



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 4, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- August 21, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Proclamation - Direct Support Professionals' Appreciation Week
2. Presentation - Cheshire County - Update on County Services
3. Public Hearing - Resolution R-2025-26 Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street *and* Resolution R-2025-27 Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure
4. Public Hearing - Community Development Block Grant - Mid-Grant Update on Current Projects

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Historic District Commission, Planning Board, Partner City Committee, Zoning Board of Adjustment

C. COMMUNICATIONS

1. Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Ceremony
2. Councilor Remy - Request to Place Social District Question on 2025 Municipal General Election Ballot

D. REPORTS - COUNCIL COMMITTEES

1. Staff Report: Recreational Access to the Wastewater Treatment Plant Driveway in Swanzey *and* Public Communications Relaying Concerns with Restricted Public Access
2. Downtown West Side Parking Garage Study Assessment, Findings, Recommendations and Report Summary
3. Request for Extension - Deadline for Start of Construction - Brookfield Lane
4. Downtown Infrastructure Project Update
5. Request to Place Keno Question on 2025 Municipal General Election Ballot
6. 2026 Keene PD Highway Safety Grant
7. 2026/2027 Substance Abuse Enforcement Program Grant
8. Lease of parking spaces for Thomas Transportation
9. Monadnock Alliance for Sustainable Transportation - Grant Application

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Class Allocation
Ordinance O-2025-31

J. ORDINANCES FOR SECOND READING

1. MSFI Committee Report - Schapiro Communication - Safety Issues Associated with On-Street Parking - Church Street *and* Relating to No Parking Zones
Ordinance O-2025-27-A

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project,
NHDOT#42515
Resolution R-2025-28

2. Relating to the Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs
Resolution R-2025-29
3. Relating to the Appropriation of FY28 Funds for the Sewer Main Lining Project
Resolution R-2025-30
4. FOP Committee Report - Keene Airport Solar Project *and* Memorandum - Finance Director
Relating to the Appropriation of Funds for the Keene Airport Solar Project
Resolution R-2025-31
5. Relating to Endorsement of the City of Keene 2025 Comprehensive Master Plan
Resolution R-2025-32

L. TABLED ITEMS

1. Execution of a Change Order with Insituform for Additional Scope of Construction Services as Part of the Sewer Main Lining Project

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, August 21, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison (arrived at 7:05 PM), Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, and Mitchell H. Greenwald were present. Having declared that there was a quorum physically present in the Council Chamber, Mayor Kahn recognized that Councilor Laura E. Tobin requested to participate remotely due to family travel; Councilor Tobin was calling alone from her location with the potential for someone to pass through the room. Hearing no objections from the Council, Mayor Kahn granted the remote participation. Councilor Williams led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the July 17, 2025 minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS:

Mayor Kahn led the Council in wishing happy birthdays to Councilors Roberts, Powers, and Lake, all of whom celebrated August birthdays.

Next, the Mayor welcomed Keene State College students back to the City for another successful year. He thanked Associate Vice President for Student Affairs, Jennifer Ferrell, for helping the freshmen move-in safely. With 800 more people on campus and in the City, Mayor Kahn asked residents to be welcoming and observe traffic conditions around the College. He also reminded everyone that the Keene Public Schools would resume on August 27, 2025 and he is asking everyone to be mindful while driving to ensure the safety of children going to school; school buses could mean slower traffic patterns.

Mayor Kahn shared that the following events would be happening in Keene during the next few weeks:

- First Responders Appreciation Event: Sunday, August 24, 2025 from 10:00 AM–12:00 PM at Alumni Field. Governor Ayotte would be present early in the day, and the Mayor would be there for the softball game. The Mayor hoped Councilors could stop by and offer appreciation to the first responders.
- Keene Music Festival: Saturday, August 30, 2025 in downtown Keene.
- Monadnock Overdose Awareness Day Candlelight Vigil: Sunday, August 31, 2025, 7:30 PM on Central Square.
- Art in the Park: Saturday, August 30, 2025 and Sunday, August 31, 2025 in Ashuelot River Park.

The Mayor concluded, reminding Councilors of the site visit relating to the proposed amended return of layout for Grove Street. The site visit would occur at 5:30 PM on September 4, 2025

prior to the City Council meeting and the Mayor shared details for transportation to the site visit, and that a light dinner would be served before the regular Council meeting commences at 7:00 PM.

PROCLAMATION - KEENE SWAMPBATS - 2025 NEW ENGLAND COLLEGIATE BASEBALL LEAGUE CHAMPIONS

Mayor Kahn welcomed Kevin Watterson, President of the Keene SwampBats and the SwampBats Board of Directors. The Mayor noted the NECBL Fay Vincent Sr. Cup in the center of the Council Chamber, which reminded him of the NHL Stanley Cup and had been displayed this week in the City Hall lobby. The trophy commemorated the SwampBats' 2025 New England Collegiate Baseball League Championship win.

Mayor Kahn read into the record a Proclamation congratulating and honoring the Keene SwampBats on their historic 2025 New England Collegiate Baseball League Championship victory and their unwavering commitment to excellence and community service. The Mayor presented Mr. Watterson and the Board with the Proclamation, encouraging everyone in the Community to celebrate the achievements of this outstanding team.

Mr. Watterson said most players had gone back to school right after winning the team's sixth Championship one week prior, heading on to their next tasks in life. He said the same was true for the 12 interns, who helped run the team this summer and like the players, came from all over the country. Both the players and interns had dreams and goals that they were back at school, working to fulfill. Mr. Watterson collectively introduced the tremendous all-volunteer SwampBats Board of Directors, who oversee approximately 25 games. He said they were honored to have the support from Councilors and the Mayor because the team could not do it otherwise.

Mayor Kahn also thanked the Keene host families, including the Filiault family. The Mayor mentioned recognition for the team during Community Night and as well as coverage in the *Union Leader* and on WMUR.

PUBLIC HEARING - ORDINANCE O-2025-20-A - RELATING TO SETBACKS AND BUILD-TO DIMENSIONS

Mayor Kahn opened the Public Hearing at 7:17 PM and the City Clerk read the notice of Hearing. The Mayor welcomed Senior Planner Mari Brunner to present on behalf of the Community Development Department. Ms. Brunner said Ordinance O-2025-20 was introduced in May 2025 and had several public workshops with the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee resulting in an "A" version.

Ms. Brunner reviewed O-2025-20-A as proposed, with changes made to that version at the public workshop on June 9, when the PB-PLD Committee asked staff to make revisions. She explained that there were changes proposed to setbacks and build-to dimensions. Ms. Brunner began with the changes proposed to setbacks:

- Response to Zoning Board of Adjustment (ZBA) interpretation that use of the phrase “a building” in the setback and build-to dimensional definitions means the first building on a lot.
- Would clarify that setbacks—front, rear, and side—apply to all buildings/structures, unless otherwise permitted (e.g., list of exceptions in Article 1, Section 1.3).

The following changes were proposed to build-to dimensional requirements:

- Modifies the build-to dimensional requirements to only apply to principal buildings/structures.
- States that accessory uses/structures cannot be in the Build-to Zone (BTZ).

Ms. Brunner said the PB-PLD Committee also talked about creating some flexibility in BTZs if developers want to develop on the back portion of the lot and there is not enough frontage to place the building in the BTZ. This proposal would allow development to occur outside the BTZ, while still protecting the streetscape and pedestrian realm desired for the area. Ms. Brunner showed an example to demonstrate the existing scenario, with a principal building constructed first at the front of a narrow lot blocking any further development from happening on that lot unless the developer has the flexibility to build behind it. Whereas she showed an example of a wider lot that could accommodate multiple principal structures in the BTZ. One intent of this Ordinance would be to create flexibility for development outside the BTZ, while still protecting that streetscape. Specifically, *“All principal buildings and all principal structures shall be located within the Build-to Zone, unless it is blocked or it cannot be placed within the Build-to Zone due to the presence of another principal building or principal structure.”* With deeper lots that have development potential and limited frontage along the street, Ms. Brunner said this could provide more flexibility.

Ms. Brunner said the PB-PLD Committee felt the terms Setback and Build-to Zone/Build-to Line were used too interchangeably throughout the Land Development Code (LDC), which created a lot of confusion because they are essentially two different things. The setback is an area where a building cannot be located and a BTZ or Build-to Line is an area where a building must be located. This Ordinance would change the labels throughout the LDC from “front setback” to BTZ. Ms. Brunner concluded that after this Public Hearing, the Ordinance would go to the Planning, Licenses and Development Committee on September 10 for its review and recommendation to the City Council. The City Council was scheduled to have a final vote on the Ordinance on September 18, 2025. She said there were some comments from the public during the PB-PLD workshops, with one leading to a revision of the phrase “whenever possible,” but Ms. Brunner said the remaining public comments were supportive.

Councilor Favolise noted the following part of the proposed language: *“All principal buildings and all principal structures shall be located within the Build-to Zone, unless it is blocked or it cannot be placed within the Build-to Zone due to the presence of another principal building or principal structure.”* He asked the standard for whether that is possible or not, and who would make the determination. Ms. Brunner said initially, it would be determined by the Zoning Administrator or ultimately the Zoning Board of Adjustment if the Administrator’s interpretation is challenged.

Mayor Kahn opened the Hearing to public comments.

Chuck Redfern, 9 Colby Street asked who the petitioner was for this Ordinance. Mayor Kahn said the City, specifically the Community Development Department.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 7:25 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, September 9, 2025.

A true record, attest:



City Clerk

PUBLIC HEARING - ORDINANCE O-2025-15-A - RELATING TO AMENDMENTS TO THE LDC TO ENCOURAGE HOUSING DEVELOPMENT

Mayor Kahn opened the Public Hearing at 7:27 PM and the City Clerk read the notice of Hearing. The Mayor invited Senior Planner Mari Brunner to present on behalf of the Community Development Department before welcoming the petitioner, Jared Goodell.

Ms. Brunner said O-2025-15-A was slightly changed from when the petitioner first introduced it. The Ordinance was introduced to the Council in May 2025 and followed by two public workshops before the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee, leading to the “A” version. For instance, parts of the Ordinance proposed originally were changes to setbacks and build-to dimensions, but that provision was removed because they were handled in a separate Ordinance. Ms. Brunner proceeded reviewing O-2025-15-A, which proposed four separate changes to the Zoning regulations, impacting the Neighborhood Business District (2 changes proposed), Medium Density District (1 change proposed), Downtown Growth District (1 change proposed), and the rules of interpretation in Article 1 for split-zoned parcels.

Ms. Brunner began with the two changes proposed to the Neighborhood Business (NB) District, where the proposal was to modify the intent statement to include residential uses. She said that change seemed noncontroversial, stating this District allows almost all residential uses. She thought it would be a simple change to ensure the intent statement references residential uses. The second proposal in the NB District was to change the minimum lot size from 8,000 square feet to 5,000 square feet. The road frontage would remain the same. To ensure lots would be buildable at that smaller size, Ms. Brunner said the PB-PLD Committee reduced the setbacks and build-to zones (BTZ) to allow the lot to have enough buildable area and be usable for future owners:

- Front Build-to Zone: Changed from 5–10 feet to 0–10 feet.
- Minimum Rear Setback: Reduced from 20 feet to 10 feet.
- Minimum Interior Side Setback: Reduced from 10 feet to 5 feet.

Next, Ms. Brunner explained proposed changes to the Medium Density (MD) District, which covers various areas within the City. However, Ms. Brunner displayed the majority of MD District parcels, which are closer to the downtown area, including East Keene and part of the North Central neighborhood and some small sections to the west. There were some not shown on Park Avenue, Route 101, and Washington Street toward Route 9. In the MD District, the original proposed change was to allow for six units per lot by right (instead of three) if the units were 600 square feet or less in size. That changed in O-2025-15-A to six units per lot by right (instead of three), minus the size distinction. Currently in the MD District, multi-family use was allowed but limited to three units per lot and this Ordinance proposed changing that limitation to six units per lot.

Ms. Brunner proceeded to the Downtown Growth (DG) District, where the proposal was originally to allow for residential uses, or multi-family dwellings, on the ground floor of Type B Streets vs. Type A Streets. The PB-PLD Committee adjusted the proposal, removing the street typology altogether. Ms. Brunner said O-2025-15-A would allow multi-family dwelling units on the ground floor if those units were located behind a tenatable commercial space or behind the BTZ. She said the intent of the change was to preserve the active commercial streetscape, while still allowing for more residential development to occur downtown.

Finally, Ms. Brunner noted it was not clearly stated anywhere how City Staff should be treating split-zoned lots, which are formed usually due to voluntary mergers or boundary line adjustments over time, parcels. When a zoning district is created initially, it always follows the parcel lines or the street line. Then, subsequent changes to the lot lines would create the split-zone parcel, but Ms. Brunner said it could create a hardship for owners of those lots. She explained Staff's current practice: Where an existing lot of record falls into more than one zoning district, the provisions of each district are applied separately to each portion of the lot. She said it was common for communities to create flexibility for these situations, so this proposal was to create an exception for lots that are not large enough to be subdivided. Specifically, O-2025-15-A stated: "Where an existing lot of record falls into more than one zoning district, the provisions of each district shall be applied separately to each portion of the lot, with the following exception: A) For lots or portions thereof which are not large enough to be subdivided, the property owner may choose to apply the provisions of the district which comprises the largest share of the lot to the portion(s) of the lot that cannot be subdivided." It goes on to provide guidance on for determining whether a lot or portion thereof can be subdivided. Ms. Brunner said this was about determining if a parcel that is entirely within one zoning district could be subdivided off legally. If it could be subdivided, this proposal was intended to provide flexibility.

Mayor Kahn asked Ms. Brunner to show the MD District on the map. Ms. Brunner distinguished the MD District from the Conservation District. The Mayor pointed at the MD District as area approximately between Washington and Court Streets and said toward West Street as well.

Councilor Favolise wanted to ensure he and the public would understand what this Ordinance would do. He knew one of the changes being proposed in the MD District was the change from three units to six by right. Councilor Favolise asked if anything else would be changing in the MD District specifically in terms of parking minimums, impervious coverage, or open space coverage on those lots; or would those factors stay the same and the change only be to restrict the

number of units that could be developed to be up to six units. Ms. Brunner said the only proposed change was the number of units that would be allowed by right and everything else would stay the same.

Mayor Kahn welcomed the petitioner, Jared Goodell of 160 Emerald Street, who began with the intent of the proposed Ordinance. Just before the meeting, he said the Keene Sentinel released a story with a report from the New Hampshire Fiscal Policy Institute, stating that the median price of a single-family home rose at a greater rate in Cheshire County (7%) than statewide over the prior year. At age 33, Mr. Goodell called himself an outlier in the room, stating people his age struggled to afford housing, whether purchasing or renting. He had been working with the Community Development Department over the previous few years on developing housing to create more units of housing. Having grown up in Keene, he said he knew that keeping the fabric, feel, and look the community is important to the people in Keene; he cited examples with the downtown project and Historic District. Instead of building, “new ugly apartment buildings that ... are ... just cookie cutter and plain looking,” he thought a lot of community members would prefer to reuse the City’s current buildings that fit within the look and history of Keene. Mr. Goodell said one thing that led him to propose changing the Ordinance, limiting the Medium Density (MD) District to three units, was because large structures that used to be homes for families of eight to 10 people were being underutilized. He said families are not that size anymore. Mr. Goodell suggested that it would be great to create multiple housing units and keep existing structures, maintaining the look and feel of neighborhoods, utilizing what the City already has, and build things faster.

Mr. Goodell addressed Councilor Favolise and comments in some of the communications in opposition to the Ordinance. Mr. Goodell thought there was a lot of misinformation, which could be a problem, stating that this was a decision to advance the community. He said this Ordinance would increase the limitation from three to six units in the MD District. There would still be parking requirements and standards for development. He said someone would still need to go through the Planning process—an administrative process or a major review with a public hearing as outlined in the Land Development Code. Mr. Goodell said it was unrealistic to think that if this Ordinance passed it would suddenly spur a flurry of development in the MD District. He said in a lot of these areas, on-street parking was already not allowed. The thought there were already a lot of “guardrails,” and this proposal would not remove many, but create another tool in Keene’s toolbox to create housing. Mr. Goodell said everyone in the room knew there was a housing crisis, which was not a result of any one action over time, but the result of many decisions over many years. He added that a decision by the City Council or at the statehouse would not change this housing crisis overnight. However, Mr. Goodell thought a lack of or resistance to change would maintain and worsen the housing crisis. He said the community needed to be open to making changes, progressive steps, and making things easier for people to understand what this proposed Ordinance would do.

Councilor Favolise said he received a lot of feedback about this in conversation with residents of East Keene especially, so he wanted to dig into it as much as possible. He heard from people in the community, including on the east side, recognizing the need for housing and wanting the City to take steps to increase the number of units people can afford to rent/buy. However, he said there was concern that the jump from three units to six seemed big, suggesting that an increase

from three to four units would be a more incremental approach. He asked how the petitioner arrived at the proposal of six units. Mr. Goodell first noted that he did not think he owned any property in the Medium Density District and was not looking. He said he was looking for ways to spur development in the City, stating it was not a self-serving Ordinance. He referred to the structures in the MD District of varying sizes, some of which might not accommodate six units, but up to six, and he thought there should be a ceiling on how many allowed. Mr. Goodell stated that he did not arbitrarily choose six, but that was the number that seemed to work. He added when looking to convert an existing structure, it does not always make sense financially to only add one unit; he said sometimes three or further units would be more economical. When creating or changing things like an Ordinance, Mr. Goodell thought the Council should consider: "Does it have a meaningful impact to actually spur development?" Mr. Goodell concluded his reply stating, "I guess you could say I arbitrarily picked six, but I think it's a good number and I think that you could convert some of the buildings, if somebody wanted to, into six units."

