overdue. He cited past Councils that only did surface work downtown instead of addressing the belowground dangers from outdated pipes, meaning it was harder work for this Council and would be more expensive for the City. Still, Councilor Greenwald said the City Manager had determined ways to pay for the project without the Federal RAISE grant, and he awaited more information on that.

Councilor Filiault echoed Councilor Greenwald's comments, noting that this was a unanimous vote by the MSFI Committee. He called it a poster project for compromise. He said the public and project had been largely quiet until approximately 48 hours before this meeting, when someone brought forward the issue of bike lanes again. He complimented Councilor Greenwald for leading the MSFI Committee in reaching this compromise. Councilor Filiault complimented Mayor Kahn for slowing this process and making it more transparent for greater trust between the community and Council. He also complimented City staff. Mayor Kahn noted that any process improvements were also led by the City Manager and her staff, who listened to the public and Council to help reach this decision.

Councilor Jones agreed with previous speakers and thanked the MSFI Committee for its leadership and a transparent process. He also commended City staff. The Councilor was pleased with the adjustments to Central Square. He agreed that this had become a more transparent process. Councilor Jones asked about the planned public bathrooms, which did not appear to be a part of this approved design. The City Manager replied that this project plan includes preparing the underground infrastructure for the public restroom, but its construction was not planned until Fiscal Year 2026 with separate allocations. Councilor Jones recalled that challenges led the City to close the prior public restroom, so he said a plan would be needed before opening the restroom, and he wanted to ensure the public knew it would not be an immediate part of this project. Councilor Jones also stated that he tried to compromise on bike lanes, but due to safety and history, he would vote no on this project because of the bike lanes.

Councilor Workman addressed misconceptions that were spreading in the community based on the City unfortunately not receiving the Federal RAISE grant. She stated that she had faith in the City Manager and her great staff to pivot to Plan B. While the City knew that raised bike lanes would elevate its chance of receiving the RAISE grant, the Council always knew that was not a guarantee. The City Manager stated that, fortunately, she did not have to pivot because she had been planning for this project for years and the funds were already programmed in the City's Capital Improvement Program (CIP). She agreed with Councilor Workman that it was always known that the RAISE grant was not guaranteed, so it was not included in her CIP planning and calculations. The City Manager added that only three communities in NH received the RAISE grant, but only for planning purposes (~ \$1 million each) vs. other states in New England that received capital RAISE grants (~ \$25 million each).

Councilor Williams congratulated his colleagues for the good progress on this project. He thanked all members of the public who made their voices heard in this process, even when not in agreement. He was grateful that the need for bike lanes was better understood as it would create a more modern urban fabric of downtown Keene with ways to get around in all forms. Councilor Williams was excited about this compromise.

Councilor Haas complimented the MSFI Committee, City staff, and all others involved with reaching this compromise. He said the efforts on this phase of the project could not have been more open and transparent, stating that the MSFI Committee managed to distill public opinion and synthesize it into something that really works for Keene's needs. He thought the design would be beautiful and praised in the future. He thought the broader sidewalks would be welcome, including the bike lanes. No matter the type of sidewalk, curbing, speed tables, etc., he said it would be up to the Council to make it wonderful, which was already happening with Keene's many successful festivals, for example. While regulations for bike lanes and more would be needed, he had great faith that all the wonderful groups in the City would work together to make this successful.

Councilor Bosley was proud of this Council and the previous Council for getting through this painful process, which proved that a hybrid of full Council workshops and Standing Committee meetings can work well. She thought this road to compromise was successful because all Councilors worked together; it was not always pretty, but the Council managed. She was proud of this compromise because all voices and passions were heard. With the recent death of a young man on an electrical bike who was struck by a vehicle in Jaffrey, Councilor Bosley was proud that Keene's downtown would have these protected bike lanes, which will need sound plans and policies to protect the public. She looked forward to planning for the future.

Councilor Tobin was excited about this compromise, noting that she had participated in this process as a member of the public when it began in 2018, long before being elected to the City Council. At that time, the street near her home was under construction, which she had to walk through daily. She attended an early downtown project workshop and the following was asked: We have to dig up Main Street to replace all the pipes, so what do we do with the downtown after? Should it stay the same or change? There was inspiring brainstorming at that time, and she appreciated the energy in the room around this project now. After all of this effort, Councilor

Tobin thought the community had a better understanding of the project and how to make it through the challenging construction.

Councilor Williams added his thanks to the project consultants from Stantec.

Mayor Kahn thanked Councilor Greenwald for his additional work and meetings to help lead this project to fruition. He also thanked the rest of the MSFI Committee.

On a vote of 14–1, the motion to carry out the intent of the Committee report carried. Councilor Jones voted in opposition.

Mayor Kahn stated that government is a process of collaboration, which was exemplified in this process. He was grateful for the level of cooperation amongst this Council.

FOP REPORT – INVEST NH – DEMOLITION OF FORMER ROOSEVELT SCHOOL

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate, accept, execute the necessary documents, and expend an Invest NH Capital Grant not to exceed \$412,000 with Keene Housing and the State of New Hampshire Department of Business Affairs (BEA) for the demolition of 438 Washington Street (the former Roosevelt School). Mayor Kahn filed the report. The City Attorney recommended the following revised motion that specified the contracted parties involved.

A motion by Councilor Powers was duly seconded by Councilor Remy to recommend that the City Manager be authorized to do all things necessary to apply for, accept and expend an Invest NH Capital Grant not to exceed \$412,000, and to negotiate and execute all necessary agreements with the Monadnock Affordable Housing Corporation related to the Capital Grant and intended for the demolition of 438 Washington Street (the former Roosevelt School). The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF A DONATION TO THE HEBERTON FUND

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend a donation of \$1,169 to the Heberton Fund from the Trustees of the Keene Public Library. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF DONATION TO FUND MAKERSPACE INTERNS

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend a donation of \$15,000 from the Friends of the Keene Public Library to fund Makerspace Interns. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by

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

The Makerspace Interns are at the Library to engage with young students on Tuesdays, Wednesdays, Thursdays, Fridays, and sometimes on Saturdays.

FOP REPORT – REQUEST TO ADDRESS ISSUES OF TRANSPARENCY, THE IMPACT OF HOMELESSNESS, AND ISSUES RELATING TO FREEDOM OF SPEECH, AND POLITICAL SIGNAGE

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the communications from Charles Smith be accepted as informational. Mayor Kahn filed the report as informational and referred the Council to a follow-up letter of thanks from Mr. Smith.

CITY MANAGER COMMENTS

First, the City Manager reported on the severe storm event on Tuesday, July 16 (~ 7:00 PM), with torrential downpours and high wind gusts up to 50 mph. There was damage around the City, but a significant amount of damage was focused in the northwest part of the City in the Maple Avenue/Court Street area. The event resulted in trees and limbs falling onto power/communication wires, into the roadways, and onto private structures. The Fire Department started receiving calls around 7:18 PM, with over 35 calls within a 15-minute period relating to wires, trees, and limbs down on roads, vehicles, and buildings. There was a challenge for the Fire Department because Southwest Mutual Aid had an equipment failure resulting in them being unable to provide dispatch support to the City for a period of time. As a result, the Fire Department initiated a 5-engine task force with mutual aid support from the towns of Marlboro, Spofford, Hinsdale, Swanzey, and Chesterfield. The City Manager thanked these towns for their support and emphasized the importance of mutual aid; no town or city can possibly maintain 24/7 staffing levels to support a response of this magnitude, which is why mutual aid is so important. The Public Works Department responded to downed trees in various locations, with Maple Avenue and several other streets closed or restricted as debris was cleared. It was initially estimated that approximately 33 private structures were damaged by falling trees and limbs, primarily within the Tanglewood Mobile Home Park and one on Glen Road. The Black Brook, Drummer Hill Water Booster Stations, the Blackbrook Wastewater Lift Station and the Court Street Wellfield lost power and were operating on emergency generators.

The City Manager continued, reporting on the storm recovery efforts. The Fire Marshall and Building Division performed a review of 44 buildings in the community:

- Tanglewood MHP: 31 buildings with minor damage and 6 buildings with major damage that were placarded as unsafe.
 - The most significant damage from the storm was to private properties within the MHP.
 - The American Red Cross had been called to assist residences. They were scheduled to set up a reception center at Tanglewood MHP at 10 Sparrow Street between 1:00 PM–7:00 PM on July 19.
- Court Street Condos: 1 building with major damage and 1 building with minor damage.

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- Glenn Road: 1 building with major damage placarded as unsafe.
- Woodbury Street: 1 building with minor damage.
- Sesame Street: 3 buildings with minor damage.
- Portland Street: 1 building with minor damage.

The City Manager continued reporting on the storm. As of the time of this report, the Public Works Department had reported that all streets and roads within the City were open. They still had several days of work to clean up trees, limbs, and debris from the public right-of-way. Power had been restored to all water and wastewater facilities. The Parks and Recreation Department reported damage in Monadnock View Cemetery and the pickleball courts, with significant damage (several were currently closed) at the Fuller School Baseball Field and Sesame Street Playground. Parks and Recreation staff were reviewing trail networks, including Goose Pond, for damage. City Departments would continue their assessment and clean-up efforts. The City Manager said it was a great effort from the City team to respond to and now recover from this storm event. The City has a lot of new staff members, and they came together to work through the challenges of this late-day and fast-moving storm. The City Manager also thanked the returning Emergency Management Director, Kürt Blomquist, who came forward to help manage the event.

The City Manager continued her report, discussing downtown bike lane rules. The City Manager and Mayor appointed a committee to bring forward stakeholders to discuss proposed bike lane rules for the downtown. The group met for several months and completed their work in June. Now that the preliminary design decision had been made by the Council, the City Manager would bring forward the group's recommendations to the MSFI Committee.

Next, the City Manager reported that the City had started its data verification project. While City staff visit numerous properties annually for a number of reasons, this is a systematic approach to start viewing all properties in the City. The City Manager clarified that this would not be a revaluation in the sense of bringing properties up to market value, but rather looking to ensure the City's data is accurate, and accounts for any unknown changes to properties that may have occurred. This work is in advance of a City-wide revaluation of all properties in 2026. Letters are being sent out to property owners in batches as City staff make their way through neighborhoods; the letters offer an opportunity to arrange for a specific appointment prior to staff visiting the property. Assessing employees will have photo IDs and will be driving City-marked vehicles.

Lastly, the City Manager shared great news that the City had worked with the property owner to clean the area behind the Hannaford plaza. Over 27,000 lbs of trash were removed over 2 days. The property owner hired a contractor to collect the trash and the City provided a one-time opportunity to have it disposed of at no charge to the owner. The City Manager thanked the property owner and the City team for making this happen.

Mayor Kahn shared his sympathies for all those impacted by the recent storm. He encouraged impacted residents to continue reaching out to City staff and the Red Cross.

NOTICE OF RETIREMENT – CITY CLERK

The City Clerk, Patty Little, shared her notice of retirement after 40-plus years, effective April 30, 2025. She noted that it had been her honor to serve the City and City Council during this time. She would be working to ensure the smooth transition so the Department will remain as strong as it is today. Mayor Kahn and the Council thanked the City Clerk for her service and attention to succession planning, and the Mayor thanked her on behalf of all she served over these 41 years. He said the City of Keene had benefitted from the Clerk's dedication, professionalism, steadiness, commitment to service excellence, and hearty laugh; Councilors echoed this sentiment.

Councilor Greenwald moved to accept the City Clerk's notice of retirement, effective April 30, 2025, with gratitude for the years of service, dedication, friendship, and support. The motion was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

PLANNING BOARD NOMINATION OF MICHAEL CONWAY TO SOUTHWEST REGION PLANNING COMMISSION

A memorandum read from Senior Planner, Mari Brunner, recommending that the Council approve the Planning Board's nomination of Michael Conway to serve on the Southwest Regional Planning Commission. A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

REQUEST TO ACQUIRE PROPERTY LOCATED AT 0 WASHINGTON ST. EXTENSION FOR CONSERVATION PURPOSES

A memorandum was read from Senior Planner, Mari Brunner, providing the Conservation Commission's unanimous recommendation that the City Council authorize the City Manager to negotiate a price and purchase and sale agreement with the owner of the property in question: TMP #229-006-000. Mayor Kahn tabled the recommendation until the August 1, 2024, Council meeting.

RESIGNATION OF DAWN THOMAS SMITH FROM THE PARTNER CITY COMMITTEE

A memorandum read from Executive Secretary, Helen Mattson, recommending that the City Council accept the resignation of Dawn Thomas Smith from the Partner City Committee. She had served since before it was a formal City committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

PB-PLD REPORT – RELATING TO CHARITABLE GAMING FACILITIES – ORDINANCE O-2023-16-B

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A report read from the Joint Planning Board-Planning, Licenses, and Development Committee. The Planning, Licenses, and Development Committee unanimously recommended that the Mayor set a public hearing on Ordinance O-2023-16-B, and the Planning Board unanimously found that Ordinance O-2023-16-B is consistent with the Comprehensive Master Plan. Mayor Kahn referred Ordinance O-2023-16-B to the Planning, Licenses, and Development Committee and set a public hearing for Thursday, August 1, 2024 at 7:00 PM.

ORDINANCE FOR FIRST READING – RELATING TO CLASS ALLOCATION AND SALARY SCHEDULE – ORDINANCE O-2024-12

A memorandum was received from HR Director, Elizabeth Fox, recommending that Ordinance O-2024-12 be referred to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-12 to the to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO THE CITY ATTORNEY FUNCTIONS AND POWERS – ORDINANCE O-2024-13

A memorandum was received from the City Attorney, Thomas Mullins, recommending that Ordinance O-2024-13 be referred to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-13 to the Finance, Organization, and Personnel Committee.

Mayor Kahn reported that Ordinance O-2024-13 is related to the process that will be followed for obtaining applications for the City Attorney’s position, which would be discussed in more detail at the Finance, Organization, and Personnel Committee meeting on July 25. The Chairs of the three Council Standing Committees and the Mayor will comprise the working group to complete the administrative tasks related to advertising the position and collecting applications. All applications will be presented to the City Council for review and decisions. It is anticipated that the advertisement will occur in mid-August, with an application closure date in mid-September.

ORDINANCE FOR SECOND READING – RELATING TO THE INSTALLATION OF STOP SIGNS ON WATER STREET – ORDINANCE O-2024-11

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 4–1, recommending the adoption of Ordinance O-2024-11. Mayor Kahn filed the report. A motion by Councilor Greenwald to adopt Ordinance O-2024-11 was duly seconded by Councilor Filiault.

Councilor Greenwald noted that since the MSFI meeting, he had changed his mind, and would vote against this Ordinance for additional stop signs at Water Street and Grove Street/Community Way. He noted there were already stop signs at Water Street on Grove Street and on Community Way, so this change would create a 4-way stop. Councilor Greenwald stated he was now aligned with Councilor Favolise, who was the opposing vote at the MSFI meeting. Councilor Greenwald commented on a recent experience when he stop his vehicle on Water Street where this proposed stop sign would be; drivers in each direction stopped as a result, unsure of who had the right-of-way. He did not think that a 4-way stop would inherently create a

safer intersection. If the Council felt that 4-way stops would create safer intersections, then Councilor Greenwald said they should also consider amending the following intersections: Roxbury Street at Lincoln Street, Court Street at High Street, Washington Street at High Street, Court Street at Bradford Road, anywhere on West Street, Maple Avenue, and more. He said that this approach would violate thoroughfare principles that call for through traffic on major streets and stop signs on side streets. Further, he said drivers need to take responsibility for paying better attention. Councilor Greenwald did not think that stop signs would solve these problems. He also reported on a conversation in which the Public Works Director, Don Lussier, indicated that because of certain Code provisions, the pedestrian flashing beacons and/or crosswalks would need to be moved, creating other traffic challenges. Thus, Councilor Greenwald encouraged his fellow Councilors to vote against this.

