



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 19, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- August 1, 2024 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Retirement Resolution - Justin Putzel
2. Community Recognition - James Rinker - NH Press Association Recipient

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

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

C. COMMUNICATIONS

1. Councilor Remy - Modification or Rescission of Council Policy: R-2000-28: Street and Utility Requirements and Standards
2. Charter Communications - Request to Install a Concrete Pad and Utility Cabinet - 555 Roxbury Street
3. Jon Loveland - Bike Lane Designs in the Downtown Project
4. Greater Monadnock Collaborative - Request to Use City Property - Central Square and Railroad Square - 30th Anniversary Celebration of the Release of the Film *Jumanji*

D. REPORTS - COUNCIL COMMITTEES

1. Relating to the Request to Authorize the Issuance of a Building Permit for the Property at 270 Beaver Street
2. Rules of Order Amendments
3. 2025 Law Enforcement Substance Abuse Reduction Initiative Grant
4. FY24 DOJ Byrne Justice Assistance Grant (JAG)
5. Relating to the Acceptance of a Donation: Greater Keene Youth Baseball and Softball Association Pavilion
6. Acceptance of New Hampshire Juvenile Court Diversion Network SBIRT funding for Youth Services
7. Acceptance of a Grant - Election Equipment
8. Professional Services Contract for Final Design of the Lower Winchester Street Reconstruction Project
9. Professional Services Contract for the Design of Water Distribution Improvements on Rt. 101
10. Reallocation of Capital Funds – Recreation Center
11. InvestNH Housing Opportunity Planning (HOP) Grant Application - Short Term Rentals
12. InvestNH Housing Opportunity Planning (HOP) Grant Application – Housing Opportunity Zones

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Jared Goodell - Pledge of Donation for the Purchase and Installation of a Safe Haven Baby Box

I. ORDINANCES FOR FIRST READING

1. Relating to Winter Maintenance Parking Restrictions
Ordinance O-2024-14
2. Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts
Ordinance O-2024-17

J. ORDINANCES FOR SECOND READING

1. Relating to an Amendment to Land Development Code – Charitable Gaming Facility
Ordinance O-2023-16-B
2. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility
Ordinance O-2023-17-B

K. RESOLUTIONS

1. In Appreciation of Jason K. Thompson Upon His Retirement
Resolution R-2024-30
2. In Appreciation of Mary F. Ley Upon Her Retirement
Resolution R-2024-31

L. TABLED ITEMS

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

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, August 1, 2024. In the absence of the Honorable Mayor Jay V. Kahn, the City Clerk, Patricia Little called the meeting to order at 7:03 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.

A motion by Councilor Powers to elect Councilor Greenwald as the temporary Chair was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor. Chair Greenwald took his seat at the dais. Councilor Bosley led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING – JULY 18, 2024

A motion by Councilor Bosley to adopt the July 18, 2024, meeting minutes as presented was duly seconded by Councilor Filiault. The motion carried unanimously with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

Chair Greenwald reminded the City Council that its summer vacation would start with the cancellation of the Council meeting on August 15, as well as the meeting on September 5. The Council Standing Committee meetings of August 7–8 and August 21–22 is also canceled. The Committees will start meeting again on September 11–12, and the Council will start meeting again on September 19.

Chair Greenwald also encouraged voters who want to help at the polls to visit the City website and sign up for one or both of the fall elections: the State Primary on September 10 and the Presidential Election on November 5.

RETIREMENT PROCLAMATION – HELEN MATTSON

Chair Greenwald read a Proclamation honoring Helen Mattson’s retirement after 21 years of service to the City. Ms. Mattson was appreciative, noting what a joy and pleasure it had been to work with everyone; she never expected to stay so long, but it become an integral part of her life. She thanked everyone for accepting her. The City Manager, Elizabeth Dragon, added that Ms. Mattson had been amazing during the City Manager’s 7-year tenure after more than two decades of Ms. Mattson’s service to multiple mayors and city managers. The City Manager had witnessed Ms. Mattson handle the most difficult situations without them ever reaching the City Manager; and she always does it with a smile. Not only had Ms. Mattson multitasked and juggled both the City Manager’s and Mayor’s schedules, but also handled all the different personalities that had walked through the door. The City Manager thanked Ms. Mattson for everything she had done for the City Manager and the City.

COMMUNITY RECOGNITION – LILY RUNEZ

Chair Greenwald welcomed Lily Runez to be honored for her high school wrestling success. The Mayor is a former wrestler, and provided this statement:

I am guessing that you, like me, are watching USA athletes joining nations around the world in the 24th Olympic Games. You may have noticed that there is medal competition for women’s wrestling. It is a very competitive sport—just ask Lily. The Keene High rising junior wrestles on the Keene co-ed wrestling team. Yes, because for women like Lily, wrestling is not a high school men’s competitive sport any longer. Lily is a groundbreaker like one of Malcolm Gladwell’s 10,000-hour geniuses. Nobody in the New England wrestling community sees Lily as an ordinary girl. She is a phenomenal athlete. Her impressive credentials include that as a freshman at Keene High in 2023, Lily became the first girl to be crowned a State Champion at the inaugural NHIAA Girls Wrestling State Championship. This year, she competed in the co-ed state championship tournament as a sophomore, seeking to become the first girl in Granite State history to win a co-ed wrestling title. Lily finished second at the Division One Tournament at 106 pounds. She also earned second at the Meet of Champions; in other words, only one boy in the state was able to beat her. Her second-place finish qualified her for the All-New England Co-ed Tournament, where she earned wins in her first two matches in July 2024. The Keene Sentinel reported that the 16-year-old native competed on one of the biggest stages junior wrestling has, finishing eighth in the Junior Girls Freestyle 105 weight class at the U.S. Marine Corps Junior Nationals held in Fargo, North Dakota, July 12–20, 2024. Lily entered the tournament as the 20th seat in her weight class and faced off against 64 of the best wrestlers in the country, finishing in the top eight and earning All-American status, surpassing the achievement of any Keene wrestler ever, and placing her on the radar for top collegiate and perhaps international status.

For her junior year, Lily will continue her athletic and academic efforts at Choate Rosemary Hall in Wallingford, CT. There,

On behalf of Mayor Kahn, Chair Greenwald thanked Lily, Coach Runez, and their fellow coaches for building this wrestling program and for their accomplishments. Chair Greenwald presented Lily and Coach Runez with honorary keys to the City. The community will be cheering Lily on in her future success. Mayor Kahn expressed his very sincere pride in Lily, adding that he expects to see her at future Olympic games.

PUBLIC HEARING – ORDINANCE O-2023-16-B – AMENDMENT TO LAND DEVELOPMENT CODE – CHARITABLE GAMING FACILITY

Chair Greenwald opened the public hearing at 7:22 PM, and the City Clerk read the public hearing notice. Chair Greenwald welcomed Senior Planner, Mari Brunner, for an introduction. Ms. Brunner focused her presentation on changes since the last time the Council saw this Ordinance. This Ordinance was first introduced to the Council on October 19, 2023 and there had been many changes since. There was another public hearing on January 18, 2024, when it was sent back to the Joint Planning Board-Planning, Licenses, and Development Committee for further workshopping; the Joint Committee had a public workshop and met four times to work on this.

Ms. Brunner summarized the most recent edits that created a “B” version of the Ordinance. Most significantly, the Joint Committee felt strongly that it did not make sense for the charitable gaming facility use to occur in the Downtown Growth District, because the intent statement for the District calls for a more walkable, pedestrian-oriented environment; Downtown Growth is meant to be an extension of the Downtown Core.

The Joint Committee also wanted to place limitations on the charitable gaming facility use. A “use limitation” means that it is allowed in the Zoning Ordinance, but only if meeting the specific use standards; if unable to meet those standards, an applicant would have to apply for a variance from the Zoning Board of Adjustment. The proposed use standards are:

1. A limit of one charitable gaming facility per lot.
2. Limiting the allowed locations for charitable gaming facilities to the Commerce District, which is a more automobile-oriented district. It is also the District where other similar uses are allowed. The Joint Committee felt that charitable gaming facilities should be limited to properties situated with frontage on arterial roads or in a plaza off an arterial road. This would include: West Street west of Island Street, Winchester Street south of Island Street and north of Cornwall Drive, Main Street south of NH Rt-101 and north of Silent Way. In addition, the entirety of Key Road, Ashbrook Road, and Kit Street; specifically parcels that are greater than 1.25 acres and with frontage on those roads or in a shopping plaza that has frontage on those roads.
3. A distance requirement from the charitable gaming facility building edge to the property line of whatever the adjacent use is. Further, a requirement that charitable gaming facilities must be at least 500 feet apart. Additionally, charitable gaming facilities must at least 200 feet from places of worship, daycare centers, or private or public schools; 250 feet from single family or two-family homes; and 250 feet from a residential zoning district.
4. A limit on square footage of charitable gaming facilities. The Joint Committee chose a minimum of 10,000 square feet for a gaming area (they considered 20,000 square feet but chose to lower it).
5. A requirement for screening commercial loading zones, bus and truck loading, and parking areas. New charitable gaming facility applicants would have to supply a traffic study demonstrating that there would be no diminishment of the capacity of any City intersections or roads. There would be associated requirements to comply with the City’s Noise and Zoning Ordinances. An off-site parking requirement was chosen: 0.75 parking spaces per gaming position at an electronic gaming machine or gaming table. A “gaming position” will be defined in another ordinance with other definitions. Lastly, 2% of the total parking spaces required *or* two parking spaces—whichever is greater—must be equipped with electric vehicle charging stations.

Any other proposed changes to the Ordinance were to codify these changes. Ms. Brunner welcomed questions.

Councilor Favolise asked about the electric vehicle charging station requirement. He asked if other uses in the City have a similar requirement. Ms. Brunner said no. Councilor Favolise asked

if there is a reason why this use does if no other use does. Ms. Brunner believed that that the Community Development Director, Jesse Rounds, had incorporated it from other cities whose ordinances he used as a model to develop this one for Keene; Ms. Brunner thought this was apt given the City's goal to transition to 100% renewable energy and to promote electric vehicles. The Joint Committee debated 2% vs. 5% and ultimately chose the former.

Chair Greenwald opened the floor to public comments.

Jared Goodell of 39 Central Square said he had been involved in this process for 10–11 months and he commended the Community Development Department; Chair of the Planning, Licenses, and Development (PLD) Committee, Councilor Bosley; the whole PLD Committee; and the Planning Board. Mr. Goodell explained a challenge he identified in the Ordinance language regarding proximity to churches. He recalled that when this process began, there was discussion of NH RSA 287-E, which deals with bingo/host halls; he said that bingo halls were left out of the use definition initially but added again at some point. He said this would not necessarily be an issue, except that the use standard stipulates that a charitable gaming facility cannot be within 250 feet of a church, and churches (e.g., St. Bernard) are very commonly licensed host halls for the purpose of operating bingo games. Mr. Goodell was concerned that the Ordinance revisions would preclude churches' abilities to do so, which he said was never the intent of this Ordinance. He hoped that could be rectified without further delaying this process.

Greg Johnson, owner of H. G. Johnson Real Estate at 17 Elm Street, said it is difficult to find space for any use—gaming, retail, etc.—in the City of Keene. He recalled discussions of whether these facilities should be placed inside or outside of the bypass system. Mr. Johnson said he wanted the Council to know that there are many vacancies in the City's shopping centers, which he said are unfortunately within the bypass system. He had been contacted by people looking for gaming facilities (some including dining) of all sizes. While Mr. Johnson understood that gaming and gambling are often discussed with a negative tone, he had the opportunity to travel around NH and visit some charitable gaming facilities, and he stated that they are not that bad. He hoped that this Ordinance would not prevent charitable gaming facilities in Keene's shopping centers and noted how roadway projects had improved traffic conditions around plazas, like those on Key Road.

Councilor Roberts asked—if all the proposed use standards are implemented—how many places in Keene would qualify for charitable gaming facilities. He did not want a situation in which the use standards are over-restrictive and essentially prohibit this use so that the Council does not have to say it is prohibiting this use. Ms. Brunner replied that the Joint Committee reviewed a map to determine the specific areas of the City where charitable gaming facilities would be permitted per this proposed Ordinance. The unifying theme amongst those properties was that all the lots could support a larger facility, have frontage on a major arterial road that could accommodate traffic, and were in areas with other commercial uses where they are less likely to be disruptive to neighbors. However, there were concerns that even within those commercial areas, there were still residential pockets. So, the Joint Committee wanted to ensure that there is at least some distance between charitable gaming facilities and single or two-family homes, or a residential district where a home could be built in the future, because this use could have noise at night. The Joint Committee also discussed traffic and parking demand for this use, which is unique because patrons typically stay a long time. The proposed locations include any properties

that are at least 1.25 acres in size and are oriented toward the road, such as West Street between the Colony Mill and the bypass system, Winchester Street between Island Street and just past the roundabout (all the parcels zoned Commercial), Kit Street, Key Road, and Main Street between the Rt-101 intersection and Silent Way (where the Commercial zone ends). The Joint Committee also noted that even if a property is not large enough, there is the potential for someone to purchase multiple lots and merge them to qualify for a location.

Councilor Roberts said that besides shopping centers or those being built, that it seemed the Joint Committee was considering new construction for these charitable gaming facilities. Ms. Brunner said yes, that was the sense she had from the Joint Committee. She thought it was implied unless there is already a large enough building to accommodate this use, or if an addition was constructed to accommodate the uses' size requirements.

Councilor Bosley pointed out that Ashbrook Road was included too. She said that the maps could be reviewed in the published Joint Committee meeting videos, which she said make it easier to visualize. She said the Committee took a long time to understand the orientation of things and it required finesse to consider all the areas, some with buildings already constructed and some that could accommodate new construction, so there are options.

Councilor Haas pointed out that the Joint Committee also worked hard to reduce the minimum permitted size of a gaming floor from 20,000 square feet to 10,000 square feet. The intent was to facilitate the use of existing buildings where there might be infill.

Mr. Goodell noted that legislation had been passed recently that placed a 7-year moratorium on these licenses. He added that licenses cannot be transferred between municipalities. So, unless the legislature does something different, he did not foresee business turned away from Keene.

Councilor Favolise asked whether Mr. Goodell was specifically referring to a moratorium on charitable gaming facility licenses or historic horse racing. Mr. Goodell said he was speaking about historic horse racing licenses. Mr. Goodell continued, stating that as a former operator, he was unaware of any single charitable gaming facility that did not attempt to operate historic horse racing for profitability (because one is needed for the other), from which the charity would benefit; he compared it to a gas station without gas.

Hearing no further comments, Chair Greenwald closed the Public Hearing at 7:54 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, September 10.

A true record, attest: 

City Clerk

NOMINATIONS – LIBRARY BOARD OF TRUSTEES, PARTNER CITY COMMITTEE

Mayor Kahn nominated Sam Temple and Karthik Gowda to serve as regular members of the Library Board of Trustees, with terms to expire December 31, 2027. The Mayor also nominated

Eric Weisenberger to serve as a regular member of the Partner City Committee, with a term to expire December 31, 2024. Chair Greenwald tabled the nominations until next regular meeting.

ITEM BROUGHT FORWARD - ORDINANCES FOR SECOND READING – RELATING TO BOARD MEMBERSHIPS – ORDINANCE O-2024-05-B

Chair Greenwald called this item forward on the agenda to be acted on prior to action on the next agenda item relating to a nomination to the Congregate Living and Social Services Licensing Board. A Finance, Organization, and Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2024-05-B, as amended. Chair Greenwald filed the report. A motion by Councilor Powers to adopt Ordinance O-2024-05-B was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NOMINATION – CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

Mayor Kahn nominated Medard Kopczynski to serve as a regular member of the Congregate Living and Social Services Licensing Board, with a term to expire December 31, 2027. Chair Greenwald tabled the nomination until the next regular meeting.

COMMUNICATION – JARED GOODELL – PLEDGE OF DONATION FOR THE PURCHASE AND INSTALLATION OF A SAFE HAVEN BABY BOX

A communication was received from Jared Goodell, 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. Chair Greenwald referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – ROBERT C. HAMM – REQUEST FOR IMPROVEMENTS IN SIDEWALKS AND TRAFFIC PATTERNS – INTERSECTION OF GROVE STREET AND WATER STREET

A communication was received from Robert Hamm, requesting that the City Council consider improvements in sidewalks and traffic patterns at the intersection of Grove Street and Water Street. Chair Greenwald referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

PLD REPORT – REQUEST TO DISCHARGE FIREWORKS – FIRST RESPONDER APPRECIATION COMMUNITY DAY

A Planning, Licenses, and Development Committee report read, recommending 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.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Williams congratulated the petitioners for holding this event for a very good cause. However, he opposed the fireworks, which would be the fourth display at this location this summer. He asked if the Council really understood the impact on this neighborhood or the ecology in the adjacent swamp. He felt that it was too much at this location, so he would vote against.

Councilor Jones said that at the Committee meeting, he asked the petitioners if they could spread the word to the neighbors, so no one is surprised. The petitioners had agreed, and Councilor Jones noted he was grateful. Further, the petitioners were planning for a shorter than typical fireworks display. Councilor Jones pointed out that this is a private event, and he thanked the organizers for honoring first responders.

Councilor Lake said it sounded like a great event and he thanked the hosts for organizing it. However, Councilor Lake agreed with Councilor Williams in standing opposed to the fireworks display. He agreed that the City needs to rein in how many fireworks displays are happening at this location, both for the neighbors and the environment. He hoped that event organizers would look for other options because he did not think the Council should continue proliferating the number of fireworks displays in the City.

Councilor Favolise stated that he did not necessarily disagree that there are a lot, or perhaps too many, fireworks displays happening at Alumni Field. That said, in the absence of a policy, he did not know that just because this petitioner was coming to the Council in August—as opposed to earlier in the year—that it was fair to deny the petition. So, Councilor Favolise said he would be voting yes on this, and he was looking forward to a conversation about how the City moves forward with a policy around the number of fireworks displays that are happening in West Keene.

Councilor Filiault said he would vote yes. He thought Councilor Bosley made a good point that the requests for fireworks had increased over the years. In years past, it used to just be the 4th of July. Councilor Filiault said this was for a great cause. Still, he admired the neighborhood's resilience. He noted that Keene State College does fireworks on Krif Road. So, he hoped the City would help to find a way that spreads these events across the City.

Councilor Chadbourne agreed with Councilor Williams that there are too many of these displays and the ecological impacts are unknown. Councilor Chadbourne had received complaints in her neighborhood about neighbors who set them off illegally. Still, she agreed that the City needs a policy, so she would vote yes for this event.

The motion carried on a vote of 13–2. Councilors Williams and Lake voted in opposition.

PLD REPORT – REQUEST FOR AUTHORIZATION FOR THE ISSUANCE OF A BUILDING PERMIT FOR 3 ALIBER PLACE AND 57 MARLBORO STREET

A Planning, Licenses, and Development Committee report read, recommending 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. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Jones thought this was a great opportunity given the City had been talking about housing for several years. He added that the Joint Committee would be reviewing the Land Development Code for opportunities to allow for building permits on private streets again, which would lead to more development.

Councilor Favolise stated that he always likes to say a word for the items before the Council that are in his Ward. He was excited about the prospect of further residential development in East Keene, and in his Ward specifically. He echoed Councilor Bosley that the Council’s vote was not about the merits of this specific proposal. The request for a building permit would still need to go through the regular planning, zoning, and site review processes. He called this an administrative step that he thought was the result of an overbroad State law. The Councilor said he looked forward to supporting this and giving the “green light” for it to continue moving through the regular order process.

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

PLD REPORT – DONATION OF LAND AT 0 ASHUELOT STREET

A Planning, Licenses, and Development Committee report read, recommending 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 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 to the City. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Jones expressed happiness that this project was moving forward for this very nice piece of real estate. He noted that the Monadnock Conservancy had a track record of employing Keene residents. He thought that both the flood mitigation and stormwater issues were well-resolved. He thanked the petitioner and City staff for what he called a win for the City.

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

PLD REPORT – RULES OF ORDER AMENDMENTS

Chair Greenwald explained that the PLD Committee had been working on amendments to the Rules of Order, which were initially brought forward at two Council workshops earlier this year.

There are six amendments proposed that would require two readings by the City Council. The Council would not be taking any action at this meeting. Chair Greenwald introduced the primary intent of the six recommended amendments and encouraged all Councilors to review these proposed Rule changes. Each amendment will require a 2/3 vote for adoption. Chair Greenwald referred these proposed Rule changes back to the Planning, Licenses, and Development Committee for their continued discussion and recommendation.

Section 2. Special Meetings & Workshop Meetings

- Introduces the concept of workshops and provides a process where six Councilors can call for a special meeting or workshop, while not constituting a quorum of any of the Council standing committees.

Section 11. Right of Floor

- Refers to whether a Councilor should stand when addressing the Chair. This draft of the changes has the Councilor standing “if able” when addressing the Chair.

Section 15. Voting and Conflicts of Interest

- Extends the Conflict of interest provisions to a Councilors’ spouse, parents or children over 18

Section 25. Communications

- Introduces the provision that communications not germane to the City or State of NH, or over which the City lacks the authority to take action shall not be placed on the Council agenda. Copies of any such communications would be placed in the Councilors’ mailboxes.

Section 32. Report of Committee

- This is a housekeeping change to clarify that after a public hearing, if there is a written communication agendized it does not guarantee that the petitioner has the right to speak at the committee meeting about the subject of the public hearing.

Section 33. Resubmission of Items Previously Considered

- Provides that the reconsideration process is used when dealing with an item previously considered with copies of any such communication placed in the Councilors’ mailboxes.

FOP REPORT – CONTRACT AWARD – FIRE DEPARTMENT – SPEC RESCUE INTERNATIONAL

A Finance, Organization, Personnel Committee report read, recommending 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). 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 – STATE HOMELAND SECURITY PROGRAM – DHS APPROVED TRAINING FOR LOCALS

A Finance, Organization, Personnel report read, unanimously recommending 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). 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 – PROFESSIONAL SERVICES CONTRACT – FINAL DESIGN OF THE DOWNTOWN INFRASTRUCTURE PROJECT

A Finance, Organization, Personnel report read, unanimously recommending 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). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones stated that with all due respect for the process, he had been opposed to the design from the beginning, so to be consistent, he would vote in opposition. Still, he thanked everyone for their effort.

Councilor Roberts recalled that the Public Works Director explained to the FOP Committee that this was for the design proposal. Councilor Roberts said that it was unclear what would happen once the underground utility work begins, and that surprises arise in any construction project. He said that the longer the process is delayed, the more expensive it will be. Councilor Roberts said this work has to be done, and the City cannot afford a potential disaster underground in the meantime. So, he said this was the right time to advance the project, and he thought everyone who had worked on it had done well to prepare for contingencies, which results in money saved. Councilor Roberts suspected that Stantec would be as fiscally responsible as they had been throughout the other phases of this project.

The motion carried on a vote of 14–1. Councilor Jones voted in opposition.

FOP REPORT – FIRE DAMAGE REPAIR AT KEENE TRANSFER STATION

A Finance, Organization, Personnel report read, unanimously recommending 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. 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.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Dragon, began by thanking Senator Shaheen, who supported the City's \$3.6 million request for the stormwater portion of the downtown project. The City Manager explained that the City had submitted several Congressionally directed grant requests to both Senator Shaheen and Representative Kuster, and this was the only one to make it this far. It has moved on to the Appropriations Committee, and the City Manager was hopeful they would keep this in their final budget. The Senator's support is appreciated.

Next, the City Manager shared praise for the City's Code Enforcement and Inspections. Throughout the past several months, Fire Marshall Rick Wood had been working with the City's Code and Fire Inspection services. The City Manager shared a complementary email she received on July 12 from the owner of the new Tropical Smoothie Café, opening soon in the West Street shopping plaza. He wrote about his positive experiences with T.J. O'Brien in the Community Development Department. The Manager noted this was at least the third positive message she had received about Fire Inspections and Code/Building Inspections in just the last couple months.

The City Manager continued, reporting that Fire and Code officials had also been working with a local service provider, Davis Oil, to pilot an online system for gas and oil permits using fillable forms and an online permit application through their online portal. The City was looking at easier online payment options not just for these permits but for all departments, in another effort to create more efficiencies and improve customer service.

Next, the City Manager recalled that in 2022, the City conducted a Fire Department Staffing Study, which resulted in a recommendation to add 4 new firefighter positions to the Department at a cost of about \$500,000. This was implemented in 2023. Since then, there have been many changes: Diluzio Ambulance had closed and the City reached an agreement with Cheshire EMS for back up services. In addition, there have been many retirements at the City and as a result there are new faces at the Department, some of whom require training, and as always, the Department is very busy. The Mutual Aid system can be strained at times by the availability of some of the smaller departments around Keene. The City Manager was receiving daily call reports from the Department, and she was beginning to dig deeper into the data: where we go, what we are going for, and when our services are strained. She is always looking for strategies to help ease the burden on City departments to avoid the need for more staffing. When the City entered its agreement with Cheshire EMS, for example, data showed more calls to skilled nursing facilities than in the past (Diluzio had handled those), so she discussed strategies with Cheshire EMS to deal with the non-emergency calls through transport services. Those are the types of strategies she would continue to evaluate to ease the burden on City staff. The City Manager would update the Council about the data and to discuss strategies and opportunities.

Lastly, the City Manager wanted to help spread the word about the Public Works Director's planned pilot program this fall: Ward Optimization Weeks. The program would aim to ensure equitable distribution of maintenance services across all five wards, to address specific resident-

identified needs, and to improve the overall condition and cleanliness of public infrastructure. Each week will focus on a specific ward, rotating through all 5 wards over 5 weeks. The fall campaign will be timed to occur September 9–October 11, before leaf collection. The City Manager was excited about this idea, because some of this regular maintenance is not always visible when spread across the City. So, ward-by-ward should be an efficient use of staff time and visible to the neighborhoods. Public Works will *not* be taking on major construction projects, only maintenance issues. The City Manager encouraged all residents to submit their requests for neighborhood maintenance in advance. The City will advertise this program via press releases, posts on the City’s website, social media, and the SeeClickFix system (which all are encouraged to use) for residents who have previously signed up to receive notices. At the end of the program, the Public Works Director will provide a summary report to the Municipal Services, Facilities, and Infrastructure Committee along with a recommendation as to whether the program should continue.

FINANCE DEPARTMENT REPORT – FINANCE AUDIT SERVICES – FINANCE DIRECTOR

A motion by Councilor Powers to suspend the Rules of Order to consider and act upon the recommendation from the Finance Director for audit services was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Powers to authorize the City Manager to sign the professional services contract for audit services with the firm of Marcum LLP for a term of five years with two optional years for a total amount of \$720,000, to include the preparation of an Annual Comprehensive Financial Report and Federal Single Audit, was duly seconded by Councilor Remy.