Councilor Roberts said he looked around the country at all the different organizations and governments saying they would create new housing that would solve the housing crisis. However, he found very few places where those new houses did not raise the prices of existing houses, and the people who organizations/governments expected to help would still be priced out. Councilor Roberts cited different organizations in Keene that would help fund housing. He spoke to someone who bought a house through the New Hampshire Housing Finance Authority, meaning they must live in the home for two years or otherwise pay it back. The person told Councilor Roberts their goal was to live in that house for two years with program financing and then sell that house as a profit, which Councilor Roberts said defeated the whole purpose of that program. Mr. Goodell thought the Councilor brought up an interesting point and that the answer was simple. Mr. Goodell agreed that prices were outpacing development and called that the problem, stating there was little the Councilors could do as leaders other than cut more red tape. He said the City would need development to outpace demand, calling it a supply and demand issue. He feared that if the community would not create some supply, the demand would evaporate, meaning prices would go up and people would profit. He thought doing nothing was the wrong answer. Mr. Goodell suggested the answer was to forge the way and trailblaze with development, letting development outpace the price; he said that had not happened yet. Councilor Roberts asked if Mr. Goodell suggested the Council should cut red tape and leave this completely to the free market. Mr. Goodell stated that this was not a free market. He thought there was a misconception that if the Council passed this Ordinance, Keene would be the "Wild, Wild West." He read one of the letters in opposition to this proposal for six units in buildings that said it would create "ghettos," which Mr. Goodell called offensive and said would not happen. He added that the City Council does not "write a blank check for housing development," adding there would still be "guardrails" in place. He did not anticipate people flooding the Community Development Department applying for permits to convert buildings, rather he thought this would create a new tool for the future.

Councilor Haas asked why the MD District—what was special there that this proposal would not apply to create housing throughout the entire City? Mr. Goodell thought it was an easy answer, stating there was no restriction like this written into the LDC for the other zoning districts. He clarified that the MD District is not just the east side of Keene; he cited the north central area, the west side, and parts of Park Ave. Mr. Goodell thought it was disingenuous and not factual to say

this would single out the east side of Keene. Therefore, he proposed to change the existing rule, increasing the allowance. He said it was not to single out Medium Density, but to modify something currently in the LDC and hopefully create a path for more housing development. Councilor Haas asked whether Mr. Goodell saw this development happening elsewhere in the City. Mr. Goodell said development was happening everywhere in the City, stating anyone can pull the permit files and see where it is happening. He referenced one of the communications, which called for this to be a Citywide solution, which Mr. Goodell said he agreed with. He said that was why people in that room had worked for the previous few years to change the rules and the LDC for the entire City. Mr. Goodell stated that changing one rule that applies to the Medium Density District would not mean targeting a specific area of Keene, only looking at rules that exist, which he said the City needs to change to spur and make housing development easier for those who cannot afford to rent/buy here.

Mayor Kahn acknowledged several written communications submitted relating to this proposed amendment. He brought forward agenda items C1 through C5: Communications submitted by members of the public, all of which were in opposition to Ordinance O-2025-15-A. These communications were received from Vicky Morton, Charles Redfern, Tom Duston and Laurie Jameson, Robert and Sandra Hamm, and Councilor Haas on behalf of East Keene residents. Additional written communications from Eric and Joan Murphy, and Connie Joyce, were received after the agenda was published and distributed to Councilors on their desks this evening.

Mayor Kahn opened the Hearing to public comments.

Frank Richter of 22 Valley Street read a letter into the record: *“Keene is a special place. A large part of what makes Keene so special is its neighborhoods. East Keene is one such neighborhood with great people, beautiful historic homes, and well-kept yards and gardens by caring homeowners.*

By introducing the zoning change allowing more than three units in the Medium Density Zone, the City would be in violation of its own Building Regulations, and, more specifically, Keene’s Property and Housing Standards, as outlined in Chapter 18, Article 3, which are in place to preserve such beautiful neighborhoods as East Keene.

Given that 3/4 - if not more - of East Keene is Medium Density [as you saw in the map], and that almost none of the properties West of Main Street and Court Street are Medium Density, this puts the burden exclusively and unfairly on the residents and homeowners of East Keene.

The purpose of Article 3 in Chapter 18 is to ‘provide minimum standards for property and housing use and maintenance - not otherwise incorporated into the Building Code - necessary to preserve neighborhoods, abate nuisances, and protect health, safety, and welfare of City residents.’

These standards are minimum standards and include Section 18-241 (#4), which states that ‘all motor vehicles shall be parked on-site, on paved driveways or approved parking surfaces that comply with the parking standards of the Zoning Code.’ That Zoning Code requires one parking

space per unit. Currently, given the size and layout of ALL residential properties in the Medium Density Zone (which is almost all of East Keene [as you saw on the map],) three units already pushes the limits on the parking as evidenced by the many violations recorded by the City's Code Enforcement Department. As a former City of Keene Code Enforcement Official myself for more than four years, I saw - and ticketed - countless incidents of cars parked on unapproved services (mostly lawns or what used to be gardens). The number of cars for two or three units in the Medium Density Zones was enough to create a mess. As others have stated, this is not only aesthetically unacceptable, it creates problems with excessive water runoff and sheet flooding and creates safety issues as well.

Another serious concern that arises if more than three units are allowed in the Medium Density Zone has to do with trash and waste. Four to six units almost always requires a dumpster. Under Division 2, Section 18-240, titled 'General Requirements for Property Maintenance' it states that, 'Waste storage containers must be located where they can be serviced, placed to reduce waste and be maintained in a sanitary condition to prevent infestation. All storage containers shall be located a minimum of 25 feet to the rear of the front line of any building.' It goes on to state 'that if significant improvements to a building are made [for example, adding units to exceed the currently-allowed three units], 6 additional requirements are made with regards to onsite waste management, including: the following three requirements: Containers shall be accessible by motorized disposal equipment (a garbage truck); containers shall be located to the rear of the approved parking areas farthest from the street; and containers shall not interfere with circulation necessary for emergency access and loading operations.'

I ask, 'How do you accommodate parking for six units and storage of waste containers such as dumpsters without violating the parking standards, the safety standards, the pest mitigation standards, and the standards for governing adequate storage and removal of waste?' I will tell you from first-hand experience, that the number one reason for overflowing garbage and trash violations issued by Code Enforcement is vehicles parked and blocking access to dumpsters so that haulers cannot access them, resulting in overflowing containers. This is not something onsite residents or neighbors should have to put up with and is only exacerbated by allowing more than the maximum three units in the Medium Density Zone.

There are several other concerns that I, and my neighbors, have with regards to allowing more than the currently permitted three units in the Medium Density Zone. Others have already expressed those concerns in writing as well as on the floor tonight. I ask that this Committee remove any request to expand the number of permitted units in the Medium Density Zone from this and any future proposed zoning changes. Thank you."

Christy Sterbenz Filby of 103 Beaver Street, moved to Keene about 2 1/2 months prior. After living in numerous places around the country, she said she had not encountered a neighborhood with so many original single-family dwellings that were converted to multi-family. To her, the density is quite high for anywhere outside an urban area. She was concerned about the Ordinance that would allow doubling of density and shared four points. First, Ms. Sterbenz Filby learned from City Staff that there was already a process called Cottage Court to allow for higher density development in a neighborhood like the Medium Density District through a specific process. She learned the process was utilized successfully over the previous several months, including by the

petitioner. Ms. Sterbenz Filby said the Cottage Court process may take longer, but allows for public input, something she said would be eliminated with this Ordinance. If there was already a working process in place to allow additional density on a case-by-case basis, she asked why a fix was needed that would create blanket allowability. do we need to fix that and create a blanket? Second, although the petitioner lives in Keene, Ms. Sterbenz Filby believed that if this Ordinance passed, it would lead to a more investor-owned properties and developments. For instance, her landlord owned three properties on the east side, but they live in one of them, so they were invested in the community. She recognized the need for housing, but felt the City needed to balance those that live and work here with those hoping to just make money. For instance, one of her colleagues' landlord lives in California and they had never seen them; they call a number, and someone comes for maintenance needs. Ms. Sterbenz Filby said the City should value the neighborhood and not make it too easy for investors to simply develop in higher density properties, stating that likely could happen even if not the petitioner's intent. Third, it seemed to her that the east side neighborhood was already shouldering much of the load for affordable housing and density in the community. Ms. Sterbenz Filby encouraged the City to explore, promote, and incentivize other ways of increasing density in other parts of the community too. She suggested ways including reviewing the options and incentives for Accessory Dwelling Units (ADUs), or for duplexes where the lot sizes are larger and could accommodate the density more appropriately in other parts of the City. Fourth, safety should be considered in an older neighborhood with narrow roads and older infrastructure. Ms. Sterbenz Filby said greatly increasing the density could lessen the safety of a neighborhood, whether it is from the additional vehicles parked on the roads, a higher risk of water/sewer failure, or a greater population in a smaller environment that was never really designed to accommodate it. If there was an emergency or structural failure, she said system response times and accessibility could be greatly reduced. Ms. Sterbenz Filby suggested that each proposed increased density project deserves a Public Hearing to discuss those issues individually, adding the current Cottage Court process allows that. She encouraged the Council not to accept this Ordinance as presented and honor the current process already in place.

Autumn DelaCroix of Court Street noted that in the few years between graduating from Keene State College and having the opportunity to buy her own home in Keene, she lived in two different multi-family Medium Density units in the City. In both cases, she said they already had dumpsters because although they were serving only three families, they were packed full of units with a lot of roommates. Ms. DelaCroix cited 12 people living in one building to illustrate that these buildings were being used, just trickily. Similarly, there were in excess of six parking spaces at both of those units. By keeping the units unseparated, she said it only encourages people to feel forced to enter unsafe situations by acquiring roommates to be able to afford a place in Keene. She cited such examples with up to five roommates to make ends meet. By allowing the units to be separated, Ms. DelaCroix said it would not increase the density of people but decrease the chaos of what people will do to be able to rent an apartment. Regarding what people were doing to get into the City, she did not think the City should limit the freedoms of developers, stating that some people do not want to live in a City. She also suggested there might not be units that could be converted in East Keene. Ms. DelaCroix also thought it was overlooked that the proximity to Downtown makes these Medium Density Districts affordable to live in; she does not use a car, nor do many others who go to College and work downtown. She said even if developers outside the City make money, people living in these smaller units in the

City would keep that money local, whether that is where they work or have fun. She knew there were a lot of out-of-state investors with homes in the City but said there were also many local landlords. Lastly, Ms. DelaCroix was tired of people “infantilizing” emergency response services, stating they are quite capable and can navigate situations. She does not think the community should panic before emergency responders tell them to; they know how to do their jobs, and we should let them.

Toby Tousley of 500 Washington Street said there were hundreds of parcels in the MD District, stating it was important to note that many of them already had more than three units in them. Yet, he said he was unaware of any “ghettos” in Keene. He heard others warning, however, about unscrupulous developers who would show up and turn all these properties into widespread ghettos throughout Keene if this Ordinance passed. Mr. Tousley called that fearmongering and ignorance of the LDC, stating it would not happen that way. He said if someone acquired a single-family home in the MD District, it was highly unlikely to ever be converted to six units. He recalled actions that already occurred in Keene, such as the allowance of ADUs, and yet he said not every single-family home had added an ADU. Similarly, since Cottage Court developments were allowed in the City, Mr. Tousley said there had been only two or three; he would be proposing one soon. He was indicating that they were not widespread in every single residential district, stating these developments were allowed in the MD District already. Mr. Tousley suggested that it would be better to allow six units by right than someone choosing to create as many Cottage Courts as they want—there is no limit on Cottage Courts, and he said someone could maximize that right vs. a large house split into smaller units. He agreed with Ms. DelaCroix that people were becoming more minimalist, wanting smaller units with smaller families closer to downtown; many do not want to worry about cars. Mr. Tousley thought this proposal made sense and did not think development would run rampant as a result.

Chuck Redfern of 9 Colby Street read a letter into the record titled “Densification & Ghettoization of the East Side of Keene,” stating it should say “Potential Ghettoization” as that would be up to the developer. He read: *“Dear Honorable Mayor & Councilors, Since 1985, my wife and I have lived in the above noted home in Ward 1. We raised our family here and we have enjoyed every minute of it. However, it has come to my attention that this way of living is being threatened by those who want to profit from significant densification of the Eastside medium density neighborhoods. I cannot describe the negative impacts likely to be realized if such changes were to occur. It is my hope that all parties involved in deciding the faith of most East Keene read the letter submitted to the Mayor and Keene Council by Vicky Morton. It delineates many of the negative factors to occur should this land use change were to occur. It is my strong opinion that a City-wide problem deserves a City-wide solution. Rather than singling out one area to shoulder the burden of increased density, I urge the Council to consider policies that distribute this responsibility equitably across all neighborhoods. The very fabric of our community is woven from the distinct character and history of each part of Keene. Altering this East Side disproportionality would not only disrupt the lives of long-standing residents but also erode the trust and unity that bind our City together. Let us approach this challenge with thoughtful planning, seeking input from all corners of Keene, and crafting a solution that reflects our shared values and aspirations. By doing so, we can preserve the qualities that make our neighborhoods desirable while still meeting the needs of a growing City. Thank you for your service to Keene!”* Mr. Redfern added some comments to his letter, stating there were

requirements for parking on properties but nothing to say that could not be changed in the future in favor of on-street parking. He was also unaware of the limits on dumpsters, containers, etc., in neighborhoods specifically. Next, Mr. Redfern commented on how increased densities would impact flood zones, noting it was a question the City should ask. He said the City had tried to address some housing issues via ADUs and he provided research with his communication, which led him to a more aggressive conclusion. Mr. Redfern concluded with a message to the “young business developers” in particular, stating there was an opportunity to change the City radically with the Kingsbury property; an expert told him the foundation could be capped and built upon. Mr. Redfern imagined all of the housing and parking needs that could be served with that parcel. He challenged the younger developers to do so, as well as the older ones to step-in and lend their knowledge to help.

Connie Joyce, resident of 81 Grant Street since 1979, said the proposed approach to creating more rental units with just one parking space per unit would negatively impact Keene’s quality of life. She called the east side already overburdened and oversaturated with multi-family and commercial buildings, alcohol and drug rehabilitation properties, and three homeless shelters. She felt the east side had more than its share of temporary populations. Ms. Joyce noted that any property with more than four units would require commercial financing, adding that neighborhood character changes when residential and commercial properties mix. She said she supported creating housing opportunities but asked the Council to consider the consequences of more multi-unit expansion in the east side neighborhood. She said residents did not want more parking, health, and safety issues but wanted the neighborhood to continue thriving. Ms. Joyce said that to be fair and create more housing, the Council must consider all of Keene.

Vicky Morton, 275 Water Street explained that in 2024, Walker Consultants gave the Council a neighborhood parking assessment. She said the first recommendation was for the City to abandon no on-street parking in favor of a weatherized parking ban; now, the City has no parking during storms. The second recommendation deemed prepaid parking unnecessary because the Keene State College students were not using it the same way, so it was forgiven. Ms. Morton explained the third recommendation to develop a formal parking arrangement for neighborhoods, which she said the City had taken no action on. Therefore, she said people parked anywhere they wanted in east and north central Keene. She recalled an MSFI Committee meeting this summer, when residents complained about difficulty entering/exiting their driveways because people parked too close to them. She said residents stated “fearing” that emergency responders would not be able to reach them because of the traffic patterns in East Keene at this time. Ms. Morton said the Walker Consultants’ report said a travel lane has to be 10 to 12 feet wide in each direction, meaning 20 feet, and 8 feet on each side for parking. For a two-way street with parking, she cited a roadway 36 to 40 feet wide, stating the only two streets on the east side of Keene that wide were Marlboro and Washington Streets, yet she said people parked everywhere—too close to intersections, blocking sight lines and driveways. Ms. Morton said this needed to be remedied before talking about adding developments and more people, we need to address this aspect of it before we start to go forward with other pieces of this. She hoped it could be a discussion for the MSFI Committee. She agreed that changing from three units to six units in a building would not add many people individually. However, she spoke about the City’s neighborhood streets that were experiencing collapsing sewers due to aging water and sewer infrastructure. She cited occurrences on Water and Valley Streets. While she also wanted

to see more people in Keene who want to be here, she did not think it was the City's job to provide housing for everybody who wants to be here. Ms. Morton said there were plenty of opportunities to add housing in the City, like all the empty building lots (e.g., one on Main Street), all the buildings boarded up along the Winchester Street/Pearl Street roundabout, or the empty parking lots like the one by Burger King. She thought there were many other options to discuss as well. Ms. Morton the Council to please not give up the right for City Staff to have checks and balances each step of the way.

Krishni Pahl of East Keene said that large historic homes come with large, historic problems as she and her husband—who own one of those 100 plus year old homes—just experienced. The week before this meeting, their home caused a sinkhole in front of their property. They hoped it was a City problem, but it was not. Now, the homeowners had to replace 36 feet of sewer lines, which would be very costly. Ms. Pahl's contractor, who did this work on other historic homes with the same problem, was fairly certain it could cause a sinkhole in the public right-of-way. Ms. Pahl said the City might want to seriously consider that risk before adding any more density, stating that East Keene was "packed like sardines." Regarding traffic, Ms. Pahl felt confident the first responders could get back and forth. However, she considered those living on Water and Valley Streets, who do not have room to park in their driveways, so cars park the wrong way on the street during school hours; then, parents gather on Valley Street for the charter school and even Ms. Pahl's small car had difficulty exiting, so he imagined challenges for an 18-foot fire truck. She thought that was another matter for the Council to seriously consider—what would happen during an emergency in the middle of the night? Regarding affordability closer to downtown, Ms. Pahl said prices were not cheaper in the MD District, citing \$2,500 and \$3,000 rent for two- and three-bedroom homes. She said those were not affordable prices for walking distance to downtown. Her concern was for tax paying citizens, stating that their safety needed to be considered before adding anything more. If she had to invest another \$10,000 into her 100-year-old home, she suggested checking before adding more to other older historic homes because they come with large problems.

