

A regular meeting of the Keene City Council was held on Thursday, November 7, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, 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. Michael J. Remy was absent. Councilor Filiault led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

The City Clerk noted that the draft minutes were corrected to reflect the confirmation of Zach LeRoy to the Zoning Board of Adjustment as an “alternate” member, not a regular member.

A motion by Councilor Greenwald to adopt the October 17, 2024, minutes as amended was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

ANNOUNCEMENTS

Mayor Kahn congratulated the City, and specifically the City Clerk’s office for the amount of effort required to achieve the City’s record voter turnout at the Presidential Election on November 5, with all wards seeing a turnout of between 70–75%, and Ward 4 reaching a turnout of 89%! Over 2,500 new voters were registered and cast ballots. Overall, almost 14,000 ballots were cast citywide. The City could not have orchestrated this event without the assistance of the 30 elected officials, approximately 60 ballot inspectors, and over 100 volunteers who assisted on Election Day. Mayor Kahn will be presenting a Proclamation in honor all the community members who gave their time and effort at this election at the Council meeting on November 21. Mayor Kahn said that Keene was one of the first cities in NH to report results due to its high integrity.

The Mayor also shared a reminder of the City’s 150th anniversary of becoming a City. The celebration would be hosted by the Historical Society on Friday, November 8 at 4:30 PM. He encouraged all Councilors to attend, and all previous living Councilors were invited as well, in addition to all living former Mayors who would be present to answer questions from the audience and Historical Society staff.

Mayor Kahn also shared a final reminder of the special City Council meeting to interview applicants for the City Attorney’s position on Saturday, November 9, beginning at 8:00 AM.

Lastly, the Mayor noted that the Municipal Services, Facilities & Infrastructure Committee meeting on November 27 would be rescheduled to Tuesday, November 26 at 6:00 PM because of the Thanksgiving holiday. The Finance, Organization & Personnel Committee meeting on November 28 is canceled.

PROCLAMATION – KEENE HIGH SCHOOL FIELD HOCKEY

Mayor Kahn presented a Proclamation declaring Friday, November 8, 2024, as Keene High School (KHS) Women’s Field Hockey Day in Keene to the coaches of KHS Girls Field Hockey: Head Coach Michelle Tiani and Assistant Coach Jodie Ballaro. Mayor Kahn asked all businesses and residents of Keene to display their orange and black on November 8 in honor of the team’s undefeated season and State Championship title. Councilor Greenwald presented a copy of the Proclamation to each member of the team.

PUBLIC HEARING – CABLE FRANCHISE AGREEMENT

Mayor Kahn opened the public hearing at 7:17 PM and the City Clerk read the public hearing notice. Mayor Kahn welcomed a presentation from the Deputy City Manager, Rebecca Landry.

Ms. Landry explained that a long time ago, the City signed its first cable franchise agreement with Time Warner Cable, noting that it took a few years to negotiate that first agreement. Now, Ms. Landry said it was time to renew the agreement. The City had an extension on the agreement through summer 2024, which had expired as of the date of this meeting, meaning the City needed to create a “renewal franchise agreement,” as required by Federal law for the existing company, Spectrum. Ms. Landry stated that the City was confident it could renew that agreement on reasonable terms. She said the municipality did not have a lot of power regarding the terms of the agreement, which would largely be regulated by State and particularly Federal laws.

Ms. Landry reviewed the points the City expected to see in the new agreement. The new agreement would also be for 20 years. This agreement would only be for cable TV, *not* internet services. Spectrum is currently required to install the services within 150 feet from the nearest location of the cable to the residence; this would be extended to 200 feet. Further, service would be extended to areas where there are 20 units or more per mile (versus the previous 15); the City cannot control that, but right now, thankfully, everywhere in Keene is served by Cable TV with a few minor exceptions. The maximum franchise fee would continue to be 5%. At the time of this meeting, the City was collecting a 3.5% franchise fee from Spectrum, which Spectrum opts to charge to their customers, and the City has the opportunity to raise that fee over time but cannot raise it more than 1% at once. An increase of 1.5% would only amount to close to \$1/month on a customer’s bill.

Ms. Landry explained that the City would have 12 months to request an audit of Spectrum’s revenue, in terms of what they pay the franchise fee against for which services. The agreement would continue to require that basic cable service be available to all subscribers, as required by law. Ms. Landry said that many members of the public do not know that they can call Spectrum and request a specific basic cable package that Spectrum is required to provide by law. Ms. Landry added that Spectrum does have an HD format channel available that the City had been interested in, and this new agreement would allow for that, but it would require a separate agreement and would most likely cost the City a significant amount to acquire the equipment to make it possible. Ms. Landry added that the performance bond that was formerly \$10,000 would be \$50,000 in the new agreement.