Chair Greenwald welcomed the Finance Director, Merri Howe, who thanked the Council for considering this with short notice. Ms. Howe reported that at the beginning of July, staff proposed a request for proposals for qualified firms to perform the City’s annual audit. The City’s prior contract had been with Marcum LLP (formerly Melanson). This contract expired after the June 30, 2023 audit. She RFP was comprised of financial and compliance examinations of the City, basic financial statements, and supplementary information and compliance reports. The audit is to cover federal, state, and local funding sources in accordance with accounting standards generally accepted in the United States of America and standards applicable to financial audits, including those applicable to the federal single audit. Ms. Howe said the City received three proposals: one from a firm located in New Hampshire, one registered in New Jersey, and one with key staffing offices in Massachusetts and Pennsylvania. She said it was really sad because there used to be many local auditing firms in the State of New Hampshire that used to bid and present proposals for these audits; it is a service many of firms are no longer interested in. So, it was fortunate to receive three.

In reviewing the three proposals, Ms. Howe said staff focused on several criteria: (1) the firm’s experience with governmental audits, (2) experience of the staff assigned to our audit and our project, (3) the proposal schedule since it is time sensitive, (4) client references, and (5) the quality of the proposal. The first firm considered was the lowest bidder and failed to follow the

requirements of the RFP. The firm did not provide a New Hampshire Board of Accountancy license and they were not listed on the NH website. The firm did not provide proof of insurance or a report of the firm's system of quality control (peer review, an audit of the CPA firm to make sure that they are following the requirements to perform audits). They had no governmental references and made no mention of preparing single federal audits. They also lacked sufficient staff experience. Thus, this firm was removed from consideration based on their qualifications and because they did not adhere to the requirements in the RFP.

Ms. Howe said the second proposal was from CliftonLarsonAllen, LLP. They have more than 130 U.S. locations and they were the lowest bid. They have a New England team (Boston & Pennsylvania) that specializes in governmental service audits. They provided a copy of their certificate from the State of New Hampshire Board of Accountancy that authorized them as a CPA firm that can provide services in the state of New Hampshire. In the past 5 years, they had one New Hampshire municipal client and one university system client. The New Hampshire client (since 2023) was their first in the state. They had some governmental auditing experience, but they lacked the municipal experience for the State of New Hampshire. So, staff ranked them second. Total proposed cost was \$608,000.

The final proposal was submitted by Marcum LLP (located in Merrimack), which held the City's prior contract. Marcum LLP ranks among the top 15 firms in the nation with 4,100 professionals, including 550 partners and 50 offices nationally and internationally. They are licensed to practice and do business in the State of New Hampshire by the New Hampshire Board of Accountancy. The firm audits 400 governmental entities in New England and as part of the RFP, Marcum LLP provided 19 of their New Hampshire governmental engagements and referenced 5 New Hampshire municipalities, for which they had longevity ranging from 18–28 years. Marcum brings forth the highest level of experience to meet the City's needs, and their staff would be comprised of certified public accountants and staff accountants that have New Hampshire municipal experience. Ms. Howe provided a memo to the Council with a brief overview of the financing proposals that Marcum provided for 2024–2030. City staff scored Marcum as the highest and as able to fulfill the City's needs. Total proposed cost for the seven year contract was \$720,000.

Councilor Powers acknowledged that this was an unanticipated suspension of the Rules of Order but said that is needed sometimes around the Council's annual summer vacation. Further, he emphasized the need to have a well-qualified auditor. He also acknowledged advice to change auditors every so often as a standard in that field, but said that the Finance Director outlined that Marcum is a well-qualified firm. He thought there had been improvements when Marcum bought out Melanson. He thought that because the firm is more established, they will bring forward ideas that make it easier for Keene to do business. He hoped the Council would approve this unanimously.

Councilor Haas said it was a disappointment that there were no other firms available to respond to this proposal. He hoped that would improve in the next 5 years before the City advertises RFPs again. He agreed with Councilor Powers on the importance of a good auditor and the importance of changing auditors over time to ensure continual organizational improvement. Councilor Haas asked Marcum's fee for the prior contract, and Ms. Howe was not positive, but

said \$60,000–\$66,000. Councilor Haas remarked on the significant increase but acknowledged that was the case in most fields.

Councilor Favolise asked if this money was already fully budgeted for as part of the Operating Budget and Ms. Howe said yes.

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

ORDINANCE FOR SECOND READING – RELATING TO CLASS ALLOCATION AND SALARY SCHEDULES ORDINANCE O-2024-12

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Ordinance O-2024-12. Chair Greenwald filed the report. A motion by Councilor Powers to adopt Ordinance O-2024-12 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

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

A Finance, Organization, and Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2024-13. Chair Greenwald filed the report. A motion by Councilor Powers to adopt Ordinance O-2024-13. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NON-PUBLIC SESSION

At 8:50 PM, Councilor Bosley a motion to go into a non-public session to discuss the release of non-public minutes, to discuss the hiring of a person as a public employee, and to discuss land matters under RSA 91-A:3 II (m), (b) and (d) was seconded by Councilor Jones On roll call vote, 15 Councilors were present and voting in favor. Assistant City Managers Rebecca Landry and Andy Bohannon were invited to attend the non-public session. Mari Brunner, Senior Planner, was invited to attend a portion of the non-public session. Cody Morrison, Executive Director of Monadnock Economic Development Corporation, was also invited to participate in a portion of the non-public session.

Councilor Bosley motioned to unseal the minutes of November 1, 2023, because the reason the minutes were originally sealed no longer applies. Councilor Filiault seconded the motion and unanimously adopted it.

A motion by Councilor Bosley to keep the non-public minutes of August 17, 2023, non-public because disclosure would adversely affect the reputation of a person other than a member of the board was seconded by Councilor Filiault and unanimously adopted.

A motion by Councilor Bosley to retain the minutes of October 19, 2023, November 2, 2023, November 9, 2023, and December 7, 2023, in non-public session as disclosure would render the proposed action ineffective was seconded by Councilor Filiault and unanimously adopted.

08/01/2024

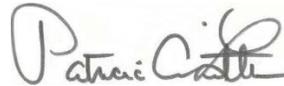
A motion by Councilor Bosley to keep the non-public discussion of August 1, 2024, relative to land matters non-public as disclosure would render the proposed action ineffective was duly seconded by Councilor Jones. On a roll call vote, 15 Councilors were present and voting in favor.

A motion by Councilor Bosley to keep the non-public discussion of August 1, 2024, relative to personnel non-public, as disclosure would render the proposed action ineffective, was duly seconded by Councilor Jones. On a roll call vote, 15 Councilors were present and voting in favor.

A motion by Councilor Bosley to keep the remainder of the discussion from the non-public session of August 1, 2024, non-public as disclosure would render the proposed action ineffective, was duly seconded by Councilor Jones. On a roll call vote, 15 Councilors were present and voting in favor.

As there were no further items of business, the meeting adjourned at 10:15 PM.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Confirmations - Library Board of Trustees, Partner City Committee**

Council Action:

**In City Council September 19, 2024.
Voted unanimously to confirm the nominations.**

**In City Council August 1, 2024.
Nominations tabled until the next regular meeting.**

Recommendation:

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

Library Board of Trustees

Sam Temple, slot 1
15 Page Street
Term to expire June 30, 2027

Karthik Gowda, slot 2
57 Eastview Road
Term to expire June 30, 2027

Partner City Committee

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

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: September 19, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Confirmation - Congregate Living and Social Services Licensing Board**

Council Action:

**In City Council September 19, 2024.
Voted unanimously to confirm the nomination.**

**In City Council August 1, 2024.
Nomination tabled until the next regular meeting.**

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: September 19, 2024
To: Mayor and Keene City Council
From: Councilor Michael J. Remy
Through: Patricia Little, City Clerk
Subject: **Councilor Remy - Modification or Rescission of Council Policy: R-2000-28: Street and Utility Requirements and Standards**

Council Action:

**In City Council September 19, 2024.
Referred to the Planning, Licenses and Development Committee.**

Recommendation:

Attachments:

1. Communication_Remy
2. CP-LAND-008_R-2000-28_Utility Standards

Background:

Councilor Remy suggests that the Council review Resolution R-2000-28 and its consistency with RSA 674:41.

Councilor Remy
Councilor-At-Large

Mayor and fellow Councilors,

It has come up twice recently, where we have run into issues with R-2000-28 being misaligned with the state rules on this same topic (RSA 674:41) and may be redundant. The rule prevents development on Class VI roads where the State allows for exceptions after City review.

I think this warrants us reviewing and either rescinding or revising this ordinance.

This update aligns with our goal of adding additional housing to the community.

Thanks,

A handwritten signature in black ink, appearing to read 'M. Remy', written in a cursive style.

Michael Remy



CITY OF KEENE

R-2000-28

In the Year of Our Lord One Thousand Nine Hundred and Two thousand

A RESOLUTION Relating to Amending the Street and Utility Requirements and Standards

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

In accordance with NHRSA 674:41, the City Council of the City of Keene hereby adopts the following interim policy with respect to the use of Class VI highways within the City of Keene:

Driveways. It shall be permissible for the owner of any lot of record, as of May 1, 2000, having the requisite frontage on a Class IV or V highway, and that abuts a Class VI Highway, to use any Class VI Highway abutting that property as a driveway, provided that said driveway does not exceed 750 feet in length measured from the intersection of the Class IV or V Highway, and the Class VI Highway and the driveway meets the City of Keene Driveway Standards.

The Planning Board may issue a driveway permit, as per Section 2708.18 of the City Code, based upon a demonstration that the section of the Class VI highway to be used as a driveway is suitable for emergency vehicles on the date of issuance of the driveway permit and further provided that the property owner executes and delivers to the City a document suitable for recording at the Registry of Deeds which contains the following items.

1. Landowner name(s), address, description of the property, and where the owner's deed is recorded at the Registry of Deeds.
2. Name of the Highway, fact that the highway is Class VI, with the details of how it attained that status.
3. Description of the proposed structure to be constructed, including number of units.
4. An acknowledgement by the owner of the property that the City of Keene has no legal duty to maintain the highway, or any intent of doing so, nor any liability for damages resulting from the use of the highway. Further, that the city will provide no winter maintenance, grading or other road repairs, and that, at times, the City may not be able to provide police, fire or other emergency services. That school bus, mail, or other services may be restricted or nonexistent and it is the property owner's responsibility to obtain such services.
5. An acknowledgement by the owner of the property that the City does not maintain and does not have any intent of doing so, and that any maintenance, or expense associated with the repair and maintenance of the Class VI highway in a condition to be used as a driveway is the responsibility of the property owner or their successors or assigns. That the portion of the Class VI highway used for a driveway will be in conformance with the City of Keene Driveway Standards.

PASSED
July 20, 2000

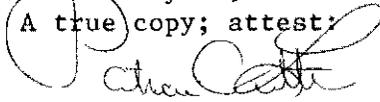
6. An acknowledgement by the owner of the property that any work performed by the property owner on the Class VI road must have prior approval from the Public Works Director or his/her designee.
7. An acknowledgement by the owner of the property that the Class VI highway shall remain a full public highway and that the property owner shall not prohibit or restrict use by the public.
8. An acknowledgement by the owner of the property that the City of Keene retains full authority, if it chooses, to regulate the public use of the highway, pursuant to RSA 41:11 and RSA 231:21.

Building Permits on Class VI Highways. Properties which have frontage and access only from a Class VI Highway shall not be eligible for building or driveway permits. Building lots created subsequent to May 1, 2000, which have frontage on both a Class IV or V and a Class VI highway shall be required to access said lot from the Class IV or V frontage.


Michael E. J. Blastos, Mayor

Passed: July 20, 2000

A true copy; attest:


City clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: September 19, 2024

To: Mayor and Keene City Council

From: Paul Schonewolf
Area Vice President - Field Operations

Through: Patricia Little, City Clerk

Subject: **Charter Communications - Request to Install a Concrete Pad and Utility Cabinet - 555 Roxbury Street**

Council Action:

In City Council September 19, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Charter Communications

Background:

Charter Communications is requesting a license to install a concrete pad and utility cabinet at 555 Roxbury Street.



VIA EMAIL and US MAIL

August 19, 2024

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

*RE: Requesting a License to place a 12' x 20' Concrete Pad with 5' x 14' Utility Cabinet
Location: 555 Roxbury Street, Keene, NH 03431- 3.16 acres
Zoned Conservation*

Dear Keene City Council,

I am an Area Vice President, Field Operations for Charter Communications, Inc., and its affiliates ("Charter").

Charter would like to request a license from the City Council to place a 12' x 20' concrete pad with a 5' x 14' utility cabinet at 0 Roxbury Street (TMP#: 239-008-000-000), Keene, NH 03431. Installation of a utility pole, underground conduits feeding the utility cabinet for Charter wiring, and electrical power will be required. Access to the concrete pad location with vehicle would also be necessary depending on the distance from paved drive. Attached is an aerial view of the parcel along with the configuration specifications. We will work with the City Manager and staff to ensure that all processes and permits are sought and issued.

Regards,

A handwritten signature in blue ink, appearing to read "P. Schonewolf", written over a faint blue circular stamp.

Paul Schonewolf
Area Vice President, Field Operations
Charter Communications

Attachment

cc: Mayor Jay Kahn
Elizabeth A. Drago, City Manager



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Jon Loveland
Through: Patricia Little, City Clerk
Subject: Jon Loveland - Bike Lane Designs in the Downtown Project

Council Action:
In City Council September 19, 2024.
Communication filed as informational.

Recommendation:

Attachments:

1. Communication_Jon Loveland_Downtown Infrastructure Project 091324_Redacted
2. Not All Protected Bike Lanes Are The Same - Accident Analysis and Prevention 141 (2020) (003)

Background:

Mr. Loveland is sharing his continued concern over the downtown project. His communication includes a technical publication entitled "Not All Protected Bike Lanes are Safe."

Thursday, September 12, 2024

Hon. Jay Kahn
Mayor
3 Washington St.
Keene, NH 03431

cc: Mitchell H. Greenwald, Chair, Municipal Services, Facilities & Infrastructure Committee
Kate M. Bosley, Chair, Planning, Licenses and Development Committee
Thomas F. Powers, Chair, Finance, Organization and Personnel Committee
Andrew M. Madison, Member, Downtown Infrastructure Project Steering Committee
Randy L. Filiault, Member, Downtown Infrastructure Project Steering Committee
Elizabeth A. Dragon, City Manager
Patricia A. Little, City Clerk

via Electronic Mail

RE: Downtown Keene Infrastructure Project

Dear Mayor, Members of the Keene City Council, and City Manager:

I am writing again to transmit to you technical information that warrants your immediate and considered attention. I have confined my previous letters to Mayor and Council to technical matters because, in my experience, conscientious policy and decision makers reserve judgement until they possess all of the needed factual basis to make important, long-term decisions. In the case of the Downtown Infrastructure Project, the City Staff and Council have not performed this fundamental function that is part of their charge.

Consider this article published in Forbes magazine, a top 10 business magazine in the US with a 2023 circulation of over 5 million readers, and with serious and legitimate editorial standards. They published the following article on September 8, 2022 entitled “**Bike Lanes Don’t Make Bicycling Safe**” (https://www.forbes.com/sites/dianafurchtgott-roth/2022/09/08/bike-lanes-dont-make-cycling-safe/?fbclid=IwY2xjawFEXhFleHRuA2FlbQIxMQABHZcNNjMJzhYe3ZwiTwWMWnUdGCWm3U6Ty73niVFdbe3CDwq66UljG8BIOA_aem_mY3eOob5B83d8-ARubj08w).

Excerpts from this article include:

“Forester estimated that accidents on bike lanes are 2.6 times higher than on roadways, because bike paths are more dangerous.” (John Forester, author of *Effective Cycling*, MIT Press, 2012).

“On streets with frequent intersections, separate paths only make cycling less safe. I wish those who advocate for them would look at the data and stop asking for facilities that will cause more accidents.” (Jan Heine, editor-in-chief of *Bicycle Quarterly*).

“Separated bike tracks, which are separated from cars by a median strip, parking lane, or row of plantings, increased crashes 400 percent more than a bike lane” (versus shared roadway, authors description of a 2019 study in Denver, CO by Wonsung Chang).

In addition, consider this study, titled “**Not all protected bike lanes are the same: infrastructure and risk of cyclist collisions and falls leading to emergency department visits in three U.S. cities**” (<https://www.iihs.org/topics/bibliography/ref/2193>), which was conducted by 7 medical doctors and a representative of the Insurance Institute for Highway Safety (IIHS), and published in Accident Analysis and Prevention 141 (2020) 105490 (see attached).

This study found that the design characteristics such as those found in the design approved by the City Council likely do not reduce risk and suggest that site-specific protected bike paths require additional study because you cannot assume they are an improvement over shared bike paths or even cycling in the main traffic stream.

An excerpt from this study:

“Protected bike lanes with heavy separation (tall, continuous barriers or grade and horizontal separation) were associated with lower risk (adjusted OR=0.10; 95 % CI=0.01, 0.95), *but* those with lighter separation (e.g., *parked cars*, posts, low curb) *had similar risk to major roads* when one way (adjusted OR=1.19; 95 % CI=0.46, 3.10) and *higher risk* when they were two way (adjusted OR=11.38; 95 % CI=1.40, 92.57);” (*emphasis added*).

Additionally, it is important to consider the health-related outcomes to pedestrians and drivers, which were not considered in this retroactive study of cyclist data. The point here is you now have evidence that bike lanes may not be as safe and effective as you think, and you have a highly unusual design where lanes have been “shoe-horned” into the available space between two very dense uses (parking and commercial), and that design has not been studied. Moreover, I found these studies in about 0.5 hours of searching on the internet. You have taken action when you could have been in possession of similar information given the amount of time and money the City staff and consultants have been spending on this project. Why were these questions not asked and these studies not performed? Who is responsible?

It was once the practice and policy of the City and Council to produce designs that would make Downtown Keene more sustainable and walkable. The City even subsidized a visit by a well-known planner and author to emphasize this point. This is clearly no longer the case, given that the amount of space currently accessible by pedestrians will be cut nearly in half so that bicyclists can have ostensibly “dedicated” bicycle lanes. This of course completely overlooks the fact that every occupant of a vehicle parking in Downtown Keene will be forced to cross these bike lanes to arrive at their destination and return to their vehicle.

It was once the practice and policy of the City and Council to conduct traffic studies of new and revised lane designs for the contemplated changes to Downtown Keene. The stated purpose of these studies was to demonstrate to the citizens of Keene the improvements of these new designs to traffic circulation with less confusion, wait times at signals, and traffic congestion. Witness all

of the prior work shown here: <https://engagestantec.mysocialpinpoint.com/keene-downtown-infrastructure/public-engagement/>.

This is clearly no longer the case, as now the City staff are no longer conducting traffic studies of the new designs of any kind, even though there is every reason to believe the reductions in parking widths, reductions of the number of traffic lanes, and reduction in lane widths will produce exactly the opposite. It is not possible to expand the area occupied by sidewalks and Central Square, and encroach on the space available to vehicular traffic, and not have negative outcomes. The new design with these changes will allow confusion and crossing traffic patterns to remain and will cause greater congestion and greater wait times at traffic signals. And at no time has the impact of all of these bicycle path “crossings” been modeled and demonstrated for either vehicular, pedestrian, OR cyclist impacts.

In the minutes of the “Ad-Hoc” Committee, the City’s consultant stated that bicycle use was approximately 10% of vehicle use (AHDIP Meeting Minutes, December 13, 2022, p. 18, <https://keeneh.gov/downtown-infrastructure-project-steering-committee>). This is a blatant exaggeration of the data that was collected, both for vehicles and pedestrians. Regarding vehicles, the consultant’s own data (Appendix B: Traffic Study Appendix, p. 4) lists total traffic on Main Street at 19,704 vehicles. On what could justifiably be considered a day of peak bicycle use, the actual data, collected by the consultant over just one or two days, showed that relative cyclist access was 2% (40 cyclists and 1710 pedestrians on 7/22/22, p. 52, Table 8, Section 4.1.1, Attachment 9 of RAISE grant application, <https://keeneh.gov/downtown/documents>), and it is likely in the winter that same usage ratio drops to something less than 0.2%. Even if you assume the consultant’s growth projections, which is highly unlikely in a city like Keene where there has been no population growth in a generation, this ratio would be 4%, and clearly not remotely close to what was stated. If you compare cyclist use to vehicle use, the percentage comparative usage is 0.2%, even in the summer. This is the very definition of negligible bicycle use by any reasonable standard.

Of equal great concern is the willingness of some City Council members to state with great certainty their personal determination that this number of lanes or that number of lanes, or this configuration or that configuration, is what is required. How is it possible they have such great certainty in the absence of professional studies presented by those trained in the subject matter area and hopefully reviewed by independent subject matter experts?

From a governance perspective, the Mayor and Council should really ask themselves WHY this is the case. Are City Staff attempting to implement their *a priori* desired policies by virtue of not conducting the needed studies that clearly should be performed? Are City Council members, who have no particular expertise in traffic design or safety, willing to substitute their personal analysis and judgement for the work of trained professionals to achieve an *a priori* policy outcome?

The Keene City Council has some members of the business community with many years of experience, and I assume these members of the City Council will recognize there is no benefit to anyone to overlook these serious issues of risk management and public safety and proceeding on the basis of incomplete information and poor analysis. These experienced members of the finance and insurance industries must know that there are no political winners of any persuasion

when you overlook multiple risks for the sake of appearances and overlook good governance practices, including full communication of all facts with all of Keene's constituents.

In your zeal to transform the aesthetic appearance of Downtown Keene given the opportunity, and, as a result of your choices, the City Staff and Council, jointly, have achieved:

- A significant reduction in the sustainability and utility of Downtown Keene for pedestrians, and a degraded "walkable" city,
- A reduction in the sustainability and utility of Downtown Keene for vehicular traffic, and a degraded "drivable" city,
- Devoting valuable public resources to a use (cycling) *known to you* to be negligible, both now and in the future, to the significant detriment of other uses,
- A truly marginal aesthetic benefit for Central Square,
- By virtue of poor methods for planning, cost control, communication, and public outreach, a reduced confidence in the management and governance of the City, and,
- **Made Downtown Keene less safe for vehicles, AND pedestrians, AND cyclists, all at the same time.**

Have any of you been struck by a vehicle in an obstructed view (parked vehicles) environment? Do any of you know how many times this will happen in Downtown Keene as a result of your design? (the answer is no). Have any of you intentionally been in a bike accident/fall to avoid a pedestrian? Have any of you been struck, as a pedestrian, by a bicyclist? This is highly likely given your design. Do any of you know what the health outcome of such a collision is? (the answer is no).

If you have not asked these questions, and if you do not have these answers, and if you have not communicated these risks to the citizens of Keene, then you have not done your job.

Congratulaton.

Sincerely,



Jonathan P. Loveland, PE
Irvine, CA

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Encl:

Accident Analysis and Prevention 141 (2020) 105490, “Not all protected bike lanes are the same: Infrastructure and risk of cyclist collisions and falls leading to emergency department visits in three U.S. cities”, Jessica B. Cicchino^{a,*}, Melissa L. McCarthy^b, Craig D. Newgard^c, Stephen P. Walld, Charles J. DiMaggio^e, Paige E. Kulief, Brittany N. Arnold^d, David S. Zubya.



Not all protected bike lanes are the same: Infrastructure and risk of cyclist collisions and falls leading to emergency department visits in three U.S. cities

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ABSTRACT

Objective: Protected bike lanes separated from the roadway by physical barriers are relatively new in the United States. This study examined the risk of collisions or falls leading to emergency department visits associated with bicycle facilities (e.g., protected bike lanes, conventional bike lanes demarcated by painted lines, sharrows) and other roadway characteristics in three U.S. cities.

Methods: We prospectively recruited 604 patients from emergency departments in Washington, DC; New York City; and Portland, Oregon during 2015–2017 who fell or crashed while cycling. We used a case-crossover design and conditional logistic regression to compare each fall or crash site with a randomly selected control location along the route leading to the incident. We validated the presence of site characteristics described by participants using Google Street View and city GIS inventories of bicycle facilities and other roadway features.

Results: Compared with cycling on lanes of major roads without bicycle facilities, the risk of crashing or falling was lower on conventional bike lanes (adjusted OR = 0.53; 95 % CI = 0.33, 0.86) and local roads with (adjusted OR = 0.31; 95 % CI = 0.13, 0.75) or without bicycle facilities or traffic calming (adjusted OR = 0.39; 95 % CI = 0.23, 0.65). Protected bike lanes with heavy separation (tall, continuous barriers or grade and horizontal separation) were associated with lower risk (adjusted OR = 0.10; 95 % CI = 0.01, 0.95), but those with lighter separation (e.g., parked cars, posts, low curb) had similar risk to major roads when one way (adjusted OR = 1.19; 95 % CI = 0.46, 3.10) and higher risk when they were two way (adjusted OR = 11.38; 95 % CI = 1.40, 92.57); this risk increase was primarily driven by one lane in Washington. Risk increased in the presence of streetcar or train tracks relative to their absence (adjusted OR = 26.65; 95 % CI = 3.23, 220.17), on downhill relative to flat grades (adjusted OR = 1.92; 95 % CI = 1.38, 2.66), and when temporary features like construction or parked cars blocked the cyclist's path relative to when they did not (adjusted OR = 2.23; 95 % CI = 1.46, 3.39).

Conclusions: Certain bicycle facilities are safer for cyclists than riding on major roads. Protected bike lanes vary in how well they shield riders from crashes and falls. Heavier separation, less frequent intersections with roads and driveways, and less complexity appear to contribute to reduced risk in protected bike lanes. Future research should systematically examine the characteristics that reduce risk in protected lanes to guide design. Planners should minimize conflict points when choosing where to place protected bike lanes and should implement countermeasures to increase visibility at these locations when they are unavoidable.

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1. Introduction

Bicycling popularity in urban areas has increased in the United States during the 21st century. U.S. workers who reported commuting to work by bicycle increased more than 60 % from 2000 to 2008–12, and the proportion of adults who cycle to work nearly doubled during this period in the largest 50 U.S. cities (McKenzie, 2014). With this increase in cycling exposure has come an increase in fatalities and injuries among adult bicyclists. The number of bicyclists age 20 and older fatally injured in U.S. crashes with motor vehicles increased by nearly 50 % during 2000–2017 (Insurance Institute for Highway Safety, 2018). Age-adjusted emergency department visit rates for bicycling-related injuries in the United States have similarly risen in recent years (Sanford et al., 2015).

Growing cycling popularity and rising cycling-related injuries and deaths have encouraged U.S. cities to install infrastructure for bicyclists along more of their roads. Conventional bike lanes demarcated by painted lines have long existed in the United States, and over the past decade U.S. cities have begun to incorporate protected bike lanes. Protected bike lanes, also called cycle tracks or separated bike lanes, are bicycle facilities separated from motor vehicle traffic by a physical barrier such as parked cars, curb, grade, landscaping, posts, or a combination of these or other features. Protected bike lane mileage in the United States increased from about 40 miles in 2008 to about 400 miles in 2018 (People for Bikes, 2018).