Andy Holte of Forest Street was a resident of a MD District outside eastern Keene, which he said do exist. He felt it necessary to balance the opposition statements with one in support of the proposed changes. At this time, he saw two things in almost every U.S. City: 1) a crisis level need for more housing, and 2) residents who recognized that need but wanted the extra housing somewhere else—not their own neighborhoods. He said the Keene community needed to resist the temptation for that kind of thinking, often known as "not in my backyard." For every opportunity to add housing, he said the community could always find holes to poke in the proposal; the reasons could be perfectly valid, like many of those voiced at this meeting. However, he said to weigh those reasons against the desperate need for more affordable housing. If the City continued approaching housing one project, one street, and one neighborhood at a time, Mr. Holte said voices of opposition would speak loudly, the City would reject nearly every opportunity to add housing, and the crisis would grow worse. He shared an example when Habitat for Humanity recently broke ground on two houses on Old Walpole Road, which he called an exciting project the community should support. It was originally a project for more than one dozen residences but the optics, including what Mr. Holte called completely reasonable objections of neighboring homeowners, kept that from happening. Mr. Holte did not judge or disagree with those neighbors, but said the community needed to find a way to make these

projects a reality instead of finding reasons to shoot them down. He was glad to hear from homeowners who cared about the direction of the City. Mr. Holte also asked the Council to consider the interests of those who do not own homes and may not be aware of this proposal; those residents like Ms. DelaCroix described. Ms. Holte suggested changes to Code that would benefit all Keene residents, not just those with the luxury of time and energy to attend Council meetings and own homes. He agreed with Mr. Redfern's comment about applying changes more broadly, asking why to stop at one type of zone when the City could remove barriers to housing everywhere. So, Mr. Holte said the Council should first pass this Ordinance and then do more. He stated that he very much disagreed with the concerns about overcrowding, noting the City's population had been stagnant for decades. He said young families and workers were moving away because they would not afford housing. He added that near downtown was exactly where the City should be increasing density because residents could be closer to jobs, live without needing cars, and easily shop at local businesses. Mr. Holte said the presence of more residents would not be a negative but would create and maintains vibrant, thriving neighborhoods. He stated that these concerns should be addressed directly, not by restricting housing. He agreed that the City should improve parking, seek bus service, reduce noise pollution by addressing trucks and motorcycles, address heat islands by planting trees and adding green space, directly address absentee landlords, and more. However, Mr. Holte cautioned against blocking new housing because the community is worried about how residents might behave in the future. He asked the City to work with the existing concerned residents to improve the quality of their neighborhoods and also make reasonable amendments to the LDC like this that make it easier to house the people who need it. Mr. Holte said that would be the type of leadership the City needs from its Councilors. He asked his fellow residents to show leadership too by welcoming and championing the changes needed. He said it is easy to fear change and imagine what might go wrong, but he encouraged everyone to imagine all the positives that come from removing barriers; imagine a Keene where no one needs to live on the street, where businesses can hire all the workers they need because housing is plentiful, and where College graduates fall in love with the City and easily choose to stay and build a life here. Mr. Holte said that is the Keene he wants to live in and changes like this Ordinance would take the City one step closer to that future.

Robert Hamm of 89 Valley Street said he really appreciated the need for more housing throughout the City. He expressed concerns about the limitations of this proposed Ordinance towards the MD District simply regarding issues raised about the sizes of the streets. He questioned the infrastructure capacity, noting his understanding that some of the larger fire apparatus require 18 feet of open roadway to set up; that would be a problem on the street he lives. Mr. Hamm thought it would be important to foster sustainable growth that is balanced in an equitable way. He did not think it should be a blanket exception open for everyone. He opposed the proposed amendment, asserting that limiting workforce housing expansion to Keene's east side is problematic due to its narrow streets, because the parking issues had not been addressed and because of the emergency access challenge. Mr. Haam did not think it was infantilizing to suggest there were challenges for emergency services given the sign line issues. Mr. Haam emphasized that the current zoning processes already allowed for thoughtful housing conversions and warned that the proposed blanket exception would undermine necessary oversight and exacerbate infrastructure issues. For these reasons, Mr. Haam said he and his wife respectfully urged the City Council to fully consider all the ramifications and long-term consequences of the proposed Ordinance and ultimately vote to reject it.

Jennifer Sizoo of 10 Fairfield Court, an east side resident, said she was not in favor of this Ordinance as proposed. She felt it was a blanket allowance and wondered how many properties in the MD District this would apply to. Had it been mapped? Ms. Sizoo said she was all in favor of housing and that the City needed smaller housing, but this seemed like “a sweep” that may not be needed. She questioned the proposals practicality, wondering if the Council had enough information to make the decision. She wondered if people requested these changes often enough for such a sweeping change in the City that could have unintended consequences.

Sam Jackson of Court Street said she heard one argument a lot about the number of cars parked on the road or traffic issues and wonder if those could be alleviated—even now—by some of those roads becoming one-way. She questioned if that could create the needed space for emergency vehicles and allow for side street parking. Otherwise, Ms. Jackson strongly supported this proposed Ordinance, agreeing that these developments would not appear overnight and would still have to go through long City processes for approval (e.g., from the Fire Department). As someone living in low density housing, she welcomed this expansion throughout Keene and said she could see this applying everywhere. However, where she lived at this time, she was unable to walk everywhere she needed (e.g., grocery store) without a car. She spoke about how those living in proximity to downtown have access to a grocery store and reduce their expenses by not having a car. Although living in an area like East Keene may be more expensive, Ms. Jackson said it was balanced by not needing a car.

Eric Murphy of 287 Roxbury Street wanted to share an interesting observation about this moment in time as a community. He said he was not moved by “ghetto-ism” or “Not in My Back Yard-ism,” and thought the conversation was off the point. Mr. Murphy thought the people who attended these meetings paid attention, did their research, and would live with the consequences of changes to the LDC. He thought everyone did their homework, so when people were mentioning curb congestion, Mr. Murphy did not think it was speculation. He hoped most people had employment to pay for these houses, in which case he stated they would not be walking to downtown Keene because that is not where the majority of employment is. He thought one to three cars would be needed for every occupied unit. He called this well-reasoned speculation. Mr. Murphy also suggested seeing whether residential permit parking could improve the on-street conditions if considering densifying parts of the City. Also, if allowing six-unit developments, he asked if the City would require fire apparatus turning templates in site plans? He said there are consequences to the decision of opening up units, such as runoff and flooding; would the City run capacity modeling for downstream sewer basins? Mr. Murphy wanted to think that the Ordinance could be made better. However, if an Ordinance creates a barrier to development and the development is reasonable, he hoped the developer would seek an exception to the rule with a reasonable argument.

Hearing no further comments, the Mayor closed the Public Hearing at 8:41 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, September 9, 2025.

A true record, attest:



City Clerk

NOMINATIONS - HISTORIC DISTRICT COMMISSION, PLANNING BOARD, PARTNER CITY COMMITTEE, & ZONING BOARD OF ADJUSTMENT

Mayor Kahn nominated the following individuals to City boards & committees: Russell Fleming renominated to serve as an Alternate member of the Historic District Commission, with a term to expire December 31, 2027; Derek Blunt renominated to change from an Alternate to Regular member of the Partner City Committee, with a term to expire December 31, 2027; Joseph Cocivera nominated as an Alternate member of the Planning Board, with a term to expire December 31, 2027; Zach LeRoy renominated to change from an Alternate to Regular member of the Zoning Board of Adjustment, with a term to expire December 31, 2027; and Kathleen Malloy nominated as an Alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2027. Mayor Kahn tabled the nominations until the next regular meeting.

CONFIRMATIONS - AIRPORT DEVELOPMENT AND MARKETING COMMITTEE, HERITAGE COMMISSION

Mayor Kahn nominated Julie Schoelzel to serve as a Regular Member of the Airport Development and Marketing Committee, with a term to expire December 31, 2025. The Mayor also nominated Kathy Halverson and Jill Bouchillon to serve as Alternate Members of the Heritage Commission, both with terms to expire December 31, 2026. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION - COUNCILOR HAAS - REQUEST FOR HISTORICAL MARKER - KEENE BOTTLE WORKS

A communication was received from Councilor Ed Haas, on behalf of the Yankee Bottle Club, requesting to place a historical marker on the Rail Trail to identify the original site of the Keene Bottle Works. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION - COUNCILOR FILIAULT - REQUEST TO DISCUSS ROUTE 9 ACCIDENTS AND POSSIBLE SOLUTIONS

A communication was received from Councilor Randy Filiault, requesting to bring stakeholders together, including the state and surrounding towns, to discuss the volume of accidents on Route 9 between Keene and Brattleboro, Vermont, and look for potential solutions to mitigate the issue. Mayor Kahn referred the communication to the City Manager for follow-up.

COMMUNICATION - COUNCILOR WILLIAMS - REQUEST FOR CONSIDERATION OF AN ORDINANCE AMENDMENT TO REGULATE THE MUZZLING OF DOGS

A communication was received from Councilor Robert Williams, requesting the City consider adopting an ordinance that would regulate muzzling dogs with a record of vicious behavior. HB 250, recently signed into law by the Governor, enables local governing bodies to adopt such an

ordinance related to vicious dogs, as defined in NHRSA 466:31, ii(g). Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - HOWARD MUDGE - REQUEST TO REMOVE A TREE ON CITY PROPERTY - WESTERLY EDGE OF 9 EVERGREEN AVENUE

A communication was received from Howard Mudge, requesting to have a tree removed from City Property located on the western edge of his property due to the tree's age, size, and condition. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION - VICKY MORTON - REQUEST FOR THE CITY TO ACT UPON THE WALKER CONSULTANTS' RECOMMENDATIONS RELATED TO ON-STREET PARKING

A communication was received from Vicky Morton, requesting the City of Keene act on the recommendations of Walker Consultants and create formal on-street parking guidelines. Mayor Kahn referred the communication to the City Manager to bring recommendations related to items in the Walker Consultants' report back to a Council Committee.

COMMUNICATIONS RELAYING CONCERNS WITH RESTRICTED PUBLIC ACCESS TO THE AIRPORT ROAD SUBMITTED BY: STEVE HOOPER; KATHARINA & PETER ROONEY; AND SUSAN ABERT

The first communication was received from Steve Hooper, concerning the recently instituted restrictions on public access to the Airport Road and wanting to discuss a few possible revisions. A second communication was received from Katharina and Peter Rooney, concerning restricted public access during weekdays to the Airport Road and wanting to discuss alternatives. A third communication was received from Susan Abert, concerning restricted access to the Airport Road and requesting a compromise relative to the hours the restriction is in place. Mayor Kahn referred the three communications to the Municipal Services, Facilities and Infrastructure Committee.

FOP REPORT - SALE OF CITY PROPERTY - 100 CHURCH STREET

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church Street (parcel ID# #574-015-000-000-000) to an abutting property owner. A motion by Councilor Powers to carry out the intent of the committee report was duly seconded by Councilor Remy.

Councilor Williams said he was contacted by a constituent very concerned about the sale of a public park to a private entity. The Councilor called that a big move. Though underused, he called the park a neighborhood resource. If selling one, he thought the City should sell the other pocket park on Church Street, which he called more underused. Being located in one of the densest residential neighborhoods in Keene, Councilor Williams thought this park at 100 Church

Street was valued by neighbors. He cited the constituent who had spent years volunteering in the park and was responsible for many of the beautiful plantings there; the person was now of limited mobility and could not tend a lot of the garden. Councilor Williams thought it would be really nice to maintain that spirit of volunteerism and maintain parks like this, so they do not fall into disarray or get used in undesirable ways. He continued, explaining some issues with the design of the park, specifically a big berm in the front, which he said is easy for people to hide behind. Councilor Williams suggested removing the berm and adding fences to the sides, which was originally part of the request, could help a lot of the problems to go away. He suggested examining the issue and what the neighborhood wanted to do with the park. In talking to people, he said nobody was aware that this was happening, so he thought it warranted further discussion.

A motion by Councilor Williams to refer the FOP report [Sale of Property – 100 Church Street] to the Municipal Services, Facilities and Infrastructure Committee was duly seconded by Councilor Filiault.

Mayor Kahn requested comments from City Manager Elizabeth Ferland, who said this small pocket park had been problematic. The City Manager mentioned a lot of behavior causing complaints in the neighborhood. She agreed about the berm, stating she was unsure why it was there and agreed removing it could improve the situation. City Manager Ferland explained that the property owner of the apartments right next to the park contacted the City, requesting to purchase and maintain it as part of their parcel. Honestly, when the neighbor offered, staff thought it was a good solution. This neighbor saw some unusual, detrimental behavior occurring in the neighborhood that had been problematic. The City Manager had no concern about sending this to the Municipal Services, Facilities and Infrastructure (MSFI) Committee for further conversation, ensuring the neighborhood can discuss and see if there is interest in helping to ensure that park is utilized appropriately. However, the City Manager said the City was unable to provide Policing and other things needed to address complaints from the abutting parcel.

Councilor Greenwald did not think this was a time sensitive matter. If Councilor Williams was saying the neighbors were unaware, Councilor Greenwald said the Council could at least let them speak. Councilor Greenwald said it could be a more thoughtful decision, rather than just selling it and taking the money. He had no doubt that the apartment building would do a good job with it and said maybe they could do it in a neighborhood way to accomplish both. He supported referring it to MSFI.

Councilor Filiault agreed with the previous comments, stating that this had been a rushed item. He said referring this to MSFI would give the public more of a chance for input. For example, he recently heard of someone who did not know about the downtown project. However, he agreed with the City Manager that this particular park had issues. Councilor Filiault cited his ride-alongs with the Keene Police annually, stating that virtually each time they had arrested someone in that park for either drugs or drinking. That said, he agreed with Councilor Greenwald about not rushing past understanding the community's vision for the space. While Councilor Filiault still thought he would ultimately support the City Manager and FOP Committee's recommendation to sell the parcel, the Councilor wanted to allow the public a chance for input and would support the amendment.

Councilor Chadbourne thanked Councilor Williams for bringing this forward. Councilor Chadbourne was also contacted by a few constituents, who only heard about this potential sale and were upset about it. She knew the constituent Councilor Williams referred to and said those plantings abutting the sidewalk would not be affected; Councilor Chadbourne knew because she did a lot of the work there. Even if the City decided to sell the parcel, she thought it would behoove the Council to listen to how the neighbors would be impacted. However, Councilor Chadbourne stated that in the time she had worked in this park, she witnessed a lot of drug transactions and other questionable behavior in broad daylight. She said she understood and supported sending this to MSFI.

The motion to refer to refer the FOP report [Sale of Property – 100 Church Street] to the Municipal Services, Facilities and Infrastructure Committee carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - EXECUTION OF A CHANGE ORDER WITH INSITUFORM FOR ADDITIONAL SCOPE OF CONSTRUCTION SERVICES AS PART OF THE SEWER MAIN LINING PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to execute a project change order with Insituform Technologies as part of the Sewer Main Lining Project (32MI0425), in the amount of \$155,200.

Mayor Kahn said it was determined that the funds needed for this change order were in the FY27 Capital Improvement Program (CIP). Therefore, a Resolution would now be needed to appropriate the funds as part of this project. The City Engineer would submit the required Resolution for referral to the Finance, Organization and Personnel Committee at the September 4 City Council meeting. With no objection, Mayor Kahn tabled this FOP Committee report until the September 18 City Council meeting to be acted upon after the City Council votes on the funding Resolution.

EXECUTION OF AN AGREEMENT FOR ENGINEERING SERVICES DURING CONSTRUCTION WITH GREENMAN-PEDERSEN INC, (GPI) AS PART OF THE TRANSPORTATION HERITAGE TRAIL PHASE 1 PROJECT, NHDOT#40653

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Greenman-Pedersen, Inc. (GPI) for engineering services during construction as part of the Transportation Heritage Trail Phase 1 Project (NHDOT#40653) for an amount not to exceed \$300,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Lake. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CONTRACT FOR 2026 CITY-WIDE PROPERTY REVALUATION

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Vision Government Solutions for the 2026 City-wide property revaluation. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones asked whether to expect a brick-and-mortar setup, drive-by, or drones. The City Manager replied that this contract was primarily for drive-by evaluations, but the City would be sending postcards to owners, requesting to access properties. If unable to access the property, the City would do its best to perform an exterior inspection.

The motion to carry out the intent of the Committee report carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - AMENDMENT TO FAA AIP GRANT FOR AIRPORT – AIRPORT TAXIWAY A RECONSTRUCTION PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding for up to the amount of \$3,601,668.27 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - CONSTRUCTION AGREEMENT FOR AIRPORT TAXIWAY A RECONSTRUCTION PROJECT WITH CASELLA CONSTRUCTION INC.

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to enter into a construction agreement with Casella Construction Inc. for the Airport Taxiway A Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - AIRPORT FUEL TANK REPLACEMENT PROJECT CLOSE-OUT AND REALLOCATION OF FUNDS

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to close the Fuel Tank Replacement Project (05J0006A) and reallocate remaining funds of \$37,480.24 to the Airport Taxiway A Reconstruction Project (05J0004B). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - USE OF UNSPENT CITY ATTORNEY'S OFFICE PERSONNEL FUNDS

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Attorney be authorized to carryover and use \$60,000 of unspent monies from the Fiscal Year 2025 City Attorney Personnel budget for Legal Services. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

City Manager, Elizabeth Ferland, began her report with the exciting news of Laurie Plankey's promotion to Revenue Collector. Ms. Plankey would be moving from Account Clerk II in the Finance Department, where she had consistently demonstrated exceptional skills, dedication and professionalism since 2008. In her Finance Department role, she streamlined the general billing and accounts receivable processes, generating more than 5,500 invoices during the previous fiscal year, totaling just over \$9 million. The City Manager said from experience that Ms. Plankey was great at both collecting the money as well as invoicing, stating that those skills would transfer well to the Revenue office. Ms. Plankey would also serve as a liaison between the City and its ambulance service collection agency, Comstar; in FY24, she achieved an impressive 96% collection rate, reflecting her strong management abilities and attention to detail. The City Manager called Ms. Plankey highly organized, detail-oriented, and very talented—a skill set that would serve her well in her new role as Revenue Director.

Next, City Manager Ferland recognized the Keene Police Department and Captain Steve Tenney for their leadership and professionalism during a very difficult situation on August 12. The City Manager explained that with Captain Steve Stewart away on vacation, Captain Tenney stepped into a challenging role as incident commander. During the incident, an individual barricaded himself in a vehicle in the TD Bank parking lot and after a prolonged period of time, the situation ended tragically with the individual's death. The City Manager stated that City's team of negotiators should be commended for their tireless efforts, regardless of the outcome; they took turns for many hours trying to negotiate a better resolution. While the result is heartbreaking, the City Manager was immensely proud of the way the Officers managed this incident, calling them calm and disciplined, which kept the community safe and reflected the highest standards of the Keene Police Department. City Manager Ferland noted that unfortunately, some members of the public gathered as spectators, creating additional challenges for Officers. She said these situations are not entertainment; they are dangerous, complex, and require sensitivity and respect for all involved. The City Manager was grateful for the dedication and professionalism of the Keene Police Department and extended her appreciation to all who served that day. She thanked the NH State Police for their assistance as well.

Lastly, the City Manager reported that the 2025 Community Night was a tremendous success, drawing a large crowd and plenty of enthusiasm. The Public Works Department cooked 424 hot dogs and 432 hamburgers; it was so popular they ran out of food twice. The Keene Fire Department also distributed more than 1,500 items throughout the evening. The City Manager gave special thanks to C&S Wholesale Grocers for their generous donation of \$500, which helped make this event possible. This year, the City Departments were very creative: Parks and Recreation had kids spinning a prize wheel and answering trivia (e.g., how many cemeteries do we have in the City?); the Police Department showcased the new Crime Scene Van, which was

popular; the Public Works Department let kids climb on large pieces of equipment and blow the horns; the City Clerk's office had a dog licensing guessing game and a 2025 Municipal Ice Cream Election. Amaliya Ruoff, daughter of the City Engineer, won the dog licensing guessing game by guessing closest to the exact number of dogs licensed by the City in 2025. The Ice Cream Election results were that chocolate ice cream in a waffle cone with rainbow sprinkles was the chosen favorite. The City Manager called Community Night great and said it once again demonstrated the importance of bringing residents, families, and the City Staff together in celebration of the community. She thanked everyone who attended and did a great job.