Mayor Kahn opened the floor to public comments.

Councilor Haas asked how many residents only take cable TV service and not the internet streaming option. Ms. Landry did not know, but said this would be referred to the Finance, Organization, & Personnel Committee and more detailed questions like these could be answered then if the City has access to the information. She noted that Spectrum is not required to give the City any information about any services other than the cable TV service, but she could ask.

Councilor Jones asked if Spectrum provided an indication of how much they had increased from copper to fiber over time. Ms. Landry said no. However, she knew that during the week after this meeting, Spectrum would be doing a DOCSIS upgrade to a hybrid coax and fiber system that would give them the ability to provide up to 10 GB services symmetrical; though, this would be primarily for internet service.

Councilor Williams asked if Spectrum also pays property taxes on their equipment in addition to the franchise fee. Ms. Landry said that Spectrum pays based on the assessed value of their use of the aerial space for the cables that are attached to the telephone and utility poles. There is a provision in the agreement that requires Spectrum to do that, and they have the same rights as other organizations to appeal that; however, it is a requirement, and the City collects it.

Hearing no further comments or questions from the public or Council, Mayor Kahn closed the public hearing at 7:26 PM. He referred the Cable Franchise Agreement to the Finance, Organization & Personnel Committee.

A true record, attest: 
City Clerk

PUBLIC HEARING – CDBG – RELATING TO THE CEDARCREST CENTER

Before opening the public hearing on the Community Development Block Grant (CDBG) application, Mayor Kahn reviewed the hearing process. The hearing notice identified three separate components: (1) the actual CDBG application, (2) the Residential Anti-Displacement and Relocation Assistance Plan, and (3) the Housing and Community Development Plan. Mayor Kahn would open and close each of these segments separately. Upon the close of the final hearing, he would call forward Resolution R-2024-36. Finally, as this application was time sensitive, he would look for a Suspension of the Council's Rules of Order to allow action upon the Resolution.

Mayor Kahn opened the public hearing for the Community Development Block Grant at 7:27 PM and the City Clerk read the public hearing notice. Mayor Kahn welcomed Jack Ahern, Associate Planner with Southwest Regional Planning Commission.

Mr. Ahern addressed the grant request before discussing the particular application. He said that CDBG funds are available to municipalities for economic development, and public facility and housing rehabilitation projects, that primarily benefit low- and moderate-income persons. The City of Keene is eligible to receive up to \$500,000/year for public facility and housing rehab,

\$500,000/year for economic development, \$750,000/year for microenterprise technical assistance, and up to \$500,000/year in emergency funds. Feasibility study funds are available for up to \$25,000.

Mr. Ahern provided a handout describing the NH CDBG program eligible activities that include the area Housing & Urban Development (HUD) income limits to meet low- and moderate-income standards. He explained that this proposed application to the CDFA was for up to \$25,000 to allow the Cedarcrest Center for Children with Disabilities to conduct a feasibility study for improvements to their facility located at 91 Maple Avenue in Keene. The Cedarcrest Center is a specialized pediatric medical facility and school, providing comprehensive services to children with complex medical and developmental needs. Their property consists of a school and residential care facility under one roof that provides education, care, and respite services for up to 28 children and young adults up to the age of 22. The planning grant funds will be used for architectural design and planning related to bathroom area renovations and updates or replacement of the heating and ventilation system. Mr. Ahern explained that the needs of and medical equipment needed by the children served had changed since the facility was originally built in 1989, and renovations needed to be considered to provide a safe and comfortable environment for clients and staff. The heating and ventilation system serving the school wing of the facility had not been updated since 2001. Grant funds would be used to support an evaluation of the system and to determine if a complete redesign and replacement is warranted.

Mayor Kahn also welcomed Jay Hayston, President & CEO of Cedarcrest, who invited questions. He opened the floor to public comments and questions about the proposed CDBG project.

Mayor Kahn asked if this \$25,000 grant application would inhibit further applications in this year's cycle if, for example, this planning study shows further needs. Mr. Ahern said no, the Feasibility and Planning Grants are on a rolling basis and do not interfere with the City's ability to apply for CDBG grants in the other categories of public facilities, housing, and economic development. Mayor Kahn asked if this could prohibit Cedarcrest from going forward with subsequent requests. Mr. Ahern said no, it would actually encourage them to apply for a full grant in the future.