Recent North American evaluations of the effects of conventional bike lanes have had inconsistent results, with some finding them to be associated with fewer bicyclist crashes or injuries overall (Bhatia et al., 2016; Hamann and Peek-Asa, 2013; Park et al., 2015; Pulugurtha and Thakur, 2015; Teschke et al., 2012; Wall et al., 2016) or in specific circumstances (Kondo et al., 2018), and others reporting no change in crashes or increases associated with them (Chen et al., 2012; Raihan et al., 2019; Wei and Lovegrove, 2013). Different findings in part reflect disparities in how evaluations were conducted. For example, studies of bike lane efficacy vary in how and if cycling exposure was accounted for, which is important given that constructing facilities for cyclists can increase ridership (Buehler and Pucher, 2012; Dill and Carr, 2003).

Research on the effects of protected bike lanes on bicyclist crashes and injuries in North America is sparser than that for conventional bike lanes. Teschke et al. (2012) used a case-crossover design to compare infrastructure at locations where cyclists treated in Toronto and Vancouver, Canada emergency departments were injured with infrastructure at randomly selected locations along the routes cyclists took prior to their injuries, and found that injury risk in protected bike lanes was one tenth of that on major roads with parked cars. Bicyclist injury rates per kilometer traveled were 28 % lower on Montreal protected bike lanes compared with similar nearby streets without cycling infrastructure (Lusk et al., 2011). A later Montreal study found that injury rates were lower in protected bike lane segments than on comparison streets but were not always lower at intersections, with effects varying among the lanes examined (Nosal and Miranda-Moreno, 2012).

In the United States, an evaluation in New York City reported that bicyclist injury rates in crashes with motor vehicles were 23 % lower on roads with protected bike lanes compared with roads without cycling infrastructure using pedestrian activity as a proxy for bicyclist exposure, although the finding was not statistically significant (Wall et al., 2016). However, severity was higher for injuries sustained in protected bike lanes than those sustained on roads without cycling facilities. Simple before-after examinations of police-reported bicyclist-motor vehicle crash rates in protected bike lanes in New York City and Washington, DC, that accounted for exposure but did not use controls have produced mixed findings, with decreases at New York intersections after the installation of protected bike lanes and increases along the initial lanes constructed in Washington (Goodno et al., 2013; Sundstrom et al., 2019). A cross-sectional study examining data from 12 U.S. cities found that the density of protected bike lanes at the city and

block level, but not of conventional bike lanes, was associated with fewer police-reported fatalities and serious injuries to all road users (Marshall and Ferenchak, 2019).

With their growing prevalence, more needs to be known about the safety of protected bike lanes in the United States. Existing U.S. evaluations have focused on crashes involving motor vehicles, but other incidents such as falls or collisions with pedestrians or other cyclists cause many cyclist injuries treated in emergency departments (e.g., Beck et al., 2016; de Rome et al., 2014; Schepers et al., 2015; Stutts and Hunter, 1999; Teschke et al., 2012).

The current study examined the risks associated with infrastructure characteristics, including protected bike lanes, of bicyclist crashes or falls leading to emergency department visits in the U.S. cities of Washington, DC; New York City; and Portland, Oregon. These cities were chosen because of their combination of high cycling rates relative to other U.S. cities (Portland, Washington), large amount of protected cycling infrastructure (New York), varied bike facility design, and mix of other roadway characteristics (e.g., streetcar tracks in Portland and Washington, extensive traffic calming on Portland's local roads). There were approximately 5 miles of protected bike lanes in use in Portland, 10 miles in Washington, and 100 miles in New York by the end of 2018 (People for Bikes, 2018), and during 2017, 6.3 % of adult workers in Portland, 5.0 % in Washington, and 1.3 % in New York biked to work (United States Census Bureau, 2018).

We used a case-crossover design similar to Teschke et al. (2012). Infrastructure characteristics at the location where adult cyclists crashed or fell were compared with those at a randomly selected location along the route leading to their incidents. Because cyclists served as their own controls and comparisons made between case and control sites were within trip, the design accounts for exposure to roadway features while matching rider and general trip (e.g., weather) characteristics between sites.

2. Methods

2.1. Patients

We enrolled 604 adults who sought treatment after falling or crashing while riding a bicycle at the emergency departments of George Washington University Hospital in Washington, Oregon Health and Sciences University in Portland, and Bellevue Hospital and the Ronald O. Perleman Center for Emergency Services of NYU Langone Medical Center in New York City. Bellevue and the Washington and Oregon hospitals are Level 1 trauma centers, and NYU Langone is a university-based quaternary hospital juxtaposed to Bellevue Hospital. Trained research staff interviewed patients in the emergency department. The research teams enrolled patients during set hours (9 a.m. – 10 p.m. in Washington, 8 a.m. – 11 p.m. in Portland, 8 a.m. – midnight in New York); patients who visited the emergency department outside of coverage hours were not enrolled. Data collection began in different months in each city (April 2015 in Washington, November 2015 in Portland, April 2016 in New York) and lasted through September 2017. The final sample included 354 patients from Washington, 131 from Portland, and 119 from New York. The protocol was approved by each hospital's institutional review board.

Adult cycling patients were eligible if they crashed or fell while riding a bike; could remember the route leading to their incidents, understand consent, and communicate with emergency department staff (in English in Washington and Portland and in English or Spanish in New York); and if their incident occurred within a week of the interview; their trip was 0.10 mile or longer and was within the hospital's catchment area; and they were not trick riding, racing, or riding with more than one person on a bicycle during their trip. There were 982 adult cyclists who presented to the emergency departments in Washington and Portland during coverage hours in the study period. Of these, 676 (69 %) were eligible, 254 (26 %) were ineligible, and 52 (5

%) left the emergency department before research assistants could screen them. The research assistants enrolled 485 patients in Washington and Portland, which was 72 % of the eligible screened patients in those cities. The most common reasons for being ineligible in Washington and Portland were being unable to remember their route (44 cyclists) and being injured outside of the hospital’s catchment area (40 cyclists). Data on cycling patients not enrolled were not collected consistently in New York.

2.2. Interview and injury coding

Research staff used a structured questionnaire to interview participants. The primary purpose of the interview was to record the route the participant took during the trip leading to their crash or fall and collect information that could not be obtained from site inspections. The research assistant mapped each participant’s route electronically using the website www.mapmyride.com and selected a control site along the route by multiplying a random proportion between 0.01–0.99 by the length of the entire route and placing the control site at the resulting distance from the start of the trip. For instance, if the trip was 7.5 miles and the random proportion was 0.61, the control location was marked 4.58 miles (7.5 × 0.61) from the trip’s starting point. The probability of selecting a control location with a certain type of infrastructure was proportional to the cyclist’s distance-based exposure to the infrastructure during their trip.

We adapted additional interview questions from [Teschke et al. \(2012\)](#) to assess circumstances leading to the incident, trip purpose, personal characteristics, what type of route the cyclist was riding at the case and control sites, which lane of the roadway the cyclist was in if they were riding on the road, and temporary site characteristics blocking the cyclist’s path such as construction or parked cars. The research assistants showed the participants a Google Street View image of the case and control sites as they answered questions about them.

Following emergency department or hospital discharge, one research assistant at each site reviewed the medical record of each subject and coded each injury sustained using the Abbreviated Injury Scale ([Gennarelli and Wodzin, 2008](#)). The AIS score ranges from 0 to 6, with 0 representing no injury and 6 representing nonsurvivable injuries. A score of 2 indicates a “moderate” injury and 3 or greater indicates a “serious” injury.

2.3. Site feature identification

We characterized route types at the case and control locations into one of 10 categories. If a site was an intersection, characteristics were recorded for the route type the cyclist was riding on prior to reaching the intersection.

- 1 *Major road*: Arterial or collector roads as classified by the functional class system, where cyclists were not in a conventional or protected

bike lane or lane with shared lane markings. Following [Teschke et al. \(2012\)](#), who found that injury risks were higher on major roads with parked cars than on other route types, major roads were the reference in analyses.

- 2 *Bike lane on major road*: Conventional bike lanes with painted separation from moving motor vehicles on arterial or collector roads. This classification includes bike lanes with buffers (i.e., painted space between bike lane and road) if there was not also vertical physical separation. Few (7 %) bike lane sites had painted buffers. Nearly two-thirds (62 %) were located next to a parking lane, 35 % were next to the edge of the road, and 3 % were between two lanes of moving traffic (e.g., between a through lane and turn lane) ([Fig. 1](#)).
- 3 *Sharrows on major road*: Shared lane markings on arterial or collector roads ([Fig. 1](#)).
- 4 *Local road*: Local roads as classified by the functional class system, driveways, and parking lots, without traffic calming and where cyclists were not in lanes with bicycle facilities. Few (3 %) sites identified as local roads were on private property.
- 5 *Local road with bike lane, sharrows, or traffic calming*: Local roads that had traffic calming or where cyclists were riding in bike lanes or lanes with sharrows. Traffic calming included nearby speed bumps and Portland’s neighborhood greenways, which are local roads that give priority to bicyclists and pedestrians through speed bumps, traffic diverters, and sharrows.
- 6 *Sidewalk*: Paths next to roadways designed for pedestrian use.
- 7 *Off-road/trail*: Off-road areas other than sidewalks with mixed use, such as multiuse trails or roadways shut down to motor vehicle traffic. Nearly all (99 %) off-road sites were paved.

Protected bike lanes were defined as bike lanes physically separated from motor vehicle travel lanes with vertical barriers. All were located on major roads. We considered three categories of protected bike lanes based on the type of separation used and direction of travel. “Heavy separation” ([Fig. 2](#)) included tall, continuous barriers (e.g., bridge rails, tall concrete barriers or walls), or lanes at sidewalk-level that were also separated horizontally from the road. Protected lanes located on bridges all had heavy separation. “Light separation” ([Fig. 3](#)) was transient (parked cars), noncontinuous (posts, parking stops), short (continuous low curb), and/or did not provide horizontal separation (raised lane immediately adjacent to the road). The categories of protected bike lanes included:

- 8 *One-way protected bike lane, light separation*
- 9 *Two-way protected bike lane, light separation*
- 10 *Protected bike lane, heavy separation*: All of these lanes in this study were two way.

We classified route types based on a combination of patient reports and site reviews. The research assistants asked the participants if the



Fig. 1. Examples of a bike lane (left) and sharrows (right).



Fig. 2. Examples of protected bike lanes with heavy separation: Hudson River Greenway in Battery Park, New York (left); Pulaski Bridge, New York (center); Southwest Moody Ave, Portland (right).

routes they were riding on at the case and control sites were roads, bike lanes, sidewalks, or off-road locations. We cross-referenced participants' reports with Google Street View and GIS inventories of cycling facilities maintained by the study cities to validate that the named route types were present at the sites. Off-road sites that were not viewable on Google Street View were visually assessed using Google Earth satellite view. New York's GIS inventory of cycling facilities included facility installation date, and Washington and Portland's included installation year. When it was ambiguous if a facility was installed before or after a trip from the main data sources, we consulted installation dates of new facilities obtained from the city (Washington) or from publicly available information (New York, Portland). We further broke down route types from the initial four categories using these tools and roadway functional class maps maintained by states and the District of Columbia. If bike lanes or sharrows were present, we determined from questionnaire responses if participants were riding in a lane with these markings, another lane, or other route type (e.g., sidewalk) without special markings for bicyclists.

The named route type was not present at 10 % of locations. The participant misnamed the route type (e.g., called a multiuse trail or road with sharrows a bike lane) in more than half of these. At most remaining locations, the participant named the route type they were approaching rather than the route type they came from at an intersection (13 sites), or said they were in a bike lane when none was present (26 sites). If the patient said they were in a bike lane when none was present, we assumed they were riding in the road. There were no locations where a participant said they were riding on a sidewalk at a site without one. However, there was one location where sharrows were present but the cyclist said they were traveling in an unmarked lane.

Other features identified from site review included grade and the presence of streetcar (tram) or train tracks. Grade was determined through measuring elevation in Google Earth at the case or control site and 0.05 miles before the site and calculating the rise over run. Elevation could not be measured on bridges and overpasses, and grade for sites with these elements was unknown. Grades greater than 1 % were considered uphill, less than -1 % downhill, and between -1 % and 1 % flat. Intersections were defined as locations where two or more roads meet; junctions with alleys, driveways, or entrance/exit ramps

were not considered intersections.

2.4. Analyses

In the primary analysis, we used conditional logistic regression to examine the association between environmental characteristics and site type, with a binary indicator for site type (1 = case, 0 = control) as the dependent variable. Conditional logistic regression takes into account the paired study design (each pair is one subject, at case and control sites) by stratifying by pair and maximizing a conditional likelihood function that avoids estimating stratum parameters. For further information see SAS Institute (2011). Independent variables included route type, grade, and the presence of streetcar or train tracks and temporary features that blocked the cyclist's path. Results are presented unadjusted by individual variable and adjusted with all covariates included. Unadjusted results were produced using conditional logistic regression models with a single predictor; the result is also known as a matched-pair odds ratio. Because crashes and falls leading to emergency department visits are rare events, odds ratios are good approximations of relative risks and so results from logistic regression models are interpreted as changes in risk.

Because infrastructure may differentially affect risk of crashes or falls depending on the cause or injury severity, we conducted four sensitivity analyses of the primary adjusted model restricting the analysis to incidents of specific circumstances or injury severities: 1) crashes and falls involving moving vehicles, 2) crashes and falls not involving moving vehicles, 3) incidents where cyclists sustained minor or no injuries (AIS 0 or 1), and 4) incidents where cyclists sustained moderate or more severe injuries (AIS 2+). Another sensitivity analysis excluded patients who reported riding on a route type at the case or control site that was not observed to be present upon site inspection. The primary analysis was also conducted separately for each city.

An additional conditional logistic regression model was constructed that included intersection presence, the independent variables from the primary model (route type, grade, streetcar or train tracks, temporary features), and interaction terms between intersection and the other independent variables. This allowed the crash or fall risk associated with various characteristics to be computed separately at intersections



Fig. 3. Examples of protected bike lanes with light separation, from left to right: 15th Street NW, Washington DC, separated with posts and parked cars; Pennsylvania Ave NW, Washington DC, separated with parking stops; 7th Avenue, New York, separated with continuous low curb and grade, immediately adjacent to the road; 1st Street NE, Washington DC, separated with continuous low curb.

Table 1
Characteristics of cyclists and their trips (unknown values excluded, total sample N = 604).

Characteristic	Number of cyclists with nonmissing values	Percent
Male	604	72.3
Age	603	
18–29		33.3
30–39		29.0
40–49		16.3
50–59		14.3
60–69		5.3
70 +		1.8
Regular cyclist	601	82.0
Completed college degree or higher	599	68.9
Income > = \$50,000	495	66.7
Race/ethnicity		
White, non-Hispanic	597	66.2
Hispanic		13.9
Black, non-Hispanic		11.4
Asian/Pacific Islander		4.2
Other		4.4
Trip purpose	603	
To/from work/school		54.4
Exercise or recreation		19.4
Personal business (e.g., errands)		10.1
Social reasons (e.g., movies, visit friends)		10.0
During work		5.3
Other		0.8
Weekday	604	82.1
Daylight	604	84.4
Clear weather	597	88.1
Trip distance	604	
< 1 mile		33.8
1 to < 3 miles		32.8
3 to < 5 miles		11.1
5 to < 10 miles		13.3
10+ miles		9.1
Helmet used	603	62.5
Shared or rental bike	602	7.3

and away from intersections.

We classified circumstances leading to crashes and falls based on responses to an open-ended question asking patients to describe the circumstances of their accident and forced-choice questions asking what, if anything, they collided with or fell to avoid colliding with. We categorized the proportion of incident circumstances occurring on each route type as collisions with or falls to avoid moving motor vehicles (cars, SUVs, pickups, motorcycles, trucks, buses), stopped or parked motor vehicles (including doors), other cyclists, pedestrians, infrastructure (e.g., curb, pole, fence), or surface features (e.g., potholes, uneven

Table 2
Injury severity among all cyclists and injured body regions of cyclists with moderate or severe (AIS 2+) injuries.

Injury characteristic	Percent
Maximum injury severity (AIS)	N = 604
AIS 0	2.3
AIS 1	54.8
AIS 2	35.1
AIS 3+	7.0
Maximum severity unknown	0.8
Injured body regions with AIS 2+ injuries, among cyclists with at least one AIS 2+ injury	N = 254
Head	14.6
Face	8.3
Neck	0.4
Thorax	11.4
Abdomen	3.2
Spine	7.9
Extremities	72.4

Note: Some of the 254 cyclists sustained multiple AIS 2+ injuries.

pavement, streetcar tracks); falls due to other causes (e.g., slippery surface, avoiding adverse surface conditions, clothing caught in chain), or other/unknown causes. We computed relative proportions and associated 95 % confidence intervals to assess the rate of each circumstance on each route type relative to the rate for the reference category of major roads. Only case sites (and not control sites) were included in these analyses. For relative proportions including a route type where a type of circumstance never occurred, exact 95 % confidence intervals were computed that could handle zero values using the Farrington-Manning relative risk score statistic (Chan and Zhang, 1999).

3. Results

3.1. Cyclist, trip, and injury characteristics

Table 1 summarizes the cycling and trip characteristics of the study sample. Participants were mostly male, and about half were under age 40. More than 80 % were regular cyclists who reported biking on most days during the months of the year when they ride. Two thirds of trips were shorter than 3 miles, about half were commuting trips, and most occurred on weekdays, with clear conditions, and during daylight. Most cyclists (97.7 %) presenting at an emergency department were injured (Table 2), but fewer than half sustained at least one moderate or severe (AIS 2+) injury. Among the 254 participants with AIS 2+ injuries, almost 70 % sustained injuries to the extremities.

3.2. Risk of crashing or falling

Table 3 displays results of the unadjusted and adjusted conditional logistic regression models comparing characteristics at case locations to those at control locations. Relative to major roads, risks of crashing or falling were significantly lower on local roads with and without bike infrastructure or traffic calming, bike lanes, and protected bike lanes with heavy separation in both models, and on off-road locations in the unadjusted model only. Risks were significantly higher in both models on two-way protected bike lanes with light separation relative to major roads, on downhill grades relative to flat grades, when temporary features were blocking the path relative to when they were not present, and when streetcar or train tracks were present relative to when they were absent.

3.2.1. Sensitivity analysis

Risk was examined separately for crashes with or falls to avoid moving vehicles (Table A1, Appendix A) and for other crashes and falls (Table A2). Reductions in risk for bike lanes and off-road locations relative to major roads were strongest in the vehicle model, while temporary features that blocked the cyclist's path only increased risk of

Table 3
Comparison of route types and other characteristics at case and control sites and associated crash/fall risk estimates (N = 604).

Characteristic	# of case sites/ # of control sites	Unadjusted OR (95 % CI)		Adjusted OR (95 % CI)	
Route type					
Major road (ref)	244/187	1.00		1.00	
Bike lane on major road	92/109	0.52*	(0.33, 0.82)	0.53*	(0.33, 0.86)
Sharrows on major road	16/17	0.68	(0.29, 1.61)	0.57	(0.23, 1.43)
Local road, no bike infrastructure/traffic calming	50/79	0.37*	(0.23, 0.61)	0.39*	(0.23, 0.65)
Local road with bike lane, sharrows, or traffic calming	17/27	0.28*	(0.12, 0.67)	0.31*	(0.13, 0.75)
Sidewalk	60/61	0.61 ⁺	(0.36, 1.05)	0.70	(0.40, 1.22)
Off-road/trail	83/93	0.49*	(0.29, 0.83)	0.60 ⁺	(0.35, 1.04)
One-way protected bike lane, light separation	18/13	1.07	(0.42, 2.72)	1.19	(0.46, 3.10)
Two-way protected bike, light separation	21/9	8.40*	(1.08, 65.53)	11.38*	(1.40, 92.57)
Protected bike lane, heavy separation	3/9	0.08*	(0.01, 0.73)	0.10*	(0.01, 0.95)
Grade					
Flat (ref)	277/309	1.00	1.00	1.00	
Downhill	225/167	1.66*	(1.24, 2.23)	1.92*	(1.38, 2.66)
Uphill	75/103	0.82	(0.57, 1.18)	0.81	(0.55, 1.19)
Unknown	27/25	1.27	(0.68, 2.36)	1.50	(0.77, 2.89)
Temporary features					
No (ref)	483/520	1.00		1.00	
Yes	114/75	1.94*	(1.33, 2.84)	2.23*	(1.46, 3.39)
Unknown	7/9	0.88	(0.28, 2.83)	0.73	(0.20, 2.63)
Streetcar or train tracks					
No (ref)	582/600	1.00		1.00	
Yes	22/4	19.00*	(2.54, 141.93)	26.65*	(3.23, 220.17)

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

⁺ $p < 0.10$.

crashes or falls not involving moving vehicles. Risk was significantly higher on two-way protected bike lanes with light separation compared with major roads when examining crashes or falls not involving vehicles, but effects on those involving vehicles could not be reliably estimated for these lanes.

Results when analyses were limited to cyclists that sustained no or AIS 1 (Table A3) and AIS 2 or more severe injuries (Table A4) yielded similar results for most infrastructure types; protected bike lanes with light separation were associated with nonsignificant increases in risk relative to major roads when the analysis was limited to moderate or more serious injuries. When the 46 cyclists who reported being in a route type that was not present at the case or control site where the lapse could not be explained by misnaming (e.g., calling sharrows or a multiuse trail a bike lane) were excluded, the results were very similar to the primary analysis (Table A5).

3.2.2. Intersections

Most incidents occurred away from intersections, but risks were higher at intersections (unadjusted OR = 5.17; 95 % CI = 3.60, 7.43). Table 4 describes the risks of crashing or falling associated with various route types and other characteristics at intersections and away from intersections. Risks by roadway segment type were similar to those observed in the primary analysis. At intersections, however, risk was higher on bike lanes relative to major roads ($p = 0.0535$). Interactions between intersection presence and route type indicated that cyclists were significantly more likely to crash or fall at intersections on bike lanes ($p = 0.0018$) and on local roads with bike lanes, sharrows, or traffic calming ($p = 0.0098$) than at nonintersections on these facilities relative to major roads. Similarly, an interaction between intersection presence and grade indicated that cyclists were more likely to crash or fall at nonintersections than intersections when grade was unknown relative to when it was flat ($p = 0.0402$); this effect likely reflects the types of sites where grade could not be measured (bridges, overpasses). No other interactions were significant. Risk was higher for two-way protected bike lanes with light separation relative to major roads at both intersections ($p = 0.0731$) and nonintersections ($p = 0.0921$).

3.3. Incident circumstances

Table 5 summarizes the circumstances of crash or fall incidents by route type. Overall, less than half (40.2 %) of cyclists collided with or fell to avoid moving motor vehicles.

Circumstances varied by the type of route where the incident occurred. Table 6 presents the relative proportions of incident circumstances by route type compared with the proportion that occurred on major roads. A smaller proportion of cyclists crashed with or fell to avoid moving motor vehicles at off-road locations than on major roads, but the proportion involved in motor vehicle crashes on other route types didn't differ significantly from major roads. Collisions with or falls to avoid stopped or parked vehicles were less likely on off-road locations, sidewalks, or local roads without bike infrastructure or traffic calming. The proportion of cyclists who collided with or fell to avoid other cyclists was higher at off-road locations and on both types of two-way protected bike lanes than on major roads, and the proportion who collided with or fell to avoid pedestrians was higher at off-road locations and on protected bike lanes with light separation. Relative to major roads, collisions with or falls to avoid infrastructure and other falls were more likely at off-road locations and on sidewalks; collisions with or falls to avoid infrastructure were additionally more likely on protected bike lanes with heavy separation.

The majority of cyclists who collided with or fell to avoid moving vehicles did so at intersections (58.9 %). The definition of intersection in this study did not include junctions with driveways, alleys, or exit/entrance ramps, and crashes or falls in protected bike lanes were reviewed to determine if they occurred at these additional junction types. In protected bike lanes, 60.0 % of incidents involving moving vehicles occurred at intersections, 26.7 % at junctions with driveways or alleys, 6.7 % at junctions with exit ramps, and 6.7 % at midblock (not at junctions). Most incidents involving pedestrians in protected bike lanes occurred mid-block (66.7 %) and those involving other cyclists were evenly distributed between intersections and nonintersections; none of these incidents occurred at junctions with driveways, alleys, or exit ramps.

Table 4
Comparison of route types and other characteristics at case and control sites at intersections and nonintersections and associated crash/fall risk estimates (N = 604).

Characteristic	Nonintersection		Intersection	
	# of case sites/ # of control sites	Adjusted OR (95 % CI)	# of case sites/ # of control sites	Adjusted OR (95 % CI)
Route type				
Major road (ref)	168/157	1.00	76/30	1.00
Bike lane on major road	49/102	0.39* (0.21, 0.72)	43/7	3.87 ⁺ (0.98, 15.32)
Sharrows on major road	8/16	0.45 (0.14, 1.46)	8/1	6.37 (0.52, 78.41)
Local road	28/68	0.30* (0.15, 0.58)	22/11	0.59 (0.21, 1.65)
Local road with bike lane, sharrows, or traffic calming	4/24	0.07* (0.01, 0.34)	13/3	9.09 (0.32, 260.81)
Sidewalk	36/53	0.48* (0.24, 0.97)	24/8	1.20 (0.41, 3.53)
Off-road/trail	74/90	0.66 (0.35, 1.23)	9/3	1.24 (0.21, 7.16)
One-way protected bike lane, light separation	13/12	1.19 (0.36, 3.91)	5/1	§
Two-way protected bike, light separation	11/8	7.80 ⁺ (0.71, 85.17)	10/1	13.38 ⁺ (0.78, 228.26)
Protected bike lane, heavy separation	2/9	0.04* (0.00, 0.55)	1/0	§
Grade				
Flat (ref)	188/280	1.00	89/29	1.00
Downhill	129/147	1.74* (1.16, 2.61)	96/20	2.17 (0.93, 5.07)
Uphill	51/91	1.00 (0.61, 1.63)	24/12	0.39 ⁺ (0.14, 1.10)
Unknown	25/21	1.92 ⁺ (0.92, 400)	2/4	0.21 (0.03, 1.60)
Temporary features				
No (ref)	312/466	1.00	171/54	1.00
Yes	77/65	3.40* (2.00, 5.78)	37/10	1.38 (0.50, 3.78)
Unknown	4/8	0.89 (0.17, 4.65)	3/1	0.45 (0.03, 6.11)
Streetcar or train tracks				
No (ref)	381/536	1.00	201/64	1.00
Yes	12/3	10.00* (1.16, 86.28)	10/1	§

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks), the intersection indicator, and the interactions between these and the intersection indicator. OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

⁺ $p < 0.10$.

§ model could not produce reliable estimates.

3.4. Regional differences

The main analyses examining crash or fall risk by route type were conducted separately by city and are presented in Tables A6–A8 in the Appendix A. Patterns of results for conventional bike lanes, local roads, downhill grades, and temporary features were consistent across cities, although sample sizes were small in New York and Portland, which limited the power to achieve statistical significance. However, we observed some differences among cities. For example, riding on sidewalks was associated with a significantly lower risk in Portland relative to major roads, while it was associated with an elevated risk in New York. The direction of effects for one-way protected bike lanes differed in Washington and New York, and were associated with increased risk in Washington and decreased risk in New York relative to major roads, but neither effect was statistically significant. Most sites with streetcar or train tracks were located in Portland.