REPORT - ACCEPTANCE OF DONATIONS

A memorandum was read from the Finance Director/Treasurer recommending the City Council gratefully accept the following donations:

- C&S Wholesale Grocers donated \$500 in response to a grant request submitted by Public Works to support the City's Community Night on August 19, 2025.
- C&S Wholesale Grocers donated \$1,000 for the 2025 International Festival.
- An anonymous legacy gift of \$10,000 was made to support the Keene International Festival.
- Revision Energy donated \$5,000 as a willing partner in sharing some of the financial burden related to the relocation of the Monadnock View Gardens.
- NH Community Development Finance Authority donated \$500 for the Human Rights Committee's International Festival.
- Papa Family bench donation overlooking Robin Hood Pond in honor of Joseph A. Massaro, Jr. as part of the Adopt-A-Bench program.
- Hamblet Electric Charitable Foundation generously donated \$750 through a DAFgiving360 to be used for the Keene International Festival.
- UNH Extension donation of \$250 for Youth Mental Health First Aid.
- Savings Bank of Walpole donated \$1,000 for the Human Rights Committee's International Festival.
- Monadnock Chapter 66 of the North American Family Campers Association donated \$1,000 to purchase and install a bench at the former Wheelock Park Campground site.

A motion by Councilor Powers to accept the donations identified in the amount of \$20,000 in the memorandum from the Finance Director with gratitude, and that the City Manager be authorized to use these donations in the manner specified by the donors was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

REPORT - STATEMENT OF INCLUSION - HUMAN RIGHTS COMMITTEE

A Human Rights Committee report was read, unanimously recommending the language of a draft statement of inclusion with mentioned edits.

Mayor Kahn provided a recap of what had happened to date. He personally hoped the City could replace the obscure language that used "creed" as a surrogate for "religion" and "lifestyles" as a

surrogate for “sexual orientation” and “gender identity.” He said the City’s 2021 Welcoming Declaration also omitted matters of age, marital, and family status, and differences from welcomed groups. Still, five months later, no destination was reached. Mayor Kahn said the political environment at the state and federal levels had not been favorable to creating unity and inclusiveness. He considered one instance four years prior, when Governor Sununu accepted 49 recommendations from the law Enforcement Accountability Community and Transparency Commission, one of those of which mandated that the police standards and Training Commission provide implicit bias training for all law enforcement, which was implemented in September 2021. As of July 2025, the legislature and Governor enacted legislation prohibiting all public entities from implementing, promoting, or otherwise engaging in any diversity, equity and inclusion (DEI) related initiatives, programs, training, or policies; they explicitly said that state funds shall not be expended for DEI related activities, including but not limited to implicit bias training.

Four years later, the Mayor said the City Council was now presented with four statements regarding Keene as a welcoming and inclusive City—the Mayor hoped no one thought Keene was otherwise: (1) the 2021 declaration by the City Council, which vowed to condemn and never ignore acts of racism, bigotry, oppression, and hatred; (2) a petition and letter from Keene Pride seeking a commitment to protecting every individual’s rights and dignity, creating an environment where everyone, regardless of their sexual orientation or gender identity, can feel safe and valued; (3) a petition and letter from Keene Republicans that concludes urging the Council to prioritize unity, fairness, and balanced representation; and (4) a Resolution proposed by the City’s Human Rights Committee—which exists to promote the principles of social justice, non-violence, equity, inclusion, and multiculturalism through educational programs, community service, public events—recommending the City maintain a safe space for all, establishing comprehensive and sustainable protections for all residents. The Mayor personally believed the City could accomplish all these things and that Keene would continue working to be a City that welcomes inclusivity, promotes unity, and condemns acts of racism, bigotry, and prejudice. Over the five months the Council had considered these four proposals, he thought more division had been promoted than unity, which was never the intent. The Mayor said the Council’s options were to send the Human Rights Committee’s (HRC) statement back to the Planning, Licenses and Development (PLD) Committee for more discussion, accept it as informational, schedule a Council Workshop on this matter, or the Council could request that the Mayor prepare a proclamation. The Mayor left the decision to the Council.

A motion by Councilor Jones to accept the Human Rights Committee report as informational was duly seconded by Councilor Roberts.

Mayor Kahn recognized Councilor Workman, HRC member to address the Council. Councilor Workman stated the she knew it might seem counterintuitive for her to support accepting this as informational as an HRC member who voted in favor of the proposal. However, she said she spent the entire Council break combing through all the Council, PLD, and HRC agendas, minutes, and actions; in addition to speaking with stakeholders and other concerned members of the community. That led Councilor Workman to believe accepting the HRC report as informational was the only option that would guarantee Keene Pride’s desired outcome, which was stated in the July 2025 PLD minutes: “That the City of Keene will never use its resources on

their own or in conjunction with the federal or state government in the unjust search and seizure and harassment of LGBTQ+ people.” She noted the City could choose not to sign on to optional initiatives such as the 287(g) Program, for example. Councilor Workman stated that she was in favor of a Proclamation, which she believed would be the Council’s only option at this time to meet Keene Pride’s desired outcome. She said this process began in March and it was now August, and it was further away from both resolve and Keene Pride’s request. At the August HRC meeting, Councilor Workman stated that she anticipated this going back to PLD for further public comment. However, she realized that was not in the best interest of the community, stating public comments were allowed at two PLD meetings and at HRC. She said some of the comments were incredibly hard to hear as an ally, so she could only imagine how it felt for those within the queer community. It was clear to Councilor Workman that there was room for growth both within City Hall and within the community. However, she felt holding another meeting for the sake of additional public comment would do nothing but cause further harm to the community. Councilor Workman was truly concerned that continuing this approach would put the LGBTQ+ community at an even higher risk of potential physical and emotional harm. As a City, she said we should be looking to unite the community, not create a greater divide, which was unfortunately exactly what happened here. She said a reoccurring theme throughout the conversations was that people wanted to see action from the City, not just hollow words. Councilor Workman said the current HRC proposal and other options in front of Council did not address that concern. She said the one silver lining of the work to date was the insights gained—there were people in the community who did not feel welcome or safe and that was not okay. However, she said creating a sense of belonging is a community issue that only the community could solve, and municipal meetings are not the proper platform or space for the type of healing and growth that would need to occur. Councilor Workman said the City had a cultural problem and no matter how many declarations, resolutions, or proclamations created that condemn acts of hate, the City government would not change people’s deeply held beliefs. She said the community does hold the power to create the cultural change the community was seeking. Councilor Workman thought the community would be best served if this topic was addressed through community organizations familiar with and/or specializing in restorative justice practices, which have a trauma informed perspective and professionals with the skills necessary to facilitate and mediate such a discussion. She wanted to be clear that she did not arrive at this decision easily, stating she is personally committed to seeing this cultural change and would do what she could to ensure the community continues to grow together. Now she said there was a blueprint for someone to bring forward an action- and policy-based proposal, using the information gathered through this process, doing the proper outreach in advance and having a clear and concise ask prior to submitting a communication, which would make the process more seamless and hopefully result in a faster and positive outcome. Councilor Workman reiterated that this would not be the end of the conversation as a whole, just the end of this particular conversation, which she said had been nothing but divisive and harmful to the community. She thought the Council owed it to the community to take a step back, assess the objective, and move forward with a clear intent and path that would lead to the desired outcome. She thought all other proposed options would not do that. While this may seem like shutting down the conversation, Councilor Workman felt like it was quite the opposite in order to move forward with a new conversation and action- and policy-based process. She said the current conversation and processes had become so convoluted and volatile and she thought the Council should allow the Community to catch its breath.

A motion by Councilor Workman to amend the motion to accept the Human Rights Committee report as informational to include directing the Mayor to draft a proclamation recognizing the LGBTQIA+ community to be read at Keene Pride's annual Pride Festival was duly seconded by Councilor Bosley. The motion to amend carried unanimously on a roll call vote with 15 Councilors present and voting in favor. Discussion ensued on the amended motion.

As a representative of the City, Councilor Roberts found it really disgusting and embarrassing to hear some of the racial and economic discrimination during public hearings for the zoning change from five acre to two acres in the Rural District. He read letters in support and opposition from well-respected members of the community, and he was aghast that they would put some of those things in letters, realizing that they would become part of a permanent record. Councilor Roberts called it totally wrong; it was like saying we do the right thing but then talking derogatorily behind people's backs. Councilor Roberts also commented on the pitfalls of trying to please everyone but when doing so, it could lead to unintentionally belittling people. He said it was important for the Mayor to know what inclusiveness means to the City. Councilor Roberts shared an example from his time at the State House. When questioned why he did not vote in favor of gay marriage, he replied, "Because when you make someone a special class, you're telling them they're not good enough and they need the protection of government to make them good enough. If you made it 'marriage equality,' I would support you in a heartbeat." Councilor Roberts said he voted three times in favor of *marriage equality*. He cautioned that an attempt to "protect" someone does not imply "you need our protection because you are not as good as us."

Councilor Jones knew the Council and HRC had been working on this for a long time. Both he and the Mayor had attended meetings with Keene Pride and the HRC. There were many opinions going around and a lot of work went into this. Councilor Jones agreed with the motion as it would give the most respect to the Human Rights Committee. Right now, he said the HRC owned the document and by accepting, it would be a part of the Council's public record, so it would always be there if the Council wanted to workshop it or send it to PLD. Though it would now be the Council's to reword as desired, Councilor Jones thought they should maintain the HRC's language out of respect, stating they worked hard on it.

Councilor Bosley fully supported the motion and Councilor Workman's description of the experience. Councilor Bosley thought this was the right direction. As PLD Chair, she acknowledged the community members who came forward and testified; Councilor Bosley called it very powerful testimony and an uncomfortable situation, which was probably one of the more difficult things she had the opportunity to Chair because of the emotion on both sides. She thanked members of public who came and spoke, stating this action was in no way the Council dismissing any of that. Councilor Bosley called this the first step in a process she thought would better suit the conversation.

Councilor Williams strongly opposed accepting this as informational and thought it should go back to the PLD Committee. He felt that by getting off track with the process laid out ahead of time, the Council was giving a heckler's veto to the haters, and he did not want to do that. He would vote in opposition.

Mayor Kahn thanked Councilor Workman for expressing a message about the challenges she foresaw in continuing to talk about these issues in the community and the groups that could help lead. The Mayor appreciated that the City would continue trying to foster those kinds of direct conversations that would not be obscured with competing motions.

Councilor Tobin agreed that this caused some division in the community, and she hated hearing that people were frightened for their safety. She said it was difficult to hear a lot of what people said, honestly on both sides. However, Councilor Tobin thought this might be where the conversation started. She thought there was a lot of great conversation. She hoped hearing what people shared would lead to more conversations. She really struggled with the concept of not having an action step working toward this. She would support this, but hoped there could be more dialogue, and as people continued sharing how they felt that the community could learn to meet in the middle somewhere.

The motion to accept the Human Rights Committee Report as informational and direct the Mayor to draft a Proclamation Recognizing the LGBTQIA+ Community to be read at Keene Pride's annual Pride Festival carried on a roll call vote of 14–1. Councilor Williams voted in opposition.

REPORT - RESIGNATION - KENNETH SWYMER JR. - ENERGY & CLIMATE COMMITTEE

A memorandum was received from City Planner Megan Fortson, recommending the City Council accept the resignation of Kenneth Swymer Jr. from the Energy & Climate Committee with gratitude for his service. A motion by Councilor Greenwald to accept the resignation with gratitude for service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR FIRST READING - RELATING TO LAND DEVELOPMENT CODE FEE UPDATES - ORDINANCE O-2025-25

A memorandum was read from City Planner Megan Fortson, recommending the City Council refer Ordinance O-2025-25 Relating to Land Development Code Fee Updates to the Planning, Licenses and Development Committee for their review and recommendation. Mayor Kahn referred Ordinance O-2025-25 to the Planning, Licenses and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO LAND DEVELOPMENT CODE APPLICATION PROCEDURES - ORDINANCE O-2025-26

A memorandum was read from City Planner Megan Fortson, recommending the City Council refer Ordinance O-2025-26 Relating to Land Development Code Application Procedures to the Planning, Licenses and Development Committee for review and recommendation. Mayor Kahn referred Ordinance O-2025-26 to the Planning, Licenses and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO NO PARKING ZONES - ORDINANCE O-2025-27

A memorandum was read from Public Works Director Don Lussier, recommending Ordinance O-2025-27 Relating to No Parking Zones be referred to the Municipal Services, Facilities and Infrastructure Committee. Mayor Kahn referred Ordinance O-2025-27 to the Municipal Services, Facilities and Infrastructure Committee.

ORDINANCE FOR FIRST READING - RELATING TO AMENDMENTS TO THE ZONING MAP – LOW DENSITY TO COMMERCE – INTERSECTION OF PEARL STREET AND WINCHESTER STREET - ORDINANCE O-2025-28

An application was received from Chad E. Branon, P.E., of Fieldstone Land Consultants, requesting to refer Ordinance O-2025-28 Relating to Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street to the Joint Planning Board-Planning, Licenses and Development Committee for a public workshop. Mayor Kahn referred Ordinance O-2025-28 to the Joint Planning Board and Planning, Licenses and Development Committee for discussion at a future public workshop.

ORDINANCE FOR FIRST READING - RELATING TO PAVEMENT SETBACKS AND CROSS SITE ACCESS - ORDINANCE O-2025-29

A memorandum was read from Planner Evan Clements, recommending the City Council refer Ordinance O-2025-29 Relating to Pavement Setbacks and Cross Site Access to the Joint Planning Board-Planning, Licenses and Development Committee for a public workshop. Mayor Kahn referred Ordinance O-2025-29 to the Joint Planning Board-Planning, Licenses and Development Committee for discussion at a future public workshop.

ORDINANCE FOR SECOND READING - RELATING TO CLASS ALLOCATION & PERFORMANCE BONUS - ORDINANCE O-2025-24

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Ordinance O-2025-24 Relating to Class Allocation and Performance Bonus. A motion by Councilor Powers to adopt Ordinance O-2025-24, with an effective date of August 24, 2025, was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION - RELATING TO PROPOSED FY26 BUDGET AMENDMENT - RESOLUTION R-2025-25

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2025-25 Relating to Proposed FY26 Budget Amendment. A motion by Councilor Powers to adopt Resolution R-2025-25 was duly seconded by Councilor Remy.

Councilor Haas asked if this change would appear in a redacted Budget to be republished on the City website. The City Manager said yes.

08/21/2025

The motion to adopt Resolution R-2025-25 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NON PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss land matters pursuant to RSA 91-A:3, II(d) was duly seconded by Councilor Bosley. On a roll call vote of 14 in favor and Councilor Remy opposed the motion carried. Councilor Powers departed prior to the start of the session. Senior Planner Mari Brunner was asked to remain present. The session began at 10:00PM.

The session concluded at 10:19 PM. A motion by Councilor Greenwald to seal the minutes of the non-public session held this evening as divulgence of the information would render the proposed actions ineffective was duly seconded by Councilor Bosley. On a roll call vote, 14 Councilors were present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 10:20PM.

A true record, attest:


City Clerk



PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council pursuant to a petition from Donald Lussier, Public Works Director of the City of Keene, relating to Resolutions R-2025-26 and R-2025-27 for the alteration of the layout of Grove Street and a deed for land removed from the right-of-way as well as an easement for public infrastructure. The petition seeks to reconfigure the intersection of Grove Street/Water Street to better align with Community Way and eliminate the left turn lane. In addition, the petition seeks to remove a small strip of land acquired by the city in 2015 on the eastern parcel boundary from the right-of-way and return it to parcel No. 585-057, with a portion of original 2015 property acquisition retained to accommodate existing public infrastructure.

SITE VISIT: September 4, 2025 at 5:30 PM

PUBLIC HEARING: September 4, 2025 at 7:00 PM

PUBLIC HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this 17th day of July, 2025.

Attest:

City Clerk



PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held on September 4, 2025 at 7:00 p.m. at Keene City Hall, Second Floor, 3 Washington Street, Keene, NH 03431 to discuss and hear public comment on current projects sponsored by the City of Keene under the federal Community Development Block Grant (CDBG) program. The projects to be featured include Keene Housing's redevelopment of the former Roosevelt School building at 438 Washington Street in Keene, NH into 30 units of affordable housing, and the replacement of the water distribution system at the Base Hill Cooperative Community at 180 Base Hill Road in Keene, NH.

Interested persons are invited to attend and provide comment. Please contact the City of Keene, 3 Washington Street, Keene, NH 03431, at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearings.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Confirmations - Historic District Commission, Planning Board, Partner City Committee, Zoning Board of Adjustment**

Council Action:
In City Council August 21, 2025.
Nominations tabled until the next regular meeting.

Recommendation:
I hereby nominate the following individual to serve on the designated board or commission:

Historic District Commission

Russell Fleming
reappointment
Slot 10 - Alternate

Term Exp: December 31, 2027

Partner City Committee

Derek Blunt
Moving from Alternate to Regular Membership
Slot 8

Term Exp: December 31, 2027

Planning Board

Joseph Cocivera
11 Baldwin Street
Slot 14 - Alternate

Term Exp: December 31, 2027

Zoning Board of Adjustment

Zach LeRoy
Moving from Alternate to Regular Membership
Slot 1

Term Exp: December 31, 2027

Kathleen Malloy
240 Court Street
2025-332

Term Exp: December 31, 2027

Slot 8 - Alternate

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Peg Bruce
Through: Terri Hood, City Clerk
Subject: **Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Ceremony**

Recommendation:

Attachments:

1. KKF Letter to Council 2

Background:

The Kiwanis Club of Keene is requesting the annual license to conduct the Tree Lighting Ceremony on Central Square on November 28, 2025.