The Mayor said this grant would not only consider the retrofit of Cedarcrest's current facility but also possible future expansion. Mr. Hayston replied that it would lay the groundwork for both modernizing Cedarcrest's 20-year-old equipment as well as preparing for any future needs. The primary focus, though, is to modernize the equipment that is getting pretty close to end of life, particularly for elements of the HVAC system and the overhead lifts in the central bathing area. The planning grant would help to identify the best approach and resources for those replacements.

Councilor Roberts said that as a result of Covid, HVAC air handling systems across the country had to be changed for human safety. He asked if that happened at Cedarcrest yet or if that was the goal of this effort. Mr. Hayston said it was a great question, noting that some necessary Covid precautions were proactively designed into Cedarcrest's system, such as the ability to

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create negative pressure rooms. Cedarcrest did not have to make any Covid-specific changes in the time since Covid, but it was a factor in considering upgrades; for example, they would like to have expert consultation on ionization technology.

Councilor Roberts referred to all of the money in the prior 3–4 years post-Covid and asked if there was a sense of whether that grant flow, etc., would be slowing down in the near future that the City might not want to pass up. Mr. Ahern replied that most Federal Covid funding had reached the end of its lifespan, so he advised taking advantage of what was available. He added that grant funds were dwindling in general, not just Covid funds.

Hearing no other public input, Mayor Kahn close the public hearing for the proposed Community Development Block Grant application at 7:37 PM.

A true record, attest: 

City Clerk

PUBLIC HEARING – RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Mayor Kahn opened the second public hearing at 7:37 PM and recognized Jack Ahern, Associate Planner with Southwest Regional Planning Commission, to address the Residential Anti-Displacement and Relocation Assistance Plan.

Mr. Ahern explained that if any displacement were to take place as a result of the proposed Community Development Block Grant (CDBG) project, the Uniform Relocation Act must be followed, which requires that any displaced household or business in a project using Federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the application, the City will certify that the Residential Anti-Displacement and Relocation Assistance Plan is in place and in the event that it is discovered that this specific project does displace persons or households, a Displacement Implementation Plan must be submitted to the Community Development Finance Authority (CDFA) prior to obligating or expending funds. Because of the nature of the proposed project Mr. Ahern said it was highly unlikely—if not impossible—that sort of relocation would be necessary. However, the CDFAs requirements still mandates that the City of Keene certifies that it will require the sub-recipient to comply with the Uniform Relocation Act in Section 104-D of the Housing and Community Development Act of 1974, as amended.

Mayor Kahn opened the floor to public comments and questions. Hearing no public comments or questions, the Mayor closed the public hearing for the Anti-Displacement and Relocation Assistance Plan public hearing at 7:39 PM.

A true record, attest: 

City Clerk

PUBLIC HEARING – HOUSING AND COMMUNITY DEVELOPMENT PLAN

Mayor Kahn opened the public hearing for discussion of the City’s Housing and Community Development Plan at 7:39 PM. The Mayor recognized Jack Ahern, Associate Planner with Southwest Regional Planning Commission, to address the Housing and Community Development Plan.

Mr. Ahern explained that the Housing and Community Development Plan (HCDP) is a document specific to the Community Development Block Grant (CDBG) program and is composed of several key areas: housing, economic development, health and human services, and CDBG impact areas. Each section details the current conditions and proposed actions that would help alleviate need in the area in relation CDBG funds. This document was last adopted in June 2024 with the addition of the Citizen Participation and Grievance Procedures sections. The minimum adoption schedule is once every three years. No substantial changes to the plan had been made at this time. Mr. Ahern said that this proposed project met the listed HCDP goal to make available to all the people in the region the best possible health care and comprehensive, efficiently delivered and coordinated, preventative, and supportive services and opportunities; all designed to nurture and meet the needs of our citizenry and to encourage and allow all people to live with dignity and self-sufficiency.


Mayor Kahn opened the floor to public comments and questions about the Housing and Community Development Plan.