Characteristics of the protected bike lanes that served as case and control sites and their locations are described in Table 7. Nearly all incidents on two-way protected bike lanes with light separation occurred in Washington, while all but one protected bike lane site with heavy separation were in New York. An approximately 0.67-mile section of protected bike lane along two-way vehicle traffic on 15th Street NW in Washington between Massachusetts Avenue and Pennsylvania Avenue stood out as particularly risky, accounting for 11 of the 21 crashes or falls on two-way protected bike lanes with light separation in the study and only one control site. On average, protected bike lanes with light separation each were crossed by driveways, alleys, exit ramps, or intersecting roads about 19 times per mile, although the nature of these crossings varied by city; lanes in Washington were crossed more often by driveways and alleys than those in New York, and those in New York were crossed by intersecting roads more often than lanes in Washington. Protected bike lanes with heavy separation that were grade-separated were crossed by driveways, alleys, exit

ramps, or intersecting roads an average of 6 times per mile, and those on bridges an average of twice per mile.

The characteristics of incidents on protected bike lanes with light separation appeared to differ between Washington and New York, although the number of incidents was small in each city. Table 8 summarizes the circumstances and relation to junction of incidents on the type of protected bike lane with light separation, broken down by city, direction of travel of the bike lane (one or two way), and proximity to the curb (curbside or in the center of the road). More than half of incidents in curbside lanes in Washington occurred at junctions with intersecting roads or driveways/alleys and nearly half involved moving vehicles. In New York, about a quarter occurred at junctions and less than a quarter involved moving vehicles. About a quarter of incidents in curbside lanes in Washington occurred at junctions with driveways or alleys, while less than 10 % did in New York. The types of separation used also varied between these cities (not in table). Protected lanes in New York with light separation were almost exclusively separated from the road with parked cars, while protected lanes in Washington used a greater variety of separation types.

4. Discussion

Protected bike lanes are the facility most preferred by cyclists (Winters and Teschke, 2010), with some reporting that they feel safer riding in them than on other types of infrastructure (Monsere et al., 2014; Winters et al., 2012). Cycling levels increased in cities that have built them (Buehler and Dill, 2016). Their rising popularity in North America has led to increased interest in knowing if they live up to expectations and protect cyclists more than other infrastructure types. This study demonstrates that risks of crashes or falls leading to emergency department visits can vary among protected bike lanes, with the lowest risks seen on those with heavy separation from the road and few junctions.

Table 5
Distribution of fall or crash circumstances by route type (percent in parentheses, N = 604).

Facility type	Crash with or fall to avoid								Total
	Moving vehicle	Stopped/ parked vehicle	Other cyclist	Pedestrian	Infrastructure	Surface feature	Other fall	Other/ specifics unknown	
Major road	111 (45.5 %)	44 (18.0 %)	6 (2.5 %)	2 (0.8 %)	7 (2.9 %)	45 (18.4 %)	25 (10.3 %)	4 (1.6 %)	244 (100 %)
Bike lane on major road	46 (50.0 %)	20 (21.7 %)	3 (3.3 %)	2 (2.2 %)	1 (1.1 %)	10 (10.9 %)	8 (8.7 %)	2 (2.2 %)	92 (100 %)
Sharrows on major road	7 (43.8 %)	3 (18.8 %)	0	0	0	4 (25.0 %)	2 (12.5 %)	0	16 (100 %)
Local road	22 (44.0 %)	2 (4.0 %)	4 (8.0 %)	1 (2.0 %)	4 (8.0 %)	11 (22.0 %)	5 (10.0 %)	1 (2.0 %)	50 (100 %)
Local road with bike lane, sharrows, or traffic calming	9 (52.9 %)	0	0	0	1 (5.9 %)	5 (29.4 %)	2 (11.8 %)	0	17 (100 %)
Sidewalk	24 (40.0 %)	1 (1.7 %)	1 (1.7 %)	2 (3.3 %)	8 (13.3 %)	7 (11.7 %)	16 (26.7 %)	1 (1.7 %)	60 (100 %)
Off-road/trail	9 (10.8 %)	0	16 (19.3 %)	9 (10.8 %)	11 (13.3 %)	12 (14.5 %)	25 (30.1 %)	1 (1.2 %)	83 (100 %)
One-way protected bike lane, light separation	7 (38.9 %)	2 (11.1 %)	0	4 (22.2 %)	1 (5.6 %)	2 (11.1 %)	2 (11.1 %)	0	18 (100 %)
Two-way protected bike lane, light separation	7 (33.3 %)	1 (4.8 %)	3 (14.3 %)	5 (23.8 %)	2 (9.5 %)	1 (4.8 %)	2 (9.5 %)	0	21 (100 %)
Protected bike lane, heavy separation	1 (33.3 %)	0	1 (33.3 %)	0	1 (33.3 %)	0	0	0	3 (100 %)
All	243 (40.2 %)	73 (12.1 %)	34 (5.6 %)	25 (4.1 %)	36 (6.0 %)	97 (16.1 %)	87 (14.4 %)	9 (1.5 %)	604 (100 %)

Table 6
Fall or crash circumstances, relative to major road, and 95 % confidence intervals by route type (N = 604).

Route type	Collision with moving vehicle		Collision with stopped/ parked vehicle		Collision with cyclist/ fall to avoid cyclist		Collision with pedestrian/ fall to avoid pedestrian		Collision with infrastructure		Other fall
	Collision with moving vehicle	Collision with stopped/ parked vehicle	Collision with cyclist/ fall to avoid cyclist	Collision with cyclist/ fall to avoid cyclist	Collision with pedestrian/ fall to avoid pedestrian	Collision with pedestrian/ fall to avoid pedestrian	Collision with infrastructure	Collision with infrastructure	Collision with infrastructure		
Major road (ref)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Bike lane on major road	1.10 (0.86, 1.41)	1.21 (0.75, 1.93)	1.33 (0.34, 5.19)	2.65 (0.38, 18.55)	0.38 (0.05, 3.04)	0.85 (0.40, 1.81)	0.38 (0.05, 3.04)	0.85 (0.40, 1.81)	0.38 (0.05, 3.04)	0.85 (0.40, 1.81)	0.85 (0.40, 1.81)
Sharrows on major road	0.96 (0.54, 1.70)	1.04 (0.36, 2.98)	0 (0.00, 9.80)	0 (0.00, 39.53)	0 (0.00, 8.35)	1.22 (0.32, 4.70)	0 (0.00, 8.35)	1.22 (0.32, 4.70)	0 (0.00, 8.35)	1.22 (0.32, 4.70)	1.22 (0.32, 4.70)
Local road	0.97 (0.69, 1.36)	0.22* (0.06, 0.89)	3.25+ (0.95, 11.11)	2.44 (0.23, 26.39)	2.79+ (0.85, 9.17)	0.87 (0.39, 2.43)	2.79+ (0.85, 9.17)	0.87 (0.39, 2.43)	2.79+ (0.85, 9.17)	0.87 (0.39, 2.43)	0.87 (0.39, 2.43)
Local road with bike lane, sharrows, or traffic calming	1.16 (0.73, 1.86)	0+ (0.00, 1.26)	0 (0.00, 9.17)	0 (0.00, 37.32)	0 (0.00, 9.17)	1.15 (0.30, 4.45)	0 (0.00, 37.32)	1.15 (0.30, 4.45)	0 (0.00, 37.32)	1.15 (0.30, 4.45)	1.15 (0.30, 4.45)
Sidewalk	0.88 (0.63, 1.23)	0.09* (0.01, 0.66)	0.68 (0.08, 5.52)	4.07 (0.58, 28.29)	0.68 (0.08, 5.52)	2.60* (1.49, 4.56)	4.07 (0.58, 28.29)	2.60* (1.49, 4.56)	4.07 (0.58, 28.29)	2.60* (1.49, 4.56)	2.60* (1.49, 4.56)
Off-road/trail	0.23* (0.13, 0.45)	0* (0.00, 0.25)	7.84* (3.17, 19.37)	13.23* (2.92, 59.99)	7.84* (3.17, 19.37)	2.94* (1.79, 4.82)	13.23* (2.92, 59.99)	2.94* (1.79, 4.82)	13.23* (2.92, 59.99)	2.94* (1.79, 4.82)	2.94* (1.79, 4.82)
One-way protected bike lane, light separation	0.85 (0.47, 1.55)	0.62 (0.16, 2.34)	0 (0.00, 8.88)	27.11* (5.32, 138.16)	0 (0.00, 8.88)	1.08 (0.28, 4.22)	27.11* (5.32, 138.16)	1.08 (0.28, 4.22)	27.11* (5.32, 138.16)	1.08 (0.28, 4.22)	1.08 (0.28, 4.22)
Two-way protected bike, light separation	0.73 (0.39, 1.36)	0.26 (0.04, 1.82)	5.81* (1.56, 21.58)	29.05* (5.99, 140.76)	5.81* (1.56, 21.58)	0.93 (0.24, 3.66)	29.05* (5.99, 140.76)	0.93 (0.24, 3.66)	29.05* (5.99, 140.76)	0.93 (0.24, 3.66)	0.93 (0.24, 3.66)
Protected bike lane, heavy separation	0.73 (0.15, 3.65)	0 (0.00, 3.84)	13.56* (2.28, 80.77)	0 (0.00, 175.75)	13.56* (2.28, 80.77)	0 (0.00, 6.92)	0 (0.00, 175.75)	11.62* (2.00, 67.47)	0 (0.00, 175.75)	0 (0.00, 6.92)	0 (0.00, 6.92)

Note: *p < 0.05; +p < 0.10. Circumstances where no route types differed from major roads (surface feature, other/specifics unknown) do not appear in table.

Table 7
Locations and descriptions of protected bike lanes at case and control sites.

Road	City	Separation	Intersections or ramps crossing lane per mile	Driveways or alleys crossing lane per mile	Painted buffer	Side of street	Direction of adjacent vehicle traffic	# case sites/# control sites
One way, light separation								
L Street NW	DC	Posts, parking stops	11	17	Y	L	One way	2/1
M Street NW	DC	Posts, parked cars	11	13	Y	R	One way	3/1
R Street NE*	DC	Parked cars	17	0	Y	L	One way	0/1
1 st Ave	NYC	Parked cars	18	1	Y	L	One way	5/3
2nd Ave	NYC	Parked cars	18	3	Y	L	One way	2/1
6th Ave	NYC	Parked cars	21	0	Y	L	One way	3/2
7th Ave	NYC	Continuous low curb, grade	21	0	N	L	One way	1/0
Broadway	NYC	Planters, Parked cars	20	2	Y	L	One way	1/1
8th Ave	NYC	Parked cars	20	< 1	Y	L	One way	0/1
9th Ave	NYC	Parked cars	20	1	Y	L	One way	0/1
Columbus Ave	NYC	Parked cars	17	0	Y	L	One way	0/1
Hawthorne Blvd	Portland	Posts	13	0	Y	R	One way	1/0
Two way, light separation								
15th Street NW	DC	Posts, parked cars	15	14	Y	L	One way	2/4
15th Street NW	DC	Posts, parked cars	7	6	Y	S	Two way	11/1
Pennsylvania Ave NW	DC	Parking stops	12	0	Y	C	Two way	5/2
1 st Street NE	DC	Continuous low curb, posts, parking stops	7	9	N	S	Two way	1/1
Kent Ave	NYC	Parked cars	10	10	Y	L	One way	2/0
Kent Ave	NYC	Posts	6	14	Y	S	Two way	0/1
Heavy separation								
Williamsburg Bridge	NYC	Bridge rail	0	0	N	S	Two way	2/3
Manhattan Bridge	NYC	Bridge rail	1	0	N	S	Two way	1/1
Hudson River Greenway	NYC	Grade, trees, landscaping	4	2	N	S	Two way	0/1
Pulaski Bridge	NYC	Concrete barrier topped with rail	4	0	N	S	Two way	0/1
Queens Boulevard	NYC	Concrete barrier topped with rail	8	0	N	S	Two way	0/1
Queensboro Bridge Greenway	NYC	Grade, concrete wall, trees, landscaping	14	0	N	C	Two way	0/1
Southwest Moody Ave	Portland	Grade, railing	8	3	N	S	Two way	0/1

Note: Not all separation types were used concurrently for entire lane. DC = Washington DC; NYC = New York City; L = left, R = right, C = center, S = side of two-way street.

* denotes contraflow lane; other lanes on one-way streets followed direction of traffic.

4.1. Protected bike lanes

Protected bike lanes are designed to prevent bicycle-vehicle collisions. While most bicyclist fatalities are due to crashes with vehicles (Schepers et al., 2015), injuries leading to emergency department treatment are often the result of other types of falls and collisions. The risk of crashing or falling was elevated in some protected lanes with light separation in this study, and this increase in risk was especially apparent in crashes and falls not involving moving vehicles. Research from Copenhagen has reported that protected bike lanes change the distribution of crash types, with the frequency of some types increasing (e.g., crashes involving pedestrians, two bicyclists, turning vehicles) and others decreasing (e.g., rear-ends by motor vehicles, crashes with parked cars) when protected bike lanes are built (Jensen, 2008a). It appears that some U.S. protected lanes may also introduce new non-vehicle hazards.

Pedestrians were involved in nearly a quarter of incidents in protected bike lanes with light separation in the current study but were not involved in many incidents on roads or conventional bike lanes. Surveys, observational studies, and naturalistic cycling studies have noted that pedestrians can be frequent obstacles in protected bike lanes (Basch et al., 2018; Conway et al., 2013; Goodno et al., 2013; Schleinitz et al., 2015; van der Horst et al., 2014). For example, Basch et al. (2018) observed about two pedestrians obstructing Manhattan, New York City, protected bike lanes per mile, including one pedestrian about every 2 miles pushing an object or walking a dog in the protected bike lane, and more than half of cyclists who use Washington’s Pennsylvania Avenue

protected bike lane surveyed by Goodno et al. (2013) reported near-crashes with pedestrians in that facility. Other cyclists were also involved in incidents in two-way protected bike lanes, and two-cyclist conflicts have similarly been observed in other two-way protected bike lanes involving head-on, same-direction, and crossing configurations (Schleinitz et al., 2015; van der Horst et al., 2014).

Most incidents in protected bike lanes involving pedestrians in this study occurred midblock, which can result from pedestrians using the lane for travel, crossing midblock, exiting a vehicle parked adjacent to it, or waiting for a taxi or other vehicle. It is unclear why protected bike lanes may be more susceptible to pedestrian obstructions than conventional bike lanes, but possibilities include that they can stand between pedestrians exiting parked cars and the sidewalk (Vandenbulcke et al., 2014) or that some pedestrians treat protected bike lanes as sidewalks because they are buffered from traffic. There were no crashes or falls due to pedestrians on the protected bike lanes with heavy separation, and the more substantial barriers and fewer intersections on these facilities likely gave pedestrians fewer openings to enter and cross them. Countermeasures to deter pedestrians from using protected bike lanes need to be developed. These results also highlight the risk of comingling cyclist and pedestrian routes when protected bike lanes are altered for construction or other purposes, and of blocking access to sidewalks that run adjacent to protected bike lanes. Data collection for this study concluded before the arrival of shared e-scooters, and future work should monitor if safety problems arise from these road users sharing protected bike lanes with cyclists.

Table 8 Distribution of junction types and incident circumstances by location and type of protected bike lane with light separation (percent of each protected bike lane type in parentheses).

City	Type	Junction type				Incident circumstances			
		Intersection	Alley or driveway	Junction with exit ramp	Nonjunction	Moving vehicle	Pedestrian	Other cyclist	Other circumstance
Washington	One way, curbside (N = 5)	2 (40.0 %)	2 (40.0 %)	0	1 (20.0 %)	3 (60.0 %)	1 (20.0 %)	0	1 (20.0 %)
	Two way, curbside (N = 14)	6 (42.9 %)	3 (21.4 %)	0	5 (35.7 %)	6 (42.9 %)	3 (21.4 %)	3 (21.4 %)	2 (14.3 %)
New York	Two way, center of road (N = 5)	4 (80.0 %)	0	0	1 (20.0 %)	1 (20.0 %)	2 (40.0 %)	0	2 (40.0 %)
	One way, curbside (N = 12)	3 (25.0 %)	0	0	9 (75.0 %)	3 (25.0 %)	3 (25.0 %)	0	6 (50.0 %)
Portland	Two way, curbside (N = 2)	0	1 (50.0 %)	0	1 (50.0 %)	0	0	0	2 (100.0 %)
	One way, curbside (N = 1)	0	0	1 (100.0 %)	0	1 (100.0 %)	0	0	0

The risk of crashes and falls involving moving vehicles in two of the three protected bike lane types could not be assessed in this analysis. However, these incidents were not eliminated, particularly those occurring at intersections or junctions with driveways or alleys. This was especially the case in Washington, DC, where curbside-protected bike lanes were more frequently intersected by driveways and alleys. Crashes with vehicles in protected bike lanes occurred less often in New York, where there were no alleys and most lanes were seldom intersected by driveways. Increased density of junctions increase the risk of bicyclist-motor vehicle crashes because they introduce additional opportunities for conflict (Li et al., 2017; Pulugurtha and Thakur, 2015; Siddiqui et al., 2012; Vandenbulcke et al., 2014; Wei and Lovegrove, 2013). Protected bike lanes with heavy separation in this study had fewer junctions than those with light separation, which likely contributed to their lower risk.

Intersections and other junctions can be particularly challenging for vehicles turning across contraflow or two-way protected bike lanes, because drivers look most frequently in the direction of traffic and thus may be less likely to detect cyclists approaching from the opposing direction (Räsänen and Summala, 1998; Schepers et al., 2011; Summala et al., 1996). Two-way protected bike lanes alongside two-way vehicle traffic add additional complexity as turning drivers need to monitor both oncoming vehicle traffic and two-way bicycle traffic in the bike lane. The riskiest protected bike lane segment in this study was a two-way lane with light separation along a two-way street.

Cities should consider the density of driveways and other junctions when choosing where to place protected bike lanes (Federal Highway Administration, 2015; National Association of City Transportation Officials, 2014). Raised cycle crossings that lower vehicle speeds have been effective treatments at European intersections with protected bike lanes (Gårder et al., 1998; Schepers et al., 2011) and are recommended for consideration in the Massachusetts Department of Transportation's Separated Bike Lane Planning and Design Guide (2015) at driveways and local street crossings. In 2011, the U.S. Federal Highway Administration issued interim approval for the use of green pavement in bike lanes, their extension through intersections, and other conflict areas. Evidence on the effectiveness of colored bike lanes through intersections has been mixed (Hunter et al., 2000; Jensen, 2008b; Schepers et al., 2011), with a simulator study suggesting that extending bike lanes with white dotted lines through intersections better captures drivers' attention than green coloring (Warner et al., 2017). Design guides for protected bike lanes recommend using high-visibility markings at junctions with driveways, as well as restricting parking 20–30 feet prior to the driveways and using signage to alert drivers exiting driveways of potential conflicts (Federal Highway Administration, 2015; Massachusetts Department of Transportation, 2015; National Association of City Transportation Officials, 2014).

Additional countermeasures have been recommended at intersections with protected bike lanes. Dedicated cyclist signals with a leading or partially protected phase and bike boxes can reduce conflicts at intersections (Dill et al., 2012; Ledezma-Navarro et al., 2018). Two-stage turn queue boxes that allow for left turns from the rightmost lane without merging with traffic and lateral shifting of lanes at intersections to allow turning traffic to cross the bike lane are featured in design guides (Federal Highway Administration, 2015; Massachusetts Department of Transportation, 2015; National Association of City Transportation Officials, 2014) but have not been formally evaluated. Yield to cyclist signage, smaller curb radii, and protected intersection designs with islands also showed promise at improving driver behavior around cyclists at intersections in a simulator study (Warner et al., 2017). Some of these countermeasures are used by the study cities.

It is possible that some protected bike lanes might increase the risk of minor injuries while simultaneously reducing the risk of the most serious injuries. If this were the case, these lanes would still have a beneficial effect on safety. Most injuries in this study were minor, and there were few crashes involving vehicles at nonjunctions, which is the

scenario leading to the majority of bicyclist fatalities (Insurance Institute for Highway Safety, 2018). However, this study was not able to conclusively disentangle if protected bike lanes with less separation differentially affect less and more injurious crashes and falls. There were not enough cyclists who sustained serious or more severe (AIS 3+) injuries to conduct a separate analysis at that severity level; 42 cyclists in the study sustained AIS 3+ injuries, and only one of these was injured in a protected bike lane.

Despite the increase in risk associated with some protected bike lanes, others are doing a good job at reducing injuries. Systematic research is needed to determine the characteristics of protected bike lanes that decrease and increase risk of crashes and falls of all types so that more robust design guidance can be developed. Our study points to the type of separation, direction of travel in bike lanes and adjacent vehicle travel lanes, and number of junctions as possible contributors. These characteristics, however, often co-occurred with one another and varied among the cities examined. We choose to categorize protected lanes with light separation as one-way and two-way, but could have classified them in other ways (e.g., many junctions vs. fewer junctions, separated by parking vs. other light separation) that would have pointed to similar increases in injury risk in some lanes. These or other unreported characteristics of the protected lanes in Washington, DC may have driven the increase in risk observed on protected lanes there.

4.2. Other facilities

Conventional bike lanes were associated with lower risks than major roads overall and at nonintersections, but intersections were problematic for these facilities. Bike lanes to the right of travel lanes make cyclists susceptible to right-hook crashes, where a vehicle turns right in front of cyclist traveling straight (Hurwitz et al., 2015). Many of the treatments recommended for use with protected bike lanes at intersections also apply to conventional bike lanes.

Results for some other infrastructure characteristics support findings from Teschke et al. (2012) and elsewhere. Local streets with and without bicycle facilities or traffic calming were associated with low crash or fall risks (Aldred et al., 2018; Minikel, 2012), and downhill grade increased risk (Allen-Munley et al., 2004; Klop and Khattak, 1999), likely because it increased cyclist speed. Streetcar or train tracks increased risk substantially, which is consistent with findings from Toronto, Vancouver, and Brussels (Teschke et al., 2016; Vandenbulcke et al., 2014) and should be a consideration for cities expanding or implementing a streetcar network.

Findings for other infrastructure characteristics were consistent with Teschke et al. (2012) but differ with other previous research. In the current study and Teschke et al. (2012) risks associated with sharrows and multiuse trails or off-road locations were lower than those for major roads, although not always significantly so. Sharrows have been associated with positive changes in driver and cyclist behavior (Furth et al., 2011; Hunter et al., 2010) but with increases in injury severity or crash rates in prior studies (Ferenchak and Marshall, 2016; Wall et al., 2016). Others have reported increased risks associated with multiuse trails and other off-road locations (Aultman-Hall and Hall, 1998; de Rome et al., 2014; Moritz, 1998; Reynolds et al., 2009).

4.3. Limitations

While a case-crossover design evaluates the relative risks associated with infrastructure at a point in time, it cannot explain if the installation of a protected bike lane made a roadway safer or less safe. Protected bike lanes are typically installed on major thoroughfares where more protection for cyclists is warranted. Since they also often are constructed in city centers, they may have more exposure to intersections than the other route types that we investigated. Thus, results could in part reflect high-risk characteristics in the locations of protected bike lanes unrelated to

their physical separation. It is crucial that controlled before-after studies of protected bike lanes are performed in the United States to inform policy decisions of if these lanes should be built.

Similarly, while the case-crossover design accounted for cyclist activity, the current study did not incorporate motor vehicle and pedestrian volumes because they were not consistently available. Higher motor vehicle and pedestrian volumes would make crashes with these road users more likely and having this information could better elucidate why crash types occurred at particular sites. Patients who died or who could not remember their route due to head injuries were excluded, so by design we did not include the most severely injured patients.

A cyclist's recollections of characteristics of their route may not have always been correct. Although Google Street View has been validated as a reliable alternative to in-person site visits for determining infrastructure features (Mooney et al., 2016; Nesoff et al., 2018), our method was not able to capture temporary alterations to facilities, such as changes due to construction, that may have happened between the Google Street View capture and the trip dates. Large effect sizes with wide confidence intervals were reported for some facilities with small numbers of case or control sites (e.g., two-way protected bike lanes with light separation, streetcar or train tracks), and these should not be interpreted as precise estimates of risk on these facilities.

4.4. Conclusions

Protected bike lanes increase ridership, but designs vary in the type of separation from the roadway and amount of potential conflict points. Some designs may introduce new hazards that increase the risk of a crash or fall resulting in emergency department attendance without eliminating crashes with motor vehicles. Planners should consider the number of intersections with roads, driveways, and alleys when choosing where to place protected bike lanes and should implement countermeasures to maximize the visibility of cyclists at these conflict points when they are unavoidable. Designs with heavier separation and few conflict points appear to diminish hazards and carry a low risk of crashes or falls. Future work should more systematically examine the features that lead to higher and lower risk to guide design.

CRedit authorship contribution statement

Jessica B. Cicchino: Writing - original draft, Methodology, Formal analysis, Supervision. **Melissa L. McCarthy:** Methodology, Project administration, Writing - review & editing. **Craig D. Newgard:** Project administration, Writing - review & editing. **Stephen P. Wall:** Project administration, Writing - review & editing. **Charles J. DiMaggio:** Project administration, Writing - review & editing. **Paige E. Kulie:** Software, Investigation. **Brittany N. Arnold:** Investigation. **David S. Zuby:** Conceptualization, Writing - review & editing.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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Appendix A

Table A1

Comparison of route types and other characteristics at case and control sites and associated crash/fall risk estimates in crashes with moving vehicles or falls to avoid them (N = 243).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)	
Route type			
Major road (ref)	111/74	1.00	
Bike lane on major road	46/58	0.36*	(0.16, 0.77)
Sharrows on major road	7/7	0.70	(0.17, 2.98)
Local road, no bike infrastructure/traffic calming	22/32	0.31*	(0.14, 0.70)
Local road with bike lane, sharrows, or traffic calming	9/10	0.58	(0.14, 2.44)
Sidewalk	24/26	0.47	(0.19, 1.16)
Off-road/trail	9/26	0.04*	(0.00, 0.28)
One-way protected bike lane, light separation	7/4	1.66	(0.35, 7.80)
Two-way protected bike, light separation	7/4	§	
Protected bike lane, heavy separation	1/2	§	
Grade			
Flat (ref)	106/121	1.00	
Downhill	103/71	2.04*	(1.17, 3.55)
Uphill	30/45	0.57 ⁺	(0.29, 1.11)
Unknown	4/6	0.88	(0.18, 4.38)
Temporary features			
No (ref)	205/207	1.00	
Yes	36/32	1.07	(0.53, 2.13)
Unknown	2/4	1.04	(0.15, 7.26)
Streetcar or train tracks			
No (ref)	238/243	1.00	
Yes	5/0	§	

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

⁺ $p < 0.10$.

§ model could not produce reliable estimates.