Kiwanis®

KEENE KIWANIS FOUNDATION

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwanis.org

OFFICERS 2024-2025:

Art Walker
President

Pete Southwell
Past President

Elizabeth Sayre
President-Elect

Pam Wilson
Treasurer

Janet Genatt
Assistant Treasurer

Peg Bruce
Assistant Treasurer

Peg Bruce
Secretary

Pam Wilson
Assistant Secretary

DIRECTORS:

Glen Hurd

Patricia Hurd

Jilene Robinson

Jenifer Rivera

Diana Sommer

Patricia Spears

PAST PRESIDENTS:

Art Walker 2023-2024

Eli Rivera 2022-2023

January 21, 2025

Mayor Kahn and the Keene City Council
3 Washington Street
Keene, NH 03431

Re: 11/28/2025 Kiwanis Club of Keene Tree Lighting Celebration, Central Square, Keene, NH

Dear Mayor Kahn and the Keene City Council:

The Kiwanis Club of Keene and the Keene Kiwanis Foundation request a license to produce the 2025 Kiwanis Tree Lighting Celebration. The proposed date and time of the event is November 28, 2025, 5 p.m. to 8:00 p.m. This event continues to compliment the Kiwanis' mission of supporting our local youth.

Keeping with tradition, we would once again like to decorate the Bandstand on Central Square with lights, wreaths, garlands, and bows; decorate the city tree on Central Square with lights. We plan to do the decorating of Central Square on a Saturday in the month of November 2025 and take the decorations down by the second week of February 2026. If possible, we would keep the lights on through the Ice and Snow Festival, weather and City permitting. We plan to continue to string bars of soap on the trees to deter the squirrel population from damaging the light strings. No lights have been damaged so far in 2024.

The 2024 event was enjoyed by a very large group. The decorations are very much appreciated by our community. The children enjoyed the entertainment of the Keene Cheshiremen Chorus including a Sing Along and our MC reading "Twas the Night Before Christmas". Mayor Kahn read a Proclamation at the event. Santa's grand entrance on the ladder truck with assistance from Keene Fire Department was especially spectacular! Each year Kiwanis youth groups participate and provide cookies and we provide cocoa for hot chocolate. Kiwanis distributed 700 Christmas bells for the children to ring as Santa rounded the Common. We greatly appreciate the support of the City of Keene departments who work together with Kiwanis to make the community event special each year!

Feel free to contact me should there be any questions. I can be reached at 603-762-7276 or at keenekiwanisinfo@gmail.com.

Thank you for your consideration of this request.

Sincerely,

Peg Bruce
Kiwanis Club of Keene/Keene Kiwanis Foundation
63 Emerald Street, PMB 451
Keene, NH 03431
603-762-7276



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Councilor Michael Remy
Through: Terri Hood, City Clerk
Subject: **Councilor Remy - Request to Place Social District Question on 2025 Municipal General Election Ballot**

Recommendation:

Attachments:

1. Communication_Remy

Background:

Councilor Remy seeks to add the question of whether to allow social districts in the City of Keene on the upcoming Municipal General Election ballot on November 4, 2025. HB467, recently signed into law by the Governor, defines "social districts" and enables municipalities to create these districts. The definition in statute is as follows: *"Social District" means a defined outdoor area in which a person may consume alcoholic beverages sold by a licensee. This term does not include the licensee's premises or an extended area of such premises allowed under RSA 178:24.*

Michael Remy

Councilor At Large
(603) 324-0926
mremy@keenenh.gov

August 28, 2025

Mayor and Councilors,

Recent changes to RSA 178 now allow the City of Keene to place on the ballot the question of creating Social Districts, which would permit the City to determine a zone where local businesses could sign up to allow service of adult beverages within the zone. Opted-in bars and restaurants with a special cup showing where the beverage came from could allow patrons to carry out their cup within the zone. The rule allows the City to define the rules further, including:

- When: days (for one day a year, one day a month, at special events, certain days of the week, etc.) and times (only in the afternoon, 12 to 9pm, only during licensed event hours, etc.) would be up for discussion
- Where: we would define and delineate each zone's boundaries
- How: the City would have to determine rules for business participation

Enabling this tool also doesn't require that the City implement a social district; it only brings the control to the City and allows the option. As a municipality this question must be voted on during our municipal election which means it is important that we act promptly to include the question for this cycle or else we cannot revisit it for two years. The outcome of the voters' decision is uncertain, but they deserve the opportunity to decide.

With that, I would ask that we place the required question from RSA 178:34.I.(c), "**Shall we allow the operation of social districts within the city?**", on the municipal ballot and then **direct the Mayor to set a public hearing as required by RSA 178:34.I.(b)**. There are many more details to work out if the voters show interest in this concept, this step simply seeks to gauge the will of the public.

Sincerely,



Councilor Michael Remy



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **Staff Report: Recreational Access to the Wastewater Treatment Plant Driveway in Swanzey and Public Communications Relaying Concerns with Restricted Public Access**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the Staff Report on Recreational Access to the Wastewater Treatment Plant Driveway in Swanzey and the Public Communications Relating to Concerns with Restricted Public Access to the Airport Road be accepted as informational.

Attachments:

None

Background:

Chair Greenwald stated that staff heard the public's concerns, as did the MSFI Committee. He continued that he acknowledges the communications received from Steve Hooper, Katharina and Peter Rooney, and Susan Albert. He asked to hear from staff.

Don Lussier, Public Works Director, stated that to begin, he takes responsibility for the poor roll-out of this initiative. He continued that staff's focus is the safety of pedestrians and people who use the area. That said, he could have done a better job communicating with the public about why they were closing the Airport Road and what brought them to this point. He then turned the floor over to Aaron Costa, who manages the Wastewater Treatment facility.

Aaron Costa, Assistant Public Works Director, Wastewater Treatment Plant (WTP) Manager, stated that he oversees all things water and sewer related. He continued that he has worked at the WTP for nearly 25 years. He knows some people are upset and confused by the decision to close the access road to recreational activities during normal business hours. He understands that it is a beautiful location, and he has walked and jogged there many times after work. He supports birding, walking, and jogging. However, recreation of all types has become a problem, creating unsafe driving conditions for those who need to access the WTP. This also creates an unsafe condition for recreational users.

Mr. Costa continued that he would like to share factors that went into this decision-making process, which might seem sudden but was something staff had been thinking about for a long time. The WTP was constructed in the early 1980s and came online in 1985. The WTP access road and the WTP are located on City-owned Airport property that is located in Swanzey. The Sewer Fund pays rent to the Airport for the WTP, which includes the access road. He showed a photo of Airport Rd. off Rt. 32, with the WTP access road highlighted. He continued that the access road is not a public road. It is a private, City-owned driveway. There are no homes or businesses on the road, and its main function is to provide access to the WTP. It is not a City-designated park or recreational area. To explain why picnic tables are on the road, a few years ago, the Airport decided to open some of the property to the public and created a nice spot by the terminal parking lot with a few parking spaces and picnic tables. People can hang out and watch the planes. Around the same time, the Airport also put two picnic tables on the access road. He understands that might have sent the wrong message. It was a lack of communication between different City departments with different objectives. However, the policy that was presented would have allowed those picnic tables to stay.

Mr. Costa continued that the entrance to the access road used to be gated. After the last WTP employee left for the day, the gate would be closed, and after the last WTP employee left on the weekend, around 10:00 AM, the gate would be closed for the weekend, too. In 2018, the Public Works Department re-evaluated the need for that gate, and it was removed. They did not anticipate that the removal of the gate would inadvertently invite more recreation, and the access road no longer had the appearance of a restricted area. With the gate removed around the same time picnic tables were added, they start to understand why the area has become increasingly popular for recreation over the years. The Public Works Department always reserved the right to reinstall the gate if needed. Reinstalling the gate was not part of his initial recommendation. However, the Sewer Fund recently spent around \$300,000 to resurface the access road for the first time since it was constructed. Some people have been doing burnouts on it and tearing up the new pavement, and some people have been doing donuts in the fields outside of the fenced area of the WTP. If these types of behaviors continue, the gate might have to be reinstalled.

Mr. Costa continued that another contributing factor to the popularity of the area is the internet and social media. If you do an online search for "Birding at Keene Airport," it comes up as a popular spot. He has learned that some organizations provide guided outings on the property, which he was not aware of. The City has policies and protocols regarding the use of City-owned property, and organizations are required to obtain a license to conduct activities on City property. He does not know if these people have a license. He would support them having a license during non-business hours, for those activities. His main point is that a lot of recreational activity has been happening on the access road. Other contributing factors have changed the amount of vehicle traffic on the road over time. Regulations have changed since the WTP went online, mainly regarding septage. Some septage haulers had and managed privately-owned septage lagoons on their property. About 15 years ago, that practice was no longer acceptable, and regulations changed to say all septage waste must be discharged at the WTP. That is good not only for environmental reasons, but also as a revenue source for the sewer plant. The WTP is a business and staff have worked to optimize the septage receiving policies to generate as much revenue as they can. In 2006 before the regulations changed, the WTP took in about 2 million gallons in waste and generated about \$141,000 in revenue. In 2010 after the new regulations, their business tripled. All these gallons are trucked in by septage truck, not pipe. In 2021, the WTP had its biggest year ever, receiving over 7 million gallons, generating over half a million dollars in revenue. Typically, it is in the range of about 6 million gallons per year.

Mr. Costa continued that septage haulers use the access road for business. He showed example photographs of septage trucks. He continued that when they are side by side, there is very little room in between the two trucks' mirrors, and almost no room on the side of the pavement. These heavy-duty trucks are freighted with liquid. He showed an example of the sludge hauler, which is only in and out a few times a week, but there are 60,000 pounds of material in the trailer, which does not include the weight of the trailer or the truck itself. He showed a chemical tanker, which was never on site before 2004, because they were not using that chemical in the processes, but again, the processes change over time. In addition, the WTP maintains an RV discharge station. He showed an example photo of one of the RVs, continuing that these are big rigs, which vary in size from the big ones you drive to smaller tow-behinds. In addition, staff use the road regularly. They are responsible for maintaining 27 different utility outstations. There is a lot of activity on the access road during the day.

Mr. Costa continued that he wants to clear up the hours of operation, and why staff recommended that closure time. There might be confusion about the 6:00 AM to 4:00 PM timeframe, because the sign outside the facility says 7:00 AM to 3:00 PM. The sign is old and outdated, and the WTP has been running a 6:00 AM shift for about 20 years. Staff, haulers, RVs, and other traffic is on the road starting at 6:00 AM. As part of the bigger picture, he would like everyone to understand that the WTP and the sewer system operate 24 hours a day, 7 days a week, 365 days a year. Closing at 3:00 PM does not mean they are locking the gate and will not be back until the next day. Because the plant and supporting systems operate 24/7/365, staff have to be able to respond at any time of day or night. The road might have traffic on it at any time and must remain passable. Often, staff do not leave the facility right at 3:00 PM. A hauler or an RV might still be dumping. The 60 minutes between 3:00 PM and 4:00 PM allow for the closure of the facility and the (road's) transition from business to recreation. The plant is staffed on weekends and holidays. Someone is there 365 days a year, and they are also open for septage receiving and RVs on Saturdays, Sundays, and all City holidays, from 7:00 AM to 9:30 AM. The decision was made to allow unrestricted access for recreation on weekends and holidays, but during those two and a half hours in the morning, there might be truck and RV traffic. They are cognizant that traffic is minimal on weekends, and they were trying to be as accommodating to recreation as possible and not be unnecessarily restrictive.

Mr. Costa continued that over the years, staff have tried to educate people about activities on the road, by posting signs. He showed photos of signs saying "NOTICE: ACTIVE ROAD TRUCK AND VEHICLE TRAFFIC" and "PEDESTRIANS, MOVE TO THE SIDE." The "Dogs must be leashed" sign disappeared, so they put new ones up. The entrance to the facility has three "NOTICE: DO NOT ENTER" signs, because they get people coming into the facility, which is an industrial facility with industrial activities happening. Still, people drive in and turn around in the septage receiving facility, and some bicyclists and joggers come in. This year, during two construction projects on the access road, staff put up large, digital "ROAD CLOSED" signs, which some people went right by. The signs have not been effective. He has heard concerns from staff and haulers who drive on the road, regarding the recreational activity. He himself observes it when he drives to the WTP. It puts him in a difficult position. He cannot ignore the concerns; he has a responsibility and obligation to report these activities to his supervisors and make a recommendation. If an accident were to happen and someone got hurt or worse, it would be terrible. If there were an accident, the road would be closed anyway. He believes this was a common sense, proactive approach, intended to prevent an accident. It also was a compromise. It provides safe, unobstructed driving conditions for those who drive the access road for business purposes and safer conditions for recreational users. It gives 104 days a year, Saturdays and Sundays, of unrestricted access, plus the 11 City holidays, for people to head out there with their running shoes and binoculars. In addition, people would have access after 4:00 PM on another 250 days per year. That was a no-cost solution. You could build sidewalks or a bike

lane, but he does not know how they would enforce it and make sure people stay on the sidewalks or bike lane and stay off the road, nor who would pay to install and maintain such infrastructure. The Sewer Fund has many higher priority expenditures. The city is a great place to live and offers many miles of walkable sidewalks, hiking and biking trails, and beautiful parks.

Mr. Costa stated that in conclusion, he knows the decision to close the access road during normal business hours has ruffled a few feathers, but he hopes everyone understands the history and the rationale used in this decision-making process. He hopes they understand this was an opportunity, beginning in 2025, to establish an access road use policy that can accommodate both business and recreational activities, just not at the same time, because the area will not get any less popular, and the WTP is not going anywhere. Lastly, he thanks everyone who has abided by the new policy, even if they are unhappy with it or disagree with it. Driving on the roads since the new policy went into effect has been a night and day difference, and he appreciates everyone's cooperation.

Mr. Lussier stated that that is how we got here. He continued that Mr. Costa feels very strongly about this, as he does. He continued that they have also heard the community's concerns, and he knows the MSFI Committee has, too. Thus, against Mr. Costa's recommendations, they will be re-opening the roadway on an interim basis. He suggests they open it with appropriate signage that reminds people of the rules, for a two- or three-month period and then re-evaluate whether they can safely accommodate recreational use during the business hours. He hopes that people here tonight, who care about this facility, will help remind the other users to keep their dogs leashed, walk on the shoulder, be mindful of the big trucks and not stop their car in the middle of the roadway, and so on and so forth. In two or three months, staff will report back and give the MSFI Committee a recommendation for whether it will be possible to keep it open for the public.

Chair Greenwald stated that he thanks Mr. Lussier for his opening comment. He continued that Mr. Costa's presentation was extremely well presented. He understands how they got here and Mr. Costa's rationale, and he hopes everyone present heard it, understands it, and will carry the message. This is their chance. If people do not abide by the safety rules, such as staying to the side of the road, the access road should be closed. No one wants there to be an accident or injury. He asked if the Committee had comments or questions.

Councilor Tobin stated that she, too, thanks Mr. Lussier for his opening comments. She continued that she hears the concern. As a follow up, she wonders if he could explain, for everyone who does not drive a large vehicle, how it is different than a car moving to the side of the road, in terms of the ability to maneuver. Mr. Lussier replied that the biggest difference is the width of the vehicles. He continued that personal vehicles are about six feet wide, and the big trucks are about 25% wider. Two of them passing each other, with their mirrors, are a little more than 10 feet wide, on a 22-foot-wide roadway. They cannot just pull over to the side or drive around people. Councilor Tobin replied that it sounds like it would be much more difficult to maneuver around pedestrians. Mr. Lussier replied that is correct.

Chair Greenwald stated that members of the public who are here have heard what the future status will be. He continued that if anyone feels the need to say more, they can. The Committee and staff have read the letters. Hearing no one wishing to speak, he asked the City Manager if this will be handled administratively. Elizabeth Dragon, City Manager, replied yes, since this is not a public road, it is an administrative decision to open or close it. She continued that they heard tonight the reasons why they got here, and the plan to come back and report to the Committee in a few months about how it is going. Chair Greenwald replied that he thinks a little more signage would not hurt.

Councilor Workman stated that she wanted to thank Mr. Costa for the presentation and Mr. Lussier for his opening up and taking responsibility, which says a lot about him. She continued that she understands that staff has authority and it is administrative, and they can close the access road at any time. As a Councilor, she did not like finding out that way, herself, so she can only imagine how the community felt. Moving forward, she wonders if they can shut the access road down to personal vehicles which are not being used for business use at the facility, if the only use should be vehicles going to and from the facility.

Mr. Lussier replied that he knows some people in the birding community like to drive up and down the road in search of particular species and to take photos. He continued that staff would put up a sign saying people cannot stop their vehicles on the roadway. It has been a problem for the haulers when, for example, someone sees a (special bird) species and just stops their car in the middle of the road, with a 60,000-pound vehicle coming up behind them. Councilor Workman replied that she understands and was even suggesting taking it a step further and prohibiting personal vehicles, because Mr. Lussier has painted a clear picture. There has been increased use by the City and the community. Fewer vehicles on the road would help with that. She is hopeful that the community will hold each other accountable and not let the bad actors and bad apples ruin it for everyone else.

John Bates of Colorado St. stated that he worked as a municipal employee for the City for 25 years, so he knows how things work. He asked if there was a study on vehicle traffic, so that they know how many vehicles travel the road daily, what the daily and weekly averages are for pedestrians and vehicle traffic, so they have numbers instead of hypotheticals. He knows Mr. Costa is not in favor of keeping it open. He thinks Mr. Lussier made a great decision to keep it open, and he appreciates it. He and his family enjoy going to the road to look at different wildlife, birds, deer, bobcats, and more animals you cannot see anywhere else in Keene. It is a huge resource for people, including people with disabilities. Many people drive because they cannot walk, and they can park and enjoy the beautiful sights and the airport. He understands the concerns, and that the trucks go fast. He does not know what speeds they are going. It is not posted, because it is a private road. He has driven large vehicles, so he knows you either have to slow down or use air horns; there are other ways to get pedestrians to move if they are a problem. However, he would like to know, before they decide in three months to shut something down, and recommends that a study be done. The City does studies all the time, to see how many pedestrians cross Main St. or how many bicyclists. He thinks what people do not realize is that this access road is such a great resource for Keene, with so much wildlife, year-round. Many people go down there every day, maybe just for five minutes, as a way of improving their mental health while enjoying nature. The Keene Sentinel publishes many photos that people take on the access road of migrating birds and other wildlife that you do not see elsewhere in Keene. Before they even think about shutting it down, there should be a traffic study. How many trucks per day go through there? It is not that busy. He has been there many times over many years, and it is not that busy. It has received more attention, especially since more people were out there during COVID. The geographical landscape is changing a lot, too. The water is evolving. The community should be able to enjoy this resource. Regarding the people doing things they should not be doing, like burnouts and donuts, that is unfortunately enforced by the Swanzey Police Department. If they put up "NO TRESPASSING" signs, Swanzey is not going to respond. They see cruisers there to have a presence, but it is not enforceable by the Keene Police Department, as it is not the KPD's jurisdiction. His point is to think about the people who cannot walk and need the ability to drive on the access road to enjoy the outdoors.