Councilor Favolise was the opposing vote at the MSFI meeting, primarily because the MSFI Committee heard testimony from a resident of Water Street in opposition. He had not changed his mind since. When volunteering at the 4 on the 4th Road Race, Councilors Favolise and Greenwald heard from a constituent who was also adamantly against this 4-way stop. Councilor Favolise found that the constituents who supported this change were really concerned about speed and not the need for a stop at this location. This intersection is in Councilor Favolise's Ward and the Councilor said that the Public Works Director did not report to the MSFI Committee on anything inherently dangerous about this intersection that would warrant a 4-way stop; there are good sight lines and curvature. Councilor Favolise was still in opposition because he believes this is a driver behavior problem that would be better solved by increased awareness and enforcement.

Councilor Roberts asked how to increase driver awareness. He cited traffic calming efforts on North Lincoln Street after a jogger was hit by a vehicle; he said there were no comments on driver awareness then and the response focused on calming devices to slow traffic. Councilor Roberts has lived on Grove Street for 25 years and he called it a speedway from all directions. The neighborhood no longer has as many college students living there and it has more families, with kids that walk to Wheelock School, with a sidewalk on only one side of Grove Street. He cited problems with Grove Street, which is supposed to be a 2-lane road, but becomes a 3-lane road at the corners of Water Street at the intersection. Eventually, Councilor Roberts thinks a person, and particularly a child, will be hurt on Grove Street; if that happens to someone crossing Water Street, he questioned how the Council will look at itself for decided that a 4-way stop was too inconvenient. Additionally, Councilor Roberts said that presumptively, everyone driving has passed their drivers test and would know who has the right of way at a 4-way stop. Lastly, Councilor Roberts commented on how poorly the crosswalks are marked in this area, with only one side having the flashing beacon option and another portion leaving pedestrians to walk in the roadway with no sidewalk. He said Water Street is a high-speed thoroughfare and he described the possibility of a driver on Water Street taking a high-speed turn onto Grove Street because they have the right-of-way. There are many near accidents at this intersection. Councilor Roberts would vote in support.

Councilor Haas agreed that this grew from community concern about speeding on Water Street. He said the Public Works Director conducted a great study, which showed that average speeds at this location were within reason. There will always be the handful of drivers who will always

break the rules, but Councilor Haas said that is an enforcement issue. He said the Public Works Director had also considered accident data at this intersection, where there is a high frequency of accidents, warranting the 4-way stop by traffic engineering standards. The Councilor said that 4-way stops do nothing about speeding; drivers will speed up to the stop and speed away from it if that is their habit. Rather, the 4-way stop proposed here was based on the accident data, while he thought the community was more concerned about the speeding. As such, Councilor Haas recommended other options for speed control that had worked in the City, like lighted beacons in both directions, improved sidewalks, traffic calming, and pedestrian control. He would vote in opposition.

Councilor Filiault disagreed with Councilor Greenwald. Councilor Filiault said that this proposal was based on the accident data at this intersection, not just public opinion. While the City could review all of the other intersections Councilor Greenwald listed, Councilor Filiault said the City already had accident data for this heavily used intersection in an area with many new developments (e.g., Pat Russell Park will increase traffic in the area). This 4-way stop would be the least expensive way to manage traffic at this intersection, and if it does not work, it could be removed. While driver education is essential, with child pedestrians throughout this corridor, Councilor Filiault thought the 4-way stop would be the safest approach.

Councilor Tobin agreed with Councilor Filiault. In reviewing the minutes from this MSFI hearing, Councilor Tobin found that the Manual of Uniform Traffic Control has specific criteria that were used to assess this intersection as for other intersections. The rate of accidents at this intersection is high, with 7 accidents in 42 months, some of which were severe. Councilor Tobin walks in that area each weekend, so she stood and observed traffic for a while; she was unsure if the vehicles coming down Water Street would be able to stop in time if a pedestrian began crossing. Additionally, there was pedestrian traffic in the area associated with a new shelter and she had seen senior pedestrians from American House.

Councilor Williams thought this location was a good one for a stop sign. He would also like to see a 4-way stop at Roxbury and North/South Lincoln Streets but was told it did not meet the criteria. He felt that this Water Street intersection was even more dangerous, so he felt the 4-way stop was warranted. Councilor Williams cited Burlington, VT, where there are many 4-way stops, which calm traffic and make more room for pedestrians and cyclists. He supported calming traffic at this Water Street location and said drivers would get used to it.

Councilor Madison agreed with this 4-way stop, citing instances of almost being hit at this intersection. He understood that stop signs are not a cure-all, but said that drivers are worse these days—as if they have not taken drivers tests—so he thought this was a cheap solution that could be removed later if warranted.

Councilor Jones agreed with Councilor Madison that this is a band-aid on a bigger problem, but it would start to calm the traffic at this location. Councilor Jones urged the City to place a greater focus on traffic calming devices. He said that 4-way stops do not always work, citing the intersection of Summit Road/Hastings Avenue/Maple Avenue, where drivers do not actually stop in all directions during certain times of day. Councilor Jones would vote in support and urged the City to focus on traffic calming long-term.

Councilor Bosley reminded her fellow Councilors that approximately 4 years ago, the Council approved reducing the speed limit from 30 mph to 25 mph on a street when neighbors were upset about speeds. At that time, the Council talked a lot about neighborhood speed reduction. She asked City staff about the solar powered speed devices that flash speeds at vehicles. For her, she said they are a reminder to slow down on roads she travels frequently and might lose sight of her speed, like a force of habit; she thought they might help drivers like her, whose intent is not to break the law. If Police Officers cannot be posted at some of these more dangerous intersections, she thought these devices could help increase driver awareness.

The City Manager commented on points that had been raised. She recalled a report at MSFI some time ago about the Roadway Safety Plan Committee, which is looking at intersections and crosswalks throughout the City, and taking input from the public on where there should be safety improvements. There was a recent interim report to MSFI that was accepted as informational earlier in this meeting, and the final report would be forthcoming, including a lot of advice about traffic calming. This effort will also help the City to apply for grants. Staff were considering the problem areas that need focus. Regarding the flashing speed signs, the City owns a few, and they had been deployed in this neighborhood in the past as an attempt at traffic calming, which is how the City knew it was less of a speeding issue at this intersection. The signs can be posted without flashing the speeds too, only collecting data, but the City had not always seen a substantial difference in data based on the signs flashing or not. The City Manager said she would speak with the Public Works Director to determine if they should be deployed more.

Councilor Haas said the City Manager and Councilor Bosley were referring to the silent speed flashing signs that have no repercussions. Councilor Haas was more interested in the “silent policemen” that are more serious enforcement tools than the traffic recording devices that were mentioned.

Councilor Favolise agreed with Councilor Bosley about the speed signs being a helpful reminder when traveling through areas where drivers are more comfortable. Councilor Favolise also commented on “common ground,” which was mentioned during the downtown project deliberation, stating that there are no perfect intersections, as well as no Councilors who wanted to allow for breaking the law or hurting pedestrians. He thought this was a conversation about the best solution for this location; he thought it was possible for multiple Councilors to recognize the same problem but arrive at different solutions. Councilor Favolise clarified that he would not be voting against this because a stop sign would be inconvenient or because he does not care about pedestrian safety, but because he did not think it was the right solution at this specific location, where he thought awareness and enforcement were needed more.

On a roll call vote of 9–6, the motion to adopt O-2024-11 carried. Councilors Remy, Haas, Favolise, Chadbourne, Powers, and Greenwald voted in the minority.

IN APPRECIATION OF TODD M. TARDIFF UPON HIS RETIREMENT – RESOLUTION R-2024-26

07/18/2024

A memorandum was received from the HR Director, Elizabeth Fox, recommending that the Council adopt Resolution R-2024-26, in honor of Todd Tardiff's retirement after 18 years of service. A motion by Councilor Powers to adopt Resolution R-2024-26, with appreciation for Mr. Tardiff's service, was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

IN APPRECIATION OF HELEN K. MATTSON UPON HER RETIREMENT – RESOLUTION R-2024-27

A memorandum was received from the HR Director, Elizabeth Fox, recommending that the Council adopt Resolution R-2024-27, in honor of Helen Mattson's retirement after 21 years of service. A motion by Councilor Powers to adopt Resolution R-2024-27, with appreciation for Ms. Mattson's service, was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor. Mayor Kahn reiterated what a steadfast servant to the City Ms. Mattson had been.

IN APPRECIATION OF JUSTIN H. PUTZEL UPON HIS RETIREMENT – RESOLUTION R-2024-28

A memorandum read from the HR Director, Elizabeth Fox, recommending that the Council adopt Resolution R-2024-28, in honor of Justin Putzel's retirement after 17 ½ years of service. A motion by Councilor Powers to adopt Resolution R-2024-26, with appreciation for Mr. Putzel's service, was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

NON-PUBLIC SESSION

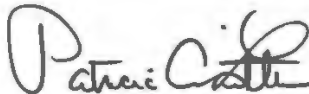
A motion by Councilor Greenwald to go into non-public session for the consideration of legal advice under RSA 91-A:3, II (L) and consideration of the acquisition, sale, or lease of real property under RSA 91-A:3 II (d) was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor. The non-public session began at 8:55 PM.

The regular meeting reconvened at 9:15 PM.

A motion by Councilor Greenwald to keep the non-public minutes non-public because disclosure would render the proposed action ineffective was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:16 PM.

A true record, attest: 
City Clerk



Notice of Public Hearing
Amendment to Land Development Code
Charitable Gaming Facility

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2023-16-B that would change permitted uses in the Downtown Core and the Commerce Districts. The application to amend the LDC has been submitted by the City of Keene Community Development Department.

Specifically, the petitioner proposes to amend **Section 8.3.2 of Article 8 of the Land Development Code (LDC)** to add a definition for “Charitable Gaming Facility” with use standards, amend Table 8-1 and Table 5.1.5 to display “Charitable Gaming Facility” as a permitted use in the Commerce District with limitations, and amend Table 9-1 to list the minimum on-site parking requirement for this use. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District.

The full text of the ordinance is available for public review at the City Clerk’s Office Monday-Friday, 8 am-4:00 pm or online at www.keenenh.gov.

HEARING DATE: August 1, 2024

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council of the City of Keene, this 18th of July, Two Thousand and Twenty-Four.

Attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Nominations - Library Board of Trustees, Partner City Committee**

Recommendation:

The following individuals be nominated to serve on the designated Board or Commission as follows:

Library Board of Trustees

Sam Temple, slot 1 Term to expire Dec. 31, 2027
15 Page Street

Karthik Gowda, slot 2 Term to expire Dec. 31, 2027
57 Eastview Road

Partner City Committee

Eric Weisenberger, slot 4 Term to expire Dec. 31, 2024
42 Reservoir Street

Attachments:

1. Temple, Sam_Redacted
2. Gowda, Karthik_Redacted
3. Weisenberger, Eric_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Tuesday, March 12, 2024 5:24:19 AM
Attachments: [Outlook-1434zs5v.png](#)

please redact



Patricia Little
CITY CLERK

(603) 352-0133, ext. 2
 plittle@KeeneNH.gov
 3 Washington Street, Keene, NH 03431
 KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>

Sent: Monday, March 11, 2024 9:06 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, 03/11/2024 - 21:06</p>

<p>Submitted values are:</p>

First Name:

Sam

Last Name:

Temple

Address

15 Page St, Keene

How long have you resided in Keene?

6 years but also grew up here in the 1970s and 80s.

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

self employed

Occupation:
Business owner

Retired
No

Please list any organizations, groups, or other committees you are involved in
None currently, was on the Historic District Commission from 2019-2022.

Have you ever served on a public body before?
Yes

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

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

Please share what your interests are and your background or any skill sets that may apply.
Institutions that have the potential to bring the community together and elevate public dialogue while remaining accessible to all. I grew up in Keene before moving away and the public library was one of my favorite places. I went on to spend a lot of time in libraries and archives as a historian before shifting careers and moving back to the region to open a bakery.

Please provide 2 personal references:
Justin Somma

[Redacted]

References #2:

[Redacted]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Monday, May 20, 2024 4:07:22 PM
Attachments: [image001.png](#)

Please save and redact



Patricia Little
CITY CLERK

- (603) 352-0133, ext. 2
- plittle@KeeneNH.gov
- 3 Washington Street, Keene, NH 03431
- KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, May 20, 2024 3:23 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, 05/20/2024 - 15:23</p>
<p>Submitted values are:</p>

First Name:
Karthik

Last Name:
Gowda

Address
57 Eastview rd, Keene 03431

How long have you resided in Keene?
Over 2 years

Email:
[REDACTED]

Cell Phone:
[REDACTED]

Employer:
Markem-Imaje

Occupation:

Senior DevOps Engineer

Retired

No

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

I am board member of the Montessori Schoolhouse Chesire County

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.

I am great admirer of Keene Public Library it is simply awesome, every week me and my family at least visit once and enjoy all it can offer. So, I would be pleased to be part of Library's Board of Trustees and help as needed. I am interested in Science, Technology, Software, Art, Gardening.

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

I am interested in Technology, Software, Gardening, Games, Arts. Media and more. I am a Senior software Engineer, specialized in Development Operations of Software Development. I graduated from Syracuse University with Master of Science in Computer Engineering pursued my bachelor's degree in India. I am currently working for Markem-Imaje Corporation.

Please provide 2 personal references:

Marti Fiske

mfiske@keenenh.gov

603-352-0157

References #2: Kyle Hebert

[REDACTED]

From: [Patty Little](#)
To: [Terri Hood](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, July 30, 2024 10:12:06 AM

Terri, please save this submission to the K:/Council/Boards/Nominee Background Submittals directory and make a redacted copy for this week's Council agenda.

Thanks

Patricia A. Little

City Clerk

City of Keene

3 Washington Street

Keene, NH 03431

(603) 352-00133 x2 | [KeeneNH.gov](#)

Report Issues: [SeeClickFix/Keene](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, July 29, 2024 12:02 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, 07/29/2024 - 12:02</p>

<p>Submitted values are:</p>

First Name:

Eric

Last Name:

Weisenberger

Address

42 Reservoir Street

Keene, NH 03431

How long have you resided in Keene?

12+ years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Modestman Brewing LLC

Occupation:

Director of Sales & Community Engagement

Retired

No

Please list any organizations, groups, or other committees you are involved in
Greater Monadnock Collaborative Board of Directors - 2+ years

Keene Elm City Rotary Club - 7+ years

Have you ever served on a public body before?

No

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

Partner City Committee

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

Partner City Committee.

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

N/A

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

N/A

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

Interests are being involved in strengthening relations between Keene's partner city, and a desire to help create an even more valuable cultural exchange between individuals and the communities involved.

Background is an undergraduate degree in Cultural Anthropology and an established ethic of volunteer and long standing career of helping others.

Suggest other public bodies of interest

N/A

Please provide 2 personal references:

Mike Giacomo



References #2:

Glenn Galloway





CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From:
Through:
Subject: **Nomination - Congregate Living and Social Services Licensing Board**

Recommendation:

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

Congregate Living and Social Services Licensing Board

Medard Kopczynski, slot 5

Term to expire Dec. 31, 2027

Attachments:

1. Kopczynski_Redacted

Background:

From: [Patty Little](#)
To: [Terri Hood](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Monday, July 29, 2024 4:12:22 PM

please save a copy as well as a redacted copy in the K:Council/Boards/Background folder

Patricia A. Little

City Clerk

City of Keene

3 Washington Street

Keene, NH 03431

(603) 352-00133 x2 | KeeneNH.gov

Report Issues: [SeeClickFix/Keene](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene

<helpdesk@ci.keene.nh.us>

Sent: Friday, July 26, 2024 2:02 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 Fri, 07/26/2024 - 14:02</p>

<p>Submitted values are:</p>

First Name:

Medard

Last Name:

Kopczynski

Address

10 Willow Street

How long have you resided in Keene?

25 Years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Retired at the moment

Retired

Yes

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

Nh Building Code Review Board
NHMA
International Code Council- Chair ICC 605 Committee

Have you ever served on a public body before?

Yes

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

Congregate living and social services licensing board

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

Congregate living and social services licensing board

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

Building Board of Appeals

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

Keene Housing Authority

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

I would like to be considered for the open seat on the board. Previously this seat was held by me when I was employed by the city and the code permitted the City Manager to appoint a staff member to that seat.

In addition to serving on the board as it was formed, I was part of the team that wrote the Land Development Code (including the congregate living subchapter) as well as the section of City Code Chapter 46 that outlines the board’s purpose and membership.