Table A2

Comparison of route types and other characteristics at case and control sites and associated crash/fall risk estimates in crashes or falls not involving moving vehicles (N = 361).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)	
Route type			
Major road (ref)	133/113	1.00	
Bike lane on major road	46/51	0.80	(0.41, 1.55)
Sharrows on major road	9/10	0.55	(0.16, 1.87)
Local road, no bike infrastructure/traffic calming	28/47	0.48 [†]	(0.22, 1.03)
Local road with bike lane, sharrows, or traffic calming	8/17	0.27*	(0.08, 0.90)
Sidewalk	36/35	1.00	(0.47, 2.16)
Off-road/trail	74/67	1.33	(0.67, 2.62)
One-way protected bike lane, light separation	11/9	1.22	(0.34, 4.37)
Two-way protected bike, light separation	14/5	11.33*	(1.33, 96.30)
Protected bike lane, heavy separation	2/7	0.12 [†]	(0.01, 1.28)
Grade			
Flat (ref)	171/188	1.00	
Downhill	122/96	1.90*	(1.23, 2.94)
Uphill	45/58	0.92	(0.55, 1.53)
Unknown	23/19	1.76	(0.83, 3.75)
Temporary features			
No (ref)	278/313	1.00	
Yes	78/43	3.49*	(1.96, 6.21)
Unknown	5/5	1.00	(0.16, 6.24)
Streetcar or train tracks			
No (ref)	344/357	1.00	
Yes	17/4	23.96*	(2.74, 209.22)

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

[†] $p < 0.10$.

Table A3

Comparison of route types and other characteristics at case and control sites and associated crash/fall risk estimates among cyclists with no or minor (AIS 0 or 1) injuries (N = 345).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)	
Route type			
Major road (ref)	147/113	1.00	
Bike lane on major road	53/67	0.45*	(0.24, 0.83)
Sharrows on major road	12/14	0.54	(0.19, 1.48)
Local road, no bike infrastructure/traffic calming	24/39	0.36*	(0.17, 0.76)
Local road with bike lane, sharrows, or traffic calming	8/10	0.52	(0.16, 1.69)
Sidewalk	35/32	0.88	(0.41, 1.89)
Off-road/trail	41/49	0.62	(0.29, 1.29)
One-way protected bike lane, light separation	11/9	0.80	(0.24, 2.62)
Two-way protected bike, light separation	11/5	§	
Protected bike lane, heavy separation	3/7	0.16	(0.02, 1.50)
Grade			
Flat (ref)	175/187	1.00	
Downhill	113/91	1.54*	(1.02, 2.66)
Uphill	44/54	0.81	(0.49, 1.35)
Unknown	13/13	1.42	(0.55, 3.64)
Temporary features			
No (ref)	272/294	1.00	
Yes	68/45	2.19*	(1.28, 3.75)
Unknown	5/6	1.42	(0.55, 3.64)
Streetcar or train tracks			
No (ref)	335/343	1.00	
Yes	10/2	10.01*	(1.17, 85.68)

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

§ model could not produce reliable estimates.

Table A4

Comparison of route types and other characteristics at case and control sites and associated crash/fall risk estimates among cyclists with moderate or more severe (AIS 2+) injuries (N = 254).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)	
Route type			
Major road (ref)	94/72	1.00	
Bike lane on major road	38/41	0.59	(0.25, 1.42)
Sharrows on major road	4/3	0.53	(0.06, 4.82)
Local road, no bike infrastructure/traffic calming	25/38	0.40*	(0.18, 0.87)
Local road with bike lane, sharrows, or traffic calming	9/17	0.15*	(0.04, 0.65)
Sidewalk	25/29	0.48	(0.19, 1.16)
Off-road/trail	42/44	0.55	(0.23, 1.31)
One-way protected bike lane, light separation	7/4	2.18	(0.38, 12.38)
Two-way protected bike, light separation	10/4	4.23	(0.39, 45.35)
Protected bike lane, heavy separation	0/2	§	
Grade			
Flat (ref)	101/121	1.00	
Downhill	108/73	2.76*	(1.58, 4.82)
Uphill	31/48	0.80	(0.42, 1.52)
Unknown	14/12	1.74	(0.67, 4.54)
Temporary features			
No (ref)	209/223	1.00	
Yes	43/29	2.19*	(1.10, 4.38)
Unknown	2/2	0.75	(0.09, 6.16)
Streetcar or train tracks			
No (ref)	242/252	1.00	
Yes	12/2	§	

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

§ model could not produce reliable estimates.

Table A5

Comparison of route types and other characteristics at case and control sites and associated crash/fall risk estimates, among patients who reported being in route types that were present at the sites (N = 558).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)
Route type		
Major road (ref)	221/168	1.00
Bike lane on major road	87/101	0.53* (0.32, 0.89)
Sharrows on major road	14/16	0.51 (0.20, 1.32)
Local road	47/71	0.42* (0.24, 0.72)
Local road with bike lane, sharrows, or traffic calming	16/26	0.31* (0.13, 0.75)
Sidewalk	78/90	0.57 (0.32, 1.01)
Off-road/trail	54/55	0.67+ (0.37, 1.22)
One-way protected bike lane, light separation	17/13	1.08 (0.40, 2.88)
Two-way protected bike, light separation	21/9	11.37* (1.39, 92.68)
Protected bike lane, heavy separation	3/9	0.09* (0.01, 0.90)
Grade		
Flat (ref)	250/288	1.00
Downhill	214/155	2.04* (1.45, 2.88)
Uphill	67/93	0.81 (0.53, 1.22)
Unknown	27/22	1.84+ (0.92, 3.68)
Temporary features		
No (ref)	447/478	1.00
Yes	104/73	2.02* (1.31, 3.14)
Unknown	7/7	0.97 (0.24, 3.89)
Streetcar or train tracks		
No (ref)	537/554	1.00
Yes	21/4	25.25+ (3.03, 210.62)

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

+ $p < 0.10$.

Table A6

Comparison of route types and other characteristics at case and control sites in Washington, DC, and associated crash/fall risk estimates (N = 354).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)
Route type		
Major road (ref)	137/101	1.00
Bike lane on major road	44/66	0.41* (0.22, 0.76)
Sharrows on major road	8/9	0.53 (0.16, 1.79)
Local road	32/47	0.49* (0.26, 0.91)
Local road with bike lane, sharrows, or traffic calming	8/10	0.53 (0.16, 1.73)
Sidewalk	51/60	0.46* (0.23, 0.92)
Off-road/trail	50/50	0.73 (0.38, 1.41)
One-way protected bike lane, light separation	5/3	1.62 (0.26, 9.96)
Two-way protected bike, light separation	19/8	9.36* (1.15, 76.07)
Protected bike lane, heavy separation	0/0	§
Grade		
Flat (ref)	152/173	1.00
Downhill	146/111	1.69* (1.14, 2.49)
Uphill	45/56	0.89 (0.54, 1.47)
Unknown	11/14	0.73 (0.29, 1.89)
Temporary features		
No (ref)	269/289	1.00
Yes	84/58	1.79* (1.10, 2.90)
Unknown	1/7	§
Streetcar or train tracks	1/0	§

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

§ model could not produce reliable estimates.

Table A7
Comparison of route types and other characteristics at case and control sites in New York City and associated crash/fall risk estimates (N = 119).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)
Route type		
Major road (ref)	65/56	1.00
Bike lane on major road	11/15	0.32 (0.06, 1.64)
Sharrows on major road	8/7	0.45 (0.09, 2.32)
Local road	6/9	0.18 ⁺ (0.03, 1.04)
Local road with bike lane, sharrows, or traffic calming	1/4	0.08 (0.00, 1.75)
Sidewalk	6/8	0.68 (0.12, 3.68)
Off-road/trail	5/1	6.66 (0.56, 78.78)
One-way protected bike lane, light separation	12/10	0.81 (0.22, 2.96)
Two-way protected bike, light separation	2/1	§
Protected bike lane, heavy separation	3/8	0.12 (0.01, 1.76)
Grade		
Flat (ref)	82/86	1.00
Downhill	22/14	2.18 (0.83, 5.73)
Uphill	13/17	0.67 (0.24, 1.85)
Unknown	2/2	0.64 (0.05, 8.12)
Temporary features		
No (ref)	99/112	1.00
Yes	16/5	5.77* (1.57, 21.20)
Unknown	4/2	2.38 (0.15, 37.75)
Streetcar or train tracks ^a	0/0	

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

⁺ $p < 0.10$.

§ model could not produce reliable estimates.

^a variable not included in model.

Table A8
Comparison of route types and other characteristics at case and control sites in Portland, OR and associated crash/fall risk estimates (N = 131).

Characteristic	# of case sites/ # of control sites	Adjusted OR (95 % CI)
Route type		
Major road (ref)	42/30	1.00
Bike lane on major road	37/28	0.74 (0.20, 2.59)
Sharrows on major road	0/1	§
Local road	12/23	0.16* (0.04, 0.64)
Local road with bike lane, sharrows, or traffic calming	8/13	0.13* (0.02, 0.98)
Sidewalk	26/25	0.14* (0.02, 1.00)
Off-road/trail	5/10	0.66 (0.13, 3.27)
One-way protected bike lane, light separation	1/0	§
Two-way protected bike, light separation	0/0	§
Protected bike lane, heavy separation	0/1	§
Grade		
Flat (ref)	43/50	1.00
Downhill	57/42	3.62* (1.32, 9.95)
Uphill	17/30	0.53 (0.18, 1.59)
Unknown	14/9	3.22 (0.79, 13.08)
Temporary features		
No (ref)	115/119	1.00
Yes	14/12	2.47 (0.54, 11.37)
Unknown	2/0	§
Streetcar or train tracks	21/4	66.44* (5.06, 872.75)

Note: Adjusted model included variables listed in table as covariates (route type, grade, temporary features, streetcar or train tracks). OR = odds ratio; CI = confidence interval.

* $p < 0.05$.

§ model could not produce reliable estimates.

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CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Catherine Bergstrom/GMC Chamber of Commerce
Through: Patricia Little, City Clerk
Subject: **Greater Monadnock Collaborative - Request to Use City Property - Central Square and Railroad Square - 30th Anniversary Celebration of the Release of the Film *Jumanji***

Council Action:

**In City Council September 19, 2024.
Referred to the Planning, Licenses and Development Committee.**

Recommendation:

Attachments:

1. Communication_GMC Board of Directors

Background:

Ms. Bergstrom is requesting that Central Square and Railroad Square be reserved for a 30th-anniversary celebration of the release of the film, *Jumanji*. The event would include a "stampede" parade, a scavenger hunt, food trucks and sidewalk vendors, as well as a car show featuring some of the vehicles that appeared in the film.

September 3, 2024

Mayor Jay Kahn
3 Washington Street
Keene, NH 03431

Re: Requesting Use of City Property for Celebration Event—June 20-22, 2025

Dear Mayor Kahn:

Please consider allowing me, in collaboration with the GMC Chamber of Commerce, to reserve Central Square and RailRoad Square for a 30th anniversary celebration of the release of the film *Jumanji*. As many of the memorable scenes were filmed on Main Street in Keene, this festival promises to be a draw for people from all over New England.

I have secured permission from Sony, and they “have no objection subject to the material depicting the cast is not broadcast in any way.”

Our plan is to begin the festivities with a Friday evening screening of *Jumanji* at The Colonial Theatre, complete with red carpet!

Saturday will offer visitors a road race [Marlboro traffic circle to Central Square], “stampede” parade of folks wearing costumes associated with the film [Marlboro traffic circle to Central Square], scavenger hunt [Main Street], food trucks and sidewalk vendors [Church Street], *Jumanji*-themed goods/foods/beverages [Main Street businesses], and memorabilia viewing.

The celebration will conclude on Sunday with a car show featuring some of the vehicles which appeared in the film, a drum corps in Central Square, a word from you if you are available, and hopefully a dedication of something (i.e. a bench, a mural) honoring the late Robin Williams including a message about mental health awareness and resources from someone at Monadnock Family Services.

I am hoping to encourage participating businesses to contribute a portion of any profits from the weekend to a mental health organization. It is my intent to get sponsors for this celebration to cover the expenses incurred to ensure a fun and safe experience in downtown Keene.

Please let me know if you have any questions.

I look forward to hearing from you soon.

Respectfully,



Catherine Bergstrom
GMC Board of Directors
Jumanji 30th Anniversary Celebration, Organizer

99 West Shore Road, Swanzey, NH 03446—860-841-0653—bergstrom9@comcast.net



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to the Request to Authorize the Issuance of a Building Permit for the Property at 270 Beaver Street

Council Action:

In City Council September 19, 2024.

Voted unanimously to suspend Resolution R-2000-28, which would prevent the consideration of this request. Voted unanimously to carry out the intent of the report.

Recommendation:

On a roll call vote of 5–0, the Planning, Licenses, & Development Committee recommends that City Council authorize the issuance of a Building Permit for the property at 270 Beaver Street.

Attachments:

None

Background:

Chair Bosley welcomed an introduction from the Community Development Director, Jesse Rounds. Mr. Rounds said that this request was to authorize the issuance of a Building Permit for the property at 270 Beaver Street, a parcel that has no frontage on a Class V or higher road. NH RSA 674:41-c requires that the applicant appear before the City Council to request authorization for the Community Development Department to issue a Building Permit. In 2000, the City Council adopted Resolution R-2000-28 so that the City would not allow Building Permits on Class VI roads. In advance of voting to authorize the issuance of a Building Permit, the Council would need to vote by a 2/3 majority to suspend that Resolution prohibiting Building Permits on Class VI roads.

Chair Bosley asked whether this Committee was making a recommendation as to whether to suspend R-2000-28. The City Attorney, Tom Mullins, replied that the Committee should vote to suspend Resolution R-2000-28, but he said the overall question about Class VI roads was for another discussion. Mr. Rounds agreed that this discussion was specific to this one item.

Chair Bosley pointed out that this Committee recently reviewed a similar application, with the difference being that this one is a Class VI road related to a private road. Mr. Rounds said that was correct. Chair Bosley said the language in R-2000-28 is erroneous regarding private roads but is specific about Class VI roads. So, she thought the Committee needed to give a little more due diligence to ensure it would be properly asking the Council to suspend the Resolution.

Councilor Williams discussed Beaver Street, which is an extremely steep road in his neighborhood, with an eroded set of steps at the top and a lot of weeds. He said the roadway is treated like most Class VI roads, most of which are in more rural areas, whereas Beaver Street is in a medium density neighborhood. Councilor Williams was not happy with that situation. He thought the neighbors would be very pleased if the steps were fixed. Councilor Williams was worried about the implications of having a driveway against a Class VI road in terms of City maintenance (e.g., snow plowing), and he asked if the City should consider reclassifying it, as any homeowner with a connection to the road would expect to have those kind of services available. Mr. Rounds replied that in this case, the driveway would come off the stub end of the eastern terminus of Beaver Street, and City maintenance already exists to the edge of the pavement of Beaver Street. So, this driveway—privately-maintained through an agreement with the Department of Public Works—would just be an extension of that. Don Lussier, Public Works Director, replied that the simple answer to Councilor Williams' question was no, the City would not use public funds to maintain a Class VI road per NH law, which he thought the applicant understood. It is explicit in the Land Development Code that the issuing authority—the City Engineer for single family homes or duplexes, and the Planning Board for multifamily homes or commercial—may issue a Street Access Permit based on the demonstration that the Class VI road to be used as a driveway is suitable for emergency vehicles on the date of issuance of the Street Access Permit. So, Mr. Lussier would have to find that the section of this Class VI road to be used essentially as a driveway is suitable for emergency vehicles on the date that the driveway is permitted. Mr. Lussier also pointed out that this was already an existing driveway and was used as a driveway until just a few years ago when the City demolished a home that was damaged by fire. It still looks like a driveway today, and he said it was really no different for emergency vehicle access than a driveway. The City cannot maintain or plow it; that will be the owner's responsibility. If approved, Mr. Lussier said the owner will be required to file a statement with the City that will be filed in the Registry of Deeds, acknowledging that the owner understands that the City does not maintain this section of roadway and that the owner is responsible and waves damages as a result of the City not maintaining the road.

Councilor Williams said that because this property owner would be paying taxes, he thought they should be entitled to have that 10–20-foot stub of the road plowed as much as any other property owner in the City would. So, he questioned the possibility of reclassifying the roadway. Mr. Lussier replied that he would have to look at the road's geometry to determine whether there would be a reasonable place nearby to pile snow if the City was to plow that stub, since it would essentially be a dead end; he would not want to pile snow at the bottom of the stairs Councilor Williams mentioned. He asked for more time to review the area before making a recommendation in this regard. Mr. Lussier thought it was within the City Council's purview to modify the layout of a Class VI road and to make it Class V, allowing for paving and maintenance; however, it would have to be upgraded to meet Class V road standards, which would require some construction.

Chair Bosley asked if this extension goes all the way to Terrace Street. Mr. Lussier replied that the tax map showed it going all the way to Reservoir Street. The former Public Works Director referred to this roadway as a "paper street" meaning it was put on a subdivision plan at some point in time because it was going to be laid out as a street but that never actually occurred. Mr. Lussier was unaware who built the stairs in question, so he declined to comment on that, besides stating that they were not in great shape and that they were a separate issue the Council/City staff should discuss at some point.

Chair Bosley asked if the street slope would prevent reclassifying this roadway. Mr. Lussier replied that he was unaware of an upper bound on road slope in NH law. At this time, the steepest in the City was Thompson Road—approximately 20%—which was under reconstruction. He thought this portion of Beaver Street would be similar, if not a bit steeper. The City's existing road standards would not allow development of a road that steep again; anything over 15% is prohibited.

Vice Chair Jones thought a potential benefit of the Council supporting this project would be additional property for taxing. He asked City staff what they saw as potential benefits and detriments of this project. Mr. Lussier replied that he thought the most important thing to consider would be restoring a condition that existed just a few years ago. The applicant was seeking to build a house where there was a house for a very long time. In that light, Mr. Lussier thought it made a lot of sense to allow this to go forward and continue allowing this property to act as it was until a short time ago. Barring any further discussions about changing the geometry of the roadway, Mr. Lussier did not envision any detriments that would affect Public Works at this time. Mr. Rounds said that from the Community Development Department's perspective, this is additional housing, and it is a property that the City took possession of that could go back on the tax roll, which is positive because the City needs housing of all different types.

Chair Bosley welcomed the applicant, Ken Susskind, of Terrace Street. He and his wife, Monica Marshall, made an offer to purchase this property at 270 Beaver Street. Mr. Susskind and Ms. Marshall are abutters, and they were seeking to buy this property to build a very small home for their daughter in this difficult housing economy. They hoped it would be a sort of model tiny home for the community for what could be done on a difficult piece of land. Having lived on Terrace Street for 27 years, Mr. Susskind said that the City had always plowed and piled snow in the small area that the other speakers had described because there is nowhere else to put it, though he understood that it was not the City's responsibility. While he thought it would be thrilling if the City wanted to reclassify this road, he thought residents there were used to the winter situation.

There were no public comments.

Vice Chair Jones asked the City Attorney if there would need to be a waiver process to reclassify the road. The City Attorney replied that the roadway's classification would remain the same at this point—Class VI—but in order for the City to issue a Building Permit on a Class VI road, the NH Statute requires (and this would be a part of a larger forthcoming conversation) that the Planning Board consent and advise the City Council. The Planning Board had done so and suggested that the City Council move forward. So, the process would be to (1) suspend R-2000-28, and (2) motion to recommend to the City Council that a Building Permit be authorized, which would allow the applicant to move forward. Obtaining the Building Permit and approval from City Council are required as a condition of the purchase and sales agreement. There would then be a series of other steps to finalize, including a Driveway Permit. Vice Chair Jones asked if R-2000-28 would need to be suspended at this meeting and at City Council. The City Attorney replied yes, it would be best to follow the same procedure with both bodies.

Brief discussion ensued about the procedure for motions. The City Attorney clarified that a third motion from the Committee recommending that the City Council suspend R-2000-28 would not be needed because that would be the Council's prerogative, but by the Committee suspending it, it would indicate to the City Council that the PLD Committee agrees with suspending R-2000-28.

Chair Bosley indicated that she was in favor, adding that R-2000-28 is 24 years old and needs to be revisited.

Councilor Madison agreed and added that there are many rules that need revisiting that might be contributing to the State's housing crisis. He felt it was time to suspend R-2000-28 and allow a tiny house on this parcel for a young family to have a home of their own, which is becoming harder and harder for residents of Keene and NH.

Vice Chair Jones also agreed with Chair Bosley, reiterating the housing and tax benefits of

supporting this application.

Councilor Williams agreed with the steps being taken here. He hoped to see additional steps taken to reclassify this roadway, or at the least to reclassify the bottom section to Class V and determine what to do with the steps in question. He said it is a commonly used thoroughfare for people walking to/from Terrace Street or up to Robin Hood Park from his neighborhood. He reiterated that the steps are in disrepair, unmaintained, and that the City should fix them.

Councilor Haas asked the City Attorney whether the recommended motion would allow the City Council to move expeditiously on this matter, because the applicant has upcoming deadlines. The City Attorney replied that this would appear before the City Council on September 19, and if the Council has the same sentiments as the Committee, then this part of the process would be concluded. Councilor Haas acknowledged Councilor Williams' point that if the City has an opportunity to make improvements associated with other work it should, but not in this instance, so the steps could be kept in mind going forward. Councilor Haas thanked the applicant for pursuing this and utilizing some unused areas of the City. He agreed that this could be a great example for other areas of the City that can be developed from the interior.

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

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

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

On a roll call vote of 5–0, the Planning, Licenses, & Development Committee recommends that City Council authorize the issuance of a Building Permit for the property at 270 Beaver Street.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order Amendments

Council Action:

In City Council September 19, 2024.

Recommendation #1 - Section 2. Special Meetings & Workshop Meetings.
Voted unanimously to carry out the intent of the recommendation.

Recommendation #2 - Section 11. Right of Floor
Voted unanimously to amend the recommendation by replacing the word "shall" with "may" and striking the words "if able" from the rule relating to addressing the Chair during a City Council meeting. Voted unanimously to carry out the intent of the recommendation, as amended.

Recommendation #3 - Section 15. Voting and Conflict of Interest
On a vote of 7 in favor and 8 opposed, the recommendation failed to carry.

Recommendation #4 - Section 25. Communications
Voted unanimously to refer the recommendation back to the Planning, Licenses and Development Committee for further discussion.

Recommendation #5 - Section 32. Report by Committee
Voted unanimously to carry out the intent of the recommendation.

Recommendation #6 - Section 33. Resubmission of Items Previously Considered.
Voted unanimously to carry out the intent of the recommendation.

Recommendation:

On a roll call vote of 5–0, the Planning, Licenses, & Development Committee recommends the adoption of Amendment # 1: Section 2. Special Meetings & Workshop Meetings.

On a roll call vote of 5–0, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #2: Section 11. Right of Floor.

On a roll call vote of 3–2, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #3: Section 15. Voting and Conflict of Interest. Councilors Jones and

Williams voted in opposition.

On a vote of 3–2, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #4: Section 25. Communications. Councilors Williams and Bosley voted in opposition.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of Amendment #5: Section 32. Report by Committee.

On a vote of 5–0, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #6: Section 33. Resubmission of Items Previously Considered.

Attachments:

1. 2024 Rules of Order_Clean Copy

Background:

Chair Bosley recalled that there had been a full Council Workshop to review several sections of the City Council’s Rules of Order, and the Council made recommendations for changes. Staff returned to this Committee with draft changes and the Committee sent recommendations for a first reading at City Council. This meeting would be the last opportunity for the Committee to make recommendations before the Council decides what amendments they want to adopt on September 19. She recalled that the Committee would be voting on each of the six proposed amendments individually so the Council can vote on each if they do not agree with all of them. The City Attorney, Tom Mullins, added that on September 19, the Council could decide to adopt these changes as presented, propose amendments, or send any of them back to this Committee for further workshopping. The Committee proceeded deliberating and voting on each amendment.

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

The City Attorney explained that these changes are to codify within the Rules of Order the question of calling a workshop and what can happen at a workshop meeting. Over the years, a pattern of practice developed to call workshops, but the question arose of what the Council can do within workshops. So, this amendment to the Council’s Rules would: clarify that workshops can only be called for a specific purpose. The amendment also restricts the types of votes that can occur in workshops (only to send back to a Standing Committee). The City Attorney reminded the Committee that workshops are official City Council meetings that are open to the public, but that does not mean the public has the right to participate or to speak; allowing public participation is the Council’s discretion.

Councilor Madison expressed concern because in recent years he had noticed the Council having a lot of workshops and special meetings, some of which he felt had been repetitive. For example, he wondered if workshops on things like the Council’s Fiscal Policy need to happen each year. He pointed out that every meeting and every workshop costs the City—and therefore the Keene taxpayers—money, just to have the required staff support, for example. He urged his fellow Councilors to start seriously considering how often these workshops and meetings occur and to start narrowing in on whether they are necessary or they are only occurring for the sake of tradition, etc. This was a frustration that had arisen for him as both a Councilor and a taxpayer.

Vice Chair Jones said he supported this motion but thought Councilor Madison was exactly right about repetitive workshops and that the City/Council should consider his points in the future.

Chair Bosley also saw Councilor Madison’s point. She thought that big projects—when there is a

need to gauge the whole Council's consensus—are ideal for workshops, as had worked well in the past year for the downtown project in advance of more detailed reviews at the Standing Committee level. She agreed that it is difficult to see repeat workshops on topics familiar to Councilors that could happen at the Standing Committee level; she thought the Mayor was tasked with keeping an eye on ensuring the Council is using its time in the best way possible. Having just returned from the Council's summer break, it was particularly noticeable to Chair Bosley how many meetings she did not attend over the those few weeks, and the amount of time she got back with her family. She thought the Committee did well in determining the smart and thoughtful guideline that two members of each Standing Committee must come together to call a special meeting or workshop in the absence of the Mayor doing so.

There were no public comments.

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

On a roll call vote of 5–0, the Planning, Licenses, & Development Committee recommends the adoption of Amendment # 1: Section 2. Special Meetings & Workshop Meetings.

Amendment #2: Section 11. Right of Floor

The City Attorney explained that the only change in this section from the original language that reads, "When recognized by the Chair, a member shall rise in his or her place..." was to add the Committee's suggestion of, "... a member shall rise in his or her place, if able." The City Attorney thought that because this Rule is mandatory, the Committee's intent with this addition was to allow an individual to opt out of they were unable.

Vice Chair Jones thought the agreement had been to change the word "shall" to "should." The City Attorney said no, the agreement had been to retain "shall." For all intents and purposes, the City Attorney's impression from the last discussion with the Committee was that "shall" and "should" were essentially the same at this point.

Councilor Williams thought the purpose of this was to ensure that someone who is feeling infirmed on a particular day does not necessarily have to announce that in front of the City Council and entire public, but instead can keep that information private, where he said it belongs. He thought that this amendment accomplished that, which he appreciated.

Chair Bosley opened the floor to public comment.