Steve Lindsey of Franklin St. stated that he is concerned about losing these recreational spaces. He

named recreational spaces that have been lost in other NH towns. He continued that on Sunday, he went for a walk in Turner's Falls, which has had great success with an access road that is used for recreational trails. He wonders if City staff have studied what other communities have done. Turner's Falls is a much more distressed city than Keene, with drugs and other issues, yet they have a success rate. He saw about 30 people along the access road that is twice as long as the WTP access road, and he suggests Keene study their success. For example, the Turner's Falls access road has a few cut-outs where people can stop in their cars and watch the birds, and there are a few other things that get people off the road, and there seems to be a respect between the patrons using the road, the truckers, and the people using the research laboratory that is at the end. He suggests Keene visit some of these communities that have been successfully allowing recreation on the access roads such as this much longer than Keene has. He ended that the City should improve signage, too.

Ken Bergman of Blackberry Ln. stated that he was a biology professor at Keene State College (KSC) for 37 years. He continued that he believes the public officials here are sincere, competent, and well-intentioned in what they are doing. His daughter is a federal attorney, so he knows best not to question the legality of issues he knows nothing about. However, he wants to highlight the uniqueness of this location. He is one of the photographers who has been published in the Sentinel. He first started working there with students, using trail cams along the river, all the way from the WTP outlet on the river to north Keene. The wildlife they saw and documented with the trail cams is remarkable. Some of it leaks out onto the road and some even enters the vicinity of the runways. As a member of the Conservation Commission, he has worked as a liaison with Airport Director David Hickling, helping with letters to the NH Department of Transportation (NHDOT) and the Federal Aviation Administration (FAA), regarding the placement of the wildlife control fence. It was initially planned for the berm or dike that fragments the wetlands there, and Director Hickling felt the fence should be much closer to the runways. Director Hickley drove him around the perimeter of the runways and they scouted locations, and his application for funding for that fence includes a strong recommendation from him; McFarland Johnson, the consultant; and the Conservation Commissions of Keene and Swanzey for it to be placed as close to the runways as possible and far away from Airport Road, because of the way it would obstruct the view and study of nature in those locations. It is unique habitat, and not just for Keene – there is almost nothing else like it in southwest NH, which is why it attracts so many birders from out of the city. It is on a dike. You probably could not build the road today, given the current wetlands regulations, but it provides access as if you were at one of the western or southern wildlife refuges where you can drive and use your car as a hide or a screen to not scare away the birds. At least one of the outstanding photographers is severely handicapped and cannot walk that distance. Over 200 species of birds have been documented there, many of them rare species that are very difficult to see anywhere else. There are good shoulders to pull out on, and he always tries to make sure he is off the road and on the shoulder. You can sit there patiently with a long-lens camera. It is an educational place for people to come and understand what kind of resources the city has. Legally, it may well be a private driveway, and probably as a policy, the City has every right to regulate it and regulate traffic, but he asks them to take into the balance the unique values, not just for recreation, but for education and scientific study.

Chair Greenwald thanked Mr. Bergman and again reminded people to pass the word to stay to the side and follow safety protocols.

Mr. Costa stated that is thankful for the comments tonight, and he agrees with them. He continued that however, as someone who has the business to run at the WTP, he was just asking for that compromise, and he thought closing it during business hours was a good proposal, leaving all other

hours open for recreation. He agrees with everyone that it is a great spot.

Steve Hooper of 5 Colby St. stated that he thanks the City for giving the situation another chance. He continued that now that they have this extension, it is important for everyone to try to educate people on the importance of safety. When he was a City Councilor, safety was his utmost concern. Everyone in the city, everyone who uses the road, needs to realize the importance of safety for the septic truck drivers, for the pedestrians, and for the private vehicles.

Councilor Favolise stated that he sees the Sentinel here, and he guesses that many people are following this closely. He asked if there will be an additional press release on social media. Chair Greenwald replied that is a good thought.

The following motion by Councilor Favolise was duly seconded by Councilor Workman.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the Staff Report on Recreational Access to the Wastewater Treatment Plant Driveway in Swanzey and the Public Communications Relating to Concerns with Restricted Public Access to the Airport Road be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **Downtown West Side Parking Garage Study Assessment, Findings, Recommendations and Report Summary**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the Downtown West Side Parking Garage Study Assessment, Findings, Recommendations, and Report Summary be accepted as informational.

Attachments:

None

Background:

Don Lussier, Public Works Director, stated that he is filling in for the City Engineer tonight. He continued that with him tonight is Alyssa Peck from Weston & Sampson, who will introduce her team. He noted that Weston & Sampson was selected as the engineering consultant to lead the study. They completed their work of evaluating the feasibility of a parking structure for the west side of downtown.

Alyssa Peck introduced herself and Doug Ostler from Weston & Sampson, and Jim Zullo from THA. She continued that regarding the scope and goal of the project, they wanted to understand the existing parking today, whether a structure is needed now, or potentially in the future. They had to review the existing parking inventory within the study area, both public and private, and understand how those spaces are being occupied. They used drone data collection over a Thursday, Friday, and Saturday, last October or November. They collected the data every hour to understand how those spaces were being occupied throughout the day. Ms. Peck explained that once data has been collected, they look into whether the parking is adequate to accommodate future growth and use typical growth factors as well as future development to understand what size of a structure might be needed. They prepared some concept designs for that structure and a preliminary financial analysis for it. She showed a graphic of the study area and continued that it is generally Mechanic St. to the north and Emerald St. to the south and focused on the Central Square and Gilbo Ave. areas. She asked Mr. Ostler to speak about the existing inventory.

Mr. Ostler stated that he was tasked with going over the parking counts, gathering the data, and

coming up with some conclusions about existing conditions, then making projections for future parking needs. He showed a slide summarizing the types of parking in the downtown study area, and continued that for public parking, there are 372 on-site spaces, the majority of which are metered or paid, with a few that are loading zones or free spaces. There are 254 public parking spaces in off-street parking lots and some parking spaces that are privately-owned, whether available for the public's use by those private entities, such as shopping centers, or reserved by permit only.

Mr. Ostler continued that the next slides are heat maps showing snapshots of a few particular hours. They saw a moderate amount of parking around noon or 1:00 PM during the weekday. A moderate amount of parking was utilized throughout the study on the north and south sides, both east and west. There was quite a bit of on-street parking used on Winter St., Court St., and Washington St. On Saturday, parking was not nearly as utilized on the north side. Many offices might be closed. Main St. is more heavily utilized on Saturday, mid-day, than weekdays. They see a moderate amount of parking in public lots still, particularly south of Court St. Regarding weekdays at 6:00 PM, the highest amount of parking they counted was Friday evening, but on-street parking was nearly full everywhere they counted. There was moderate use of off-street public parking south of Court St. At 6:00 PM on Saturday, the parking was not as utilized in the north, but still very busy along Main St., with some moderate use of the public parking lots.

Mr. Ostler continued that in the future, they estimate continued use of the existing parking would remain about the same, but then they add on some growth projections. That can vary between what might be expected and what might actually happen in the future, but for their projections, they look at Census data – which has stayed roughly the same for Keene during the past two Census periods – and traffic in the downtown area. Main St. traffic volumes increased by a considerable percentage over several years. They also looked at currently vacant spots that could be filled in the future, and two potential sites where there could be some increased intensity for retail, if the city aims to have that, and residential use, if there is a desire for expanded downtown intensity and healthy growth in that area. They consider those as part of their future projections, as well as what he labels as a “cushion.” You do not want every single space filled; you want at least some for people who come in as people come out. They use 10% as a cushion.

Mr. Ostler continued that in summary, the existing parking was a maximum of 523 vehicles they counted parked within the publicly available parking spaces, with 103 to spare. In the future, based on the projections they used, they would expect up to 850 parking spaces to be needed. That includes the cushion. If there are only 554 parking spaces available in the future and there is an unmet demand they would want to supply for, with the possibility of a potential public parking garage in the downtown area, a concept that would give a total of 915 parking spaces would be able to meet the projected parking needs. In addition, if the City wants to evaluate any wayfinding, he noticed a few parking signs directing to areas of public parking, that could be revised for increased clarity or used if they intend to have more live areas for people arriving. They noticed some illegal parking. They did not notice many loading areas that might be more convenient for ridesharing or hailing types of activity where people are being dropped off as opposed to parking and staying. That could be considered. That said, Keene has a beautiful downtown, lovely for walking through, and he wants to make sure they maintain the downtown plaza appeal.

Jim Zullo, President of THA Consulting, stated that THA's role was to help evaluate different sites for a parking structure, identify what they thought was the best, do some functional designs, and then some façade renderings to show what it might look like. Lastly, they did a financial analysis of what the garage would cost to build, operate, and maintain; and how much revenue that might require. To

stress what Mr. Ostler said, the need for a parking structure downtown is highly dependent on new development. Many of the sites THA looked at are on Gilbo Ave., where there is a sea of surface parking. The need for a garage is part of the vision of how they see what is not the highest and best use of land a block away from the beautiful Main St. being developed in the future. Without development, the likelihood is the existing parking resources are adequate. Development would drive the need for a new facility.

Mr. Zullo continued that per the City's request, THA looked at three sites. First is Gilbo East. Initially, the discussion was about Gilbo West across the street, but functionally, that was too small of a facility. The City-owned property there was inadequate for supporting a garage without taking a good chunk of right-of-way. Second was the Commercial St. Lot, and third, where they pivoted to, was a privately held lot, very large, appropriate for parking and potentially other development, too. Parking functionality is about how to build the most efficient parking facility. Parking, and structured parking, are expensive. Thus, a key to evaluating sites is determining how efficient it can be, meaning, how many square feet per space. A good, efficient garage is about 320 square feet per space. With more than that, it gets expensive and is not recommended. With these sites, not only were they looking at what parking they could get, but also, other types of development. Typically, they do not want to design just a parking facility. He showed a slide of what other options were available based on Site 3 and continued that the City does not control that site, so they pivoted to the team's preferred option. Gilbo East is a difficult site that would require a lot of height to achieve the parking that would be needed as per the study and is less efficient because it is an awkward size. Because it is small, every parking space would have to be on a ramp, unlike the City Hall garage with its flat area. In conclusion, they determined that the Commercial Lot site was best.

Mr. Zullo continued that regarding the advantages of the Commercial Lot site, it is a very efficient footprint. Parking would only be about 35% on a ramp and the rest would be flat. The flat side, which would face Gilbo Ave., is a better aesthetic enhancement than looking at ramps. You can do a lot more with the façade to make it more attractive and to better fit into the downtown. This type of garage is more user-friendly, with multiple opportunities for access and egress, and opportunities for other types of uses at the grade level. This efficient design has a net gain of 300 parking spaces, which would meet future needs, per Mr. Ostler's evaluation. Again, the future need is a projection, not an exact science. The garage on the Commercial Lot site has no negative impact on adjacent properties. With the Gilbo Ave. site, an adjacent lot would have needed an easement. Mr. Zullo showed the footprint of the garage and continued that to achieve the amount of parking they talked about, it would have grade plus four supported levels, for a total of about 477 spaces. The net gain would be about 360 spaces based on the loss of the surface parking there. While planning this, they were cognizant of understanding the Cheshire Rail Trail, the Farmer's Market on Gilbo Ave., and even thinking about this first bay that could be used as either not parking, such as converting it to retail or community space, or a temporary expansion of Farmer's Market on Saturdays, if that was desirable. He indicated an area in the rendering that could be a bike storage facility, given its proximity to the Rail Trail, and continued that they have designed facilities that accommodate bike storage or bike rental facilities, which might be a nice option here. Thus, this is not just about the parking; it is about thinking of what other uses can be mixed in. These are just examples. The team regularly designs garages that have grade-level retail or community uses. They looked at architecture in Keene and you will see the renderings are sensitive.

Mr. Zullo showed more conceptual renderings of the facility from different viewpoints. He indicated the brick motif. He continued that an important factor of a parking facility's design is safety and user comfort. For example, you can see the significant amount of glass in the stair and elevator towers, to

make sure people feel comfortable and can see in and out. That is a key consideration to where those stairwells go. They want to locate them close to Main St. This facility is well located by the theater, Main St. businesses, and potentially new development on Gilbo Ave. and other sites. He showed the access and egress off Gilbo Ave. and another in the back of the facility, continuing that you get a sense of the scale of the project. This project is about 47 feet high to the top of the parapet wall. The elevator and stairs go a bit higher. He showed a rendering from the transportation center, looking down the trail, which gives a sense of the size and the street-level activity. He indicated how areas within the garage could be parking or another use such as a community center, or the expansion of the Farmer's Market on Saturdays. Again, this is conceptual; many other things could be done. He showed a rendering looking at the facility from across the street and one looking at the garage from the theater, which shows the brick wrapping around. A mural could break up the structure and enliven what would otherwise be concrete, or there could be scrims or artwork through the full length of the garage to add vibrancy. In sum, it is a very efficient garage, sized to accommodate that future need.

Mr. Zullo stated that regarding the preliminary financial analysis, in many towns and cities, people say they need a parking structure, but until they see the economics of it, they do not know how it works. He continued that in Keene, as is true in most or all towns, a parking garage will not stand on its own two feet financially. It has to be system financing. The revenue from all the parking Mr. Ostler talked about, in the streets and public lots the City charges for, has to help support a new facility, because the facility itself would require about \$250 to \$300 per space, per month, to be financially viable, to cover debt service, operating expenses, and capital reserves. In many towns and cities, that is not viable; there are not enough people paying that amount of money to make it work. Based on the conceptual plan, the team did an order of magnitude cost estimate, assuming it would be publicly financed, where the bond rate term is 30-years, cost of issuance of a bond, about 3% of the total value. They are still having discussions with the City's Finance Department and the Parking Director. The team assumed one of the drivers for this garage might be the development of the Gilbo East lot across the way into housing or something like that, which would be more beneficial than just a surface parking lot. They estimate about 80 units. They thought the sale of that property would generate some revenue to offset the cost of the garage. He has not talked with realtors in Keene, but he estimates that based on the number of units, they might get about two million dollars.

Mr. Zullo continued that the slide shows the total cost of the garage and the annual debt service. They included a debt service reserve fund into the sizing of the bond, which often is required by public finance entities. Regarding system financing, they have to look at how to adjust the overall rates to generate revenue to help support the facility. It is \$1.3 million of debt service every year. It is over \$500,000 in operating costs. They looked at rate increases over the next 10 years, to see how close they might get. They raised Keene's on-street rates, permit rates, and violation rates, and they did this also consulting other towns in the area, looking at their rates. Additional operating costs are associated with a garage, such as utilities, insurance, and maintenance. They also provided a capital reserve fund. Every year, the City should put away a certain amount. They projected about \$125 per space per year, which is about \$60,000 per year, because in seven to nine years they will start to have failure in joints, waterproofing, and items like that.

Mr. Zullo continued that the revenue they project over time not only increases to the existing rates, but also the additional demand that Mr. Ostler spoke of, giving a total projected revenue amount. Then, they add in the expenses. Note that the parking fund budget has a contribution by the City to pay for capital and things like that; it is not entirely made out of parking revenues. However, they wanted to show just what parking revenues would generate without any other City contribution. In

summary, there is an operating deficit in the first 10-years, of a little over \$3.5 million. In summary, it would require a subsidy by the City to support this garage, even with the projected rates. They could potentially get more aggressive with rates, but these rates would double the existing rates in 10 or 11 years. The rate today is a dollar per hour for on-street parking, and 10 or 11 years out it would be \$2.25. Again, that is not adequate to support this without some subsidy from the City. The team looked at grants that might offset the cost, and there might be some minor grants related to EV charging and things like that, but without the inclusion of a multi-modal facility such as a bus or something like that, or some significant economic benefit, grants for new parking structures are hard to find and win. This parking structure would only make sense depending on the future development in the area. In those cases, too, it becomes a bit of a catalyst. This facility absorbing some of the parking would open up other surface lots in the area for future development. In summary, the downtown has adequate parking now, but in the future, growth might start stressing that, and future development, depending on its intensity, might require a new facility. That new facility would likely require additional contribution from the City and would not stand on its own two feet financially.

Chair Greenwald thanked Mr. Zullo, Ms. Peck, and Mr. Ostler for their detailed presentation. He continued that for the benefit of the press; he wants to make it very clear that the MSFI Committee is not proposing that this is going to happen anytime soon. He does not want to see headlines saying the Council is taking on another multi-million-dollar project.

Mr. Zullo replied that to that point, the team did not even start projecting the financial analysis until three years out. He continued that there is no reason for it to be built for the next three years, maybe four or five years, if ever. Chair Greenwald replied that without the information, the City Council cannot proceed and make good decisions, so he thanks them again for the presentation.

Councilor Favolise stated that he has a couple questions. He continued that he appreciates the presentation. He had asked a question during the budget hearing, trying to understand the Parking Fund and how it is sustained. He asked if the City Manager could speak to that a bit, in terms of what goes into the Parking Fund, because they talk about it as “self-sustaining.”

The City Manager replied that the Parking Fund is sustained primarily by the revenues generated by parking, including parking permits, on-street parking, and all those fees. She continued that the fund also receives a contribution from the City; there are some administrative costs paid by the General Fund. That is separate from the Parking Fund and is calculated each year, based on staff time and other work that is done by the General Fund to support the Parking Fund. Primarily, it is a self-sustaining fund. It does contribute to the downtown. There has been a lot of work in the downtown area in terms of beautification, supported partly by the Parking Fund.

Councilor Favolise stated that it was a comprehensive presentation, and he thinks the City Council made the right decision to move forward with the study to take stock of where they are and what they might need. This will be an important resource in the future, as they continue to grapple with what is possible on Gilbo Ave. and what the Council and community would like to see. He thinks, broadly, that he would be interested in seeing how the parking demand does or does not increase based on the performance of institutions in the city and what they are doing. For example, KSC has been able to absorb its increased parking demand over the past couple of years with the temporary Blake Lot. If that is truly temporary, then at some point there will be demand for something closer to long-term, permitted parking. In addition, as they continue to see increased development downtown and increased development based on some of the restrictions they recently modernized in regards to building height, first floor residential spaces behind tenantable commercial spaces in mixed-use

zones that are on or adjacent to Gilbo Ave., he thinks the picture might change in the next few years in terms of the needed growth. He is not crazy about moving aggressively on increasing parking rates or parking violation fines downtown. It has struck him that the City has many free parking holidays where quite a bit of parking revenue is left on the table. That is something to think about in the future.