Mayor Kahn asked about the number of youths Cedarcrest serves. Jay Hayston, President & CEO of Cedarcrest, explained that Cedarcrest is licensed for 28 beds in the home and 23 seats in the school. The inpatient census fluctuates and is fully occupied many times throughout the year. At this time, there were 25 long-term residents. They try to maintain a few beds for rolling “respite service,” for children who have full-time homes/families, both those parents, etc., might need a break to recover from surgery, for example; this service was being used by approximately two dozen families. At this time, there were 20 students in the school. The majority of children living at Cedarcrest were attending the school; some lived at home with family and came to the school during the day. Two Cedarcrest residents at this time attended the Keene public school system. Mr. Hayston continued, explaining that 100% of Cedarcrest’s population had a significant developmental disability. Further, at this time, 100% of that population also had a G or GJ feeding tube, through which they receive the majority or all of their nutrition. Half of the children had a tracheotomy for supplemental breathing treatments and around 40% of the children used mechanical ventilation for all or part of the day to assist with their breathing. Cedarcrest is the only pediatric post-acute setting for this youth population in New Hampshire, *as well as* in Vermont and Maine. So, Mr. Hayston explained that Cedarcrest serves a low occurrence population, but it is also a really high need population. There are even diagnoses encountered at Cedarcrest named after specific children because they are that rare. Mr. Hayston said it is really powerful and important work and that it is a really incredible population he is privileged to work with.

Councilor Roberts asked, if Cedarcrest was unavailable, where would the nearest location be that offered the same services. Mr. Hayston replied that when spaces are unavailable at Cedarcrest, children almost are exclusively served as inpatients at the Children's Hospital at Dartmouth, Maine Medical Center, University of Vermont Medical Center, or the Boston Children's Hospital/Franciscan Children's Hospital. This is particularly the case when mechanical ventilation is involved, which is nearly half of Cedarcrest's residents.

Councilor Roberts imagined that if Cedarcrest does not have room for children, they would end up at these other facilities, without a connection to other children their own age. Mr. Hayston agreed, noting that Cedarcrest is particularly proud that each of their three classrooms has a field trip at least biweekly, and the oldest two classrooms go weekly. They are proud to maintain that connection to the community. Cedarcrest also partners with the City of Keene on a number of initiatives, including the annual Arbor Day celebration. Mr. Hayston agreed with Councilor Roberts that these activities are critically important because a childhood in a hospital room is no childhood at all. So, Cedarcrest sees it as a critical mission to not only serve community members, but to also help them participate in the community, and forge stronger connections with their families and friends.

Hearing no further comments, Mayor Kahn closed the public hearing on the Housing and Community Development Plan at 7:45 PM.

A true record, attest: 
City Clerk

RESOLUTION – RELATING TO APPROVING A CDBG APPLICATION FOR CEDARCREST CENTER RESOLUTION – R-2024-36

Mayor Kahn called Resolution R-2024-36 forward, as it was time sensitive. A motion by Councilor Greenwald to suspend the Rules of Order was duly seconded by Councilor Bosley. The motion carried on a roll call vote with 13 Councilors present and voting in favor. Councilors Remy & Roberts were absent.

A motion by Councilor Greenwald to adopt Resolution R-2024-36 was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilors Remy was absent.

PRESENTATION – MASTER PLAN UPDATE

Mayor Kahn postponed the presentation until the November 21, 2024, meeting.

COMMUNICATION – JAIDA CARLAND – CONCERN OVER THE IMPACT OF PARKING TICKET RATES ON SMALL BUSINESSES AND THEIR EMPLOYEES

A communication was received from Jaida Carland, expressing her concern over the parking ticket amounts and their impact on small businesses, as well as the policies of the City's ticketing system. Ms. Carland provided a list of names of individuals who supported her petition to seek

lower parking ticket fines and mandate fair practice among ticketing officers. Mayor Kahn referred the Communication to the Finance, Organization & Personnel Committee.

COMMUNICATION – PETITION – REDUCTION OF SPEED LIMIT – UPPER ROXBURY STREET

A communication was received from Alan Huston and the residents of Upper Roxbury Street, requesting that the current speed limit from the intersection of Roxbury Street and Water Street to the intersection of South and North Lincoln Street be reduced from 30 miles per hour to 20 miles per hour. Mayor Kahn referred the communication to the Municipal Service, Facilities & Infrastructure Committee.

COMMUNICATION – KENNETH KOST – POTENTIAL FOR MIXED USE DEVELOPMENT ON GILBO AVENUE LAND

A communication was received from Kenneth Kost, proposing that the City Council study the 9 acres of downtown land along Gilbo Avenue as a potential site for mixed-use development. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

COMMUNICATION – JARED GOODELL – PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE – SIDE SETBACKS

A communication was received from Jared Goodell, requesting that an amendment to the Land Development Code regarding side setbacks for land that abuts the Downtown Transition District be considered. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

MSFI REPORT – PRESENTATION: CODE AND FIRE INSPECTIONS

A Municipal Services, Facilities & Infrastructure Committee report read, recommending the acceptance of the presentation on Code and Fire Inspections as informational. Mayor Kahn accepted the presentation as informational.