Councilor Catherine Workman of Colorado Street began by acknowledging the hard work this Committee had put into considering these amendments. She was speaking more so as the Chair of the Monadnock Diversity, Equity, Inclusion, & Belonging Coalition (MDEIB), which recommended changing the word "shall" to "may." By using "may," she said the default would then be to sit instead of to stand but would still allow those who would like to stand to do so. As previously highlighted, she said the City has a responsibility to lead by example and to make society and/or all environments as barrier free as possible, and to anticipate the needs of others without burdening them with having to request an accommodation. She heard a lot of arguments justifying the need to continue to stand and she wanted to take a moment to debunk those. The Council had heard testimony that standing is necessary because it maintains decorum, formality, and tradition. While the latter is true, she said this thinking is quite antiquated and stems from puritanical societal and cultural norms that typically emphasize male dominance and authority, from a time when men were expected to be the primary speakers and decision makers. Traditional reasons for standing were to command authority and presence, increase visibility and engagement, and project leadership. It was seen as necessary to

assert authority and command respect. As far as maintaining decorum and control of the meeting, Councilor Workman did not think anything would change; the Mayor would still have to recognize a Councilor before they were to speak. She said Councilors do not stand and interrupt one another now, so she questioned why the Council should anticipate that they would start just with this change of the Rules. She said chairs of the Standing Committees are also able to maintain control of meetings when standing is not necessary, so she said it had been proven that standing does not dictate decorum of meetings. Councilor Workman recalled that during COVID, the City updated its media system, so now there is no logistical reason to stand, and in fact, doing so can actually be a disservice if one is particularly tall and farther from the mic. Further, the cameras in the Council Chamber either pan to and isolate the speaker or there are two screens in the Council Chamber to ensure that the speaker—if seated—would still be visible to the public in the audience both in person and at home. If there was a further problem, Councilor Workman said the solution should be to reconfigure the Council Chamber to prioritize the audience, not to change the Council's Rules of Order.

Councilor Williams continued. She stated that while she foresaw that many Councilors would continue to stand with this change, she thought it would send a powerful and impactful message to the Community; it would show that the Council is being intentional and mindful in terms of accessibility and cultural sensitivity, because in some cultures the expectation to stand while speaking may not align with their customs, which can impose an external norm and create internal conflict, discomfort, and can lead to resistance. She explained that some people may also be more comfortable expressing themselves when seated instead of standing. She explained that forced standing had been proven to create a psychological barrier and may actually negatively impact participation, especially in high stress, high pressure situations. Councilor Workman asked the Council to balance the benefits of standing—of which she could see none—with the potential barriers it creates. For example, the solution of disclosing to the Mayor the reason for not standing puts the responsibility on the person who needs the accommodation and makes them disclose personal information unnecessarily. She said this should be a “no brainer change” because it would show growth, flexibility, and inclusion, which would aid in fostering an inclusive and supportive environment and community. She thought the change to “may” would still accomplish the ultimate goal of this amendment.

Hearing no further public comments, the Committee proceeded deliberating.

Vice Chair Jones recalled that he had been somewhat opposed to this because for many years, there had been an unwritten rule that Councilors would stand when addressing the dais out of respect but would remain seated when addressing petitioners, consultants, or speakers. While that had always worked, he would vote in favor to send this for a full Council discussion.

Councilor Williams thanked Councilor Workman for her explanation. Having had this discussion at length to date, Councilor Williams did not think an amendment would pass at this meeting, so he said he would also vote in favor and possibly seek an amendment when this is before the full Council.

Chair Bosley agreed with moving this forward for a conversation with the full Council, with the potential for amendments.

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, & Development Committee recommends the adoption of Amendment #2: Section 11. Right of Floor.

Amendment #3: Section 15. Voting and Conflict of Interest

The City Attorney explained that the first main change was in the first paragraph of the text, defining what constitutes an immediate family member for the purposes of conflict of interest. For the public's benefit, the City Attorney explained that this Rule says that if a member of the City Council in particular—or in certain circumstances their immediate family member—may have an interest different from the public in a matter that is before the City Council, that individual Councilor should recuse themselves from considering that matter. This Committee had also been considering the question of whether to broaden the Rule with respect to the definition of an immediate family member. An additional amendment was to add any immediate family members—limited to individuals 18 years of age or older—to the City Council's annual Statement of Interest (public statements) filed with the City Clerk's office; the Council adopted this procedure several years ago in an effort toward public transparency about the leadership positions of the Mayor's and Councilors' immediate family on boards, commissions, and organizations. So, the second main change in this section was to broaden this annual conflict of interest disclosure beyond just the individual City Councilors to also include their immediate family members over age 18. The City Attorney said that disclosing on the Statement of Interests form whether immediate family hold "leadership positions" with organizations specifically was important because if the Councilor or family member does not have what the Attorney called a "controlling role in the organization" then it would not be necessary to report that affiliation as a potential conflict of interest.

Councilor Williams quoted and asked for clarification: "Any board, commission, organization, association, or other entity which the Mayor, Councilor, or immediate family is a member of and whether or not the person holds a leadership position." If they are a member of any organization then it must be disclosed in addition to disclosing whether a leadership position is held. The City Attorney agreed with Councilor Williams assessment of the language.

Councilor Williams stated that he ran for public office, his immediate family members did not. He felt that this amendment would put a burden on his immediate family that they did not ask for and so he would vote against this.

Vice Chair Jones felt similarly to Councilor Williams that spouses and children are not elected officials, so the Vice Chair agreed that immediate family should not be committed to publicly disclosing where they work and what organizations they are affiliated with; he did not think it would be fair. If there was a potential conflict, he thought the individual Councilor should announce that conflict so a vote on the possible conflict could occur. The Vice Chair said he would also be voting against this amendment.

Councilor Madison respectfully disagreed with Councilors Williams and Jones. Councilor Madison said he would vote in support of this amendment because he feels that when someone makes a choice to run for public office, they accept that the choice will affect their financial and personal interests. He added that for better or worse, Councilors' immediate families' personal and financial interests are important to Councilors and impact the decisions they make as Councilors. So, Councilor Madison said he thinks it is fair for the public to know how Councilors are being influenced and therefore, he actually does not think this disclosure goes far enough. He stated his belief that Councilors should also disclose from whom they receive campaign funds. While he knows that some do not believe it to be the case, he believes that a lot of money is flowing into Keene elections from out of state and out of town. Councilor Madison said he thinks the people of Keene have a right to know from where City Councilors receive campaign funds. So, he thought that should also be disclosed on these annual Statement of Interest forms. While he said he would vote in favor of moving this forward at this meeting, he indicated that he might make an amendment during the full Council deliberation on September 19. He thinks it is fair to ask Councilors to disclose where money coming into their households is coming from, and he said that is something potential candidates

should consider before running for office. Councilor Madison urged strengthening these rules to provide more public disclosure.

Councilor Haas said he thinks that openness and disclosure in government is of great value, so he said the more the better. In the absence of such disclosure, he thought it could be invented by disgruntled parties who might take exception to something. Whereas he thought that having a strong disclosure statement as a part of the Council's Rules would help to keep things a little more above board.

Chair Bosley recalled sharing her position on this several times, specifically that her husband's employer comes to the City annually to ask for funds as a part of the City's contributions to local non-profits. That puts Chair Bosley in a very difficult position if she does not recuse herself, as not doing so could negatively impact her spouse's employment. Thus, she said she appreciates that this level of transparency actually protects her husband's employment. Chair Bosley said she appreciates these Rules because she had seen them inadvertently abused. She had seen Councilors who sat on boards in leadership positions ask the Council to increase the funding that the City offers to a non-profit through the City's budget process, without disclosure (she acknowledged that there was no malice intended in this action). Such instances had made Chair Bosley uncomfortable, and while that money was not going directly to that individual, she highlighted the grey area that needs to be eliminated to the greatest extent. Chair Bosley said these annual disclosures are a way for the Council to help hold each other accountable, and for individual Councilors to protect themselves when they need to recuse for a particular reason. Still, Chair Bosley thought a line needed to be drawn with immediate family, and she felt the line should be drawn at spouses specifically; she did not think children should be involved.

Chair Bosley opened the floor to public comment.

Councilor Jacob Favolise of Main Street said he was uncertain how he feels about this. He thought that Councilor Williams' argument was compelling when he stated that those on the Council ran for office and their families, immediate or otherwise, over 18 or otherwise, did not. So, Councilor Favolise said he does not actually know how healthy it is to be involving Councilors' families in the political process. With that said, it is a hard sell for him to vote against increased transparency. So, Councilor Favolise asked the Committee to vote to send this to the full Council, where he thought there could maybe be a fuller discussion with additional perspectives. He was clear that this was not an indication that he did not support this amendment, but that he thought it was appropriate to move it forward for a full Council discussion.

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

On a roll call vote of 3–2, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #3: Section 15. Voting and Conflict of Interest. Councilors Jones and Williams voted in opposition.

Amendment #4: Section 25. Communications

The City Attorney explained that there were three components to the proposed amendments in this section, with two being essentially housekeeping. First, the deadline for the City Clerk to accept communications until 4:00 PM on the Tuesday preceding a Council meeting was moved into this section from Section 26. Additionally, language is included indicating that personal, defamatory, or argumentative communications will not be accepted by the City Clerk. The more fundamental change to Section 25 under discussion was the Council's past pattern and practice of not accepting or acting upon communications regarding larger national and international issues outside of the City. Because

there had been a lot of discussion about this issue, the City Attorney looked back and found that the last time the City Council accepted a communication regarding larger issues outside of the City was in 2019. So, due to the Council's discourse on this issue, there had been a proposal to codify that practice in the Council's Rules.

For the public's benefit, the City Attorney quoted from the draft Rule amendment: "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." The City Attorney said the reason for this is to provide a sort of "safety valve"; the Council has the right to suspend its Rules to review such communication and he said that, frankly, the City Clerk does not want to be in the position of having to arbitrarily make these decisions, so they will be placed in Councilors' mailboxes in case they want to suspend the Rules by a 2/3 vote of the Council to hear the communication.

Chair Bosley said she did not see it addressed if a Councilor submits a communication to the Council. The City Attorney replied that Councilors are basically members of the public, so it would follow the same process and would still require suspension of the Rules if the Clerk had determined it to be non-germane.

Councilor Madison recalled talking about the Council disciplinary process and initiating that process by a Councilor submitting a communication to the Council. He asked—if a member of the public submitted a communication asking the Council to initiate the disciplinary process against a Councilor—would that be considered "personal, defamatory, or argumentative?" The City Attorney said that particular Rule (which he said was not directly before the Committee, but which the City Attorney had authored) was created intentionally to be a very difficult process to get through, because these are elected officials. His recollection was that the process could not be triggered by a member of the public because it could open the process to political issues in order to trigger the disciplinary rule. So, the City Attorney said the answer to Councilor Madison's question was that such a public communication would not be accepted because there would be no authority to do it. In such a case, the City Clerk would likely suggest to the individual—especially depending on the nature of the request—to contact their City Councilor or the Mayor to discuss the concern.

Councilor Williams expressed concern over what is considered a "communication." He said it seemed that this mechanism was being used to shut out certain discussions. He recalled the 2019 issue the City Attorney referenced, as well as the more recent Medicare for All issue the Council faced, when some Councilors were concerned about supporting it because it was a national issue, but they were able to drill down to how the issue ultimately impacted high health costs for Keene community members, so the Council voted to support it. In this discussion of communications, Councilor Williams was concerned about this mechanism of just placing communications in Councilors' mailboxes, stating that it would require some very heavy lifting on the part of some Councilors to then take a communication and get a 2/3 majority of other Councilors to vote for it when—according to RSA 91-a—he did not think they were allowed to talk to that many Councilors about a communication in advance. So, he felt this would create a very high barrier to people bringing petitions to the City Council. Councilor Williams said he does not take it lightly when people bring petitions to the Council. He cited the recent instance of a petition with approximately 90 signatures, 60 of which were from people in Keene. He emphasized that in many instances, signing petitions on certain topics can be risky, strong political steps; people are sometimes fired from jobs for signing such petitions. So, if community members are willing to sign petitions and bring them to the council, he thinks it is very important that the Council at least listens to what they have to say and thanks them for bringing it to the Council's attention, whether the Council decides it is within its purview. Councilor Williams expressed concern that this addition to the Rules that was not included a few weeks ago, when he

motioned to allow a communication to be heard on the Council floor but received no second. He emphasized that people have a First Amendment right to petition their government and said that if the Council is cutting off the avenue for that discussion, he has a problem with that. He was concerned with putting the City Clerk in the position of having to determine which communications are germane. Councilor Williams questioned if a communication from the Human Rights Committee would be treated like every other communication on national or international issues. Regarding non-germane communications being placed in Councilors' mailboxes, Councilor Williams asked the City Attorney how a Councilor would take action on one of those communications in a way that would keep it from being subsequently rejected.

The City Attorney reminded the Committee that he was acting as the scrivener, attempting to translate the Council's wishes into the text of the Rules of Order, which is a policy of the City Council, and the Council can choose what to do with its Rules. Regarding communications placed in Councilors' mailboxes specifically, the City Attorney explained that every City Councilor has access to and should check their mailboxes for communications. If a Councilor wants to act on a communication the Clerk deems non-germane, at the next City Council meeting, they would inform the City Council that they think it should be considered by submitting a motion to suspend the Rules of Order, and if the Council agreed by a 2/3 majority vote, the Mayor would send the communication to the appropriate Standing Committee for further consideration. Even if a particular communication was not on the specific agenda for a Council meeting, a Councilor could raise a non-germane communication as a point of order with the Mayor and the City Council.

Chair Bosley recalled that during COVID, when Council and Standing Committee meetings were happening virtually, issues arose because people were attending meetings from across the nation and the Council was being asked to consider issues far outside Keene's purview, which she said tightened the Council's resolve to keep the Council focused on issues of real local concern. She cited several occasions when people from different parts of adjacent communities were the primary speakers on some of the topics that were before the Council. Regardless of whether there is an ability to have advanced conversations under RSA 91-a, she thought there was a mechanism to make a full case for these communications at Council meetings; she said that there are a lot of Councilors who are willing to listen to topics for which they think that there could be a good connection to the community. Chair Bosley said she supported Medicare for All at the time because she saw the direct financial and social impact on the community. She said she saw this amendment as a little bit of a win because it does help to resolve some of the lack of formally written policy/practice issues, but it also gives the Council an opportunity to carefully revisit the communications coming through their mailboxes.

Councilor Haas appreciated Councilor Williams' points and the City Attorney's explanation of how Councilors could still pursue communications initially classified as non-germane. He noted that an email address is required for communications to be accepted and asked if it would be more appropriate to list "if available," questioning if the City should be obligating everyone to have an email. Brief discussion ensued on the language listed and whether it was an intentional requirement. The City Attorney said that was language in the existing rule and he would let the City Clerk speak to that at the Council meeting on September 19. Deputy City Manager, Rebecca Landry, said her understanding was that the phrase listed, "if different," applied to the mailing address if not the same as the physical address; Chair Bosley said that address is the requirement and Ms. Landry said that was her understanding. Chair Bosley asked if there could be an amendment at the Council meeting and the City Attorney said yes.

Vice Chair Jones recalled that he had been seeking a procedure like this for some time, including trying to get it into the City Council goals at one time. He said that every time something like a City resolution is drafted, it goes through many levels of City staff, which is valuable time that ultimately

costs taxpayer money. So, it concerns him when the Council spends time considering things that are not City business. Vice Chair Jones added that once a petitioner submits a communication and it makes it onto the Council's agenda, it no longer belongs to the petitioner; it would then be in the Council's hands and the Council could, for example, amend or adapt the petitioner's original wishes.

Councilor Madison agreed with Councilor Williams that the First Amendment right to petition the government is one of the most sacred, basic rights. However, he said that right does not always grant the right to the floor. For example, if Councilor Madison submitted a letter to the NH State Legislature, he would not be guaranteed a right to the floor to address them; the same would be true for the Board of Commissioners of Cheshire County. Further, Councilor Madison emphasized that people have a right to petition their government, not someone else's government. This Council's authority ends at the City line of Keene, NH, which he called a really basic concept. He iterated that Keene is not the government of Gilsum, Dublin, Peterborough, Swanzey, or Chesterfield, etc. They have their own governments and the Councilor said that members of those communities who want address national issues should go to those governments and ask them to address those issues. Alternatively, he encouraged groups to speak with the Cheshire County Commissioners, like the County Administrator, Christ Coates. Also, to Councilor Williams' points, Councilor Madison felt the Council had acted fairly in a recent instance by allowing the communication to come before the Council, deciding that it was outside of the Council's scope, and accepting it as informational. He also recalled the Medicare for All instance, when a petition was brought to the City Council by a resident of Dublin. Councilor Madison voted in favor and reached out to the petitioner afterward to encourage her to approach the Town of Dublin and Cheshire County as well, and the Councilor said the petitioner indicated that the suggestion was "absurd," and they would "absolutely not." So, Councilor Madison expressed frustration about abject refusal of the members of neighboring communities to approach their local governments. He understood that town select boards can be a little tricky because then those become warrant articles, but if these are truly important issues, he said that should matter and the region should speak together versus Keene being one single voice in the darkness. He said that in the instance of a petition with 90 signatures and 30 were from residents outside of Keene, those 30 individuals should approach their local municipalities and ask for action; the City of Keene considered its petition and acted in accordance with its rules.

Councilor Madison continued, stating that he thought Councilor Williams made a good point about the hurdles a Councilor would have to overcome to bring a communication before the Council, almost like an infinite loop of submitting a communication, it being deemed non-germane, going into mailboxes, trying to convince other Councilors, etc. So, he leaned toward sending this to the Council, which can amend it further with the goal of making this local government more accessible. He said he would be open to hearing suggestions. One idea Councilor Madison heard was limiting communications to registered Keene voters so that people are petitioning their government, therefore protecting the City from being abused by those who do not want to go to their local governments, the State Legislature, or the County. Councilor Madison concluded by correcting statements he made at the July 24, 2024, Planning, Licenses, & Development Committee meeting, when he stated that he felt some of the petitioners who brought forward the issue of the Israeli War were not sincere. Since that meeting, Councilor Madison spoke with some of those petitioners, who updated him on their actions since then, including the various committees they brought this issue to. So, Councilor Madison said he wanted to correct himself, stating for the record that he believes they are very sincere, and he respects their efforts and persistence.

In advance of taking public comment, Chair Bosley clarified that this Committee would not be debating the merits of any of the past communications or topics referenced during this meeting as examples. She asked for comments specific to this policy.

Chair Bosley opened the floor to public comment.

Jessica Bullock of Mason Drive in Surry said that she hoped her residence in Surry would not mean that what she had to say would mean any less. As she said Mayor Kahn's comments were reported on June 7 in the Keene Sentinel and as Councilor Madison mentioned at this meeting, some of the petitioners—like Ms. Bullock—who submitted communications to the City Council at their May 16, 2024 and June 6, 2024 meetings regarding the Israel-Hamas war were not residents of Keene. However, Ms. Bullock wanted to clarify that she does pay taxes to Keene, sends her children to school in Keene, volunteers in Keene, shops in Keene, and came to this meeting from her job in Keene as a nurse taking care of the residents of Keene. Ms. Bullock stated her hope that in the future, more wisdom and discretion would be used when referring to members of surrounding towns with the respect they deserve as valued members of this community who do indeed pay taxes to the City of Keene. She noted that no such amendment to this City Council Rule of Order was in effect when the petitioners tried to speak before the City Council in June 2024. Therefore, she believed that Mayor Kahn should not have refused the petitioners their opportunity to speak before one of the Council Standing Committees. In fact, Ms. Bullock felt that dismissing the communications went against the precedent set by this very City Council of supporting discussion of international affairs: in April 2022, Resolution R-2022-06 was introduced, which proposed that matters that do not have a direct local impact be sent to Council mailboxes directly, but the Resolution failed and several Councilors spoke against it. She explained that according to those minutes from April 7, 2022, Councilor Chadbourne said she believed that, "anything brought to the Council should be considered because government is set-up for the people," citing "a trickle-up effect and supported keeping the process open to the public." Ms. Bullock said that Councilor Chadbourne also powerfully stated in those same minutes that, "it is really effective when people come to the Council and not their State officials," citing, "an instance that was a NH organization and the State body kept tabling it, leaving transgendered people open to discrimination in the State. So, they began at the local level and got 12 towns to sign-on, which got the State passing anti-discrimination laws." So, Ms. Bullock said that local government can, indeed, affect positive change more broadly and she hoped the Committee would take note of that.

Ms. Bullock continued. She said that residents of Keene and indeed surrounding towns can bring international matters before this City Council, and they should be considered. Beyond that, she said that this Council should stand for what it says it does. She quoted from the City of Keene website, where it says Who We Are: "Our community consists of engaged, diverse, dedicated, caring and respectful citizens, supported by a strong and clear vision for the future, open and accessible leadership, collaborative relationships, and ongoing civic dialogue. Each city employee provides the foundation for our efforts to reach the goal of being the best community in America by 2028, one that is sustainable, dynamic, creative, strong, just and resilient." By the City Council staying open to hearing international matters that concern its community members, Ms. Bullock said it would stay true to its commitment to have accessible leadership and civic dialogue, and to be just. Furthermore, Ms. Bullock said she does not believe any city can become the best community in America if they look only and exclusively at purely local matters. She said we are all citizens of the world, and that there are many circles for our necessary involvement; whether local, national, or international. Ms. Bullock wanted to point out that local taxes do not just stay local and said they do in fact go to international affairs. She thought everyone would agree that no human life means more than another, whether that is a life in Keene, Surry, Swanzey, Manchester, or Gaza. She understood that the City Council is busy with local affairs and trying to improve our City, which she was clear that she appreciates. She was also clear that it was not her or the other petitioners' intents to co-opt the Council's time or distract from its important local work; the petitioners simply wanted their voices heard for all the issues that matter to them and on all of the ways that their tax dollars are spent, whether those taxes pay for local schools or war crimes overseas, Ms. Bullock said. To conclude, she stated that just because this body is a local government, it does not give it the right to bury its head in the sand when grave international injustices are being perpetrated in other countries with

Keene's tax dollars. She asked if all would not agree that they would have wanted the City Council to speak out against all war crimes, genocides, and humanitarian injustices while they were happening; including what she called this real time moment we are "potentially witnessing the extermination of a people group, aided and abetted by American money and weapons." Ms. Bullock said, "Councilors, this is our moment to say something about this. How would we want history to look back on what the people of Keene had to say? What do we want our legacy to be? If we believe that we are people who are engaged, diverse, dedicated, caring, strong, and just, then isn't this an important way to say that?"

Katie Carbonara of 8 Newbury Lane quoted from the walls of the Keene Recreation Center, which she reads monthly as she attends the City of Keene's Human Rights Committee meetings: "Keene is a progressive City with the heart of a town, attracting people who seek and shape their community. We value and practice sustainability and the art of problem solving and highly collaborative engagement with our residents and businesses create our resilient and self-reliant community." Ms. Carbonara stated that her experience with the City over the past few months had been the exact opposite of highly collaborative engagement; instead, she said the City had tried to silence, stop, and arrest her and her fellow petitioners. Now, she felt that the City Council was trying to retroactively change its Rules of Order to justify how the petitioners had been treated. Ms. Carbonara stated: "I want you to know that we see through this proposed Rule change, no matter what justifications you give, we know you are only doing this to provide yourselves with cover for your refusal to engage with the issue of Palestine. Our City apparently likes to spin a lot of pretty words about what we care about and what type of community we are, but what has become clear to us over the past few months is that all of those words ring completely hollow as the Mayor and this body have shown complete disregard for everything we are told this City stands for." Ms. Carbonara continued, noting that Keene is a unique City, one of Jonathan Daniels and one with a Human Rights Committee, the latter of which as far as she was aware most other NH towns do not have. She said, "We should have been leaders in this State, in this region, on addressing the genocide in Palestine. We should have been the first city in the state to pass a ceasefire resolution. It is a lie to say that there is nothing you can do, that there is nothing our City can do to address this moment, and that this amendment is necessary." Ms. Carbonara explained that Portland, ME, just became the first city on the east coast to pass a resolution that calls for "a complete divestment of all city funds and investments from companies that are complicit or profiting off of the war crimes and genocide being committed in Gaza. Their resolution recognized that the genocide in Gaza is only possible because of the billions of dollars in funding sent to Israel by the United States, paid for with our tax dollars.

Ms. Carbonara continued, stating that she saw Portland, ME—a town in New England, like Keene—make this decision by holding multiple listening sessions with the people of their City, so she questioned why Keene could not; she said she had yet to receive an answer to that question. She stated that being a part of local government will often be difficult and inconvenient. She suggested that if one does not like that reality—or thinks the right thing to do in this moment is to relieve themselves of some of the inconvenience of listening to the concerns of community members instead engaging—then this might not be the right job for them. Ms. Carbonara concluded by echoing Ms. Bullock that all of the petitioners in the group Keene for Palestine either live in Keene or surrounding towns; none were funded by or a part of a national organization or even an official organization until they needed help after one was arrested during a City Council meeting. She said this came together organically by local residents. Ms. Carbonara also stated that as the largest City in a majority rural county, it "sounds elitist and quite frankly, classist," to present the justification for this amendment as to stop non-residents from petitioning to the Keene City Council, when "every other city surrounding us is significantly less wealthy than our City." She related this back to Keene considering itself to be the cultural and economic hub of the Monadnock Region because of the geography and economic realities of our area. She said that people who live in surrounding towns come to Keene to work, shop, go to the doctor, go to school, and send their kids to school; if doing so, then she said they are

paying taxes to the City of Keene. Ms. Carbonara said that decisions made by this Council have big impacts on the lives of people in our entire region; she stated anecdotally that, “when I talk to people who make the decision to move outside of Keene to one of our surrounding towns, 10 out of 10 times, they will say one of the major driving factors for their move was because they could not afford to pay Keene property taxes or Keene rent.” Ms. Carbonara concluded by suggesting that the City Council focus on making the City a more affordable place to live and a place where people are not afraid to have difficult discussions, instead of trying to make this Rule change that she believed would be deeply harmful to the democratic process in this City.

Heather Servant of Swanzey grew up in the Monadnock Region, graduated from Keene State College, and has lived in Keene or a surrounding town for a majority of her adult life. She works at a local downtown Keene business, her kids attend school in Keene, and although she currently lives in Swanzey, she owns a home in Keene as of this summer. As such, Ms. Servant asked Councilors to stop referring to her as a “non-resident.” Ms. Servant stated that Councilors might have recognized her as the woman who was, “unjustly arrested at the June 6th City Council meeting while our organization, Keene for Palestine, was trying to speak on a petition for a ceasefire resolution in Gaza; and I am still fighting disorderly conduct charges. There is no way it is not within the purview for Mayor Kahn or the City Council to get these charges dropped. Yet here we are, staring down the barrel of an amendment you’ve created to cover up the lies and cowardice that you all stood behind while I was put in handcuffs for caring about innocent people dying and being murdered with our tax dollars.” Ms. Servant went on to explain that her 8-year-old son was present the evening she was arrested, and while he likes to join in political events, she said, “although he is proud of me for speaking out for the children in Palestine, he is now terrified that the political activism work that I am doing is dangerous. He was too scared to come here with me today. He did not want to be in City Hall because he was scared of the place where his mommy got put in handcuffs for speaking freely. Is this not exactly what we want to strive to teach our children? To speak for those who cannot use their voice? To stand up to bullies? To make the world a better place?”