I have over 40 years of experience working with development regulations that include building and fire codes as well as planning and zoning.

Please provide 2 personal references:

Mayor Jay Kahn
jkahn@keenenh.gov
603-357-9804

References #2:

Elizabeth Dragon, City Manager
edragon@keenenh.gov
603-357-9804



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Jared Goodell
Through: Patricia Little, City Clerk
Subject: **Jared Goodell - Pledge of Donation for the Purchase and Installation of a Safe Haven Baby Box**

Recommendation:

Attachments:

1. Communication_Goodell

Background:

Jared Goodell is pledging a \$5,000 donation to the City for the purchase and installation of a Safe Haven Baby Box at either the City's Police or Fire Stations. Current New Hampshire law allows a parent to surrender newborns not more than 7 days old at designated locations. The Safe Haven Baby Box is built into an exterior wall of a public facility, such as a police or fire station. A person can walk up to the box, open the door, place an infant inside the bassinet, close the door, and walk away. The door automatically locks so that the baby is safe. The bassinet inside is temperature controlled, ventilated, and equipped with alarms that alert emergency responders, who arrive within minutes.

Jared Goodell
PO Box 305
Keene, NH 03431

July 26, 2024

Honorable Mayor Kahn
Keene City Council
3 Washington Street
Keene, NH 03431

Honorable Mayor Kahn and City Councilors,

I am writing to pledge a donation of five thousand dollars to the City of Keene for the purchase and installation of a Safe Haven Baby Box at the City's Police or Fire station. Current New Hampshire law allows a parent to surrender newborns not more than 7 days old at designated locations such as police and fire stations or other sites marked with Safe Haven signage. See NH RSA 132-A. House Bill 1607, currently pending in the NH legislature, will update that law to allow for the surrender of infants up to 61 days old.

Parents of newborns who choose to surrender a baby are often in distress and unwilling to safely surrender a baby to another person face to face. This often results in babies being discarded in dangerous ways. Here in New Hampshire, a woman is currently standing trial for abandoning her newborn in the woods of Manchester the day after Christmas in 2022. Thankfully, that baby was saved by first responders, but not without suffering hypothermia and respiratory complications.

The invention of the Safe Haven Baby Box provides a safe way for newborns to be surrendered in a manner that is anonymous while at the same time, placing the baby into the hands of first responders. The Safe Haven Baby Box is built into the exterior wall of a public facility such as a police or fire station. A person can walk up to the box, open the door, place an infant into the bassinet inside, close the door, and walk away. The door automatically locks so that the baby is safe. The bassinet inside is temperature controlled, ventilated, and equipped with alarms that alert emergency responders, who arrive within minutes.

According to the nonprofit Safe Haven Baby Box, 42 babies have been surrendered to its baby boxes since the first one was installed in Indiana in 2016. The initial cost of a baby box is about \$20,000. That price includes the leasing of the box from Safe Haven Baby Boxes, which owns the patent and contracts with a manufacturer, as well as costs for installation, electrical and alarm system hookups, and staff training on how to use it. There is also a \$500 annual service fee, paid to Safe Haven Baby Boxes, to ensure the box continues working properly.

Of all the social services that Keene offers to the community, I cannot think of a more at-risk group of people than newborns. The installation of a Safe Haven Baby Box in Keene can provide a safe place for a newborn to be surrendered.

It is my hope that your discussion and approval of the installation of a Safe Haven Baby Box in Keene and acceptance of my \$5,000 donation pledge will inspire other local persons, businesses, and organizations to make donations to the City to defray the entire cost of a Safe Haven Baby Box.

Regards,



Jared Goodell



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Robert C. Hamm
Through: Patricia Little, City Clerk
Subject: **Robert C. Hamm - Request for Improvements in Sidewalks and Traffic Patterns - Intersection of Grove Street and Water Street**

Recommendation:

Attachments:

1. Communication_Hamm

Background:

Mr. Hamm is requesting that the City Council consider improvements in sidewalks and traffic patterns at the intersection of Grove Street and Water Street. His letter provides several potential improvements for consideration.

Keene City Council
Mayor Jay Kahn
Patti Little City Clerk

We request that City Council consider improvements in sidewalks and traffic patterns at the intersection of Grove Street and Water Street. There is no sidewalk on the northeast side of Grove Street (Community Way) and the sidewalk on the southwest side of Grove Street was sacrificed in order to provide the left turn lane on Grove Street going on to Water Street west.

It seems that this left turn lane was provided when the Co-op building was constructed. We submit that this left turn lane is hardly used; the majority of left turning traffic at this intersection is from Water St westbound onto Grove Street southbound, which actually is a short cut of sorts.

Some solutions could be:

- 1- Elimination of the left turn lane and provision of sidewalk on the west side of Grove St.
- 2- Elimination of the left turn lane and roadway striping to squeeze the traffic lanes down to single file when approaching Water Street from the south.
- 3- Provision of missing sidewalk on the
- 4- Pedestrian stop light controls to ease crossing.
- 5- Different color pedestrian crossing lanes across each street.
- 6- Added to the Stop Signs: small signs indicating that this is an "all-way stop" intersection, such as at the intersection of Hastings, Summit and Maple Avenues.

Other traffic calming and slowing techniques may be applicable, and we look forward to City proposals. The increased pedestrian traffic in the area between the Co-op and the School, as well as overall increased housing density in the area warrants these improvements to create a more livable as well as safe environment.

Respectfully submitted,



Robert C. Hamm
89 Valley Street
Keene, NH
July 30, 2024



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Request to Discharge Fireworks - First Responder Appreciation Community Day

Recommendation:

On a roll call vote of 4–1, the Planning, Licenses, and Development Committee recommends that Jim Coppo and Jimmy Tempesta for the First Responder Appreciation Community Day, be granted permission for the discharge of display fireworks on Sunday, August 18, 2024, on Alumni Field at no later than 10:00 PM. Said permission is subject to following conditions: the signing of a revocable license and indemnification agreement; that Jim Coppo and Jimmy Tempesta for the First Responder Appreciation Community Day, provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a State Fireworks permit. In addition, the petitioner agrees to comply with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City-related services. Said payment shall be made within 30-days of the date of invoicing. Councilor Williams voted in opposition.

Attachments:

None

Background:

Chair Bosley welcomed Jim Coppo of Fitzwilliam and Jimmy Tempesta of Swanzey, who indicated that this event had grown from a smaller event for police first responders and now they were including firefighters. Mr. Coppo provided background, noting that this effort began in 2022 as a private event for law enforcement personnel (from police to administrators and dispatchers) and their families. It had always been a well-attended event. To expand this effort to include fire personnel, the organizers developed a First Responder Appreciation Community Day, open to all police and fire departments (local, County, and State). The organizers had been meeting regularly to plan. This request was for fireworks at the end of the event, but Mr. Coppo said there would also be a softball game, touch a truck, music, and more.

Mr. Coppo continued, explaining that a police officer is related to the owner of Atlas Fireworks, which agreed to implement this firework display at Alumni Field, where the organizers were advised was the common location for fireworks in Keene. This event is intended to provide the community with a way to engage with first responders in a different light, and to allow the first responders to visualize the

community's support. Mr. Coppo and Mr. Tempesta paid for this event themselves, so it is free for the attendees being celebrated.

Chair Bosley thanked the applicants for everything they were doing for local first responders, showing them the respect that they deserve. She said it was lovely to see community members stepping up in this way. She said the Keene Police Department deals with a lot behind the scenes that the community does not know about. The organizers were grateful for the Council's support and stated their hope that this effort could spread to other places.

The City Manager noted that this is a private event, not City-sponsored. Because it would be at Alumni Field, the event does not require City Council approval. The only question before the Committee was the discharge of fireworks.

Vice Chair Jones thanked the organizers for their efforts and contributions. He recalled attending a holiday party for State Troopers at Tempesta's earlier this year. Vice Chair Jones asked the organizers to ensure they communicate with and notify the neighborhood of the upcoming fireworks, so they are not surprised; many demographics have challenges with fireworks, like veterans with PTSD, those on the autism spectrum, or pets. Otherwise, Vice Chair Jones was in support. Mr. Coppo said he and Mr. Tempesta would go above and beyond to notify the neighbors. Additionally, they were planning for an 8–10-minute display vs. a typical longer one, and the display would be lower in the air than normal, so the organizers hoped that would help with neighborhood upset.

Councilor Haas echoed his colleagues, and asked if the organizers were willing to disclose the cost they were incurring for the fireworks. Mr. Coppo explained that they did not know the final cost yet, but that Atlas Fireworks had committed to a significant discount. Councilor Haas appreciated that it would be a shorter show than typical.

Chair Bosley explained to the applicants that there were some challenges and tensions regarding fireworks in the community, because Alumni Field is one of the only safe places in the City for such a display, so this neighborhood bears the brunt of that impact. Councilor Williams had articulated these concerns at past meetings. Mr. Tempesta asked how often there are fireworks there, and Chair Bosley said that 3 requests had been approved this year, but the Council was considering regulations that would limit the displays to one per organization per year (one organization requested 2 displays in 2024). Councilor Haas said the organizers might be setting a new standard for fireworks with the shorter show. Mr. Coppo explained other areas they considered having the event, like Wheelock Park or Swanzey, before the fireworks display was decided. Because a large portion of the honorees would be from the Keene Police and Fire Departments, the organizers received feedback from other towns that the event should be hosted in Keene. The organizers were not sure how many would attend the event. Corporate businesses had approached the organizers asking how they could help; some will award the softball game or homerun derby winners.

Chair Bosley opened the floor to public comments.

Councilor Laura Tobin of Center Street expressed concern about vulnerable populations that are impacted by fireworks displays, like veterans with PTSD, despite her supporting this celebration of first responders.

Mayor Jay Kahn of Darling Road said he had the privilege of watching this event come together, noting the incredible amount of time Mr. Coppo and Mr. Tempesta had volunteered. The Mayor was amazed at the number of organizations participating and the number of activities planned for the event. Mayor Kahn recognized concerns expressed to the Council about frequent fireworks displays, and he hoped some standards could be articulated in the future. He praised what would be an

excellent and well-organized event.

There were no further public comments.

Noting the concerns about fireworks in the community, Mr. Tempesta clarified that if the Council felt this was not a good idea or would disrupt too many, the organizers would understand if the fireworks were not approved; they would pivot their planning if needed because their intention is not to disrupt anyone, it is supposed to be a positive event. Chair Bosley thought the organizers were hearing a spillover of a greater City Council conversation about fireworks that was unrelated to this event. The Chair thought this event's patrons would enjoy this display, noting that the fireworks are fun and exciting, especially for kids. Chair Bosley stressed the importance of informing the neighborhood in advance.

Councilor Madison thanked the organizers for including the firefighting personnel, as there are many in his family.

Regarding the motion below, Mr. Coppo listed how all the aspects of the motion (e.g., insurance certificate), and the various permissions needed, were already acquired by the organizers. The City Manager noted that there is a required process with the Fire Department for fireworks displays, and Mr. Coppo said he had already spoken with the Fire Department and was awaiting next steps until after this meeting. He added that in addition to a shorter display, it would be earlier in the evening than many other displays.

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

On a roll call vote of 4–1, the Planning, Licenses, and Development Committee recommends that Jim Coppo and Jimmy Tempesta for the First Responder Appreciation Community Day, be granted permission for the discharge of display fireworks on Sunday, August 18, 2024, on Alumni Field at no later than 10:00 PM. Said permission is subject to following conditions: the signing of a revocable license and indemnification agreement; that Jim Coppo and Jimmy Tempesta for the First Responder Appreciation Community Day, provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a State Fireworks permit. In addition, the petitioner agrees to comply with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City-related services. Said payment shall be made within 30-days of the date of invoicing. Councilor Williams voted in opposition.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Request for Authorization for the Issuance of a Building Permit for 3 Aliber Place and 57 Marlboro Street**

Recommendation:

On a roll call vote of 5–0, the Planning Licenses, and Development Committee recommends that the City Council grant the request to authorize the issuance of Building Permits subject to the normal review and approval process, for three duplexes on the property located at 57 Marlboro Street.

Attachments:

None

Background:

Chair Bosley welcomed the Community Development Director, Jesse Rounds, for an overview. Mr. Rounds explained that NH statute RSA 674:41 requires that the City Council authorize the issuance of Building Permits for development on a private road. The City of Keene considers non-public roads to be private, and in this case, there is a parcel proposed for building purposes. Chair Bosley said that this Committee needed to consider the Planning Board's guidance in determining the Committee's recommendation to the City Council. Mr. Rounds agreed and added that the applicant presented their proposal to the Planning Board, who had a lot of questions about what they were being asked to do. Essentially, Mr. Rounds said that the purpose of RSA 674:41 is to ensure that developments on a private road are safe. In this case, the private road is Aliber Place off Marlboro Street. The Planning Board debated and ultimately recommended that the City Council should authorize the issuance of Building Permits for this property.

Chair Bosley noted that this applicant was not requesting a Cottage Court Overlay because it is not allowed in that district. Mr. Rounds agreed that the Cottage Court Overlay is only permitted in residential zoning districts and the parcel in question is in the Downtown Edge District.

Chair Bosley welcomed former mayor George Hansel, on behalf of the property owner, Jared Goodell. Mr. Hansel said that Mr. Goodell wishes to build 3 duplexes on this parcel. The portion of the parcel in question is deteriorating concrete and pavement, so Mr. Goodell wants to build 3 small duplexes and add green space to create housing close to downtown Keene. Mr. Hansel said they were all surprised by this issue with RSA 674:41, noting that he had never experienced it during his time in City government. He was grateful that Senior Planner, Mari Brunner, helped explain. Mr. Hansel's research showed that RSA 674:41 is meant to ensure very remote parcels are accessible to

emergency services and reviewed by a local governing body, which he did not think applied in this case. He said the Planning Board discussed Resolution R-2000-28, which he said strictly applies to Class VI roads. Legally, Aliber Place is not a Class VI road. Rather, it is a Nonconforming Private Road, which is very different. Mr. Hansel felt that Aliber Place is essentially a shared driveway for 2 parcels, one of which abuts Marlboro Street. He said Mr. Goodell's goal is to voluntarily merge 3 Aliber Place, which is a single-family home lot, with the back of the 57 Marlboro Street lot, which currently has a 3-family unit. So, he sought approval from the City Council to be issued a Building Permit on a private road without frontage. Mr. Hansel clarified that this approval would not be a substitute for any other level of review by the City of Keene; there will be zoning review, application for the Building Permit, and Mr. Goodell plans to submit documentation aligned with RSA 674:41 to the Cheshire County Registry of Deeds indicating that he would not be holding the City liable for any maintenance of Aliber Place. Mr. Hansel and Mr. Goodell hoped to get through this seeming legal technicality as quickly as possible to proceed with construction starting in September.

Chair Bosley said she was able to garner everything Mr. Hansel was saying by reading RSA 674:41. She noted that the Council had been talking about development in the City, and added that the Joint Planning Board-Planning, Licenses, and Development (PB-PLD) Committee had the issue of private roads listed in their new "more time" agenda section. She said this conversation on private roads needs to occur in a PB-PLD public workshop. Chair Bosley said that Resolution R-2000-28 might no longer be appropriate; especially in the current climate, policies are not going to last 25 years. Given that this property abuts a neighborhood, to which the Cottage Court Overlay would have applied, Chair Bosley was comfortable with additional development there, so she was willing to support this action.

Councilor Haas said it seemed like there were two separate issues: (1) reconsideration of R-2000-28, and (2) allowing consideration of Building Permits and reclassifying the zoning for 3 Aliber Place. He said that 57 Marlboro Street is already zoned properly, which could continue to the proposed duplexes, but he thought 3 Aliber Place would have to be rezoned because it is in the Residential Preservation District. Mr. Hansel said no and explained more about the zoning issues. Mr. Goodell would be seeking two variances and one special exception from the Zoning Board of Adjustment. The one variance would be for building outside of the "build-to" zone (build within 0–20 feet of the road frontage) that is required in Downtown Edge District, which is impossible with this project because the parcel lies outside of the build-to zone. The second variance would be for dimensional requirements; Mr. Goodell wants to build in the setback zone to minimize the visual impact of the new development and provide privacy to the new residents. The special exception would be for parking. Mr. Hansel said this is an interesting parcel because multiple zoning districts converge in an area without public road frontage.