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

A Municipal Services, Facilities & Infrastructure Committee report read, recommending that the communication be referred to City staff. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Haas said he thought Hamm's intent was to present the whole issue, but also to ask City staff to look for economical solutions. For example, where lane changes could be accomplished with just striping. He understood that no curbs would be moving, but there were opportunities with paint alone. Councilor Haas thought that was the intent of Mr. Hamm's request. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

MSFI REPORT – STAFF REPORT ON THE RESULTS OF THE WARD OPTIMIZATION WEEKS (WOW!) PROGRAM

A Municipal Services, Facilities & Infrastructure Committee report read, recommending accepting the item as informational. Mayor Kahn accepted the staff report on the results of the Ward Optimization Weeks (Wow!) Program as informational.

FOP REPORT – SALE OF CITY PROPERTY AT 0 GROVE STREET

A Finance, Organization & Personnel Committee report read, recommending that that the City Council finds that it is within the public interest to authorize, and does therefore authorize, the City Manager to do all things necessary to sell, as justice may require and through a public Request For Proposal process, City property located at 0 Grove Street, parcel # 585-057-000-000000, and to negotiate and execute a purchase, sale, and development agreement or agreements for said property for a purpose to include residential development. The authority to sell and to negotiate the required documents shall continue indefinitely unless rescinded. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Lake. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – LWCF GRANT ROUND 34 ACCEPTANCE – ROBIN HOOD RENOVATION PROJECT

A Finance, Organization & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute and expend a Land and Water Conservation Fund Grant Round 34 award for \$500,000.00 for the Robin Hood Renovation Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Mayor Kahn asked the deadline to spend these funds and if there could be an extension. The City Manager replied that the dollars must be expended within three years, so there can be a one-year extension. Mayor Kahn said that fits well in the Capital Improvement Program. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

FOP REPORT – 2024 HOMELAND SECURITY GRANT PROGRAM AWARD – HAZARDOUS MATERIALS ALLOCATION

A Finance, Organization & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept, execute and expend the 2024 Homeland Security Grant Program Award – Hazardous Materials Allocation in the amount of \$25,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Dragon, echoed Mayor Kahn's thanks to City Clerk, Patty Little, and her team, as well as the election workers and all the volunteers who ensured a smooth and efficient election process.

The City Manager also reported that the final design recommendation for the Downtown Infrastructure Improvement Project would be presented at a City Council MSFI Committee meeting in December. This public meeting will likely be the final opportunity for community input on the design. Once the meeting date is confirmed, notices will be published through multiple channels: the www.KeeneNH.gov/Downtown project website, email and text messages, City social media accounts (Facebook and Instagram), and a press release. Presentation documents will be available on the project website. The final design is the product of an extensive technical analysis that included utility coordination, geotechnical investigations, and necessary permit applications. These efforts were guided by the preliminary design approved by the City Council in July. Construction for the first phase, focused on Central Square, is scheduled to begin in May 2025. Key components of the City's outreach during construction will include:

- Monthly in-person project updates, titled "Coffee and Hard Hats," hosted by the Public Works Department in downtown Keene.
- The hiring of a project ombudsman to serve as a resource for the community, providing impartial assistance with navigating construction impacts. The ombudsman will listen to all perspectives, gather relevant data, and communicate with both the City and public stakeholders to help resolve issues that may arise.
- Encouraging downtown businesses and residents to sign up for notifications. Subscribers will receive periodic updates on potential interruptions or impacts on traffic, parking, sidewalk access, and more.

Next, the City Manager followed-up on a communication she sent to the Council on October 22 from the Fire Chief, regarding the upcoming elimination of the hardwired option for the City's Fire Master Box System. This system has become outdated, increasingly unreliable, and costly to repair, while modern fire technologies now offer more effective alternatives. Next month, an ordinance will be introduced to amend the section of the Code that references the hardwired option. It is anticipated that all current hardwired system users will transition to alternative systems by January 1, 2026. The City will issue a request for proposals for a vendor to provide radio boxes for City buildings and other organizations currently on the hardwired system who wish to upgrade. A bulk purchase could help to reduce costs for all involved. More details will be shared next month.

The City Manager also shared an update on parking. Later in this meeting, several ordinances related to parking would be referred to Committee. When the Council modified winter parking regulations, the Parking Manager identified other Code sections that still restricted overnight parking on certain streets from 2:00 AM to 6:00 AM year-round. The Committee would consider whether specific streets should maintain year-round overnight parking restrictions. Additionally, there would be a proposed ordinance to add the Juneteenth holiday—as a free parking day.