Ms. Servant continued, stating that she was speaking against this proposed amendment because it is a violation on the rights of Keene area citizens to share their concerns with their elected officials. She questioned why the Council was really trying to pass this amendment. She questioned if the Council does not believe in this community’s ability to make positive change in the world. She noted that Keene has a sister City on the other side of the Atlantic Ocean. Ms. Servant said that borders are a colonial construct, and we should all care about what happens to humankind across the world, not just here in Keene; we do not live in a bubble. She said that this amendment could stop any resident from sharing any concern with larger scope, regardless of the topic’s controversy. Whether her opinions align with another person’s, Ms. Servant said she still believes in their right to free speech, and she called this amendment “an early move in the process of a fascist takeover,” adding that it would be written on the wrong side of history, which she does not want for the Keene she loves. She encouraged the City Council to follow the examples of communities like Portland, ME, whose City Council recently passed a resolution to divest city funds from Israel and complicit weapons manufacturers. She said that what we do here in Keene does matter; she said we have an active, involved, and caring community, citing recent anti-bullying activities. Ms. Servant felt that the City Council should be singing the praises of groups like Keene for Palestine instead of “discretely discussing how inconvenient it is for you to deal with people’s concerns.” She urged the Council to not to support this amendment and to not silence people because it is “intimidated by controversial opinions.” She said the Council could continue to brainstorm and study other options for the creation of appropriate avenues for citizens “to voice their very real, very genuine, and very valid concerns, regardless of its location.”

There were no further public comments.

Chair Bosley recognized that there was a lot for the Committee to process. She thought that Councilors had an accumulation of experiences that brought this Committee to a place where it felt comfortable having a conversation about this amendment because it had seen both sides, in which instances has been both positive and harmful to the community; she said it is the Council's job a lot of time to thread that needle. Without reopening what occurred at the past Council meetings, Chair Bosley acknowledged that in both of those instances, Councilor Williams did challenge the Mayor's decision and in both instances there was no 2nd, which was the Council making a decision in its own right with the information it had at the time; had there been a 2nd, there could have been a process for the full Council to have make a different decision. Chair Bosley appreciated the public comments and said it would be important for the Council to digest those comments regardless of the action taken on this amendment at this meeting or on the 19th.

Councilor Williams thanked the public speakers. He expressed concern about this process of putting non-germane communications into Councilors' mailboxes and hoping a concerned Councilor can rally 2/3 of the Council to vote for it. He thought there should be a different way that does not rely so much on one Councilor to accomplish that. He said it is unfair to petitioners to expect that they would have such a relationship with a City Councilor in advance of submitting a communication; there should be a low barrier to democracy, not a high barrier. Councilor Williams suggested a different mechanism, such as retaining a certain number of signatures from Keene residents on a proper petition, regardless of what it says or whether a Councilor is willing to champion it. Councilor Williams said that if a team of citizens if willing to put their names to a cause in that way, that the Council should hear them out.

Chair Bosley asked if this one amendment could be placed on more time for the City Attorney to consider alternatives that had been discussed or if it would be better to make amendments on the Council floor. The City Attorney replied that the Committee had the authority to place it on more time, but he recalled that the full Council had not had a chance to weigh in on this yet. He stated that he would not be prepared to answer some of these questions at the City Council meeting on September 19, and he continued stating that, quite frankly, some of the questions posed gave him concern. Chair Bosley stated that she understood that. The City Attorney continued, stating that limitations on the opportunity of people from surrounding communities to come to the City Council raised red flags for him, so he would want to consider that. He said he heard the concern regarding a threshold, and said he could attempt to flesh out something that may be more palliative for the Council as a whole if it was the Committee's wish. However, the City Attorney sought more direction from full Council and so his suggestion was to move it forward for a conversation with the full Council. Having heard those comments, then the City Attorney could try to craft a revision.

The City Attorney and Committee acknowledged that there was risk in sending this amendment to Council as it was, because the Council could vote to adopt it with no further amendments.

Councilor Haas added that in bringing this amendment to Council in its existing form, this Committee would be pointing out the parts it is uncomfortable with. He was personally disturbed by anything that goes through a single point of control; for example, the City Clerk having to decide what is germane to the Council. He said that going forward, the Council could look to expand how these things can pass muster to rise up to another level when they are submitted; he would be looking forward to those kinds of changes in the future.

Councilor Madison liked Councilor Williams' idea of a petition threshold. Councilor Madison said that messages from citizens are important, and he agreed with the idea of a accepting petitions with a certain percentage of signatures coming from Keene residents; to him, that would feel like citizens petitioning their government and he would feel a responsibility to act, so he would support such an amendment if it was brought forward. Councilor Madison went on to address comments about Keene

being a wealthy community. The Councilor cited the 2022 U.S. Census: median household income was \$89,000/year in NH; \$76,000 in Cheshire County; \$69,000 in Keene; \$71,000 in Swanzey; and \$93,700 in Surry. Of all the towns the Councilor listed, he pointed out that Keene was the least wealthy.

Chair Bosley thought the audience was getting a tiny taste of how its government does hear them. She said Councilors do not come into these meetings planning to do anything definitively and they make decisions based on the information they hear, making adjustments along the way.

Chair Bosley went on to state that she still supported having some structure and policy on this matter so the Council does not end up in this position again, with community members concerned that they have been treated in a way that is not formalized as a Rule; she thinks that structure helps everyone to understand expectations. Still, she questioned whether the way it was written at present was the proper structure; she stated that she was not 100% convinced. So, Chair Bosley asked the City Attorney to start considering ideas—such as the petition signature threshold suggestion—in addition to the other Councilors' feedback on the 19th. She noted that the Council had typically deferred to Standing Committees when they sought more time on topics. Chair Bosley agreed with the City Attorney that moving this amendment forward to the Council for more feedback was the correct approach. However, for fairness, the Chair stated that she would vote against so it would go to the City Council with a fair 2/3 vote, so it is clear to the Council that the Committee has concern.

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

On a vote of 3–2, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #4: Section 25. Communications. Councilors Williams and Bosley voted in opposition.

Amendment #5: Section 32. Report by Committee

The City Attorney explained that this amendment was essentially a housekeeping matter. In the original Rule, it was implied but not specifically stated that after a matter had a public hearing before the City Council and returned to a Standing Committee, no further public comment would be accepted, because the public would have then had an opportunity twice—at the public hearing and after to submit written testimony into the record. The City Attorney had been uncomfortable with that not being formalized, so this was an opportunity to make that clear.

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 the adoption of Amendment #5: Section 32. Report by Committee.

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

The City Attorney explained that this amendment was also housekeeping to some extent. For the public's benefit, he elaborated that once the Council made a decision on a matter, there is an opportunity under the Rules of the City Council and the Charter for the Mayor to reconsider that decision, generally at the subsequent Council meeting; once the matter is concluded, there should be some finality to that. This Rule indicates that once there is finality on a matter, that same matter cannot be brought up again in that same calendar year except for though a Motion for Reconsideration. This specifically includes accepting as an item is informational, which is basically an action of the City Council; this was not included in the prior Rule. The City Attorney continued that they also tried to build in a mechanism by which a copy would be placed in the Councilors' mailboxes.

Chair Bosley thought this discussion highlighted that Councilors need to be paying attention to the paperwork on their desks when they arrive at Council meetings.

Councilor Williams asked if there are any other codified practices that involve putting communications in Councilors' mailboxes. The City Attorney said that was a question for the City Clerk but those were the only two he could think of from the Rules of Order. The City Attorney added that this new language about placing communications in mailboxes arose from concerns about how the Council would know if a public member brought forward an issue outside their purview.

Vice Chair Jones said he could only recall an instance of reconsideration for a different telecommunications tower with different neighbors. The City Attorney said that would be different because was not the identical subject matter.

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

On a vote of 5–0, the Planning, Licenses, & Development Committee recommends the adoption of Amendment #6: Section 33. Resubmission of Items Previously Considered.

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.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2025 Law Enforcement Substance Abuse Reduction Initiative Grant

Council Action:

In City Council September 19, 2024.

Voted with one opposed to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2025 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$25,000.00. (FY25 Project Account # 70G01225).

Attachments:

None

Background:

Police Captain Steve Tenney addressed the committee. Captain Tenney stated he has two items for the committee tonight and they are reoccurring annual grants. The first one is a substance abuse grant. He indicated this is the 2025 Law Enforcement Substance Abuse Reduction Initiative grant. This year's award is for \$25,000 and the money is used for overtime reimbursements for officers and detectives for drug investigations. Specifically, dealing with bigger cases.

Mr. Joe "Keene" of Keene addressed the committee and stated he felt these "drug drops" happen right before an event which pushes the homeless population conveniently to a side. Captain Tenney stated there is no correlation and indicated most of these cases culminate over several months and does not happen overnight. Mr. "Keene" stressed what he stated previously.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2025 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$25,000.00. (FY25 Project Account # 70G01225).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: FY24 DOJ Byrne Justice Assistance Grant (JAG)

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, NH, and to accept and expend the U.S. Department of Justice FY24 Byrne JAG in the amount allocated to the city in the amount of \$4,684.00. (Acct # 70G00225).

Attachments:

None

Background:

Captain Tenney stated the city applies for this grant with the county. It is called the DOJ Byrne Justice Assistance Grant, Jag Grant. The city has participated with the county on this grant since 2007. This year's award is \$4,684 and the money is used to help pay for cruiser cell phones and other cellular devices the department uses. Captain Tenney noted this year's award is slightly low due to federal allotment.

Mr. Joe "Keene" stated he does not see why the state should be funding cell phones and noted body camera batteries only last seven or eight hours and felt the city should be getting body cameras that last longer. He also did not feel police officers should be allowed to use their cell phones for recording.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, NH, and to accept and expend the U.S. Department of Justice FY24 Byrne JAG in the amount allocated to the city in the amount of \$4,684.00. (Acct # 70G00225)



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to the Acceptance of a Donation: Greater Keene Youth Baseball and Softball Association Pavilion**

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of a 27' x 22' pavilion, estimated at nearly \$40,000 of work - and gifts – in-kind, by the Greater Keene Youth Baseball & Softball Association. This donated pavilion will be located at the far end of the parking lot near the Wheelock Park youth ballfields.

Attachments:

None

Background:

Parks and Recreation Director Carrah Fisk-Hennessey stated she is before the committee this evening to bring forward a donation of a pavilion that is to be built by the Greater Keene Youth Baseball and Softball Association and donated to the city once construction is complete. She stated the idea behind it is to make sure that the city has the same kinds of facility amenities that other youth baseball and softball organizations have throughout the state which will enable the city to host larger scale tournaments.

Ms. Fisk-Hennessey stated one of the requirements to host larger tournaments is to have some kind of sheltered pavilion type building where everybody can gather and listen to people, hand out awards and make sure that families feel comfortable in one common space. She noted the area being looked at is very conducive for this structure to be built.

Councilor Remy extended his appreciation for this donation.

Councilor Lake clarified that this structure will be constructed at the end of the dirt parking lot. Ms. Fisk-Hennessey stated the proposed site is in the area where the cook shack is located, a triangular piece of property. Patrons who use this pavilion would have a view of two fields.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of a 27' x 22' pavilion, estimated at nearly \$40,000 of work - and gifts – in-kind, by the Greater Keene Youth Baseball & Softball Association. This donated pavilion will be located at the far end of the parking lot near the Wheelock Park youth ballfields.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of New Hampshire Juvenile Court Diversion Network SBIRT funding for Youth Services**

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds in the amount of \$56,488.04 provided by the New Hampshire Juvenile Court Diversion Network for Youth Services programs.

Attachments:

None

Background:

Youth Services Manager/JCC Coordinator Alyssa Bender stated that each year the department receives a subcontract from the state network. This network is overarching for accredited programs in the State of New Hampshire, approximately 17 entities. Ms. Bender noted these funds are specifically provided for substance abuse screening offered to every youth that comes into the Juvenile Court Diversion Program. The screening uses questions from the PHQ, which is around mental health, and then also questions in regard to the amount of frequency that youth are using certain substances.

Typically funding ranges between \$5,000 to \$6,000. However, this year the city has been offered \$56,488.00, which is a large increase. Ms. Bender stated the reason for this increase is because the city has actually doubled the number of cases it had in previous years, as well as increasing the new level of training that all divergent programs and staff has to undergo.

It was indicated by the City Attorney that a dollar figure should be included in the motion.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds in the amount of

\$56,488.04 provided by the New Hampshire Juvenile Court Diversion Network for Youth Services programs.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of a Grant - Election Equipment**

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept and expend the 2024 Rural and Nonmetro Election Infrastructure Grant from the Center for Tech and Civic Life in the amount of \$20,000 to be used for qualifying expenses in the categories of equipment and materials, technological components or key human components that support the security of elections.

Attachments:

None

Background:

City Clerk Patty Little stated she is before the committee regarding a grant for election support. Ms. Little stated Keene received notification that it qualified for a grant in the amount of \$20,000 to support its elections, and it is from the Center for Tech and Civic Life; a non-partisan 501-C3 organization. This is the second grant the city has received from this group. During COVID the city applied and received a grant which was used for sanitation efforts and additional security at the elections.

Ms. Little stated this grant has an equipment focus. She noted the city has three main objectives, two of them deal with statutory changes. The city would like to purchase laptops for the checklist supervisors to use at polling locations so they can access the statewide voter database from the polls. This would give them the opportunity to verify qualifications of voters who are coming from other communities where they might have proved their citizenship. This would be important, especially considering the Governor's passage of a pretty significant legislative change today that removes the ability for a voter to be able to sign an affidavit in lieu of documentation. The other change in state law is around local and school elections. The city must now provide to the voters the same accessible voting system that you see at state elections. She mentioned the large white tent seen in all voting locations which has an accessible voting system that voters with disabilities can use. This recent change in law would require that the city have that same ability for local elections. The state expects the city to purchase its own equipment within the year. Hence, this money would

be utilized to purchase five or six of these devices.

The third purpose has to do with Wi-Fi connectivity. Ms. Little stated they have been having trouble with Wi-Fi connectivity in Wards 3 and 4 (Keene Middle School and Symonds School). During the summer, the school system has improved their Wi-Fi capability and have offered the city password connectivity into their Wi-Fi system.

Ms. Little went on to say communities have been given a lot of flexibility in how to use the grant funds. There are however, reporting requirements. She noted what is before the committee is a generalized motion which provides staff the flexibility to spend every penny of these grant funds.

Councilor Chadbourne asked how the city located this grant Ms. Little stated one of the city's election vendors notified communities of this grant opportunity. She went on to say since 2020, 28 states have prohibited the use of these outside funds for elections. New Hampshire, however, is not one of those states.

Mr. Joe "Keene" felt anyone could make up these grants and offer these tablets and felt paper voter registration should not be eliminated. Ms. Little stated New Hampshire will never move away from paper registration and the State of New Hampshire is concerned about technology – hence, proper protocols will be put in place.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept and expend the 2024 Rural and Nonmetro Election Infrastructure Grant from the Center for Tech and Civic Life in the amount of \$20,000 to be used for qualifying expenses in the categories of equipment and materials, technological components or key human components that support the security of elections.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Professional Services Contract for Final Design of the Lower Winchester Street Reconstruction Project**

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a professional services agreement with McFarland Johnson, Inc. for an amount not to exceed \$1,371,000 for the preliminary and final design phase of the Lower Winchester Street Reconstruction Project. The funding source will be split between the General Fund Water Fund and Sewer Fund through the following accounts: 75J0026B, 34JI016B, and 32JIO10B.

Attachments:

None

Background:

Public Works Director Donald Lussier addressed the committee next. Mr. Lussier stated this item is for the preliminary and final designs phase of the Lower Winchester Street Reconstruction. He reminded the committee that a few months ago, staff brought in an engineering study report with a recommended proposed action. The Council ended up approving that proposed action for the corridor. This project will extend from Route 101 to the Swanzey Town line. As part of the project, the city is cooperating with the Town of Swanzey so the project will go down to Market Basket. Swanzey will pay for the portion of the work that is in their town.

Mr. Lussier stated this request is to negotiate and execute an engineering contract. The first contract that was done with Clough Harbour and Associates (CHA) was just for the engineering study phase. Once the scope of work for designing was better understood then they could scope out the amount of effort that it is going to take to do the detailed design. This is the stage the city is in right now. The city has negotiated with them and staff is requesting to execute that contract.

Mr. Lussier noted the city cost of that project is being funded with federal funds (80/20) split would \$274,000 with a small percentage of approximately 3% of the total design fee will be borne by the Town of Swanzey which is based on the proportion of the estimated construction costs to the city

versus the proportion that is in Swanzey.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a professional services agreement with McFarland Johnson, Inc. for an amount not to exceed \$1,371,000 for the preliminary and final design phase of the Lower Winchester Street Reconstruction Project. The funding source will be split between the General Fund Water Fund and Sewer Fund through the following accounts: 75J0026B, 34JI016B, and 32JIO10B.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Professional Services Contract for the Design of Water Distribution Improvements on Rt. 101

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a professional services agreement with Clough, Harbour & Associates for an amount not to exceed \$60,000.00 for the Preliminary Design of water distribution system replacement on Route 101 and Swanzey Factory Road.

Attachments:

None

Background:

Mr. Lussier addressed this item as well. He indicated NHDOT has in their CIP their ten-year plan to reconstruct Route 101 from about Optical Avenue. East of Optical Avenue to Branch Road. The plan is to widen the road and add some shoulders. As part of that project DOT is also planning to reconfigure the Swanzey Factory Road intersection which has been the source of a lot of accidents over the years. This will be done by reconfiguring or relocating that intersection. Mr. Lussier stated staff will bring an update to City Council through the MSFI Committee sometime in October.

As part of that work, Mr. Lussier stated it makes sense for the city to do its infrastructure at the same time. The sewer main in that area is relatively new - installed in the mid-80s. The water main, however, is quite old and staff is recommending that it be replaced at this time. This project has been included in the CIP process, so the funds are available right now. There is about \$160,000 in FY25 to pay for the design phase of the project.

Mr. Lussier went on to say, ordinarily the city would go through a selection process for a project like this; An RFP would be put out, competitive proposals would be reviewed, and consultants will be interviewed. However, staff is recommending this project be awarded as a sole source contract to CHA as CHA has already gone through that competitive bidding process with DOT, and DOT has selected them to design their project. Mr. Lussier stated it is much more efficient and cost effective if the same engineer who is designing the water main work is already designing the drainage and the

roadway work. He added this is the first of what they expect to be two contracts; this is only the preliminary engineering phase. There is still quite a bit of discussion and questions about the scope of the final project, mostly for the DOT side. The city's scope is well defined.

DOT is still weighing alternatives in terms of how they are going to reconstruct the intersection of Swanzey Factory Road. What they are going to do with the bridge over the Branch River. Because DOT's scope is not yet well-defined CHA isn't really comfortable estimating how much it is going to cost to design the water main work right now. Staff expects to come back in late 2025 for a design contract for the final design phase.

Mr. Joe "Keene" felt \$125,000 was a lot of money for assessment. He added the intersection that exists currently next to the bridge is dangerous and having it up the road on the gravel is highly recommended.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a professional services agreement with Clough, Harbour & Associates for an amount not to exceed \$60,000.00 for the Preliminary Design of water distribution system replacement on Route 101 and Swanzey Factory Road.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Reallocation of Capital Funds – Recreation Center

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council reallocate \$174,334 from the Municipal Building Capital Maintenance Projects (65J0002) to the Brian A. Mattson Recreation Center Renovation Project (65M0004).

Attachments:

None

Background:

Deputy City Manager Andy Bohannon stated this request is to move some funds related to the Brian Mattson Recreation Center project. Mr. Bohannon stated the city received a grant in 2023. He indicated some of the bids were rejected for this project because of pricing. He indicated all the windows in the Recreation Center are going to be replaced and the initial bid came in at \$150,000 over what was anticipated. It was discussed whether combining the windows along with the lobby would make the project more enticing to get better pricing. The price was still significantly over. As a result, staff worked with a potential contractor who was the low bid to reduce the project and scope to a degree where changing some of the windows on the second level, changing some of the fixtures in the lobby but not going away from the original intent of the whole project - reduced the scope by about \$86,257.00. However, additional funds are needed from the municipal building capital projects to push this project forward. Mr. Bohannon stated receiving the CDFR grant was helpful.

Chair Powers clarified none of the important parts are being left out. Mr. Bohannon stated the staff is looking at a different marquee. In addition, the ADA compliant ramp from the parking lot down to the Veterans Memorial with the initial bid was over what was anticipated. Staff is working with the Public Works Department to rethink this design. Lee Dexter in Public Works has come up with an alternate solution which is going to be sent out to bid.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council

reallocate \$174,334 from the Municipal Building Capital Maintenance Projects (65J0002) to the Brian A. Mattson Recreation Center Renovation Project (65M0004).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: InvestNH Housing Opportunity Planning (HOP) Grant Application - Short Term Rentals

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that City Council write a letter of support for an application to the InvestNH HOP Grant program to hire a consultant to assist the City with developing regulations for short-term rental properties.

Attachments:

None

Background:

Community Development Director Jesse Rounds stated he was before the committee to discuss the Invest NH proposals. The first item is a request for a letter of support to seek a grant to study possible regulations of short-term rental housing in the city. The consultant will be looking at regulations around the state, state rules regarding regulation, and other programs around the country. This is an effort to support the community's need for additional housing, while also allowing this use to continue in locations where it is appropriate.

Councilor Lake referred to the recent housing study and asked how many short-term rentals are in Keene and what its percentage is based on available housing. Mr. Rounds stated the housing study stated that there were 50 such units in the city. However, in subsequent conversations with sources, it sounds like there are sometimes up to 100 units and this number does fluctuate. He added at the present time it is not a huge proportion of the city's housing stock. The proposed study would be looking ahead at a potential issue. In staff's perspective it is a potential issue and would like to see how they can get ahead of it and understand how to write the regulations. He added the state's regulations are complicated when it comes to short-term rentals.

Councilor Lake asked if the city was to receive this grant whether this would fully fund the consultant or would the city have to expend additional funds. Mr. Rounds stated the plan is to have the work fully funded by the grant.

Councilor Remy stated this item came before the Planning Board before it came before the Finance Committee – he stated he does have a rental property which he at times he advertises as short term rental, but it is primarily on longer terms; three month minimum, which is not normally what people consider short term. He stated this grant could be applied to any number of different things, but the city chose short-term rental as the issue to spend those funds. He stated he did not feel this was a great place to target considering the housing study which was done last year showed a range in the spring from 40 up to 54 units in the winter. The city’s own survey showed 30% of those to be private room rentals within somebody else’s unit. So, 60% of them were actually apartments which reduces that number even more. 40% of them were longer than 90 days, which he noted is not what people are trying to regulate against. The Councilor noted this seems to be a shrinking pool of what is actually in play here and did not feel this was a good use of funds. He stated he would rather use the funds for the second portion of the proposed study; housing opportunity space. He also noted there is a recommendation in the housing study on how to address this issue, which is to put together a rental registration.

Mr. Joe “Keene” questioned whether Councilor Remy could have a conflict with this item.

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

That the Finance, Organization and Personnel Committee recommends that City Council write a letter of support for an application to the InvestNH HOP Grant program to hire a consultant to assist the City with developing regulations for short-term rental properties.

Councilor Lake asked whether it is the Mayor who should be writing this letter and not the Council. Attorney Palmeira stated it would be up to the grant. Mr. Rounds stated the grant calls for a letter from the legislative body. The attorney stated the Council could designate someone to write the letter.

Councilor Chadbourne clarified a letter from the Council is usually written by the attorney’s office.

Mayor Kahn stated he could certainly write a letter on behalf of the City Council indicating the Council took action on a particular date.

Councilor Roberts stated he agrees with what has been stated about the effectiveness of the grant but stated he was going to support the motion, but it doesn’t mean if we do get accepted, it is not going to come across as being effective.

Councilor Remy stated he will be voting in support of the grant but when it comes back for support for expending funds for this particular item he would have an issue with it; spending city money on something that has already been done.

Rebecca Landry, Deputy City Manager stated in the grant documentation it says All applications must include a letter of support from the Planning Board and local governing body. She stated staff has done this before and can do it again if staff gets the vote of the Council.

The motion carried on a unanimous vote.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: InvestNH Housing Opportunity Planning (HOP) Grant Application – Housing Opportunity Zones

Council Action:

In City Council September 19, 2024.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council write a letter of support for an application to the InvestNH HOP Grant program to hire a consultant to assist the City with developing and promoting a Housing Opportunity Zone program in the City.

Attachments:

None

Background:

Mr. Rounds addressed this item as well and indicated this is also a letter to study and develop a program around a new portion of the 79 E tax abatement program; housing opportunity zones. This would be focused on the downtown portion of the city, trying to identify opportunities where people could redevelop or expand housing opportunities in the downtown using this tax program.

He stated this is yet another tool to look at housing opportunities. Putting as many tools on the table for developers to use.

Councilor Roberts asked whether this program would look at how buildings are developed. Mr. Rounds stated this program would look at ways to reduce the cost for developers.

Councilor Remy made the following motion, which was seconded by Councilor Roberts

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council write a letter of support for an application to the InvestNH HOP Grant program to hire a consultant to assist the City with developing and promoting a Housing Opportunity Zone program in the city.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations**

Council Action:

**In City Council September 19, 2024.
Voted unanimously to carry out the intent of the report.**

Recommendation:

Move that the City Council accept the donations below and the City Manager be authorized to use each donation in the manner specified by the donor.

Attachments:

None

Background:

The Keene International Festival is currently planning their 2024 event for Saturday, September 28. The Committee is actively seeking corporate funding sources to help showcase and celebrate the rich cultural diversity of the Keene to the community through activities that engage and connect people to each other.

The following donations were made by the following sponsors:

CDFA - \$1,000
Hamblett Electric - \$500
Cersosimo Lumber – Brattleboro – \$500
C&S Wholesale Grocers - \$1,000
Savings Bank of Walpole - \$1,000
Anonymous donor - \$2,500

The Human Rights Committee hosts an annual Indigenous Peoples Day event. Marti Fiske, Library Director and Chair of the Indigenous People Day event, has engaged Hawk Henries, a member of the Chaubunagungamaug band of Nipmuck, to present a program of Eastern Woodland flute music for this year's program. The Friends of the Library are co-sponsoring Hawk Henries' visit.

The Friends of the Library are donating their half of the fee in the amount of \$550 to the City of Keene Human Rights Committee so that one check may be made out to the performer.

Members of the City Council and the public are invited to the performance which will take place at

Heberton Hall on Sunday October 13 at 1 p.m. Haw Henries has been building and playing indigenous flutes and using traditional methods for over 30 years. His original musical compositions reflect his thinking that we each have the capacity to bring change for more health and peace in the world. During his presentations he prefaces each song with an explanation of its meaning and invites the audience, when appropriate, to share their thoughts and ideas.