Councilor Haas said it seemed like there was already a normal City process for this to go through, so he did not understand why the Council needed to specially acknowledge those processes. Chair Bosley explained that RSA 674:41 requires the City Council's approval for a Building Permit to be issued in this case because of the private road. Regardless of all the zoning changes (which were not the purview of this Committee), the applicant could not move forward applying for a Building Permit without the Council's agreement. Councilor Haas asked if the Committee was considering Resolution R-2000-28. Chair Bosley said no, that was a completely separate matter that would be reviewed in a workshop by the PB-PLD Committee; it would not need to be suspended as a rule to act on this request. Councilor Haas asked if the Committee could address the Building Permit, setbacks, or zoning without dealing with R-2000-28. Chair Bosley said yes.

Mr. Hansel said that some would say RSA 674:41 is State of NH zoning, which could be argued against. He inquired with members of legislature about changing this because neither the City nor developers like this. The RSA does not provide the governing body with guidance on what to assess

in these instances as opposed to something like a site plan review with very specific things to address. He shared in some of the confusion expressed and he hoped this would change at the State level, so this does not have to occur again.

Councilor Haas asked if the Committee could suspend Resolution R-2000-28 to allow the applicants to move forward seeking Building Permits. Mr. Hansel said R-2000-28 did not really apply here because it does not address private roads. Chair Bosley thought there might have been an amendment to the Resolution. Chair Bosley said it did not seem that—per RSA 674:41—the Council could overarchingly deny Mr. Goodell’s right to ask for this. She said there were some real problems with R-2000-28 and this conversation highlighted that the City should have this conversation sooner than later. She asked the City Attorney whether suspension of Resolution R-2000-28 is required for the Committee to move forward with this recommendation. The City Attorney said it would be best to suspend R-2000-28 because there is a new resolution in place, but suspending it was not required and the Committee could rely on the RSA. It was the Chair’s prerogative to suspend. Chair Bosley supported suspending R-2000-28 to cover all technicalities. Vice Chair Jones agreed.

There were no public comments.

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee suspended Resolution R-2000-28 to allow for consideration of this matter.

A motion by Councilor Madison to recommend that the City Council grant the request to authorize the issuance of building permits to Jared Goodell for three duplexes on the property located at 57 Marlboro Street was duly seconded by Vice Chair Jones.

Councilor Haas expressed discomfort because it seemed that this was going around the normal City process of applying for a Building Permit. While he understood that seemed to be what RSA 674:41 was implying the City Council had to do, he would have been in favor of a differently worded motion. Chair Bosley understood the confusion because of these seemingly contradictory documents, but she thought the Council could work that out without preventing or slowing this specific project.

Vice Chair Jones welcomed Mr. Hansel back to the Council Chamber. The Vice Chair said this conundrum was an example of why he asked for the “more time” item on the Joint Committee’s agendas. He had pointed this out to the Community Development Director, and he thanked Mr. Hansel for bringing this forward. Vice Chair Jones thought this showed that this process could work.

Chair Bosley agreed that this issue was high on the list for the Joint Committee because with very minimal effort, the Council could create more opportunities for development, which is what the Council had been standing up for over the last several years. She was glad this came forward and that there were efforts toward development in the community.

The City Manager understood that the way the motion was phrased, it could seem that it was moving straight to issuing a Building Permit, but that was not the case. Rather, the motion would grant City staff the authority to process the Building Permit application and issue it once all other requirements have been met. Chair Bosley added that it would go to the full Council for a final vote.

Councilor Haas moved to amend the motion on the floor to include the City Manager’s comments above. There was no second to the motion to amend.

Chair Bosley felt that the original motion provided for the City Manager’s wording. The Committee

would be recommending that the City Council grant the request to *authorize* the issuance of Building Permits to Mr. Goodell not to *require* the issuance of Building Permits. It would still be the Community Development Department's purview to ensure all the plans and safety mechanisms required for issuing Building Permits are met before the Planning Board considers issuing those permits. The City Manager added that this clarifying language would be included in the report to the full Council. The City Manager also agreed with Chair Bosley that the motion language allows the applicant to move forward applying for building permits.

Councilor Haas withdrew his amendment.

On a roll call vote of 5–0, the Planning Licenses, and Development Committee recommends that the City Council grant the request to authorize the issuance of Building Permits subject to the normal review and approval process, for three duplexes on the property located at 57 Marlboro Street.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Donation of Land at 0 Ashuelot Street

Recommendation:

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate, execute, and/or accept all documents required for the purpose of constructing and maintaining required compensatory flood storage located on property to be transferred to the City by JRR Properties, LLC, being a portion of 0 Ashuelot Street (“Property”), for the benefit of JRR Properties, LLC, or its transferees, successors, or assignees, and as preliminarily depicted as “Concept #3” on the Plan prepared by SVE Engineering, dated 01-Jan-24, to be effective as of the date of the transfer of the property into the City.

Attachments:

None

Background:

Chair Bosley welcomed Thomas Hanna, Partner Attorney with BCM Environmental & Land Law, LLC, on behalf of JRR Properties, and Liza Sargent of SVE Associates, on behalf of the Monadnock Conservancy. Ms. Sargent, a civil engineer, was not present during the previous discussion with this Committee and she was prepared to answer questions. Mr. Hanna recalled that this had to do with 0 Ashuelot Street, which is an approximately 3.5-acre parcel that was former overflow parking for the Colony Mill. JRR Properties owns the 3.5 acres and had entered into an agreement with the City to donate approximately 2.5 acres of the parcel for use as a City park, with a children’s playground and hopefully a kayak/canoe launch. JRR Properties had also agreed to donate the remaining land to the Monadnock Conservancy for their new headquarters. The entire parcel is within the 100-year floodplain and under the City’s regulations, any filling and loss of the floodplain must be mitigated with compensatory flood storage, which on this site can only happen primarily on the land donated to the City. The last concept plan presented to this Committee involved a larger compensatory storage area (flatter and broader), whereas the plan Ms. Sargent would present at this meeting was suggested by the Public Works Director, Don Lussier, as a collaborative effort with the City for the stormwater drainage pipe that runs through the center of the property (north–south). Mr. Hanna said the applicants sought conditional approval of this concept that would encumber the City’s land with the flood compensation, without which the Monadnock Conservancy cannot build on this site. The Conservancy was already immersed in fundraising and design/engineering plans, and was seeking assurance that this concept plan is acceptable to the City Council.

Ms. Sargent reiterated that the plan shown at the previous meeting was for a larger, shallower flood compensation area. The revised plan that she displayed for the Committee would provide compensatory storage for the proposed Monadnock Conservancy building, and would provide for JRR Properties working with the City to repair and upgrade the stormwater system running through the parcel. Creating a riparian channel to remove that pipe would also create a nice buffer between the City's park and the Conservancy's headquarters. Ms. Sargent showed stock images of the possibilities for plantings along the riparian swale, much like at Pat Russell Park.

Ms. Sargent addressed the questions posed at the previous meeting:

1. Depth of the seasonal high-water table?
 1. Test pits for the Alteration of Terrain Permit found groundwater approximately 5 feet below the ground surface.
 - 2.
 2. Does the compensatory storage take into account the groundwater table?
 1. Absolutely. Flood storage compensation cannot be provided in the groundwater table.
-
1. Ashuelot River elevation?
 1. As of June 18, the water elevation was 471.4 meters above sea level.
 2. This varies with significant rain events, etc.
 3. To protect the Monadnock Conservancy's site from flooding, the Federal Emergency Management Agency (FEMA) requires at least 1-foot above flood elevation, and she supposed it would be 2.8 feet above.
-
1. Similarity to another mitigation projects in Keene?
 1. To address this concern, a riparian swale is proposed with plantings, in addition to the flood compensation.

Councilor Madison asked who would be ultimately responsible for the flood compensation storage swale. Mr. Hanna said that based on the language provided by the City Attorney, Tom Mullins, Mr. Hanna thought that might still need to be worked out. Mr. Hanna knew the City needed to retain its right to maintain its stormwater drainage, so there might be a shared obligation. He suspected that the Monadnock Conservancy would have some obligation to maintain the riparian swale, which would have to be approved by both FEMA and the NH Department of Environmental Services. Mr. Hanna suspected that the City would delegate to the Monadnock Conservancy but that the City would retain the right to step-in because of its obligation to maintain its own easement. The Public Works Director, Don Lussier, said that "shared responsibility" was a good way to state it, as the Public Works Department is responsible for maintaining flowage. At present, there was a subsurface drainage system of pipes that provide drainage to the surrounding area, including the Keene Housing developments on Castle Court and River Street. The City must maintain that open flow from those properties and the Monadnock Conservancy would have an obligation to maintain the capacity of the flood storage on its site, so woody vegetation and sediment cannot accumulate there. The Parks and Recreation Department would have an interest in maintaining whatever plantings are agreed upon. Thus, there were still many details to finalize to develop a plan for plantings on site that would be maintained by Parks and Recreation. Public Works would need access to bring equipment on site to maintain the flow line of the drainage swale.

Councilor Madison said his 2 primary concerns were: (1) siltation and sediment flow from large runoff events, and (2) invasive species. The Councilor cited challenges with overgrown invasives at Pat Russell Park. Given the Monadnock Conservancy's mission, he hoped they would invest managing invasives on site.

Councilor Haas asked if the petitioners considered elevating the building to allow floodwater to flow under it, lessening the amount of compensatory storage needed. Ms. Sargent said that was not considered. Councilor Haas said that to anticipate future events, the City would need to consider these things a bit differently. While that might not be how things work in Keene's City Code yet, he said they would be changing over time. For example, the flood maps used for this design were from 2006, and he asked if the engineer used any other information to set these levels. Ms. Sargent said the flood storage must be designed for the current FEMA standards, so she was designing for the current regulations of both Federal and State guidelines. Echoing Councilor Madison, Councilor Haas noted that what used to be conceived of as infrequent storm events were becoming more frequent. Thus, he anticipated needing to clean out the compensatory storage regularly. Councilor Haas asked if this displacement was being offset by the building footprint. Ms. Sargent replied that the building, a part of the parking lot, and the stormwater treatment (for the Alteration of Terrain Permit) all have to be above the 10-year flood elevation. Councilor Haas asked which parts of the site would still be in the flood zone and Ms. Sargent pointed to the relevant areas on the map.

Vice Chair Jones asked the Public Works Director if something else could be done with the storm drain that runs north-south on site; is it fed from the north by street receptacles? Mr. Lussier replied that it is actually an open channel today that is just immediately north of this property on the Keene Housing parcel on Castle Court. About halfway down the 0 Ashuelot Street parcel, a head wall is proposed going north-south and the stream would be rerouted into another pipe; only the portion of the pipe that interferes with the compensatory storage and the rest would remain. To the Councilor's question of whether the pipe could be eliminated to daylight into the Ashuelot River, Mr. Lussier said no; if the West Street Dam was removed that might be a possibility, but that was not within the realm of consideration. This water course and the drainage area it takes water from Ashuelot Street to Gilbo Avenue and through the Colony Mill parking lot, eventually daylighting in was used to be called Mill Creek. Mill Creek is a man-made ditch that eventually goes to the Ashuelot River, downstream of the West Street Dam. Vice Chair Jones asked if there were any other options for the stormwater drain. Mr. Lussier said no, none other than removing West Street Dam, which is not within the realm of possibilities

Chair Bosley asked if the proposed design would prevent the City from doing anything else it wants with the property. Deputy City Manager, Andy Bohannon, said the City worked with the applicants on the proposed design and he thought everything was in order. The Ashuelot River Park Advisory Board was also consulted on the preliminary concept that would include a parking lot, a road to kayak access, and a small playground. It seemed that everything could be accommodated within the space.

Councilor Williams noted how much more he liked this design than the previous one presented because it would encumber less space, is more characteristic of a creek and will provide habitat for native pollinators and aquatic species.

Councilor Madison asked what the test borings revealed about the subsurface. Ms. Sargent said there was 3 inches of loam over approximately 18 inches of structural fill. There are more soils closer to the river, with some sands over a silty clay layer. Councilor Madison agreed with Councilor Williams that this is a much better design than the previous one—with habitat for birds, aquatic species, amphibians, and pollinators—and he thinks it will complement the Conservancy's facility.

Chair Bosley opened the floor to public comments.

Ryan Owens, Executive Director of Monadnock Conservancy, affirmed that this flood compensation design would complement the Conservancy's new headquarters, including supporting educational opportunities on site. This design would result in a much more natural wetland, which is exactly what the Conservancy had in mind. Mr. Owens added that Conservancy staff love pulling invasives so that they would be on the lookout.

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate, execute, and/or accept all documents required for the purpose of constructing and maintaining required compensatory flood storage located on property to be transferred to the City by JRR Properties, LLC, being a portion of 0 Ashuelot Street ("Property"), for the benefit of JRR Properties, LLC, or its transferees, successors, or assigns, and as preliminarily depicted as "Concept #3" on the Plan prepared by SVE Engineering, dated 01-Jan-24, to be effective as of the date of the transfer of the property into the City.

The City Attorney, Tom Mullins, shared his understanding that Mr. Lussier and Mr. Bohannon were very instrumental in this new design. Mr. Hanna agreed. Chair Bosley thanked them for their efforts.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order Amendments

Recommendation:

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #1 (Section 2. Special Meetings & Workshop Meetings) to the Rules of Order for first reading, as discussed.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #2 (Section 11. Right of Floor) to the Rules of Order for first reading, as discussed.

On a roll call vote of 4–1, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #3 (Section 15. Voting & Conflict of Interest) to the Rules of Order for first reading, as discussed. Councilor Williams voted in opposition.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #4 (Section 25. Communications) to the Rules of Order for first reading, as discussed.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #5 (Section 32. Report by Committee) to the Rules of Order for first reading, as discussed.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #6 (Section 33. Resubmission of Items Previously Considered) to the Rules of Order for first reading, as discussed.

Attachments:

1. 2024 Rules of Order_Clean Copy
2. 2024 Rules of Order_TPM RL 07.25.24 PLD Mtg

Background:

Chair Bosley welcomed the City Attorney, Tom Mullins, and the City Clerk, Patty Little. Chair Bosley recalled that the last time the Committee reviewed these amendments, she asked that they be

presented for individual votes. The Committee was not required to decide on all of the presented amendments at this meeting, and portions could be placed on more time. As there was not a quorum of Councilors present at this meeting, those in the audience wishing to speak would be permitted.

The City Clerk introduced the 6 proposed amendments. She ensured that the document was properly formatted for this first reading and made some edits to ensure consistency from her perspective of having to use these documents often. She provided a high-level overview of the proposed amendments:

- Amendment #1: Section 2. Special Meetings & Workshop Meetings
 - Introduces the concept of workshops in the 2nd paragraph.

- Amendment #2: Section 11. Right of Floor
 - Introduces the concept that a Councilors *should* rise in their place when speaking, as opposed to it being mandatory.

- Amendment #3: Section 15. Voting and Conflict of Interest
 - Conflict of interest reporting extended to Councilors' spouses, parents, and children over age 18.

- Amendment #4: Section 25. Communications
 - The only section of new text presented. A more substantive addition. Speaks to the issue of communications that are not germane to the City or State of NH, or over which the City lacks the authority to take action. Such communications would be placed in Councilors' mailboxes but not agendized.

- Amendment #5: Section 32. Report by Committee
 - Housekeeping changes to clarify that after a public hearing, if there is written comment agendized for the subsequent committee meeting, that does not guarantee the petitioner the right to speak at the committee meeting.

- Amendment #6: Section 33. Resubmission of Items Previously Considered
 - This section had never been triggered by any action of the City Council since it was introduced 20 years ago. This included a slight change in wording. This relies on the Council dealing with resubmissions through a proper motion for reconsideration. If there is new information presented that might change the Council's decision, a matter could be reintroduced. She mentioned the challenge in determining whether such new information would result in a different vote. This amendment clarified the reconsideration process, also calling for such communications to be placed in Councilors' mailboxes but not agendized.