Councilor Filiault thanked the group for the presentation. He continued that he and Chair Greenwald have been on the Council for three decades and have seen too many parking garage presentations to count. Especially in today's economic climate and with the downtown project about to happen, because it has to happen, the chances of this garage going through are zero. He appreciates the presentation but does not want his constituents to think there is even a chance this garage will happen, because the Council will not approve it. Maybe they could look at it again in a decade.

The City Manager stated that staff is not recommending they move forward with a parking garage at this time, because the demand does not say they need one. She continued that however, the City moves slowly and plans projects methodically over long periods of time so that they can hopefully set aside funds in the future for when they do need them. They continue to monitor the trends as they loosen parking restrictions for housing projects, and they see different areas in the city continue to grow. Thus, she thinks this study was a worthwhile effort and something they will build on.

Councilor Tobin stated that she appreciates the presentation, and she was glad they touched upon the "cushion," which she was thinking of as "vacancy rates." She is not sure how much they explored timetables as part of this study, regarding when the City collects revenue versus when people are actually parking. She heard that Friday evenings were very busy and Saturdays were very busy on Main St. Mr. Ostler replied that the team has data for many hours of the day for this presentation. He continued that he did not specifically look at revenue by hour.

Mayor Jay Kahn stated that if there were to be some public/private partnership relative to an infill project in the downtown, in that general vicinity along Gilbo Ave., his question for the consultants is whether it is the most logical to use lower levels for the parking and have the development above be residential, or in the opposite direction. He is asking in terms of safety, emissions concerns, and how fan control and things best work in order to allow for that kind of public/private partnership at a site like this.

Mr. Zullo replied that there are a couple of ways parking can be developed with residential development. He continued that one is a wrap, with residential wrapping around the garage, which is the most common and most affordable. The other option is an overbuild, with a podium of two or three levels of parking and building over it. The challenge with that is the structure of the building above often has to come down through the garage, so instead of being an efficient parking space of, say, 320 square feet per space, that can go up to 375 square feet or more, and basically, it is cost per square foot. However, both options are utilized frequently. The podium just tends to be higher, because you will have layers of parking and then a building above. Another benefit of a wrap is it somewhat hides the facility as well, as many people do not like looking at parking garages. Both scenarios come with additional venting or HVAC requirements, because an open parking garage has to have a certain amount of air that gets through it. Otherwise, you have to put in mechanical ventilation.

Chair Greenwald asked if anyone else had more comments. Hearing none, he asked for a motion.

The following motion by Councilor Workman was duly seconded by Vice Chair Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the Downtown West Side Parking Garage Study Assessment, Findings, Recommendations, and Report Summary be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Request for Extension - Deadline for Start of Construction - Brookfield Lane

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Council grant WMR Development Company an extension to the construction deadline stipulated in condition Number 5 of the Resolution R-2023-29-C, to provide an additional 12 month period from the date of Council action, subject to all other terms and conditions stipulated in the Resolution.

Attachments:

None

Background:

Mr. Lussier stated that this is a request to extend the construction deadline for a road layout. He continued that the City Council approved a layout for a road to be known as Brookfield Lane, nearly two years ago. Construction has not started, but the Council included a condition of approval that construction begin within a 24-month period of the date of approval. For that layout to remain valid and usable, the Council would have to approve an extension of that specific condition. A request has not been made to extend the completion date, so presumably, the contractor or owner would have to start and complete construction of the public infrastructure within 36 months, which would be next September. Tim Sampson, author of the letter and here representing the property owner, is here and he can answer questions.

Chair Greenwald asked to hear from Tim Sampson. Tim Sampson of Sampson Architects stated that Mr. Pappas asked him to file for the extension on his behalf. The background is that Norm Henry attempted to develop this property years ago, and he himself has been involved with this ever since Mr. Henry was trying to build houses there. During that transition when Mr. Henry passed, Mr. Pappas bought the property. That has slowed down the process. In talking with Mr. Pappas, he believes that SVE is finishing their end of the engineering, and once that is completed, he thinks it needs to be resubmitted to the City for final approval. Mr. Pappas will probably be ready to start construction in the spring.

Chair Greenwald asked if it is correct that there are no changes in any of the plans or conditions. Mr.

Sampson replied not that he has been made aware of.

Chair Greenwald asked if the Committee had questions. Hearing none, he asked for public comment. Hearing none, he asked for a motion.

The following motion by Councilor Tobin was duly seconded by Vice Chair Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Council grant WMR Development Company an extension to the construction deadline stipulated in condition Number 5 of the Resolution R-2023-29-C, to provide an additional 12 month period from the date of Council action, subject to all other terms and conditions stipulated in the Resolution.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Downtown Infrastructure Project Update**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the approved scope of the Downtown Infrastructure Project be modified as follows:

- Eliminate work on Gilbo Ave. and Church St.
- Re-use existing LED fixtures to the maximum extent feasible
- Bid the spare conduit and handholes as a bid alternate item
- Loosen the contractor work restrictions in order to allow construction in two seasons instead of three

Attachments:

None

Background:

Chair Greenwald stated that discussion of the Downtown Infrastructure Project is the “main event” of the evening. He asked how many downtown merchants and downtown building owners are present tonight. He continued that he spent some time going around and spreading the word that the MSFI Committee meeting would have a discussion of downtown. To the Public Works Director’s credit and the City Manager’s credit, there has been a lot of conversation about the downtown project. He and Councilor Filiault have spent a good deal of time talking with staff about some issues which Mr. Lussier will go over, and some solutions to questions. They will hear some good news and some responsive changes that should make the downtown community pleased. He asked to hear from Mr. Lussier.

Mr. Lussier stated that he prepared a presentation for tonight to make it easier to talk about some of the numbers. He continued that the bottom line is that two weeks ago, the City got a much-anticipated updated cost estimate from Stantec based on the final design. He does not think anyone is surprised to know that costs go up, but it was quite a bit more of an increase than he was expecting. The first question he wants to address is what caused this enormous cost increase. He

broke it down by categories of work. It will be difficult to try and follow the numbers from one chart to another, because they are slicing and dicing the numbers in different ways.

Mr. Lussier continued that regarding categories of work, demolition and excavation is setting the stage. The estimate based on the preliminary design was about half a million dollars. The final design came in at one million. The biggest, single item of that was a change in one of the assumptions that they made. It is very typical for this sort of infrastructure project to abandon pipes in place. Essentially, if a pipe is not in your way, you just plug both ends and leave it there. He does not recommend that for the downtown. Eventually, those old clay pipes and old metal water mains will rust through and break, and then soil gets into them and causes settlement, uneven surfaces, and sinkholes. It is not a huge deal when it is on a side street, but in the main downtown corridor, it would cause much disruption for a future Public Works Director, and he does not feel good about leaving that to whoever comes after him. Thus, that change – the cost of digging up the pipes and fully removing them instead of plugging and burying them – added \$250,000. The biggest single line item here is the drainage. There was a small increase in the scope, some additional linear feet of pipe than the original estimate, but the original cost estimate underestimated unit prices. They updated the pricing per linear foot of piping and structures based on the most recent DOT cost estimates they are seeing on bids, using Island St. as an example, and in some cases, those estimated prices doubled. Unfortunately, they just missed the ball on the cost for that work. Drinking water was one of the few bright spots; they are right on target. Sewer is very close to the original budget. Curb and Sidewalk went up substantially, about \$300,000, which includes all the concrete surfaces. Half of that cost, about \$163,000, was because the preliminary cost estimate did not include stamped crosswalks. When (former Public Works Director) Kürt (Blomquist) did his trials of different types of crosswalk treatments downtown, they had hexagon patterns, stamped pavement, and inlaid bricks. Over the years, they determined that stamped asphalt is the best option for making the downtown crosswalks a little special. Inlaid pavers had longevity issues and were hard to maintain. Hexagon pattern inlays were impossible to maintain and had to be painted over. The stamped asphalt in use now, the red brick pattern, is asphalt surface with a thermoplastic on top, heated, to press a form into it to give it that brick pattern. It is easy to repair and has good longevity. That was not included in the preliminary cost estimate, but it accounts for about half the increase for Curbing & Sidewalk.

Mr. Lussier continued that Lighting & Electrical was another issue. Most of the cost increase is the electrical more than the lighting. The preliminary lighting estimate was spot on. The cost of replacing all the electrical system downtown, which are the conduit and the wires that run between the lights, and the pedestals where event organizers are allowed to plug in, was about half a million dollars more. He was shocked at the size of the wiring needed to supply that power, something like 7,000 feet of copper wire, half inch in diameter, which is a heavy duty cable, due to the lengths and voltages required. Landscaping & Furnishing went up about 10%, which is just cost escalation. The other big increase is General Conditions, Allowances, and Contingencies. This “catch-all” category includes things like the cost of the contractor moving all his equipment to the site, the cost of the contractor having a foreman on site overseeing the work, and things like allowances that the City writes into the contract that are spent only with City permission. For example, right now they are carrying an asphalt escalation, meaning that if the price of asphalt changes through the duration of the contract, they adjust the price of bituminous pavement accordingly. It is a well-established formula set by DOT. The Federal Energy Commission monitors fuel prices around the nation, and their indexes are used to make that adjustment. It allows the contractor to know that if his costs go up through the duration of the contract, he has protection, and it works both ways – if the cost of asphalt goes down during the contract, the City gets a credit for it. They are also carrying a quarter million dollars in a contingency allowance for contaminated soil and ground water. With any luck, they will

not spend a dollar of that, but if they do run into a situation, it is there. They know that a gas station was in the vicinity of the Emerald St. and Main St. intersection, which had leaks. If they run into contaminated soil, it would have to be managed appropriately, put into containers, tested, and disposed of properly. The allowance would let them pay for that without stopping the contract while they go to get a Change Order. That money increased but is there as an insurance policy. Those are the big items and how they broke down by different categories of work.

Mr. Lussier continued that regarding what all of this means, the project that the Council approved, and the scope they all agreed to, right now in the General Fund is short about \$5.5 million, maybe a little more. The Sewer Fund is short about \$400,000. That is a lot of money, obviously. They worked with the City Manager and came up with suggestions for cost reduction measures. The biggest would be to eliminate Gilbo Ave. and Church St. from the scope of the project. This big change would save about \$2.3 million. They would just turn the corner on both of those streets, 20 or 30 feet from Main St., and stop the utility work there. The work would have to be done in the future, but it would not affect the downtown merchants if they came back in 5-10 years to do that work. It is not as urgent as the Main St. work and can safely be postponed, with no adverse effect on the downtown community or neighborhood. It would be relatively low risk. The Gilbo Ave. work is to prepare the area for anticipated development. Thus, if some massive housing development were to be proposed on a parcel there, the City does not have a way of providing fire protection, water, sewer capacity, and drainage capacity with the existing infrastructure. This project was intended to set that up for the future so they can continue past St. James to School St. and provided the utility infrastructure that will be needed at some point. The second cost-saving measure is re-using the existing LED fixtures. They have always talked about re-using the existing lamp poles. The project adds more lights, and they can get the same style so they will match the existing light poles. There are a few of a different style, which they will not re-use, but most of the light poles downtown they had planned on reusing. They had planned on changing the actual lighting fixtures out, the glass that sits on top of the light pole. Those are older and do not meet current standards for Dark Sky and produce a little more glare. Talking with Stantec, he thinks that about half of them are in good enough condition to safely re-use. That would save about a quarter million dollars. Eventually, the fixtures will reach the end of their useful life and need to be replaced, but they can drag that out a little bit.

Mr. Lussier continued that finally, the one that the Chair alluded to is the idea of trying to crush this project from three construction seasons into two. That comes with a caveat. They will have to change the rules of the game that they have been talking about for the last three or four years. They have said all along that they would put restrictions into the contractor's contract so that, for example, he is only allowed to take 25 parking spaces out of service at a time while the rest of the downtown parking remains in place. If they want to make it doable in two seasons instead of three, they will need to give the contractor more latitude to disrupt more of the downtown at any one time. If they are willing to live with that condition, with more of the parking torn up, more of the streets under construction, and more of the roadway under construction at any one time, they can have a couple different crews working on different parts of the project area, and do it in two seasons. He thinks there are contractors in the area that can do that. He knows at least one downtown merchant has asked if they can do it in one season, but he does not think any contractors in the area have the equipment or staff needed to do it in one season.

Mr. Lussier continued that they also looked at whether they could find any more money. They have two suggestions. First, in FY26, Ash Brook Road signals were scheduled for replacement. In talking with his staff and the people who have been taking care of the signals for years, they think they can safely push that off. That one is relatively new, compared to most of the City's signal equipment, and

can wait a little longer. That is \$225,000 that could be put into the downtown project. Second, the other one to think about is the Court St. Culvert Replacement project. This stone culvert is scheduled for replacement in FY27 at the cost of nearly a million dollars. He thinks they can postpone it, but they will see it scheduled in the upcoming CIP when they talk about that in five or six months. That was planned for debt funding, so it would offset some of the additional debt funding they would need to make this project happen. If the Council were to take all the scope reduction suggestions and the project delays and diverting those funds into this project, that leaves them with a shortfall of about \$2.7 million, all of which would be in the General Fund.

Mr. Lussier continued that there are several cost-saving measures staff considered and thought about and are not recommending tonight, which he will take a moment to go through. One is to remove the spare conduit and pole boxes from the project scope. Since the Council adopted a “dig once” policy many years ago and staff tries to think about what else needs to be done, they had planned on putting in two empty conduits with pole boxes, intended for future use for fiber optics, telecommunications, and that sort of thing. To do those conduits and pole boxes, just the materials alone are \$135,000. That said, it is contradictory to the “dig once” policy, so his suggestion is to have that bid as an alternate. They can evaluate, when they get the bids in, whether it makes sense to move forward with that option. The next one is temporary pavement. Right now, the bid estimate includes the cost to temporarily pave areas that have been dug up but are not going to be touched in a little while. Eliminating that temporary pavement entirely would save about \$280,000. They do not recommend it, because they will want the ability to put down temporary pavement for a couple of months until the project is completed, if an area is generating a lot of dust and causing problems for the merchants. Staff can try to minimize it and control as much as possible, but having that money there gives them more flexibility to respond to concerns. Next, eliminating the imprinted crosswalks would save \$163,000. That said, having those special crosswalk treatments versus just painted crosswalks they see everywhere else in town is part of what makes the downtown look and feel special and different. He would hate to see that go away. It is part of the downtown aesthetic, and the imprinted crosswalks have served them very well. They have a good lifespan, and it is easy to repair the worn portions without having to re-do the entire treatment. He does not recommend removing this and he hopes the MSFI Committee keeps it. Next is minimizing the use of colored and textured concrete. He says “minimize” because they will need some textured or colored concrete to provide buffers, such as the buffer between the parking stall and the bike lane, and between the bike lane and the regular sidewalk. Those areas need to be differentiated, so they cannot eliminate the cost entirely, but they could minimize it by eliminating it in places like Railroad Square. However, he would reiterate that those sorts of aesthetic treatments are part of what make downtown special, and he would hate to see them spend a lot of money and end up with a project that no one loves, and that they think is ugly. That would be a loss.

Mr. Lussier continued that regarding Temporary Lighting, the project includes about \$100,000 for that. Once all the existing light poles are removed and they are digging up the downtown, there will be periods of time when there is no lighting installed. The contract includes the cost for the contractor to rent and install temporary lights for public safety. He thinks that is important and does not recommend removing it. Next, because he knows it will come up, there is the question of just removing the bike lanes. There are 1,700 square yards of colored concrete on the bike lanes. Making them plain concrete would save about \$68,000. For that modest savings, they would be violating the Complete Streets policy and the policies that have consistently said they want Keene to be a bicycle-friendly community. He does not recommend that. Something else that might get more attention is tree wells. They have talked about including Silva Cell structures under the sidewalk that prevent soil compaction and provide tree roots with more volume of air and water so they can absorb stormwater

and have healthy root systems. They are expensive systems, but ultimately, they result in healthier trees with longer lives, so he thinks they are worth it. They are an important part of reducing the amount of stormwater runoff that reaches the surface water. We cannot just keep building bigger pipes to manage stormwater; eventually the solution needs to include these green screen options that absorb more water, hold it on the landform, and allow the natural processes like evapotranspiration to suck up the water and release it to the atmosphere. He thinks the investment is worthwhile, but it would be a savings of about \$379,000.

Mr. Lussier continued that finally, he has heard people ask why they do not just dig a trench, replace the pipe, and put it back exactly the way it is. He has two arguments against that approach. First, it is likely to be more expensive, not less. Second, he guarantees no one would be happy with the finished product. He showed a graphic from the conceptual design stage, early in the project, and showed the trench surrounding new water mains, new sewer lines, and drain pipes. He continued that once you dig up a trench for water, sewer, or drain – and not shown here are the gas lines that will also be replaced – the amount of pavement and concrete sidewalk that is left untouched is about 50%. If the City spent \$20 million and there was a trench across Main St. every 30 or 50 feet, and a trench across the sidewalk every 25 feet, no one would be happy. Regarding why it might actually cost more, when the City bids infrastructure projects like this, they pay one price for machine method asphalt. When they are paving a road, the big paver machine comes in and puts down hundreds of tons in a day, up to a thousand tons in a day. When they are paying for the repair of a single trench, they pay a different cost, because the contractor cannot use the same big machine that puts out thousands of tons a day. In many cases, they are literally dumping the asphalt and laborers smooth it, rake it, and compact it. That is called “hand method.” The unit price for that type of work is much more expensive. When you add that more expensive method of doing the work with the fact that it is just a terrible idea, he hopes people are not tempted to go that route. He knows the Committee members hear people suggesting that idea, but for those reasons, he does not recommend it.

Mr. Lussier stated that he turns it over to the City Manager to talk about how to bridge the gap. The City Manager stated that this afternoon, they spent a lot of time looking at the Capital Improvement Plan (CIP) and the operational budget. She continued that the CIP has a Downtown Infrastructure Capital Reserve, funded by a TIF District in the downtown. They have been setting aside money in that capital reserve for many years, and they were planning to pull money out of it to fund this project. However, starting in FY27, which is when they would start to pay a bond on this for this General Fund difference they are talking about today, they actually have the funds available in that capital reserve to pay the bond and the interest payment. Originally, they were planning to set that aside for a future parking garage and they would be able to use that. Why that is important is, they looked at (the fact that) already in this project, they had planned debt funding, either in storm water resilience portions of the project or other parts of the project, but today they focused specifically on the \$3 million difference and how to bridge that gap. They can confidently do that with the Downtown Infrastructure Capital Reserve account, to fund the interest and principal payments for this \$3 million difference. She would add that is a simple answer, but the other thing that is important to talk about is that they are now beginning the capital planning process. Over the next several months, the MSFI Committee will be looking at all projects in the city for the next seven years and beyond. At that time, they go through an extensive process to update costs and look at whether priorities have shifted. They will then also have an opportunity to look at the bottom line impacts of projects on the budget, and while tonight Mr. Lussier has mentioned a couple possibilities of projects to push out, that conversation will be ongoing until they finalize a capital plan in five or six months.