This year the Public Works Department launched a new City initiative called “Ward Optimization Weeks” (WOW!) to bring focused attention to each of the city’s five wards. The WOW! initiative was announced in late summer, and other city departments were invited to participate. The Community Development Department decided to hold a series of community nights (one in each ward) in partnership with the Keene Public Library.

In the lead-up to these events, Community Development staff reached out to local businesses to solicit small gift cards to give away through a free raffle during these events. In addition, the Farm to School Café offered to donate time and services to source and provide food, Food Connects to donate fresh produce, and Hannaford donated a gift card to purchase food at the event. The table below lists the donations provided by local businesses.

Sponsor Name	Type of donation	Details	Total Value
Frisky Cow Gelato	Gift card	\$15 x 5	\$75.00
Prime Roast	Gift card	\$25 x 1	\$25.00
Rick's Ice Cream	Gift card	\$5 x 4	\$20.00
Piazza Ice Cream	Gift card	\$10 x 2	\$20.00
Yankee Lanes	Gift card	\$25 x 1	\$25.00
Fireworks Restaurant	Gift card	\$20 x 2	\$40.00
Farm to School Cafe	Time		
Food Connects	Local produce		
Mint Carwash	Gift card	\$20 x 5	\$100.00
Eat More Cake	Gift card	\$25 x 1	\$25.00
Hannaford	Gift card	\$35	\$35.00
Firedog Breads	Gift card	\$20 x 5	\$100.00
TOTAL			\$465.00

Total donation for these events	Cash and Check	\$7,050
	Gift Cards	\$465
	Volunteer time and food donations	



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Jared Goodell - Pledge of Donation for the Purchase and Installation of a Safe Haven Baby Box

Council Action:
In City Council September 19, 2024.
More time granted.

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends putting this item on more time.

Attachments:
None

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

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



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Duncan Watson, Assistant Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Winter Maintenance Parking Restrictions
Ordinance O-2024-14**

Council Action:

In City Council September 19, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

That the City Council refer Ordinance O-2024-14 to the Municipal Services, Facilities and Infrastructure Committee.

Attachments:

1. ORDINANCE O-2024-14 - Winter Maintenance Parking Restrictions_referral

Background:

The Community Development Department hired a consultant (Walker Consultants), to review and analyze parking in the downtown residential area. A portion of that work was to look for ways to allow for on-street parking during the winter months when there was no forecasted winter precipitation which would prompt a response from the Public Works Highway Division.

Ordinance O-2024-14 lifts the blanket ban on on-street parking except when the Public Works Department declares a Winter Weather Parking Ban. During the times designated by the Public Works Department, no on-street parking will be permitted to allow for safe and efficient snow and ice control. Vehicles that remain on the street during a declared Winter Weather Parking Ban will be subject to ticketing by the Keene Police Department.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Winter Maintenance Parking Restrictions

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by removing Sec. 94-95 (a) “Snow maintenance period” in its entirety and replacing it with the following bolded text:

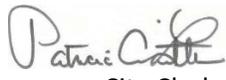
(a) *Winter maintenance period.*

- 1) **The Public Works Director or their designee (“Director”) shall be empowered to declare a Winter Weather Parking Ban whenever the existing conditions warrant or weather forecasts predicting snowfall, sleet, freezing rain, or other inclement weather indicate that the execution of necessary highway maintenance activities will require the prohibition of parking on city streets or municipal lots. Once a Winter Weather Parking Ban is declared, it shall continue until such time as it is terminated pursuant to the provisions of this ordinance. The Director may declare a Winter Weather Parking Ban at any time and for any duration necessary to conduct highway maintenance activities.**
- 2) **No vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the city and owners of all vehicles or trailers so standing during a declared Winter Weather Parking Ban shall be deemed in violation of RSA 262:31 et seq.**
- 3) **The Police Chief or his/her designee is hereby authorized to enforce the provisions of this section as provided for in Sections 94-181 through 94-184, pertaining to penalties, towing, immobilization and appeals.**
- 4) **The Director shall notify the public when a Winter Weather Parking Ban starts and ends by using available methods for communicating messages to the public, which may include but not be limited to an automated push notification system, the City’s website, social media, texts, signage, and telephone notification.**
 - a. **The declaration shall be made no less than six (6) hours prior to the starting time of the ban.**
 - b. **The declaration of a Winter Weather Parking Ban may be made applicable to all City streets, certain streets, or streets within a defined perimeter.**

- c. **The declaration of a Winter Weather Parking Ban may be made applicable to all public surface parking lots or only certain lots.**

Jay V. Kahn, Mayor

In City Council September 19, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.


Patricia C. Smith
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Jesse Rounds, Community Development Director
Subject: **Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts Ordinance O-2024-17**

Council Action:

In City Council September 19, 2024.

Referred to the Joint Planning Board and Planning, Licenses and Development Committee.

Recommendation:

To refer Ordinance O-2024-17 to the Joint Committee of the Planning Board and the Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. Application to Amend the Zoning Ordinance
2. Narrative, Ordinance O-2024-17 , and LDC pages

Background:

This Ordinance proposes to amend the minimum lot size in the High-Density District, Medium Density District, and the Downtown Transition District by removing the minimum lot area required for each additional dwelling unit after the first dwelling unit. This would result in a fixed minimum lot area for each district: 8,000 square feet for the Medium Density and Downtown Transition Districts, and 6,000 square feet for the High-Density District. The intent of the proposed change is to reduce barriers to housing development and increase the number of conforming lots in these districts. This ordinance does not propose to change any other zoning dimensional requirements or other zoning requirements that pertain to these districts (e.g., maximum impervious coverage, setbacks, minimum on site parking requirements, maximum building height, etc.).



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: September 17, 2024

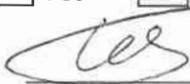
Address: 3 Washington St., Keene NH

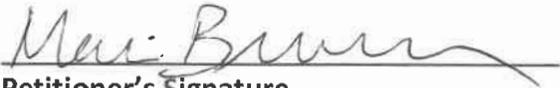
Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: 3.5.2; 3.6.2; 4.6.1

Does the amendment affect "Minimum Lot Size"? Yes No

Does the amendment affect "Permitted Uses"? Yes No

Number of parcels in Zoning District*: HD: ~773
MD: ~787
DT-T: 96 
Validation of Number of parcels by the
Community Development Department


Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, ***and such change includes 100 or fewer properties**, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: 09/17/2024 Ordinance Number: O-2024-17

On City Council agenda: 09/19/2024 Workshop to be held: _____

Public Hearing to be held _____

CITY OF KEENE
NEW HAMPSHIRE

O-2024-17 Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts.

This Ordinance proposes to amend the minimum lot size in the High-Density District, Medium Density District, and the Downtown Transition District to remove the minimum lot area required for each additional dwelling unit after the first dwelling unit. The intent of the proposed change is to reduce barriers for housing development and increase the number of conforming lots in these districts.

The attached materials include the full text of Ordinance O-2024-17 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-17. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text, as follows:

1. That Section 3.5.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot area required per dwelling unit, as follows:

Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

2. That Section 3.6.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot area required per dwelling unit, as follows:

Min Lot Area	6,000 sf
Min lot area for single dwelling unit	6,000 sf
Min lot area for each additional dwelling unit	5,000 sf
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3. That Section 4.6.1 “Dimensions & Siting” of Article 4 be amended to remove the minimum lot are required per dwelling unit, as follows:

Min Road Frontage	50 ft
Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width	60 ft
Min Front Setback	15 ft
Min Corner Side Setback	10 ft
Min Interior Side Setback	10 ft
Min Rear Setback	15 ft

Jay Kahn, Mayor

3.5 MEDIUM DENSITY (MD)

3.5.1 Purpose

The Medium Density (MD) District is intended to provide for medium intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

3.5.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3.5.3 Buildout

Max Building Coverage	45%
Max Impervious Coverage	60%
Min Green / Open Space	40%

3.5.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.5.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P ¹	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Neighborhood Grocery Store	CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P ¹	8.3.4.A
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

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

3.6 HIGH DENSITY (HD)

3.6.1 Purpose

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

3.6.2 Dimensions & Siting

Min Lot Area	6,000 sf
<i>Min lot area for single dwelling-unit</i>	6,000 sf
<i>Min lot area for each additional dwelling-unit</i>	5,000 sf
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3.6.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	75%
Min Green / Open Space	25%

3.6.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

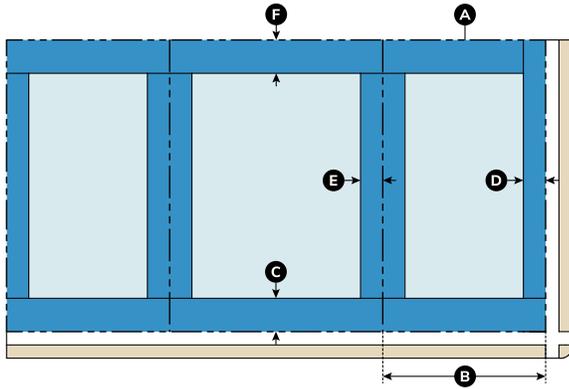
3.6.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
Neighborhood Grocery Store	SE, CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P ¹	8.3.4.A
Group Home, Large	CUP	8.3.4.E
Group Home, Small	CUP	8.3.4.F
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

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

4.6 DOWNTOWN TRANSITION (DT-T)

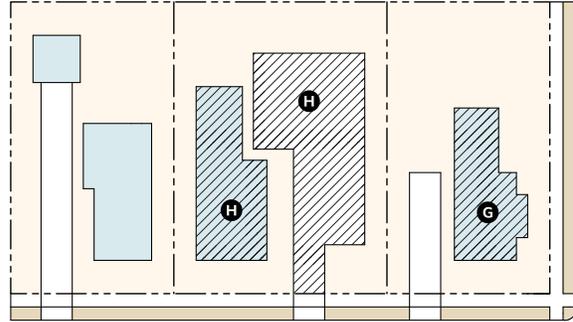
4.6.1 Dimensions and Siting



Dimensions and Siting

	Min Road Frontage	50 ft
A	Min Lot Area	8,000 sf
	Min lot area for single-dwelling unit	8,000-sf
	Min lot area for each additional dwelling unit	5,400-sf
B	Min Lot Width	60 ft
C	Min Front Setback	15 ft
D	Min Corner Side Setback ¹	10 ft
E	Min Interior Side Setback	10 ft
F	Min Rear Setback	15 ft

4.6.2 Buildout



Buildout

G	Max Building Coverage	50%
H	Max Impervious Surface Coverage	70%
	Min Green/Open Sapce	30%



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to an Amendment to Land Development Code – Charitable Gaming Facility Ordinance O-2023-16-B**

Council Action:

In City Council September 19, 2024.

Report filed as informational. Voted with 8 in favor and 7 opposed to amend Ordinance O-2023-16-B by deleting paragraph vi. from section e. Parking and Traffic. Voted with 13 in favor and two opposed to refer the ordinance back to the Joint Planning Board and Planning, Licenses and Development Committee.

Recommendation:

On a roll call vote of 4–1, the Planning, Licenses, & Development Committee recommends the adoption of Ordinance O-2023-16-B. Councilor Jones voted in opposition.

Attachments:

1. O-2023-16-B_Referral

Background:

Chair Bosley recalled that there had already been a public hearing on this matter, so there would be no further public comments accepted at this meeting.

Chair Bosley welcomed the Community Development Director, Jesse Rounds, for an introduction. Mr. Rounds explained that in November 2023, there was an original proposal to create a definition of a charitable gaming facility in Keene’s Land Development Code that followed the NH RSA definition of a charitable gaming facility. Quickly, through conversations with the Joint Planning Board/Planning, Licenses, & Development Committee and the City Council, Mr. Rounds said it was clear that was not the best way to handle this issue. After 3 or 4 Joint Committee meetings, the Committee arrived at an altered definition, as well as some use standards and new zoning district restrictions. He thought that work—surprisingly—allowed for a lot more flexibility, even though there are now use standards. Now, there is an opportunity for charitable gaming facilities in the community in a way that the Joint Committee felt respected the community’s interests.

Next, Mr. Rounds listed the specific areas in the Commerce Zoning District where charitable gaming facilities would be permitted if the City Council adopts Ordinance O-2023-16-B: West Street between the bypass and Island Street, Winchester Street south of Island Street and north of Cornwell Drive,

Main Street south of Route 101 and north of Silent Way, and commerce land along Key Road, Kit Street, and Ashbrook Road. The Joint Committee worked to identify those areas that have a lot of activity already. Mr. Rounds listed the use standards for charitable gaming facilities listed in O-2023-16-B: no facility shall be within 500 feet of an of another charitable gaming facility or within 250 feet of a place of worship, school, daycare facility, single- or two-family dwelling, or residential zoning district. He explained that one factor that informed those use standards was that there are a lot of single- and two-family houses in non-conforming, non-traditional residential zoning districts, which is a significant restriction. For example, off West Street, there are a lot of areas that are zoned Commerce but have single-family homes, just through the vagaries of zoning, thus restricting where charitable gaming facilities could be located. In addition, there are a few spots with more intense residential development in Commerce Zones, further restricting charitable gaming facilities in those areas per this draft Ordinance. He explained, however, that a charitable gaming facility cannot be placed near a multifamily home in a Residential Zoning District but can in a Commerce Zone if the charitable gaming facility meets all other dimensional standards for the Commerce Zone. Lastly, Mr. Rounds explained that in O-2023-16-B, there are a number of parking restrictions for charitable gaming facilities due to the heavier traffic expected, including larger vehicles like busses. The parking requirements include: 0.75 parking spaces per gaming position (which would be a new definition in the Zoning Code) and 2%—or two parking spaces—are required to be equipped with electric vehicle charging stations.

Chair Bosley noted that sometimes the Council will start what seems like a simple process and through educating itself, as in this case, the process becomes more complex. However, that education and hearing from educated members of the public and members of the NH Gaming Commission, helped guide the Joint Committee toward this “B” version of the Ordinance. She thought the Council did the right thing in sending this back to the Joint Committee for more workshopping and compromising with the Planning Board—other members of our community—to ensure good choices were made to arrive at this version. Chair Bosley thought they had arrived at a solid Ordinance.

Mr. Rounds mentioned a question during the public hearing about Bingo and whether this Ordinance would prohibit churches or other charitable organizations from holding bingo in their buildings. In speaking with the City Attorney and other City staff, Mr. Rounds said the agreement was that Bingo would be an accessory use for those organization, and therefore would not be regulated through this Ordinance at all and would be allowed to continue as it always had.

Vice Chair Jones asked if the definition should be codified in the Zoning Code before this Ordinance is adopted. The City Attorney replied no, citing the unlikely scenario that the definition would be adopted, and the Ordinance would not be, the definition would then be orphaned in the definitional section, so it was prudent to ensure that the charitable gaming Ordinance is in place first.

A motion by Councilor Madison to adopt Ordinance O-2023-16-B was duly seconded by Councilor Williams.

Vice Chair Jones recalled that he was against this since this beginning, so he would be voting in opposition. He reiterated his position that the City should not be separating gaming out as this malicious device. He said it is just a form of entertainment, no different than having a movie theater, a penny arcade, or anything else. Vice Chair Jones was opposed to putting these specific restrictions on an issue that other cities were using to bring more money into their communities, so he would be voting no.

Councilor Williams respectfully disagreed, stating his belief that gambling in general is very bad news. He said there had been an explosion of gambling across the country with the legalization of sports betting. Casinos are everywhere now, and he said a lot of people are getting harmed; people

are gambling away theirs and their savings and their kids' college funds. He said it is not always obvious because it happens in the dark of a casino behind closed doors. The statistics Councilor Williams read indicated that about 1% of adults have a serious gambling problem every year, which he said would include people in our community, who would be harmed by this. If Councilor Williams could vote to prohibit casinos in Keene, he would, but since this Ordinance was the option, he would vote in favor.

Councilor Madison agreed with Councilor Williams that gambling is a clear problem, citing lottery ticket sales as an example. Councilor Madison thought the Joint Committee had well parsed out the areas of the community and levels of parking, etc., in this Ordinance to allow this to happen in a business and family friendly way. So, he supported the Ordinance.

Chair Bosley spoke anecdotally. Having a teenager away at school, Chair Bosley attested that children who are too young to be gambling, are gambling. It is happening online and on college campuses. She had heard of students who were thousands of dollars in debt to bookies and she called it a real problem. She thought that the more questions the Council asked, the more they would hear these stories and see the effects of online gambling, let alone brick and mortar. She agreed that there is a component that is entertainment; some people limit the money they spend at casinos to the same as they would to see a movie, but she said that is not the case for many gamblers. Chair Bosley thought the Joint Committee did a very good job of crafting an Ordinance that does not prohibit charitable gaming facilities but does create really good boundaries around what we want to see in this community.

Councilor Haas said he tended to agree with Vice Chair Jones, stating far be it for City Councilors to judge other people's behaviors and desires. However, Councilor Haas said there were clear community feelings around the how neighborhoods should evolve. So, he said he saw this as one step forward, and maybe one step sideways; the City would see how it develops over time. He thought this was a great starting point to respect personal responsibility and independence, as well as growth of business, while containing a potential problem.

On a roll call vote of 4–1, the Planning, Licenses, & Development Committee recommends the adoption of Ordinance O-2023-16-B. Councilor Jones voted in opposition.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).
2. Use Standards
 - a. Only one Charitable Gaming Facility shall be permitted per lot.
 - b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:
 - i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
 - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
 - iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.

- iv. Land with frontage on Key Road.
 - v. Land with frontage on Ashbrook Road.
 - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
 - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family or Two-Family dwelling.
 - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.
- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
 - iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
 - iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
 - vi. Two percent or two of the required parking spaces, whichever is greater, shall be equipped with electric vehicle charging stations.
2. Amend Section 8.4.2.C.2.a, "Specific Use Standards" of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
- a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth Districts.

3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8 and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” under Commercial Uses as permitted with limitations.
4. Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

Jay Kahn, Mayor

In City Council September 19, 2024.
Voted 8 in favor and 7 opposed to amend
Ordinance O-2023-16-B by deleting paragraph
vi. from section e. Parking and Traffic.
Referred to back to the Joint Planning
Board and Planning, Licenses and
Development Committee.


Patricia Castle
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: September 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: Relating to Amendments to the City of Keene Land Development Code,
Definition of Charitable Gaming Facility
Ordinance O-2023-17-B

Council Action:

In City Council September 19, 2024.

Voted with 13 in favor and two opposed to refer Ordinance O-2023-17-B back to the Planning, Licenses and Development Committee.

Recommendation:

On a roll call vote of 5–0, the Planning, Licenses, & Development Committee recommends the adoption of Ordinance O-2023-17-B.

Attachments:

1. O-2023-17-B_Referral

Background:

Chair Bosley recalled that now that the Committee recommended adopting Ordinance O-2023-16-B, the definition of charitable gaming facility needed to be added to the Zoning Code. Community Development Director, Jesse Rounds, noted that this Ordinance was also a “B” version because it went through the same evolution as the discussion of O-2023-16-B. An early definition had been drafted, but through public engagement it was realized that Bingo and Lucky 7—parts of the NH RSA, but in a different section—were overlooked, so those were added. Then, as the use standards in O-2023-16-B were drafted, staff noticed the utility of including “gaming position” as well. So, a definition of “gaming position” was also added to this Ordinance O-2023-17-B.

Vice Chair Jones agreed with the definition. He recalled the instances of Keene turning down KENO 603 twice on referendum. Should that happen again—because he said the Lottery Commission keeps sending it back every few years—he asked how that would fit into this definition; or would Keene reword it? He thought that according to the State of NH, anyone with a Liquor License has the right to allow KENO. Mr. Rounds confirmed that KENO is regulated differently, so it would fall outside the realm of Ordinance O-2023-16-B that was just recommended for adoption.

There were no public comments.

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, & Development Committee recommends the adoption of Ordinance O-2023-17-B.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Definition of Charitable Gaming Facility

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded and underlined text, as follows.

1. That Article 28 “Defined Terms” be amended to include a definition for “Charitable Gaming Facility,” as follows:

Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).

2. That Article 28 “Defined Terms” be amended to include a definition for “Gaming Position,” as follows:

Gaming Position – One seat at an electronic gaming machine or a gaming table.

Jay Kahn, Mayor

In City Council September 19, 2024.
 Referred back to the Planning,
 Licensing and Development Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: In Appreciation of Jason K. Thompson Upon His Retirement
Resolution R-2024-30

Council Action:

In City Council September 19, 2024.

Voted unanimously for the adoption of Resolution R-2024-30.

Recommendation:

Recommend the adoption of Resolution R-2024-30, In Appreciation of Jason K. Thompson Upon His Retirement.

Attachments:

1. R-2024-30 Thompson Retirement_Adopted

Background:

Officer Thompson retires from the Police Department effective August 20, 2024, with 18½ years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Jason K. Thompson Upon His Retirement

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

WHEREAS: Jason K. Thompson began his career with the Keene Police Department 16 January 2006 as an experienced Police Officer with the Bureau of Patrol in its Field Operations Division, after which he was appointed Property Officer 29 June 2014 in the Bureau of Special Services of the Administrative Services Division; and

WHEREAS: Jason demonstrated his commitment to the job by taking action beyond just patrolling while in the field, actively working his investigations to completion, submitting solid cases for prosecution, mastering the witness stand, serving as a role model for less experienced Officers regarding bringing cases to resolution, expanding reporting options, and earning a Lifesaving Medal and a Captain's Citation for outstanding performance along the way, as well as singlehandedly having a remarkable effect on a group of downtown litterers; and

WHEREAS: Jason maintains excellent interactions on a daily basis with members of the community, who have described him as knowledgeable and insightful, thoughtful and forthright, fair and thorough, compassionate and respectful, courteous and professional as he treats those to whom he is providing service the same as he wants to be treated and as he serves as a positive ambassador for the agency; and

WHEREAS: Jason's attention to detail facilitated a smooth transition to his managing the vital evidence and property function for the agency during the past ten years, where he receives each year a few thousand new pieces of property that vary greatly in size and significance, organizes and maintains the physical storage area, continuously monitors for and resolves immediately any discrepancies at any level, works with other bureau staff to safeguard the proper packaging and submission of evidence, ensures any items needed for court proceedings are transported when needed, maintains accurate physical and electronic inventories, ensures the continual improvement of processes within the property system, goes to considerable lengths to return appropriate property items to their owners, stays abreast of current developments in relative laws, suggests policy and procedural corrections as necessary, recycles regularly to stretch his limited budget, and continues to address the backlog of adjudicated County-level case evidence that has existed for years; and

WHEREAS: Jason also has managed the Prescription Drug Take Back program—responsible for safely destroying many hundreds of pounds of discarded pharmaceuticals annually—for which he liaised with the U.S. Drug Enforcement Administration to meet storage, packaging, and incineration requirements and for which he piggybacked with other local agencies to save the City hundreds of dollars each year; and

WHEREAS: With a solid mastery of all aspects of emergency and nonemergency driving, he has been an integral member of KPD's team of primary driving instructors, helping to ensure all members of department receive excellent driving instruction during initial orientation, as well as through periodic in-service trainings; and has taught his impeccable driving skills at the New Hampshire Police Academy; and

WHEREAS: Skilled, efficient, energetic, team oriented and a quiet leader who is well regarded and can be counted on to provide his honest opinion, Jason also has contributed by maintaining the intoxilyzer equipment, working patrol and detail shifts on a regular basis without complaint during shift vacancies, formerly served on new-hire oral boards, as a Tactical Team volunteer, a member of the Bike Team and the Field Evaluation and Training Program; and

WHEREAS: Jason retires 20 August 2024, qualifying with more than 18½ years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Jason K. Thompson for his dedication to the City of Keene and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Jason in appreciation of his years of service to the City of Keene and the greater Monadnock community.

PASSED: September 19, 2024

A true copy: 
Attest:

City Clerk



Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: September 19, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Mary F. Ley Upon Her Retirement
Resolution R-2024-31**

Council Action:

In City Council September 19, 2024.

Voted unanimously for the adoption of Resolution R-2024-31.

Recommendation:

Recommend the adoption of Resolution R-2024-31, In Appreciation of Mary F. Ley Upon Her Retirement.

Attachments:

1. R-2024-31 Ley Retirement_adopted

Background:

Ms. Ley retires from the Public Works Department effective September 19, 2024, with 15 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Mary F. Ley Upon Her Retirement

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

WHEREAS: Mary began her career with the City of Keene August 31, 2009, as Laboratory Technician II; was promoted to Laboratory Supervisor for September 1, 2011; and became the Laboratory Manager on January 19, 2019; and

WHEREAS: Mary coordinated efficiently all required wastewater and drinking water testing schedules throughout the year; performed strictly controlled and transparent analyses with her strong technical skills; remained up to date on new rules and regulations; managed successful laboratory audits; developed and implemented the lab's operating budgets, capital improvement programs, and grant proposals; been trusted for advice on water quality issues; revised her lab's and assisted Water Treatment Facility staff to improve their standard operating procedures and quality control manuals; worked across division lines to plan and execute projects and operational activities; and has been consulted for her advice on impacts of new regulation standards on the City; and

WHEREAS: Mary is known for managing a welcoming, respectful and friendly workspace; for communicating and leading effectively; for solving problems proactively; for being adaptable and open to new techniques and programs; for remaining calm when priorities quickly change; for dealing with water quality customers in a positive and sensitive manner; for holding herself and her staff to the highest levels of ethical behavior; and for keeping safety at the forefront of all lab activities; and

WHEREAS: Certified by the National Environmental Laboratory Accreditation Committee as a Technical Director and by the New Hampshire Department of Environmental Services as a Grade 4 Wastewater Operator, Mary consistently met work commitments during the laboratory renovation process, using a temporary lab to maintain timely reporting of process data analyses that met all NPDES parameters; and

WHEREAS: With her knowledge of chemistry, microbiology and scientific methods and her eye for detail, Mary was a natural choice to be the lead person to coordinate the unique testing program in which the City partnered with Keene State College during the COVID-19 pandemic—overseeing the collection of samples, coordinating with private labs, and understanding the critical meaning when results are not within expected range—toward advising the City's Emergency Management Director; and

WHEREAS: Mary has gone above and beyond in her involvement with City efforts, organizing a Community Night, serving on the Drought Management Team, Safety Committee, Personnel Advisory Board, Holiday Luncheon Committee, Public Works Employee Fund; participating in the Fourth Grade Science Fairs and Pi Day; organizing her facility's contributions to Human Services 'holiday gift program and recognizing coworkers' birthdays; as well as taking part in the Laboratory Association of New Hampshire and the Water Environment Federation's Lab Practices Advisory Committee; and

WHEREAS: Mary retires September 19, 2024, with 15 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Mary F. Ley for her dedication to the City of Keene and wishes her the very best for her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Mary in appreciation of her years of service to the City of Keene and the greater Monadnock community.

PASSED: September 19, 2024

A true copy: 
Attest:
City Clerk


Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: September 19, 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 September 19, 2024.

Taken from the table by the Mayor. Filed as informational.

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."