The Committee proceeded deliberating on each amendment individually.

Amendment #1: Section 2. Special Meetings & Workshop Meetings

Chair Bosley thought the Committee had reviewed this to some degree already, and this amendment

would clarify that the Council would restrict voting at workshop meetings to the movement of items back to a Standing Committee for further consideration.

Councilor Haas referred to the language presented, noting that special meetings could be called by 7 members of the City Council, but a specific number of Councilors was not specified for calling workshop meetings. The City Attorney agreed that was a Scrivener's error, which would be corrected when the amendments are presented to the City Council. Councilor Haas asked if workshops are open to public input. The City Attorney said that because workshops are technically official meetings of the City Council, allowing for public input is usually at the discretion of the Chair, but could be decided case-by-case.

Councilor Williams expressed concern about the 7-member requirement, noting that 7 members could comprise a quorum of one of the Standing Committees. So, he suggested that 5 members might be a better choice. The City Attorney said that was a good idea, noting that the language about 7 members was carried over from past edits, adding that "or more" was removed for this specific reason. The City Attorney and City Clerk agreed that changing the number to 5 was reasonable. Councilor Haas suggested that the amendment should specify that those 5 members could not comprise all members of a Standing Committee.

Chair Bosley opened the floor to public comments.

Mayor Jay Kahn of Darling Road suggested not lowering the number below 5 members, as 3 members, for example, could comprise a quorum of a Standing Committee. He did not want to move from a clear rule to something unclear.

Councilor Jacob Favolise of Main Street opposed lowering the number to 5 because that would give 1/3 of the Council the ability to easily call a special meeting on specific issues. If the number is lowered to 5, the Councilor did not think he could vote to support the amendment. He preferred a number closer to a majority of the Council being able to call a special meeting. Vice Chair Jones asked if Councilor Favolise would be in favor of changing it to 6 members, and Councilor Favolise said he preferred 6 vs. 5, but he still worried about a quorum of Standing Committee members being able to do so.

There were no further public comments, so the Committee proceeded deliberating about Amendment #1.

Councilor Williams supported lowering the number in question to 5 Councilors, which would still be a strong voice within the Council. He did not want to add more hurdles for calling a special meeting, so while he preferred 5, he thought 6 was better than 7. Councilor Madison understood Councilor Favolise's point and added that this could be abused for minute reasons, politics, or showboating. Councilor Madison also understood and agreed with Councilor Williams' points. So, Councilor Madison supported 6 members. Councilor Haas agreed with 6, noting that the Mayor or City Manager could still call special meetings, and the change to 6 would avoid quorums. He suggested that those 6 members should represent all 3 Standing Committees (i.e., 2 from each). Chair Bosley and Vice Chair Jones also agreed with the change to 6. The Chair agreed that this Council is not above members abusing these things in the future, but this would help ensure that enough members agree that a matter is worth calling a special meeting or workshop. For these reasons, Chair Bosley supported requiring that those 6 members must be comprised of 2 Councilors from each Standing Committee. The City Clerk confirmed that this would apply to both special meetings and workshops.

The City Attorney said he supported the change to 6, but cautioned about the requirement that 2 be from each Standing Committee, noting that 2 Councilors from the same Standing Committee could

block the desire of the other 4 Councilors. Thus, he suggested ensuring that there is not a quorum of any one Standing Committee. Chair Bosley understood the Attorney's point, but they agreed that mathematically, this situation would be unlikely.

The Committee agreed on the following edit: "... 6 members, not to create a quorum of any one Standing Committee."

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #1 (Section 2. Special Meetings & Workshop Meetings) to the Rules of Order for first reading, as discussed.

Amendment #2: Section 11. Right of Floor

Chair Bosley said this amendment was triggered by her request to vote on each amendment separately. She recalled that the Council had a workshop on these Rules of Order, and the Council directed the PLD Committee to review the proposed amendments. Chair Bosley stated that she could not support this amendment because she felt that this change would lead to abuse when Councilors stay seated purposefully to portray their emotional reactions or lack of support. While she thought Councilor Williams' points about medical privacy were well made, and that those with medical challenges should be allowed to sit if needed, she felt that some would abuse the right as a form of protest during disagreements. Chair Bosley appreciates the Council's decorum, which helps to maintain a level of maturity and respect. By eliminating this structure, Chair Bosley thought it would lead to abuse. She did not favor the change of "shall" to "should" because it gives Councilors the opportunity to decide whether they are in the mood to rise on that date. She said it is not if, but when the disrespect would emerge.

Councilor Madison added that there is an old military saying: "salute the rank, not the man." So, he felt that standing before addressing the Council and dais shows respect to other Councilors, Mayor, and citizens. He was also concerned about this being abused. He recalled several years ago when a Councilor tried to change this Rule immediately after someone they disliked was elected as mayor, so the potential for abuse was clear. He suggested changing the language to, "A member shall rise if able." In the future, if Councilors need this exception, Councilor Madison did not think anyone would make a scene at a Council meeting if that person does not stand.

Chair Bosley noted that at Standing Committee meetings, Councilors do not stand to address the Chair, but comments should be made through the Chair. When there is banter during a less formal workshop, Councilors are not required to stand. Still, she thought this could devolve into chaos and disrespect. She supported including "if able." Deputy City Manager, Rebecca Landry, suggested that, "An able-bodied member shall..." could simplify the language and accomplish the same objective. Councilor Haas supported this change because it would be easier to enforce. Vice Chair Jones recalled that historically, Councilors would rise to address the dais, but could remain seated when addressing consultants or petitioners. He questioned whether this amendment would require for standing for everything, not just addressing the dais.

The City Attorney said this was a good conversation to iron these things out, and noted that unless otherwise modified, these special meetings and workshops abide by the City Council's Rules of Order. It is the Council's decision if they want to maintain the informality associated with workshops. The City Attorney was also considering more specificity in this section regarding Council meetings to eliminate any of the ambiguity that arose in this discussion. He suggested the following, "... during a regular or special meeting of the City Council, when recognized by the Chair, a member shall rise..." Chair Bosley added, "... during a regular or special meeting of the City Council, when recognized by

the Chair, a member shall rise when able...”

Chair Bosley asked if the Committee should address rising to speak to petitioners or consultants. The City Attorney said that was a separate question, adding that there could be specific requirements associated with Councilors needing to stand to be visible to the audience. To the City Clerk’s knowledge, there was no issue between sitting and standing for broadcast purposes. The City Attorney was concerned about adding more complexity by incorporating all of these wordy distinctions. Chair Bosley said the language stated, “... will respectfully address the Mayor,” and she thought that not including the wordiness would leave too much room for interpretation. If there was a problem, the Mayor would address that individually with the respective Councilor outside of the meeting. The City Attorney said that was a great point given that this Rule was specific to addressing the Chair or temporary Chair. Then, it is the Chairs’ purviews to monitor discussion during meetings.

Councilor Williams said he supported the addition of “able-bodied,” because he does not want there to ever be a situation in which someone must publicly declare a disability. He noted that the need for accommodation could change throughout a long meeting, and it could get harder for some to continue standing. He said people should not have to talk about their medical problems in a public forum. He felt that should be assumed and if the Mayor has a concern, it should be addressed outside of the meeting. Chair Bosley agreed, saying she would hope that would be the case to avoid uncomfortable conversations on the floor in general, unless the Mayor has another reason to think that person is choosing to be disrespectful. She thought it was a standard approach that she felt confident the current Mayor would follow. Vice Chair Jones noted that the Rules did not specify that a Councilor must publicly declare their inability, because it is no one else’s business. He wanted to add regular Council meetings too as the City Attorney suggested.

Chair Bosley opened the floor to public comments.

Councilor Jacob Favolise respectfully disagreed with Chair Bosley’s assertion that sitting while addressing the dais is inherently disrespectful. He said he is the member of many deliberative bodies outside of this role as Councilor, and this is the only forum in which members must stand to address the presiding officer. So, he preferred “should” vs. “shall.” Councilor Favolise thought the addition of “able-bodied” would be appropriate. He agreed that these changes could lead to abuse, but said that is a conversation for the Mayor or Council as a whole, and ultimately up to the voters.

Chair Bosley thought the only way to keep sitting from being disrespectful when addressing the dais would be to completely remove the standing requirement. By using “should,” with some abiding and others not, she believed it would be used as a tool of protest. While she does not mean disrespect by sitting when addressing her fellow Councilors at meetings in general, she believes that the Council holds/should hold itself to an extraordinarily high standards when deliberating on challenging topics. As the PLD Chair, she must maintain control of the conversation while supporting forward progress and public input, and a certain level of respect for that position is also needed. Reaching the finish line on complicated topic requires this level of respect, and it is the Mayor’s job (and Committee Chairs’ jobs) to shepherd the Council through those processes. Chair Bosley had experienced fellow Councilors pushing the limits of these formalities in various ways, and she personally believed that it would not be long before it is used as a political tool.

Mayor Kahn said this discussion of rising was comparable to the rules of order for NH legislative bodies. The Mayor could not imagine the inhumanity of not recognizing someone’s inability. He thought things would get confusing and difficult to interpret if distinguishing between rising to address the dais vs. to address consultants/petitioners. The Mayor favored the requirement to rise if able during Council meetings. Chair Bosley agreed that rising should be the Rule for all Council meetings and that directing questions through the Standing Committee Chairs during those meetings should be

standard too.

Councilor Laura Tobin of Center Street said she was not raised to associate standing with respect. Still, if it is helpful to maintain order, she was happy to do so. She said it would be important to ensure that someone unable to stand is not embarrassed; it should be a personal decision. She also cautioned against labeling those who do not stand. Councilor Tobin expressed reservations about adding the term “able-bodied” because it implies that inability to stand means one is unable to act appropriately as a Councilor. As such, she recommended fewer words in this instance. Vice Chair Jones thought the Committee had agreed against “able-bodied” but Chair Bosley thought the Committee was considering “shall rise if able.”

Chair Bosley said she understood the concern and agreed with protecting someone’s privacy. She cited some other standard Council practices that are equally awkward, like having to announce why someone is participating remotely. She cited the case of a Councilor needing to participate remotely long term due to health reasons, and that instance influenced amendments to the Rules of Order; the Rules require that Councilors specify why they participate remotely, and that Councilor had to disclose (a State rule) that it was due to health reasons to some degree. She thinks such rules are cumbersome, awkward, and uncomfortable, and she knows the current Mayor would address things outside of meetings as appropriate. With changes discussed, the Chair felt more comfortable presenting these recommendations to the Council. Vice Chair Jones added that much of this discussion was about being functional and respectful, but he cited tradition too, which influenced his belief that standing should be a part of regular Council meetings. Chair Bosley said she also appreciated staff pointing out that some of this decorum helps with broadcasting meetings for the public.

The Committee agreed to the following: the Rules apply to regular Council meetings in addition to special meetings and workshops, and the Rules should say “shall if able.”

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #2 (Section 11. Right of Floor) to the Rules of Order for first reading, as discussed.

Amendment #3: Voting & Conflict of Interest

Chair Bosley recalled that the Rules changed in recent years to include this conflict of interest disclosure. In addition to disclosing boards and organizations Councilors are associated with, this amendment would require that they also disclose that information for their spouses, parents, or children over age 18.

Vice Chair Jones asked about “live-in partners” or “co-residential dating,” which is how NH refers to common law marriages. The City Attorney said that adding this distinction would be the Council’s purview. Chair Bosley thought the Council would have to draw a line somewhere, and the Vice Chair agreed. The City Attorney added that there are not technically common law marriages west of the Mississippi River, but there are certain instances in NH in which common law marriages can be recognized.

Councilor Williams did not support this amendment. He understood revealing conflicts of interests for himself because he voluntarily agreed to be in this public position, whereas his spouse and children had not agreed to reveal their private business.

Chair Bosley opened the floor to public comment.

Councilor Jacob Favolise addressed the City Attorney, stating that he had heard substantive changes to the amendments discussed, and he wondered if those went past simple Scrivener's edits. Did this process satisfy the prior written notice of amendments to the Rules of Order? He felt that these amendments were substantially and materially different than the amendments presented at a prior Council meeting. The City Attorney replied that it was acceptable for this Committee to suggest changes that would be presented to the City Council for first reading, and then the changes would come back to PLD for a final recommendation to adopt. The final amendments will require prior notice to the City Council, and a 2/3 vote of the Council is required to adopt the amendments. The motions on these amendments during this meeting would allow the City Attorney to work with the City Clerk to present revisions to the City Council.

As written, Vice Chair Jones and Councilor Williams did not support this change. Councilor Haas said he agreed with the change to be as clear as possible in modern times. Chair Bosley said it was not her intent to belabor everything that could go wrong as a result of how these Rules are written, or to imply negativity about her fellow Councilors. Still, she had witnessed inconsistencies in fellow Councilors' voting patterns based on theirs or familial associations with other groups. The Chair supported this disclosure and did not necessarily agree with Councilor Williams; the Chair thought it was important to extend this to family members. Chair Bosley wanted to send this to the full Council for input; Vice Chair Jones agreed.

The Committee agreed to: send this amendment to the Council for its input. Councilor Williams did not agree with the amendment.

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

On a roll call vote of 4–1, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #3 (Section 15. Voting & Conflict of Interest) to the Rules of Order for first reading, as discussed. Councilor Williams voted in opposition.

Amendment #4: Section 25. Communications

This was the first time the Committee reviewed this new section provided by the City Attorney. The Chair thought this was timely as the Council had recent interactions related to this policy. She asked her colleagues how they thought this written policy would affect the Council's interactions with non-germane business.

Councilor Madison supported this addition. Since joining the Council, there had been a few incidents in which he felt the Council's willingness to hear issues had been abused. For example, someone brought forward a Medicare for all proposal, asking the City to make a recommendation, and as a new Councilor, he agreed to go along with it. Still, he advised the petitioner to bring this up in their own town (Dublin) and they refused, which he found astonishing. Again recently, when members of the public asked the City to take action on the war in Gaza, he offered them more appropriate options to speak with Cheshire County (their request was on behalf of Cheshire County), talk to Keene's Human Rights Committee, or bring the issue to their own town councils (one was from Swanzey and another from Surry). Councilor Madison was disappointed to find that the individuals did not pursue any of those options, which led him to believe that it was not a truly sincere effort. It was clear to him that the City was being taken advantage of on occasion to support outreach and advocacy on behalf of others. Lastly, Councilor Madison acknowledged that there had been some claims in the community that he proposed a resolution on the war in Ukraine in 2022–2023, which he said was not true, and that such a position was not reflected in any of the associated meeting minutes.

Chair Bosley agreed that she had heard other misinformation in the community. She recalled a community effort for the City to take a position on Ukraine, but the City stayed appropriately neutral despite being accused of taking a position. The Council would have to suspend its Rules to take such an action. Chair Bosley was glad this was being addressed, noting that she would feel more comfortable in the future with a firm Rule in place.

Councilor Haas said he fully agreed with this amendment, and he was glad to have an established process by which 6 Councilors could call a special meeting if they believe the Council should address a request like this. So, there is always a backup plan.

Vice Chair Jones had called for this change for some time, and he was in full support. He agreed with Councilor Madison's points. The Vice Chair added that from a business perspective, the Council needed to recall that there is a value and cost associated with all of these actions by City staff on the Council's requests (e.g., drafting resolutions). He felt that the Council always owes it to the taxpayers to reduce costs where possible.

Chair Bosley opened the floor to public comment.

Mayor Jay Kahn asked the City Attorney to address the potential that there could be a motion to suspend this Rule should Councilors want to address a communication classified as non-germane. The City Attorney said that was one reason for the "provided however" clause at the end of this section, should Councilors disagree with the City Clerk's designation of communications as non-germane; placing the communications dubbed non-germane in Councilors' mailboxes would support this possibility. Councilor Madison appreciated the "provided however" addition because it is important for the Council to know what issues the constituents are concerned about, so they can be directed to more appropriate levels, like State of NH or national leaders.

The Committee agreed that: they proposed no changes to this amendment.

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #4 (Section 25. Communications) to the Rules of Order for first reading, as discussed.