The City Manager shared that FACT TV's Keene station at the Keene Public Library would be temporarily closed until December 2, 2024, for reorganization and essential maintenance. This decision is aimed at enhancing the station's quality and service for Keene producers and the community. According to the FACT TV director, the recent departure of the Station Manager highlighted the importance of completing these improvements to better serve the community. During this closure, Keene producers and community members are encouraged to continue their projects at the Bellows Falls studio, which remains open and fully operational. FACT TV looks forward to welcoming everyone back to a well-organized, fully functioning space, and to introducing a new station manager who will help lead the station forward.

Next, the City Manager reported on an email from New Hampshire Housing on their FY25 Notice of Funding Opportunity (NOFO) for financing the development of affordable housing that incorporates supportive services. These services aim to enhance housing stability and support residents in leading productive lives. Priority will be given to projects targeting individuals experiencing or at risk of homelessness. Currently, \$1.5 million in funding is available under this NOFO, with individual projects eligible for between \$150,000 and \$1,500,000. Application deadlines for this funding opportunity are as follows: Initial response date (threshold) is January 6, 2025. This is distinct from the forthcoming funding opportunity for the Opioid Use Disorder Supportive Housing Capital Program, which will provide capital funding for new supportive housing projects serving households with a member affected by Opioid Use Disorder and co-occurring conditions. The program is slated to receive \$6 million annually for three years, with a possible extension for another three years. NH Housing anticipates funding up to six projects annually under this program.

Lastly, the City Manager said the Public Works Director, Don Lussier, asked her to share with the Council that a group of researchers from the Environmental Protection Agency (EPA) contacted the City regarding its recently submitted "Lead Service Line Inventory." They are researching the potential for lead to leach out of other service line materials such as brass or galvanized iron and requested the City's assistance with data collection. If the City identifies services that meet the research criteria, the City's role may include:

- Contacting the City's customers to request their participation.
- Possibly collecting samples from customer locations and arranging for sample analysis.
- Collecting a "specimen" of the service line when it is replaced (e.g., during a planned City infrastructure project) for the EPA to test.

Councilor Favolise asked a question that he had also asked over email. He asked what the enforcement looks like for parking right now, given that there was just a press release and the announcements. He asked if the City was planning on enforcing now. The City Manager replied that typically in the past, the City had only enforced if a complaint was received during the summer months. During the winter months, she said enforcement of the overnight parking ban was much more consistent, and she said that was the same at this time, because the Council was moving through the process of determining its year-round parking preferences. So, the City

Manager said the situation would be in limbo at this time in term of enforcement. Unless a complaint is received, she said there would not be proactive enforcement during this time. The City Manager did add that since the Council adopted changes to the Winter Parking Ordinance, there had been some concerns that would be discussed at the Committee meeting.

Mayor Kahn thanked the City Manager for those updates. He said he saw the housing notices and took interest, nothing the need in the community. On substance use, he noted that the largest substance use supportive housing operator recently took on a large project in Manchester, so he was unsure what kind of capacity they would have to assist with additional housing in Keene; so, he said others might want to enter that market space. The City Manager said it does not have to be in Keene, but that additional sober housing is needed for women. Currently, there is a long wait. Additionally, she said that supportive housing is needed everywhere as a transitional opportunity that helps people to stabilize. So, she said this funding would apply to that as well.

Councilor Haas asked whether the EPA study would be happening soon, noting how important it is to get the message out. The City Manager clarified that the City completed its own lead inventory, and the EPA would be looking at what other materials exist and whether or not they pose any issues. She said the researchers were looking to work with the City soon. This is more of a research project, and she could get more details on the timing to Councilor Haas.

RESIGNATIONS – LEE STANISH FROM THE CONSERVATION COMMISSION; ASHOK BAHL FROM THE CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD; ELOISE CLARK FROM THE CONSERVATION COMMISSION

Memoranda read from City staff members sharing the resignations of Lee Stanish from the Conservation Commission, Ashok Bahl from the Congregate Living and Social Services Licensing Board, and Eloise Clark from the Conservation Commission. A motion by Councilor Greenwald to accept the resignations with regret and appreciation of service was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

PB-PLD REPORT – ORDINANCE O-2023-16-C: RELATING TO PERMITTED USES IN THE DOWNTOWN CORE AND COMMERCE DISTRICTS

A report read from the Planning Board, unanimously finding that Ordinance O-2023-16-C is consistent with the 2010 Comprehensive Master Plan. A second report read from the Planning, Licenses & Development Committee, unanimously recommending that the Mayor schedule a public hearing on Ordinance O-2023-16-C. Mayor Kahn set a public hearing on Ordinance O-2023-16-C for December 5, 2024, at 7:00 PM.