Amendment #5: Section 32. Report by Committee

The City Clerk reported that these were housekeeping changes. The current Rules of Order provide for the opportunity for oral comments at the close of a public hearing. There is also an opportunity for the public to submit written comments until the agenda cut-off for the subsequent Standing Committee agendas. There had been some confusion as to whether—when a member of the public submits a communication after a public hearing—the petitioner is guaranteed an opportunity to speak before a Committee/Council. This amendment would codify that tradition.

Vice Chair Jones liked that this would clear up some ambiguity, so these are not treated as regular communications. He recalled when the Council adopted this Rule to provide more clarity to public hearings.

The Commission agreed that: they support this change.

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the

City Attorney be directed to introduce Amendment #5 (Section 32. Report by Committee) to the Rules of Order for first reading, as discussed.

Amendment #6: Section 33. Resubmission of Items Previously Considered

The City Clerk noted that there was a proposed edit to the title of this section as well as some added language. This would eliminate past language indicating that if a petitioner or anyone introduces new material that could change the Council's mind, that it could lead to the matter being reopened for the Council's consideration. This amendment would eliminate the past language and indicate that any resubmission of the same item needs to be through the formal reconsideration process. The caveat would still exist so that the Council could suspend this Rule to reconsider a matter. Chair Bosley added that language was included to clarify that once an item of business is accepted as informational by the Council, that topic cannot be brought forward again until the next calendar year, which the City Clerk said was correct. Vice Chair Jones appreciated the edit to the section title, which made it clearer.

Councilor Haas noted that by operating on the calendar year, it could make for a very busy holiday season, if something is submitted in December and then reintroduced in January. He suggested a minimum of 4 months between resubmissions. The City Attorney asked: if the Council disposes of a matter of business, and there is a material change, why would the time period matter?

Chair Bosley said she understood the points presented. She noted that when voting on ordinances, this Committee regularly states that it could be revisited and amended if needed. So, she said there should be some capability to revisit things after a certain time period. She echoed Councilor Haas and provided the example of how many times residents brought the issue of 5G to this Committee, which was commonly introduced to the Council in November and then again in January because of this calendar year stipulation. She agreed that it could be prudent to change it to a specific period of time vs. the calendar year.

Vice Chair Jones thought the calendar year made sense because new Councilors start in January, and there could be new perspectives on issues previously disposed of. It had been the custom for his whole tenure on the City Council, and it had always worked, with no overwhelming jump to reconsider things in January. Councilor Williams agreed with the Vice Chair's perspective and that the tradition should be maintained for these reasons. The City Attorney agreed with the wisdom of the group, as this ensures that an action of one Council cannot bind a future Council.

Chair Bosley opened the floor to public comments.

Councilor Jacob Favolise said he saw a challenge with the reconsideration process because in most cases, he thought it would provide 14 or 21 days during which new information could be presented that might change the Council's decision. While he understood that Rules could be suspended, he was cautious of creating a system that normalizes regular suspension of the Rules, which he feels should only happen in very limited extenuating circumstances. While he agreed that he does not want to see this abused—and he could imagine scenarios in which it could—he could equally imagine scenarios of new information emerging that could change the Council's disposition within 2–3 weeks, which he called a note of caution.

Chair Bosley said she had been under the impression that the Mayor can put things back on the Council's agenda if they feel it is warranted. The City Attorney replied that reconsideration would still be restricted to the next meeting of the City Council. Under the Charter, the Mayor does have the authority mentioned by Chair Bosley, but one would have to be on the prevailing side to request reconsideration.

The City Manager added that in her tenure on the Council, she had experienced petitioners who try to come back to the Council for a different answer if they do not like the first response they receive. She emphasized the amount of effort and time required to research something, provide recommendations to the Committee, staff meetings, and for the public to provide their opinions. Unless someone provides compelling new information for Councilors to feel it should come forward again, the City Manager did not think that reconsideration should not happen automatically. Chair Bosley agreed, recalling a past instance of hearing a matter close to the end of the year and political motivations led to an effort for reconsideration at the beginning of the next year. She said it was painful to watch it unfold that way. The Chair saw value in creating space and capacity for the Council to own and live with the decisions it makes, even if only temporary.

Councilor Favolise said he understood the Mayor's broad authority to assign communications to a Standing Committee or accept them as informational. So, he wondered if there was a way for the City Manager's concern to be addressed by the City Manager choosing to accept matters as informational in addition to a number of Councilors changing their minds and waiting to appeal a decision. He thought there might be another way to address the Manager's concerns. Chair Bosley agreed that it is not the only way, but she thought it was the most effective way to deter that behavior.

With due respect to Councilor Favolise's points, the City Attorney said that each Standing Committee does have an area of jurisdiction, and communications naturally fall into some of those areas. There are times when the City Clerk must make an informed attempt to assign communications when they do not clearly fit in one of those purviews. To proceed with reconsideration, it should be specific to the Council's Rules. He said this was similar to the earlier discussion about not allowing public comment after a public hearing. He said this Rule needs to be very clear, without having to look to other portions of the Rules to infer what the Council is trying to do. Chair Bosley agreed and referred to a recent issue that was accepted as informational, was challenged on the Council floor without a second, and was brought forward again at the next Council meeting. If the language in this Rule is removed, Chair Bosley thought the Council would see more of these instances of people wanting to wear down the cc and use it as a platform for their protest. She felt confident in the history Vice Chair Jones described, indicating that this calendar year provision had been effective. Chair Bosley liked the association with new Councils that could bring a fresh perspective. Councilor Haas said it seemed the greatest issue with this had been over 5G. Chair Bosley added the recent example of protests for Gaza. If the Committee supported this, Councilor Haas said he was comfortable with it. Chair Bosley added that there is the opportunity to amend the Rule in the future.

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #6 (Section 33. Resubmission of Items Previously Considered) to the Rules of Order for first reading, as discussed.

Final Draft for PLD Review
June 27, 2024
Edits from PLD Review
July 24, 2024

Amendment #1

SECTION 2. SPECIAL MEETINGS AND WORKSHOP MEETINGS.

Special Meetings may be called by the Mayor, or at his or her refusal, incapacity or absence, then in writing to the City Clerk, by six (6) members of the City Council, not constituting a quorum of any of the City Council Standing Committees. A properly called Special Meeting shall constitute a meeting of the City Council for the purposes permitted by law and under the Rules of the City Council. The City Clerk shall prepare a notice of the Special Meeting stating the time, place, and subject matter, and this notice shall be mailed or delivered by cell phone text message or other electronic means at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law, the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting.

Workshops are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, six (6) members of the City Council, not constituting a quorum of any of the City Council standing committees, or the City Manager. The City Clerk shall post a public notice of the workshop stating the date, time, place and subject matter. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purpose of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the Mayor and the Rules of Order. Although formal action may not be taken during workshops, except for referral to the appropriate Committee, the Mayor may poll Council Members during the meeting to determine the general consensus of the Council.

Amendment #2

SECTION 11. RIGHT OF FLOOR.

During regular or special meetings of the City Council, and when recognized by the Chair, a member shall rise in his or her place, if able, and shall respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks,

and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the City Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

Amendment #3

SECTION 15. VOTING AND CONFLICT OF INTEREST.

Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration. A conflict of interest shall be defined to exist when a proposed action, decision, or discussion ("Item") presented to the City Council for consideration, would affect the Councilor's pecuniary or personal interests. A ("Pecuniary Interest") is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally ("Pecuniary Interest"). A ("Personal Interest") is any interest of a Councilor in the outcome of an Item which would provide a financial benefit to any individual, group, or organization in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the Item by the Councilor ("Personal Interest"). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child 18 years of age or older, or other member of the Councilor's immediate family living in the same household ("Immediate Family") has a Pecuniary Interest in a proposed Item. A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the Item. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the Item in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting room.

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

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for the Mayor, for each Councilor and for their respective Immediate Family members, (as defined above) any board, commission, organization, association, or other entity which the Mayor, the Councilor, or Immediate Family is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.

Amendment #4

SECTION 25. COMMUNICATIONS.

Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above shall not be accepted by the City Clerk. Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council. Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors' mailboxes.

Amendment #5

SECTION 32. REPORT BY COMMITTEE.

All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing before the City Council, or unless otherwise ordered by a majority of the Committee members present. Written testimony submitted after a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the Committee meeting. An item which is the subject of a public hearing before the City Council must be reported out of a Committee at the next regular meeting after the public hearing unless otherwise ordered retained for further consideration by a majority of the Committee members present. No further public comment shall be accepted by the Committee after the conclusion of the public hearing before the City Council, except for written testimony as provided above. If not reported out by the Committee as provided above, or if immediate action is required, a motion by the City Council to call the matter out of Committee will then be in order. Passage of that motion will place the matter before the City Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the Committee's recommendation shall be stated. Moving to carry out the intent of the Committee report does not restrict the proponent of the motion from speaking against the recommendation of the Committee

Amendment #6

SECTION 33. RESUBMISSION OF ITEMS PREVIOUSLY CONSIDERED

Once the City Council has taken action on an item of business submitted to it, including accepting the item as informational, the identical subject matter to that matter shall not be taken up again by the City Council during that calendar year, except on a proper motion for reconsideration under the Rules of Order or the City Charter; provided, however, that the City Clerk shall place such communication into the Councilors' mailboxes.

Final Draft for PLD Review

June 27, 2024

Edits from PLD Review

July 24, 2024

Amendment #1

SECTION 2. SPECIAL MEETINGS AND WORKSHOP MEETINGS.

Special Meetings may be called by the Mayor, or at his or her refusal, incapacity or absence, then in writing to the City Clerk, by ~~seven~~ six (76) members of the City Council, not constituting a quorum of any of the City Council Standing Committees. A properly called Special Meeting shall constitute a meeting of the City Council for the purposes permitted by law and under the Rules of the City Council. The City Clerk shall prepare a notice of the Special Meeting stating the time, place, and subject matter, and this notice shall be mailed or delivered by cell phone text message or other electronic means at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law, the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting.

Workshops are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, six (6) members of the City Council, not constituting a quorum of any of the City Council standing committees, or the City Manager. The City Clerk shall post a public notice of the workshop stating the date, time, place and subject matter. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purpose of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the Mayor and the Rules of Order. Although formal action may not be taken during workshops, except for referral to the appropriate Committee, the Mayor may poll Council Members during the meeting to determine the general consensus of the Council.

Amendment #2

SECTION 11. RIGHT OF FLOOR.

During regular or special meetings of the City Council, ~~and~~ when recognized by the Chair, a member ~~should~~ shall rise in his or her place, if able, and shall respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks,

and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the City Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

Amendment #3

SECTION 15. VOTING AND CONFLICT OF INTEREST.

Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration. A conflict of interest shall be defined to exist when a proposed action, decision, or discussion ("Item") presented to the City Council for consideration, would affect the Councilor's pecuniary or personal interests. A ("Pecuniary Interest") is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally ("Pecuniary Interest"). A ("Personal Interest") is any interest of a Councilor in the outcome of an Item which would provide a financial benefit to any individual, group, or organization in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the Item by the Councilor ("Personal Interest"). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child 18 years of age or older, or other member of the Councilor's immediate family living in the same household ("Immediate Family") has a Pecuniary Interest in a proposed Item. A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the Item. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the Item in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting room.

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

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for the Mayor, for each Councilor and for their respective Immediate Family members, (as defined above) any board, commission, organization, association, or other entity which the Mayor, the Councilor, or Immediate Family is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.

Amendment #4

SECTION 25. COMMUNICATIONS.

Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above shall not be accepted by the City Clerk. Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council. Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors' mailboxes.

Amendment #5

SECTION 32. REPORT BY COMMITTEE.

All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing before the City Council, or unless otherwise ordered by a majority of the Committee members present. Written testimony submitted after a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the Committee meeting. An item which is the subject of a public hearing before the City Council must be reported out of a Committee at the next regular meeting after the public hearing unless otherwise ordered retained for further consideration by a majority of the Committee members present. No further public comment shall be accepted by the Committee after the conclusion of the public hearing before the City Council, except for written testimony as provided above. If not reported out by the Committee as provided above, or if immediate action is required, a motion by the City Council to call the matter out of Committee will then be in order. Passage of that motion will place the matter before the City Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the Committee's recommendation shall be stated. Moving to carry out the intent of the Committee report does not restrict the proponent of the motion from speaking against the recommendation of the Committee

Amendment #6

SECTION 33. RESUBMISSION OF ITEMS PREVIOUSLY CONSIDERED

Once the City Council has taken action on an item of business submitted to it, including accepting the item as informational, the identical subject matter to that matter shall not be taken up again by the City Council during that calendar year, except on a proper motion for reconsideration under the Rules of Order or the City Charter; provided, however, that the City Clerk shall place such communication into the Councilors' mailboxes.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Contract Award - Fire Department - Spec Rescue International**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to execute a contract with SpecRescue International to provide specialty Trench Rescue Technician Training. The funding source is account #40G00222 (FD2022AFG Trench Rescue.)

Attachments:

None

Background:

Acting Fire Chief Jason Martin addressed the committee first and stated this item is a request for the City Manager to execute a contract with SpecRescue International to provide specialty trench rescue technician training. Chief Martin indicated the Fire Department was awarded funding from the 2022 AFG grant for this training. An RFP was sent out and after review, the Fire Department recommends the award of the RFP to SpecRescue International in the amount of \$80,001.00. He indicated SpecRescue International is a reputable company and the department has used them for training in the past.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to execute a contract with SpecRescue International to provide specialty Trench Rescue Technician Training. The funding source is account #40G00222 (FD2022AFG Trench Rescue.)



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: State Homeland Security Program - DHS Approved Training for Locals

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the State Homeland Security Program Award - DHS Approved Training for Locals in the amount of up to \$2,925.00. The funding source is account #40G00224 (FDY2024FSTEMS-Hazmat Training).

Attachments:

None

Background:

Chief Martin addressed the next item as well. He stated in June 2024 the Fire Department was notified that it was awarded \$2,925 for members to attend overtime and backfill training in specialized disciplines. The Chief stated the grant reimburses personnel salaries and benefits to send students to the training and will also backfill on duty numbers to go to the training. There is no match required by the City.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the State Homeland Security Program Award - DHS Approved Training for Locals in the amount of up to \$2,925.00. The funding source is account #40G00224 (FDY2024FSTEMS-Hazmat Training).



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Professional Services Contract - Final Design of the Downtown Infrastructure Project**

Recommendation:

On a vote of 4 - 0, 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 Stantec Consulting Services, Inc. for an amount not to exceed \$1,230,000 for the final design phase of the Downtown Infrastructure Project. The funding source will be split between the General Fund, Water Fund and Sewer Fund through the following accounts: Downtown Infrastructure Improvement (75J0034A), Stormwater Resiliency Program (75M00623), Sewer Improvements Program (32MI0222), and Water Distribution Improvements Program (34ML0222).

Attachments:

None

Background:

Public Works Director Don Lussier addressed the committee and stated that this is the third contract with Stantec for the downtown infrastructure project. They were originally selected through a qualifications-based process for the concept phase project. The City Council has now selected the hybrid option for the downtown.

The city completed the preliminary design contract last year. During this time, the city engaged in extensive public engagement, workshops, and meetings, refining the plan. The process culminated on July 18th, when the City Council voted for the preliminary design plan.

Mr. Lussier stated the contract before the committee tonight is the final design; this is when the plan is turned into buildable construction documents with detailed specifications for the three-year construction project. He indicated there more work needs to be done such as geotechnical investigations, permitting requirements, which is included in the cost of the contract.

Mr. Lussier noted the preliminary design contract will be about \$400,000 under budget. One of the reasons for this is that \$200,000 of the work that was initially planned to happen during preliminary design is getting pushed forward into the contract, which is before the committee tonight. He added the estimate the committee has tonight is still under negotiation. For example, the consultant has estimated about \$200,000 of their effort for public engagement and outreach during the final design, which will happen. However, there has already been a lot of public engagement at this point, and the

city has received a good community consensus. Public engagement in the future is a twofold fit and includes “finished type” aspects, such as choosing the light poles, trash receptacles, etc. The second is to get additional information about specific properties.

Also, as part of that public engagement is the construction management and construction communication portion. This effort has already been completed with meetings at the Public Library a few weeks ago; this process is to make the construction phase tolerable for people who live and work within the project limits. Mr. Lussier added that there was going to be public engagement but did not feel that \$200,000 was needed for this component.

Mr. Lussier compared this project to the Winchester Street project. With preliminary design, right of way, final design – the city paid about 12% of the construction cost in engineering fees. For this project the city is looking at about 14.1% of the construction project in total, Mr. Lussier stated he would like to negotiate this amount down to about 12.5%. This concluded Mr. Lussier’s presentation.

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

That 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 Stantec Consulting Services, Inc. for an amount not to exceed \$1,230,000 for the final design phase of the Downtown Infrastructure Project. The funding source will be split between the General Fund, Water Fund and Sewer Fund through the following accounts: Downtown Infrastructure Improvement (75J0034A), Stormwater Resiliency Program (75M00623), Sewer Improvements Program (32MI0222), and Water Distribution Improvements Program (34ML0222).

Councilor Roberts stated what the Director is saying is that the city has a plan right now but as the work begins there is the possibility of making changes. Mr. Lussier agreed and stated the contract for final design includes a lot of precautionary type work that is being done in order to minimize those unexpected conditions. Over the next few months staff will be performing service investigations. For instance, excavating very small holes at critical locations where, for example, a drainage pipe and a sewer pipe cross. He stated undoubtedly, there will be things that will be discovered as the process moves forward.

The motion made by Councilor Roberts was unanimously approved.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Fire Damage Repair at Keene Transfer Station

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Project Resource Group for repair of the fire damage at the Keene Transfer Station for an amount not to exceed four hundred forty thousand dollars (\$440,000). The funding source is the insurance proceeds, less the \$1,000 deductible.

Attachments:

None

Background:

Asst. Public Works Director Duncan Watson addressed the committee. Mr. Watson stated that in May, the transfer station experienced a series of three fires at the facility. One of those fires damaged the transfer station to the point where it needed to be repaired. He stated that staff is before the committee tonight to ask for authority to negotiate and execute a sole-source contract with Project Resource Group.

Mr. Watson stated that Project Resource Group was the firm that repaired the transfer station the last time it burned. He would like to move forward with this firm because they are available and don't have to wait until spring to start construction. He stated they did a great job the last time around. The city has a professional services contract with an engineering firm that originally designed the facility to complete plans and specifications for the repair work.

Mr. Watson stated the funding would be from the insurance payment, less the deductible the city would need to pay. He went on to say that the staff is trying to ensure this doesn't happen again and felt that it most likely happened because of spontaneous combustion of incompatibles mixed into the waste stream. He noted the facility is in a difficult position because they are at the end of the pipe, and the problem starts at the beginning of the pipe. Lithium batteries, which they are particularly concerned about, can be tiny and mixed in with a load of waste. Mr. Watson stated they installed a deluge system the last time they had a fire to help fight future fires. He indicated they are trying to figure out ways to prevent this from happening in the future and are working on a series of public service announcements to inform the public about proper ways to get rid of waste. They are also working on operational steps to fight the fuel of the fire.

The Mayor asked for safe ways to get rid of batteries. Mr. Watson stated the rule of thumb is that if it is a rechargeable style of battery, those are the batteries that they are concerned about. The station has locations to get rid of nickel, cadmium, lithium-ion, and other locations around the city. Household batteries such as AAA's AA's D cells are no longer considered hazardous. They have been reformulated over the years to remove the mercury in them.

Councilor Roberts pointed out that the battery packaging would also tell you if it is acceptable to dispose of. Mr. Watson stated that the lithium battery is where the issue is. He added it is not the battery itself but the casing of the battery that gets compromised and exposed, which causes a chemical reaction.

Councilor Haas addressed the committee and stated he reinforces everything Mr. Watson says but emphasized that lithium batteries, such as those in phones and small devices, aren't necessarily hazardous. However, everything that is larger should not be left plugged in overnight in your house.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Project Resource Group for repair of the fire damage at the Keene Transfer Station for an amount not to exceed four hundred forty thousand dollars (\$440,000). The funding source is the insurance proceeds, less the \$1,000 deductible.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Board Memberships
Ordinance O-2024-05-B**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-05-B, as amended.

Attachments:

1. Ordinance O-2024-05-B
2. Ordinance O-2024-05-B_redlined

Background:

City Attorney Mullins addressed the committee regarding the Ordinance. He stated that most of the amendments are intended as clarifications.

The Attorney reviewed the various amendments.

For the Ashuelot River Park Advisory Board, the membership is being adjusted to remove the City Council member and increase the representation from the Friends of the Ashuelot River Park.

For the Human Rights Committee, the current reference to "ex-officio" is being deleted as it is not an appropriate description of the staff member representing the Keene Public Library. In addition, the Ordinance would provide for a City Council as one of the nine regular members.

The Attorney stated the difficulty in this proposed ordinance arises under Division 18 - Historic District Commission, the language that is being proposed is in conflict with State Statute. He would recommend that this amendment be removed from the proposed Ordinance so that staff could discuss it further.

For the Agricultural Commission, the proposed Ordinance eliminates that Commission as a public body. The Attorney noted that group has been dormant for many years.

The final change related to the Congregate Living and Social Services Licensing Board. The Ordinances adjusts the membership by removing the administrative official and increasing the

membership from the general citizenry.

Attorney Mullins stated he would be proposing that the ordinance be amended in two places. The first is under the “be it ordained” clause. This text needs to be deleted and then the entire reference to Division 18, the Historic District Commission should be deleted as well.

Councilor Lake referred to the Human Rights Committee, which reads *one member shall be represent the Keene Public Library*. He identified a Scrivener’s error in this sentence.

Councilor Lake said this Section also indicated that members shall be appointed by the Mayor but since they are City Boards, Committees and Commissions, this is already granted by Charter, and felt it might be a little superfluous and asked for rationale. Attorney Mullins agreed this was a good point and under Charter Section 29, all members of Boards and Commissions, with the exception of certain ones, are appointed by the Mayor and that language is superfluous. This reference to appointments by the Mayor is also present in the Ashuelot River Park Advisory Board, and should be deleted from that section as well.

The next section of the Ordinance the Councilor referred to were the Ashuelot River Advisory Board and the Congregate Living Board. They are both changed to, say *may represent or one member may be a member of the Planning Board* on the Congregate Living Board. He felt this seems very ambiguous. He asked for clarification for the use of the word “may” and perhaps “shall” should be replace the “may.” Attorney Mullins stated the reason for this is at times staff will suggest to the Boards that they consider members from different places or different organizations. This was the reason for the “may” clause. The attorney noted for Board of Appeals, it states in that ordinance they should consider certain types of individuals to be placed on that Board with specific kinds of expertise. This would be the same for Congregate Living and the Ashuelot River Board.

Councilor Lake noted for the Historic District Commission, it does use the word “should” rather than “may” and he felt this gives very clear direction that the membership should include all of those. He suggested for those two adjustments to say *should represent*. That way, there is still some ambiguity if the mayor has some rationale to why an individual is not on that Board. Attorney Mullins stated from his perspective the use of the word “should” is more directed.

Mayor Kahn stated the Councilor is raising valid points. He stated for instance the legislation authorizes for instance the Historic District Commissions is very prescriptive and makes it almost impossible to fill positions to achieve a quorum. He stated what has worked its way into city code is language that resembles legislative intent. For example, the Planning Board requires a city staff member which has been very difficult to fill. With the Congregate Living Board there are only five members who are serving on it and there is difficulty finding the conditional member which makes achieving a quorum difficult. For the Ashuelot River Park to not make it a condition that a Conservation Commission member has to fill the additional seat would be helpful in terms of securing memberships.

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

That the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-05-A.

Councilor Lake made the following motion to amendment, which was seconded by Councilor Roberts.

On a 4-0 vote, the Finance, Organization and Personnel Committee moves to remove the stricken

text and insert the bolded text in Division 18 Historic District Commission from the *be it ordained* clause as well as removing Division 18, HDC as well.

Councilor Lake made the following motion to amendment, which was seconded by Councilor Roberts.

On a 4-0 vote Finance, Organization and Personnel Committee moves to strike the phrase relating to the appointment by the Mayor pursuant to the Charter from Sec. 2-652 and Sec. 2-991.

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

Referring to the Ordinance, as amended, on a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-05-B, as amended.



CITY OF KEENE

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

AN ORDINANCE Relating to Boards and Commissions

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text from Section 2-652 “Membership” of Division 3, “Ashuelot River Park Advisory Board;” by removing the stricken text and inserting the bolded text in Section 2-991 “Membership” of Section 2-991; by deleting Division 22, “Agricultural Commission” in its entirety; by deleting the stricken text and inserting the bolded text in Section 2-1110.4 “Membership” of Division 24, “Congregate Living and Social Services Licensing Board” of Article V. Boards and Commissions of Chapter 2 entitled “Administration” as follows:

DIVISION 3. ASHUELOT RIVER PARK ADVISORY BOARD

Sec. 2-652. - Membership

The Ashuelot River Park Advisory Board shall consist of seven regular voting members who shall have demonstrated interest in the park. One member shall represent the educational community, ~~one two~~ members shall represent the Friends of Ashuelot River Park, ~~one member shall be a city councilor~~, and three members shall represent the community at large and one member shall ~~shall~~ **may** represent the conservation commission.

DIVISION 14. HUMAN RIGHTS COMMITTEE

Sec. 2-991. - Membership.

The human rights committee shall consist of nine regular members who have a demonstrated interest in the purpose of the committee. One member shall be an educator, ~~and~~ one member shall ~~an ex-officio member~~ representing the Keene Public Library **and one member shall be a City Councilor.**

● ~~Sec. 2-1104. Purpose.~~

~~It is hereby declared as a matter of public policy that the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources is required in the interest of the economic prosperity, cultural and aesthetic enrichment, natural resource protection, and general welfare of the community. The word "agriculture" shall include the entirety of RSA 21:34 a, which is the definition of farm, agriculture, and farming.~~

~~This purpose will be safeguarded by the establishment of an agricultural commission in accordance with RSA 673:4 b.~~

● ~~Sec. 2-1105. Membership.~~

~~The agricultural commission shall consist of seven members. Each agricultural commission member shall be a resident of the city. One commission member shall be a member of the Keene City Council and one commission member may be a member of the planning board. No more than two alternate members may be appointed. In determining each member's qualifications, the mayor shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the agricultural commission. Members of the agricultural commission also may serve on other city boards and commissions, including but not limited to the conservation commission.~~

● ~~Sec. 2-1106. Terms.~~

~~Initially three members shall have a three-year term, three members shall have a two-year term, and one member shall have a one-year term. After these initial terms, all members shall have a three-year term whose terms shall be staggered so that two board members shall be appointed in January of each year.~~

● ~~Sec. 2-1107. Relation to department.~~

~~The planning department will provide staff support as it may be available to the agricultural commission. Other departments may be called upon as necessary.~~

● ~~Sec. 2-1108. Powers, duties and guidelines.~~

~~In accordance with the provisions of RSA 674:44 e, the following powers, duties and guidelines are hereby established for the conduct of the board. The agricultural commission shall have advisory and review authority, specifically as follows:~~

~~(1) Survey and inventory all agricultural resources.~~

~~(2) Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.~~

~~(3) — Assist the planning board, as requested, in the development and review of those sections of the comprehensive master plan which address agricultural resources.~~

~~(4) — Advise, upon request, city boards and commissions and other agencies in their review of requests on matters affecting or potentially affecting agricultural resources.~~

~~(5) — Coordinate activities with appropriate service organizations and nonprofit groups.~~

~~(6) — Publicize and report its activities.~~

~~(7) — Hire consultants and contractors as needed.~~

~~(8) — Receive gifts of money and property, both real and personal, in the name of the City of Keene, subject to the approval of the city council, such gifts to be managed and controlled by the agricultural commission for its proper purposes.~~

~~(9) — Hold meetings and hearings necessary to carry out its duties.~~

DIVISION 24. CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

Sec. 2-1110.4 Membership.

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

Jay V. Kahn, Mayor



CITY OF KEENE

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

AN ORDINANCE Relating to Boards and Commissions

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text from Section 2-652 “Membership” of Division 3, “Ashuelot River Park Advisory Board;” by removing the stricken text and inserting the bolded text in Section 2-991 “Membership” of Section 2-991; ~~by removing the stricken text and inserting the bolded text in Division 18, “Historic District Commission”~~ by deleting Division 22, “Agricultural Commission” in its entirety; by deleting the stricken text and inserting the bolded text in Section 2-1110.4 “Membership” of Division 24, “Congregate Living and Social Services Licensing Board” of Article V. Boards and Commissions of Chapter 2 entitled “Administration” as follows:

DIVISION 3. ASHUELOT RIVER PARK ADVISORY BOARD

Sec. 2-652. - Membership

The Ashuelot River Park Advisory Board shall consist of seven regular voting members who shall have demonstrated interest in the park. One member shall represent the educational community, ~~one two~~ members shall represent the Friends of Ashuelot River Park, ~~one member shall be a city councilor~~, and three members shall represent the community at large and one member shall **may** represent the conservation commission. ~~Members shall be appointed by the mayor as provided in the Charter, section 29.~~

DIVISION 14. HUMAN RIGHTS COMMITTEE

Sec. 2-991. - Membership.

The human rights committee shall consist of nine regular members who have a demonstrated interest in the purpose of the committee. One member shall be an educator, ~~and one member shall be an ex-officio member~~ representing the Keene Public Library **and one member shall be a City Councilor.** ~~Members shall be appointed by the mayor as provided in the Charter, section 29.~~

~~DIVISION 18. HISTORIC DISTRICT COMMISSION~~

~~Sec. 2-1085. Establishment of historic district commission.~~

~~There is herein established an historic district commission with the functions and duties as set forth in this article, RSA: 674:46a, and as may be needed to carry out the purposes of this article.~~

- ~~(1) *Organization.* The historic district commission shall consist of seven regular members and up to five alternate members, all of whom must be residents of the city and, consistent with RSA 673:4, must show interest and ability to understand, appreciate and promote the purposes of the historic district commission.~~
- ~~(2) *Membership.* One member of the historic district commission shall be a member of the city council and one member shall be a member of the heritage commission. The appointing authority should also consider the following types of individuals for membership on the commission (including alternate membership) to the extent practicable:
 - ~~a. — A member of the planning board;~~
 - ~~b. — A member of another land use board;~~
 - ~~c. — A member of the Historical Society of Cheshire County or the Foundation for the Preservation of Historic Keene;~~
 - ~~d. — A licensed real estate broker;~~
 - ~~e. — A registered architect, professional engineer, or builder;~~
 - ~~f. — An owner of property within the historic district; and,~~
 - ~~g. — An owner of a firm or business within the historic district.~~~~

~~DIVISION 22. AGRICULTURAL COMMISSION~~

~~• Sec. 2-1104. Purpose.~~

~~It is hereby declared as a matter of public policy that the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources is required in the interest of the economic prosperity, cultural and aesthetic enrichment, natural resource protection, and general welfare of the community. The word "agriculture" shall include the entirety of RSA 21:34 a, which is the definition of farm, agriculture, and farming.~~

~~This purpose will be safeguarded by the establishment of an agricultural commission in accordance with RSA 673:4 b.~~

• ~~Sec. 2-1105. Membership.~~

~~The agricultural commission shall consist of seven members. Each agricultural commission member shall be a resident of the city. One commission member shall be a member of the Keene City Council and one commission member may be a member of the planning board. No more than two alternate members may be appointed. In determining each member's qualifications, the mayor shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the agricultural commission. Members of the agricultural commission also may serve on other city boards and commissions, including but not limited to the conservation commission.~~

• ~~Sec. 2-1106. Terms.~~

~~Initially three members shall have a three year term, three members shall have a two-year term, and one member shall have a one year term. After these initial terms, all members shall have a three year term whose terms shall be staggered so that two board members shall be appointed in January of each year.~~

• ~~Sec. 2-1107. Relation to department.~~

~~The planning department will provide staff support as it may be available to the agricultural commission. Other departments may be called upon as necessary.~~

• ~~Sec. 2-1108. Powers, duties and guidelines.~~

~~In accordance with the provisions of RSA 674:44-e, the following powers, duties and guidelines are hereby established for the conduct of the board. The agricultural commission shall have advisory and review authority, specifically as follows:~~

~~(1) Survey and inventory all agricultural resources.~~

~~(2) Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.~~

~~(3) Assist the planning board, as requested, in the development and review of those sections of the comprehensive master plan which address agricultural resources.~~

~~(4) Advise, upon request, city boards and commissions and other agencies in their review of requests on matters affecting or potentially affecting agricultural resources.~~

~~(5) Coordinate activities with appropriate service organizations and nonprofit groups.~~

~~(6) Publicize and report its activities.~~

~~(7) Hire consultants and contractors as needed.~~

~~(8) — Receive gifts of money and property, both real and personal, in the name of the City of Keene, subject to the approval of the city council, such gifts to be managed and controlled by the agricultural commission for its proper purposes.~~

~~(9) — Hold meetings and hearings necessary to carry out its duties.~~

DIVISION 24. CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

Sec. 2-1110.4 Membership.