MORE TIME – MSFI REPORT – PRESENTATION – ROUTE 9 – OLD SULLIVAN ROAD INTERSECTION

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending placing this matter on more time to allow the City Manager, through City staff, to

coordinate with the NH Department of Transportation to produce an action plan for presentation at the November MSFI meeting. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING – RELATING TO DESIGNATED LOADING ZONES AND BUS LOADING ZONES ORDINANCE O-2024-16

A memorandum was read from the Public Works Director, Don Lussier, recommending that the City Council refer Ordinance O-2024-16 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-16 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO MAINTENANCE PARKING RESTRICTIONS –ORDINANCE O-2024-21

A memorandum was read from the Deputy City Manager, Rebecca Landry, recommending that the City Council refer Ordinance O-2024-21 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-21 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO GILBO AVENUE PARKING RESTRICTIONS – ORDINANCE O-2024-22

A memorandum was read from the Deputy City Manager, Rebecca Landry, recommending that the City Council refer Ordinance O-2024-22 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-22 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO JUNETEENTH EXCEPTION TO PARKING REGULATIONS – ORDINANCE O-2024-23

A memorandum was read from the Deputy City Manager, Rebecca Landry, recommending that the City Council refer Ordinance O-2024-23 to the Municipal Services, Facilities & Infrastructure Committee. Mayor Kahn referred Ordinance O-2024-23 to the Municipal Services, Facilities & Infrastructure Committee.

ORDINANCE FOR FIRST READING – RELATING TO RESIDENTIAL PARKING REQUIREMENTS – ORDINANCE O-2024-20

A memorandum was read from Planner, Evan Clements, recommending that the City Council refer Ordinance O-2024-20 to the Joint Committee of the Planning Board and Planning, Licenses & Development Committee. Mayor Kahn referred Ordinance O-2024-20 to the Joint Committee of the Planning Board and Planning, Licenses & Development Committee.

RESOLUTION R-2024-32 – RELATING TO FY25 FISCAL POLICIES

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Resolution R-2024-32. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2024-32 was duly seconded by Councilor Filiault.

Councilor Powers summarized the Committee report. He recalled that the Council had a workshop to review its Fiscal Policies, which had been in existence for 10–15 years and is updated annually. The Policies provide the Finance Department with their operating plan and give the other City departments guidance. While there were some tweaks and other minor amendments this year, Councilor Powers said the FOP Committee sought clarifications on some things that he said have been resolved. The Committee also debated some ideas, but none were raised to a level where the Committee thought that changes were warranted. So, the Committee recommended adopting the Fiscal Policies.

Councilor Favolise referred to the 5th and 7th “whereas” clauses in the Fiscal Policies. He said the 5th said that the City Manager may designate somebody, and the 7th specified that the City Manager would designate the Deputy City Manager(s). Councilor Favolise wondered whether or to what extent that conflict/ambiguity should be corrected. The City Manager explained that this had been discussed after it was brought forward by Councilor Remy and the City Manager had spoken with Councilor Powers about it. The 5th whereas clause would provide the flexibility—depending on the situation—to appoint any department head, including the Deputy City Managers, in the City Manager’s absence; this flexibility remained based on the City’s organizational chart and the Assistant City Manager was not called out by title in the past. She said that this clause would actually be more limiting than the previous language, and the City Manager was comfortable with this language. She recalled that this developed because there was an issue with signing time sensitive documents in her absence. The language in this Policy would be used to authorize such a signing of documents in her absence, but she said that most of the time, the documents executed in her absence are not time sensitive or legal, but internal to the organization. The City Manager said it would be very rare for her designee to need such authority in her absence, but for that purpose she was comfortable limiting it to the Deputy City Managers to have that flexibility.

Councilor Haas said that his question might fall between the FOP Committee’s review of the Fiscal Policies and its review of the Operating Budget. He said that the Fiscal Policies are great because they provide structure to go forward. Councilor Haas said he would always be looking for measurement along the way; measuring how well the City meets goals, how close it comes to the limitations imposed on the Fiscal Policies, how it does against the indices over the years, whether debt grows for capital projects, etc. He said it is important to keep an eye on those details of the Capital Improvement Program, which is easy for people to access.