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

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Class Allocation and Salary Schedules
Ordinance O-2024-12**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-12.

Attachments:

1. Ordinance O-2024-12_Referral

Background:

Asst. City Manager/Human Resources Director Beth Fox addressed the Committee and stated she is requesting the committee's support on Ordinance O-2024-12, an ordinance related to class allocation and salary schedules for non-union employees in the city.

What is being proposed is adding a job title to the schedule: Deputy Revenue Collector. She explained that the city is putting in place some restructuring of responsibilities in that department and creating this position. This position will be responsible for front-office customer-facing operations and supervising those personnel on a day-to-day basis, leaving the revenue collector to be able to focus on the larger operational issues of the department.

Chair Powers reiterated that this is not creating a new position – just changing classification to reflect responsibilities within the department.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-12.



CITY OF KEENE

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

AN ORDINANCE Relating to Class Allocation and Salary Schedules

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 62-194, “Administrative, Office, Technical and Management Personnel” of Chapter 62 entitled “Personnel” effective August 1, 2024, as follows:

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

- 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; Recreation Specialist
- S 11 Office Manager; Parking Services Technician
- S 12 Librarian I; Planning Technician; Executive Secretary; Staff Accountant;
-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; Engineering Technician; Assistant City Clerk; Senior Paralegal; Police
Dispatch Supervisor; Social Worker; Fire Department Administrator; **Deputy Revenue Collector**
- S 16 Planner; Laboratory Supervisor; GIS Coordinator
- S 17 Property Appraiser; Recreation Programmer; Librarian III; Airport Maintenance & Operations
Manager; IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager
- S 18 Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue
Collector; Records Manager/Deputy City Clerk; Laboratory Manager; Human Services
Manager; Treatment Plant Manager; Deputy City Clerk
- S 19 Transportation/Stormwater Operations 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;
Water/Sewer Operations Manager

- S 21 NO POSITIONS ASSIGNED
- S 22 NO POSITIONS ASSIGNED
- S 23 NO POSITIONS ASSIGNED
- S 24 City Engineer; Database Administrator; Building/Health Official
- S 25 Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head;
Airport Director
- S 26 City Assessor; Police Captain; Human Resources Director; Library Director; Deputy Fire Chief;
Parks & Recreation Director
- S 27 IT Director; Community Development Director
- S 28 Finance Director/Treasurer
- S 29 Police Chief; Fire Chief; Public Works Director
- S 30 NO POSTIONS ASSIGNED
- S 31 Deputy City Manager
- S 32 NO POSITIONS ASSIGNED

Jay V. Kahn, Mayor

In City Council July 18, 2024.
Referred to the Finance. Organization
and Personnel Committee.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the City Attorney Functions and Powers
Ordinance O-2024-13**

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-13.

Attachments:

1. Ordinance O-2024-13
2. O-2024-13_scribner amendment

Background:

Ms. Fox stated because of the retirement of the City Attorney the city has to move forward and initiate a recruitment process for this position. The first step in that process was to review components of City Code that addressed the functions and powers of the City Attorney. The last update was in 1998.

Attorney Mullins stated for all three charter officers, there is a functions and powers section in the City Code of Ordinances. These proposed changes are for insertion into a section already existing in the city code of ordinances; this is not new. He stated the one thing that he did want to refer to is item #9. The attorney said when he came on board, it was the practice he inherited as part of the general powers of the City Attorney to enter into settlement agreements, which have been fairly routine matters, debt collection matters, land use litigation, etc. He added a City Attorney should have the authority to enter into those settlement agreements because generally they happen fairly quickly and are relatively low risk from the city's perspective. However, if payment of funds is required, the City Attorney should bring this to the City Council for approval, which he stated he has always done. There are also settlement agreements that the outside legal counsel enters into through Primex. Those would not include what the attorney was referring to and there are also those settlement agreements with respect to tax abatement application and processes which becomes the purview of the City Assessor.

The attorney next referred to Section 11. It is sufficient to just put a period after departments. It would read "...provide advice and assistance to the City Manager and departments. This change was accepted as a Scribner amendment.

Ms. Fox addressed the committee again and stated assuming the committee moves this forward with a favorable recommendation, the hope is that the City Council would adopt this section of the code at its meeting. Staff will then move to the advertising process and begin to publish that the city is seeking candidates for the position. She indicated they are trying to meet the New Hampshire bar advertising date, the second week in August. Likely the position would be posted in the Massachusetts Bar Association publication with an advertising closing date around September 22nd. This would allow the Council to consider candidates at their first meeting in October and schedule interviews with candidates for the week of October 20th.

Attorney Mullins stated the Mayor and the three committee Chairs, together with the HR Director, would work through the administrative issues but wanted to make it clear that the three committee chairs and the Mayor will not be making decisions with respect to the applicant - this function is reserved for the City Council.

Councilor Lake referred to the proposed deleted Section 14, which reads: review and resolve any contradictions and inconsistencies in city ordinances during the process and as otherwise required. He asked if the attorney felt this was covered by Section 6 or if there was another rationale for removing that section. Attorney Mullins stated this was a request from the City Clerk and agreed the Councilor was correct. This review did fall into drafting the ordinances, resolutions, etc., and appeared superfluous.

Mayor Kahn stated that the City Attorney is an appointee of the City Council, and he wanted to assure everyone that what is being presented tonight has been vetted with him and the three committee Chairs. They asked for the City Attorney's assistance to update this document before the advertising process began.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-13.



CITY OF KEENE

O-2024-13

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

AN ORDINANCE Relative to the City Attorney Functions and Powers

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

That the City of Keene Code of Ordinances, as amended, are hereby further amended by deleting in its entirety Section 2-143, Function and Powers, of Chapter 2, Administration, Article III, Charter Officers, Division 3, City Attorney, and replaced with the following new Section 2-143:

Section 2-143, Functions and Powers:

The functions and powers of the City Attorney shall be as follows:

- (1) Represent the City, or supervise in the representation of the City, all matters in which the City has any interest before any court, tribunal, quasi-judicial body or administrative agency.
- (2) Call to the attention of the City Council and the City Manager all matters of law affecting the City.
- (3) Advise and assist the City Council, Mayor, City Manager, City Clerk, Department Heads, City Boards, Commissions and Committees, in circumstances when a legal opinion is requested, or legal advice is required.
- (4) Review and comment upon all deeds, leases, contracts and other legal instruments tendered to the City Attorney prior to their execution or acceptance.
- (5) Draft all deeds, obligations, contracts, leases, conveyances, agreements, and other legal instruments which may be required or necessary to carry out the business functions of the City.
- (6) Assist in the drafting of Charter Amendments, ordinances, resolutions, rules of procedure, department policies, and directives.
- (7) Commence either directly or as other arrangements may be made by the Council and the City Attorney, any litigation determined by the City Attorney to be necessary and prudent, either with prior consultation with the City Council, or in the event of exigency, as soon as possible after the commencement of the litigation.
- (8) Appear in, defend and advocate the rights and interests of the City in any suit or administrative action against the City, involving any estate, right, privilege, ordinance or act of the City government, or when any breach of any statute or ordinance may be brought into question, except in such cases as other arrangements may be made by the City Council and the City Attorney.
- (9) Enter into Settlement Agreements on behalf of the City; provided however that, with the exception of real property tax abatements, any Settlement Agreement

requiring the payment of funds by the City shall first be reviewed and approved by the City Council.

- (10) Appear and testify before the State Legislature, or before any committee or body thereof, and represent the interests of the City.
- (11) Provide advice, legal counsel, or other assistance to the City Manager and departments.
- (12) Serve as a member of the City's leadership team.
- (13) Engage proactively to support City personnel to evaluate risks and to develop prudent solutions. Perform related duties as may be required by the City Council.

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty-four

AN ORDINANCE Relative to the City Attorney Functions and Powers

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

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Section 2-143, Functions and Powers:

The functions and powers of the City Attorney shall be as follows:

- (1) Represent the City, or supervise in the representation of the City, all matters in which the City has any interest before any court, tribunal, quasi-judicial body or administrative agency.
- (2) Call to the attention of the City Council and the City Manager all matters of law affecting the City.
- (3) Advise and assist the City Council, Mayor, City Manager, City Clerk, Department Heads, City Boards, Commissions and Committees, in circumstances when a legal opinion is requested, or legal advice is required.
- (4) Review and comment upon all deeds, leases, contracts and other legal instruments tendered to the City Attorney prior to their execution or acceptance.
- (5) Draft all deeds, obligations, contracts, leases, conveyances, agreements, and other legal instruments which may be required or necessary to carry out the business functions of the City.
- (6) Assist in the drafting of Charter Amendments, ordinances, resolutions, rules of procedure, department policies, and directives.
- (7) Commence either directly or as other arrangements may be made by the Council and the City Attorney, any litigation determined by the City Attorney to be necessary and prudent, either with prior consultation with the City Council, or in the event of exigency, as soon as possible after the commencement of the litigation.
- (8) Appear in, defend and advocate the rights and interests of the City in any suit or administrative action against the City, involving any estate, right, privilege, ordinance or act of the City government, or when any breach of any statute or ordinance may be brought into question, except in such cases as other arrangements may be made by the City Council and the City Attorney.
- (9) Enter into Settlement Agreements on behalf of the City; provided however that, with the exception of real property tax abatements, any Settlement Agreement

requiring the payment of funds by the City shall first be reviewed and approved by the City Council.

- (10) Appear and testify before the State Legislature, or before any committee or body thereof, and represent the interests of the City.
- (11) Provide advice, legal counsel, or other assistance to the City Manager and departments. ~~to support solutions advancing projects, improving business processes, resolve questions or concerns related to City operations, risks, liability, working with groups and/or residents and resolving issues.~~
- (12) Serve as a member of the City's leadership team.
- (13) Engage proactively to support City personnel to evaluate risks and to develop prudent solutions. Perform related duties as may be required by the City Council.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: August 1, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Jesse Rounds, Community Development Director
Subject: **Request to Acquire Property Located at 0 Washington St. Extension for Conservation Purposes - Conservation Commission**

Council Action:

In City Council July 18, 2024.

Mayor tabled the item to the next regular meeting.

Recommendation:

Mr. Haynes motioned to recommend that the City Council authorize the City Manager to negotiate a price and purchase and sale agreement with the owner of this lot, Hull Forest Products: TMP #229-006-000. Mr. Walker seconded the motion. The motion carried unanimously.

Attachments:

None

Background:

The Conservation Commission held a public hearing on June 17, 2024 as required by NH RSA 36-A:5 to discuss whether to recommend the purchase of a piece of real property located at 0 Washington Street Extension. In accordance with City Code, City Council approval (in addition to Conservation Commission approval) is required prior to any expenditure from the Conservation Land Acquisition Fund. The Conservation Commission voted unanimously to recommend the purchase of this property due to its proximity to Beaver Brook Falls, the watershed protection it provides, its potential to mitigate flooding due to its forested slopes, and potential for recreational opportunities such as hiking and biking trails.

An excerpt from the draft minutes of the meeting where this item was discussed is included below.

"3. Public Hearing:

- 1. Acquisition of property located at 0 Washington St. Extension for Conservation Purposes – TMP #229-006-000:** In accordance with the requirements of RSA 36-A:5 the Keene Conservation Commission will conduct a public hearing to evaluate whether to expend funds from the Conservation Land Acquisition Fund for the purpose of purchasing 30 acres of forested uplands located adjacent to Beaver Brook Falls.

Vice Chair Madison opened the public hearing at 4:34 PM. With no members of the public present, he closed the public hearing at 4:35 PM. The Commission deliberated about this long strip of land along Rt-9. The Commission needed a new motion recommending purchase to the Council, as the previous recommendation included both properties that had since been logged by Hull Forest Products; one of the properties was recently sold to another entity.

Mr. Bergman asked if this purchase would come from the Conservation Land Acquisition Fund, and if so, whether it would be compatible with the prior limits for what the City was willing to pay. Ms. Brunner said yes, there was still \$135,000 remaining in that fund, which is the same fund that would have been used for the original bid. The Council can adjust the limit when they authorize the City Manager to negotiate the purchase. Ms. Clark asked if the Commission could recommend how much the City should spend and Ms. Brunner said yes.

Ms. Richter asked how the property was appraised, given the steep slopes and heavy logging. Ms. Brunner recalled that the City had tried to purchase the 2 properties at auction, the City Council authorized the City Manager to pay up to the assessed value, and they sold to Hull Forest Products for more than that. The second attempt at purchase last year fell through because the owner asked for more money than the City Manager was authorized to spend. The Council might choose to authorize up to the assessed value again.

Ms. Clark thought it might fall through again, because she did not think the owners would accept the assessed value. Mr. Bergman agreed given that the owners rejected the assessed value before. Ms. Richter added that "assessed" is different than "appraised," and properties commonly sell for more than the assessed value. Keene does update its assessments annually. Ms. Richter cautioned that going above the appraised value because it could provide a private benefit to the landowner by paying above fair market value. Ms. Clark thought the owner was asking for fair market value. Ms. Richter thought that was correct, but still cautioned against offering more than the appraised value. She said it is challenging because not everyone understands the nuances of this parcel, with timber already harvested, very steep slopes, and no access road. So, Ms. Richter did not think the parcel could be developed. Discussion ensued briefly about the owner restoring the berm at the access point that was used during logging. It was also noted that there is a well drilled onsite in an area where various types of vegetation are growing..

Discussion ensued about the procedure for making this recommendation to City Council. Vice Chair Madison was comfortable making a recommendation during this meeting, given how many times the Commission had discussed this. He cautioned against recommending a price to the Council, because they like to keep what they are willing to pay private until negotiated.

Mr. Haynes motioned to recommend that the City Council authorize the City Manager to negotiate a price and purchase and sale agreement with the owner of this lot, Hull Forest Products: TMP #229-006-000. Mr. Walker seconded the motion. Discussion continued.

Ms. Clark thought it would be important for the Council to understand the importance of this property because it is contiguous with Beaver Brook Falls, has steep slopes, and provides watershed protection because Beaver Brook is prone to flooding, making it important to keep these slopes forested. When Ms. Clark and Mr. Haynes hiked to the site, they found that most of the steeper slopes were not logged and the watershed was still intact. Vice Chair Madison said he would highlight the flood protection in his letter to the Council, and he and Councilor Williams would be present to advocate.

Mr. Haynes also thought the letter to Council should highlight recreational opportunities. Despite the

steep slopes, there are portions of the parcel that could be developed as hiking and biking trails. Vice Chair Madison agreed.

Mr. Bergman asked where Beaver Brook is in relation to the property across the Washington Street Extension from the parcel in question. The property Mr. Bergman referred to also included steep slopes and ravines. The Commission reviewed a map of the property, confirming that the City owns the property he referred to, and finding that Beaver Brook runs along the roadway. The Commission reviewed other surrounding properties on the map; the gated entrance into the Extension is before the power lines. Mr. Bergman also asked if the City Council could place a limit on what the City Manager is allowed to negotiate and Vice Chair Madison said yes, that would happen in a non-public session.

Mr. Bill arrived via Teams (non-voting).

The motion to recommend to authorize the City Manager to negotiate a price and purchase and sale agreement with the owner the property in question: TMP #229-006-000 carried unanimously."