Councilor Haas continued, asking if there would be a way to measure downshifted expenses to really understand the cause. He said he read the Fiscal Policies as separate from the tax increases allowed against the index. Then, he said there were downshifted expenses, and he was unsure anyone understood that. So, he looked forward to the budget process. The City Manager replied that in the budgets, there is a section on the Fiscal Policies that compares where the City is to where the budget will bring the City in compliance with the Fiscal Policies; she said this is a great place to start in the process. On downshifting, she said the City had been tracking that for some time, and said that obviously the biggest impact was when the State of NH’s match to retirement changed, which really downshifted a lot of costs to local communities and taxpayers.

Councilor Haas said that seeing that information over time—not just one the single year that the budget is presented—and carried forward rolling, so the Council could look back over 4–5 years would be helpful for the citizenry to understand these challenges.

The motion to adopt Resolution R-2024-32 carried unanimously with 14 Councilors present and voting in favor. Councilor Remy was absent.

RESOLUTION R-2024-34 – RELATING TO AN APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND TO THE STATE OF NEW HAMPSHIRE

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Resolution R-2024-34. Mayor Kahn filed the report.

Mayor Kahn recognized Councilor Madison, who raised a conflict of interested. Councilor Madison stated that his conflict involved a financial transaction between his employer and the City, so he believed it was prudent to recuse himself from this matter and requested the Council’s permission. Hearing no objections from the Council, Councilor Madison recused himself from the Council’s consideration of Resolution R-2024-34.

A motion by Councilor Powers to adopt Resolution R-2024-34 was duly seconded by Councilor Chadbourne.

A motion by Councilor Bosley to amend Resolution R-2024-34 by correcting the reference to the amount of the NH Emission Fine from \$177,283 to \$171,326 was duly seconded by Councilor Filiault.

Councilor Favolise noted that he heard a motion to amend the specific line item but not a motion to amend the total amount that was also in the list. Mayor Kahn said it would not change the total; it was a double add. The motion to amend Resolution R-2024-34 carried unanimously with 13 Councilors present and voting in favor. Councilor Remy was absent, and Councilor Madison abstained.

The motion to adopt Resolution R-2024-34 as corrected carried unanimously with 13 Councilors present and voting in favor. Councilor Remy was absent, and Councilor Madison abstained.

RELATING TO THE APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND TO THE FY 25 OPERATING BUDGET – RESOLUTION R-2024-37

A memorandum was read from the Assistant Public Works Director, Duncan Watson, recommending that Resolution R-2024-37 be referred to the Finance, Organization & Personnel Committee for deliberation and a recommendation back to the Council. Mayor Kahn referred Resolution R-2024-37 to the Finance, Organization & Personnel Committee.

RECONSIDERATION – SPECTRUM LICENSE

Pursuant to Section 19 of the City Charter, Mayor Kahn called for the reconsideration of the Council’s action on the Spectrum license. At the October 17, 2024, City Council meeting, the Council approved a request by Spectrum/Charter to install a utility cabinet on City property. The authority was granted with respect to “property located at 555 Roxbury Street.” Unfortunately,

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that is not the actual location of the installation. The motion would be the same as previously adopted except the correct address would be identified.

A motion by Councilor Bosley to recommend that the City Manager be authorized to do all things necessary to negotiate and execute a standard form City license to Charter Communications for the installation by Charter Communications of a concrete pad and utility cabinet on City property located at 0 Chapman Road, Tax Map #239-008, was duly seconded by Councilor Jones. The motion carried unanimously with 14 Councilors present at voting in favor. Councilor Remy was absent.

**TABLED ITEM – MAYOR KAHN – RECONSIDERATION OF AMENDMENT #15 –
RULES OF ORDER – VOTING AND CONFLICT OF INTEREST**

Mayor Kahn referred the reconsideration of Amendment #15 of the Rules of Order back to the Planning, Licenses & Development Committee for further review and recommendation.

Councilor Chadbourne asked a procedural question. She thought that a 2/3-vote of the Council was needed for reconsideration. The City Attorney, Tom Mullins, replied that under the City Charter, the Mayor has the option to order reconsideration of the matter without a vote of the Council.

ADJOURNMENT

As a Veteran, Councilor Filiault invited the Council to the Veterans Day ceremony at the Recreation Center on November 11, and particularly Councilor Roberts and Powers who are also Veterans.

There being no further business, Mayor Kahn adjourned the meeting at 8:36 PM.

A true record, attest: 

City Clerk