Chair Greenwald stated that he and Mr. Lussier previously talked about the idea of eliminating the

temporary pavement and going straight to a base course. He continued that that sounded like a good idea to him. Mr. Lussier replied that they can minimize the use of the temporary pavement. He continued that his hesitation is that eliminating it from the contract entirely would reduce their ability to respond to customer complaints. He would prefer to have it in the contract when they put it out to bid and tell Bryan (Ruoff) and his team not to use it unless they need to. If they remove it entirely, it is a tool they do not have in their tool bag. It comes down to trying to make it tolerable for the businesses.

Chair Greenwald stated that an observation that came to him is that the construction project is not actually two years – it is two six-month periods. He continued that maybe that is a different way to market it.

Councilor Filiault stated that he and Chair Greenwald have both been actively working on this for about four years, and actually for longer. He continued that he thinks this is the 71st meeting about the downtown project. He is disappointed by the lack of attendees here tonight. This is probably the most important of the 71 meetings, because they are almost there. To those who did not show up, and to the “keyboard warriors,” his question is where they are tonight. A question/comment he hears very frequently is, “Just do the pipes and nothing else.” Mr. Lussier went over this a bit, but he will repeat it again, because he wants people to hear it. They envision going down Main St. with a backhoe, taking up a pipe, putting down a pipe, and paving back over it. That is what people think it is, but what they do not realize, as Mr. Lussier said, is that is not the major problem. The major problem is all the pipes coming out of the buildings. The buildings and pipes are of various ages, and the pipes vary in size, all the way from the beginning to the end of Main St., that connect into the pipes on Main St. Thus, when people say, “Leave the sidewalk alone,” they do not realize the sidewalks have to come up so the contractor can get under them, because probably the most important part is where the pipes are coming out of the buildings and will connect into the new line. He wants people to understand that this is not a case of just digging up some pipes with a backhoe and putting them down again.

Councilor Filiault stated that even though this is a complicated funding project, and he applauds the City Manager for the time she put into this, if he thought these pipes could go another three years he would be the first one to say they should hold off on the project and maybe they would get a new administration in Washington that has a clue. That said, they have seen throughout Keene that it is not the case anymore that the pipes can wait. They are taking a risk by delaying. Every week, they see a water pipe bursting in Keene. He asked the City Manager if it is correct that she is saying that with the funding mechanisms they have in place, with the bonds that are maturing and then obviously they will have another bond go out, the net tax increase for the average Keene citizen will be negligible or flat. The City Manager replied that they are talking about the increase in cost that they are talking about today, which is the additional amount of approximately \$3 million of General Fund borrowing. She continued that she has identified the capital reserve account to pay for the principal and interest payment for that additional \$3 million, therefore negating any additional impacts from the project. The project has been funded over several years, so she does not want to say the project is not impacting taxes, because it has been funded in the capital reserve, the water and sewer department, and in a number of ways. But they focused on this increase and they have a way to fund it, using that Downtown Infrastructure Capital Reserve.

Councilor Filiault stated that Senator Shaheen has come up with a grant of about \$2.8 million if he is correct. He asked if that is in the project right now. The City Manager replied no, they did not include that, because they do not have it, but they have made it through the first round. She continued that

Public Works put together a competitive application to Senator Shaheen's office for a congressionally directed funding request, for about \$2.8 million. It is focused on the sidewalk, bike lanes, expansion of the sidewalk space and green space, and things of that nature. That would offset a good portion of the General Fund portion that they are talking about tonight, if it is successful.

Councilor Favolise stated that he appreciates Councilor Filiault's comments about the project moving forward, and he knows there will be an attempt to do this, and he is not interested in re-litigating the merits of the project. It has to happen. He continued that he has many questions, some of which he will address offline with staff. He wants to ask for more specifics around what loosening the work restrictions looks like. They are eliminating streets from the scope of the project, which in his mind should contribute to the ability to get this done on a shorter cycle anyway. One of the commitments they have made to downtown residents, consumers, and merchants is that business will be open, they will limit the number of parking spaces that are being taken up, and limit the number of storefronts being impacted at any one time. So long as they are trying to maintain the integrity of the project through this process, they also need to maintain the integrity of their commitments to the community around what this disruption will look like. He is a little uncomfortable without having more specifics about what they have in mind for loosening work restrictions.

Mr. Lussier replied that the biggest ones will be parking and the amount of roadway being disturbed at any one time. He continued that the rules of the game that they talked about, using Central Square as an example, is if the contractor is working on the section in front of City Hall, then the section in front of The Stage and The Pour House would have to remain open for people to park and access those businesses. When the contractor moves over to The Stage he will have to make the section in front of City Hall available. In terms of traffic, when they are working here, they would not also be working down Main St. in front of those businesses. They would be working in one section at a time and hopscotching around. His idea is, to make this something that can be done within two seasons, they would need to have two separate crews working at two separate locations. They would be doubling the amount of parking that would be out of service at any one time. It might be the east side of Central Square in front of City Hall and the section of Main St. from Roxbury St. to Church St., for example. All of that would be under construction at one time, and all those parking spaces would be eliminated, while two separate crews are doing separate jobs, and then they would move on to a different location.

Councilor Favolise replied that he would ask downtown merchants how they feel about that, but looking out at the crowd, he does not think he has that opportunity tonight. He continued that he has another question, as he is trying to understand how the misses on the estimates happened. He is trying to get a sense of whether those were misses by Stantec, by the City of Keene, or how they arrived at this point. He has full faith and confidence in the City Manager that they will be able to fund this in a way that makes sense, because of the years of planning, and avoid a spike in the tax rate that he knows the constituents are concerned about. He just wants to know how they got to this point with such significant misses. Mr. Lussier replied that it was not just one big item. He continued that obviously, there were some large items, but it was several different factors, as he said. For assigning responsibility, he does not want to say that Stantec dropped the ball, because he thinks they did a great job on this project. The reality is that when going through iterative design processes, unforeseen changes always come up. He himself had no idea that almost half a million dollars' worth of electrical wires would need replacing, for example.

Councilor Favolise replied that that is fair, and they all need to have realistic expectations around a project of this scope and magnitude. He continued that the memorandum in the agenda packet

references eliminating bid alternates or optional items the Council previously voted to include as bid alternates. He did not hear that talked about tonight. He understands it is not necessarily a cost savings, because they are alternates, not factored in. He thinks the proposed changes largely preserve the integrity of the design approved by Council throughout the various stages of the process. He has some questions about the integrity of the Council process, regarding the Committee recommending pulling things out they have already litigated in front of the full Council this year. He asked Mr. Lussier to speak more about that.

Mr. Lussier replied that the City Attorney caught that notion earlier and pointed it out to him, saying that depending on the Council's view of this question, this could theoretically be a reconsideration of a decision the Council already made. The City Attorney can jump in, but he thinks the Council is allowed to waive that requirement. The City Attorney replied that she gives credit to Councilor Favolise for coming up with this concept. She continued that the concept that would apply to reconsidering a topic or vote that has already been done by the Council lives in the rules under Section 33. It is not strictly a reconsideration; it is when a matter in front of the Council is an identical subject matter to what they have already considered. What that means on a play by play is up to the Council. The Council created the rule and thus gets to use the rule. If something is in front of the Council and they do not think it is the same thing, they do not have to have the rule applied. When they do have something they see as identical to something they have already done that year, the rule would prevent the Council from considering it again. The Council could suspend that rule if they want to address that identical subject matter and vote on it again or vote in a different way.

Chair Greenwald asked if she is referring to the calendar year. The City Attorney replied yes. Chair Greenwald stated that to phrase it another way, they could not just suddenly say "No project."

Councilor Tobin stated that they always knew delaying would likely increase the cost. She continued that they hoped to get additional funding to cover that, and they still hope to get some of it. She is impressed with how staff has pivoted over the years in delaying it and in coming up with alternative plans when finding out the costs increased. She hears parking is a concern and having to work in larger areas. They just heard a presentation that said at peak parking times there are still 103 open spots. For her, that alleviates that concern. She could also take the approach of (saying that) people are concerned about money right now and things are especially expensive, but as she thinks about it, a lot of that is because budgets have been cut. That is the extra cost, that there is not as much assistance. She would hate to see a Band-Aid approach with people having trouble accessing businesses, in the long run when the project is complete, or that (downtown) is not a place where people want to come. Some of this is not ideal or what they had hoped for, but she feels good about the way this looks and the recommendations put forward.

Councilor Workman stated that for the record and for people at home, she wants to be very clear that the MSFI Committee and the Council have always been very clear about possibly needing to pivot as they got closer to the groundbreaking, especially regarding the aesthetic designs. She continued that however, even in January when the Council agreed to postpone the project, many Councilors were concerned that the delay was specifically to allow additional prep time for businesses, but there was also a concern that the delay would then be used as a tactic to change the overall site plan, so she is glad to see the City's recommendations are more leaning to the aesthetic side. She wants to keep that very clear, that that was the agreement Council had when they voted in January. As they planned, they went very pie in the sky big, knowing they might have to scale back. That is what you do when you are planning. She is not concerned about that. She thanks the City Manager for explaining and for pointing out how they can make these changes without increasing the burden on

taxpayers.

Councilor Workman continued that she has a question. She knows representation from the downtown merchants is not here tonight, but she is concerned about and wants their input on the change of seasons. The project has an ombudsman, so she hopes he has gone out and had these conversations with some of the business owners. To her, shortening the project sounds good, but she would feel better hearing from business owners on that. Mr. Lussier replied that that is a wonderful segue, as he wanted to introduce everyone formally to the Ombudsman for the Downtown Infrastructure Project, George Downing. He continued that Mr. Downing started with the City on June 10 and spent a little time catching up on all the work they have been doing for the past five plus years, in terms of how we got to this point and how the project evolved. He also has been going out and meeting many of the merchants.

Mr. Downing stated that he is the Downtown Infrastructure Project Ombudsman. He continued that he has walked downtown a couple of times and is starting to meet people. He has not had the conversations that Councilor Workman asked about, because the two-season proposal was still being worked through by staff and he did not feel it was appropriate for him to start proposing that. Some merchants, as Mr. Lussier alluded to have actually asked if the project can be done sooner. Most who asked that wanted one season. Thus, there is appetite for that. Once he hears what the Committee is leaning towards, he does want to start talking one-on-one and finding out how the two-season tradeoff versus the more aggressive phasing will impact the merchants and business owners. The ones he has talked to said, the faster they can get this done, the better. He hopes that is where it lands, because he suspects that is where the Committee also lands. That is the largest share of the savings you can see from these proposals. He will be reporting to the Committee monthly on what he is hearing from the merchants. Most of what he will be dealing with will be communications perspective, bringing information to people about what the scheduling looks like and what changes are happening on any given street at any given time, and connecting people in the city with the construction people directly that can help them with difficulties they are facing. Hopefully, he will not personally have to bring issues to the MSFI Committee. If something does have to come to the Committee, it will be through Mr. Lussier. Committee members are welcome to reach out to him, and his contact information is on the Downtown Project webpage. He will reach out to the Chair directly to ask what he wants to hear from him on a monthly basis.

Councilor Workman asked if they are up against a timeframe, if they were to put this on more time until they have the answers. She asked if they have to make a decision tonight. Mr. Lussier replied that he does not think there is an urgency tonight. He continued that they are planning to advertise this project mid- to late-September, so that might be delayed a week or two.

Councilor Favolise stated that he is not inclined to put this on more time. He continued that he shares Councilor Workman's concern, regarding not having heard from the downtown merchants. They have a week before the Council (meeting), and if they needed to make a change to this on the Council floor based on feedback they receive in the next week, that would be preferable than pushing this out further. His question to the Committee is whether they want to address the topic of eliminating items they previously asked to include as bid alternates here, or to let that process move forward and have the Finance, Organization, and Personnel (FOP) Committee decide when the contract comes back, and maybe avoid having to suspend the rules. That the latter would be his preference. Chair Greenwald replied that works for him.

Chair Greenwald asked for public comment.

A member of the public who did not identify themselves stated he thanks Councilor Favolise for asking the question regarding the original estimate to where they are now, and regardless of who you throw under the bus, that is not acceptable. He continued that his question for Mr. Lussier is regarding the last slide, which said "Contract Management" would be a million dollars, with no preliminary estimate. Mr. Lussier did not talk about that. He asked what that is.

Mr. Lussier replied that Construction Administration is the cost of having an inspector in the field, a project manager who will be attending meetings and whatnot. It is very typical for this type of project. For example, the FOP Committee recently approved contracts with GPI to do those sorts of services for the George St. Bridge Project and the Transportation Heritage Trail. The Construction Administration fee was not included in the preliminary design estimate; it just was not a line item on that estimate, but it is a cost the City will have to pay.

Councilor Filiault stated that earlier, when they were talking about possibly delaying things, one of the problems or concerns at the time was the unknown of how the tariffs would affect construction costs and equipment, much of which comes from Canada. From what he was hearing, construction companies were bidding high, just because they were unsure of the costs of materials. Obviously, the tariff situation has not settled. He asked if Stantec is finding that construction companies are bidding high due to being unsure of what they will be paying for equipment. Mr. Lussier stated that the Sentinel was asking him questions like this earlier today, and he will tell the Committee what he told the Sentinel – it is very difficult for him to say that a specific portion of the cost increase is due to tariffs, or labor shortages, or something else. The dataset they are using for this is the most recent DOT bid pricing they have access to so they can see what contractors are bidding on a ton of asphalt, a cubic yard of gravel in place, and so on and so forth, and the City's pricing for those projects. They cannot look into why a contractor is choosing to bid a particular item a certain way. It is hard for him to know why prices are going up; he can only tell them that these are the prices they are seeing for bid items now, versus what they saw for bid items last construction season.

Chair Greenwald stated that as Mr. Lussier was talking, it struck him that these are still estimates. They do not have any bids yet. Mr. Lussier replied that is correct. Chair Greenwald replied that maybe bids will go down. Mr. Lussier replied that he is an eternal optimist, and will say, engineering firms have incentive not to be the low bidder. He continued that with their incentive structure, it is much better for a firm to tell the City it will cost \$23 million and have it cost \$21 million, versus the opposite. He is thus optimistic that this is a conservative estimate and that they will be pleasantly surprised when they get bids in a few months. Chair Greenwald asked when they send out for bids. Mr. Lussier replied that their target is September 15.

Andy Holte of Forest St. stated that he encourages them to proceed with the project. He continued that he thinks what has been proposed with the changes makes a lot of sense. He agrees that they should not change any of the non-proposed items. In particular, he would love for people to stop talking about trying to remove bike lanes. He did the math, and the bike lanes are less than one third of 1% of the costs, which is very small. As Councilors Tobin and Workman touched on, and as Mr. Lussier explained, it is important to keep the above-ground elements, the improvements for the crosswalks, and so on and so forth. It is critical for everyone being satisfied when the project is complete. His question is whether they know how much of the cost increases could be attributed to the decision to delay (construction) by a year.

Mr. Lussier replied that that might be possible to answer, although he does not have the answer

available tonight. He continued that they would have to look at the unit costs a year ago versus now and try to break that portion of it out. He can report back to the Committee on that next month, if they want him to. Chair Greenwald replied that it would be interesting.

Councilor Ed Haas of 114 Jordan Rd. stated that he has a question for the Project Ombudsman. He continued that there was a communication to downtown building owners for interior changes that they might have, saying there might be a group-buying opportunity to purchase things like water meters, connections, or maybe even electrical services that need to be replaced. He asked if there has been any response from downtown building owners on that matter.

Mr. Lussier asked if he is referring to the communication that came from Public Works to the building owners. Councilor Haas replied perhaps. Mr. Lussier replied that to clarify, that did not address things like internal improvements, electrical servers, and whatnot. He continued that it addressed three areas. One is the section of the water and sewer utility that the property owner is responsible for. Public Works said that the City will replace up to the building face as part of the project, as they do with all their big infrastructure projects. If (building owners) would like to have a plumber replace from the building face into their basement up to the meter, they would work with them, give (building owners) a quote for that additional work, and then they could reimburse the City for those additional costs. The other piece was coordination for storm drains. If you have a flat roof, it is illegal to have the roof drains plumbed into the sewer system. They have to be plumbed into the storm drain system. That said, the City does not have an inventory of who might be connected to the sewer and who is not, so they said that if a (building owner) intends to reconfigure their roof drains, the City would love to work with them to make sure the connection the City is going to install is in the most optimum place for the building owner to connect to. The third item was ADA access to buildings downtown. Some buildings downtown do not meet current accessibility guidelines. If they (those building owners) intend to do improvements to their properties, to better make their entrances accessible, the City would try to work with them to make sure the City is meeting the correct threshold at the sidewalk and coordinate that so the buildings could have better accessibility. That was the extent of that. To directly answer Councilor Haas's question, no, nobody responded to that (letter) wanting to coordinate that or take advantage of that opportunity. Councilor Haas replied that he thinks they should work on more outreach there. That is probably Mr. Downing's department, making sure building owners are aware of that opportunity.

Councilor Favolise made a motion to recommend that the approved scope of the Downtown Infrastructure Project be modified as follows:

- Eliminate work on Gilbo Ave. and Church St.
- Re-use existing LED fixtures to the maximum extent feasible
- Bid the spare conduit and handholes as a bid alternate item
- Loosen the contractor work restrictions in order to allow construction in two seasons instead of three

Councilor Tobin seconded the motion.

Chair Greenwald stated that the motion is missing two potential items staff recommended in their draft motion. He continued that now he understands what Councilor Favolise was saying. Those items are "Eliminate the optional shade structure on Railroad Square" and "Eliminate the optional

compacting trash receptacles.” He asked if Councilor Favolise is saying he wants to leave that to the FOP Committee. Councilor Favolise replied that he thinks it is a cleaner motion for the MSFI Committee to make, instead of having to suspend the rules for part of it and going back and taking out contract specifications. He is not saying to have or not have the shade structure or compacting trash receptacles when they come back. They have already had conversations about what the estimates for the trash receptacles look like. He thinks the motion that he made and was seconded by Councilor Tobin is more appropriate for right now.

The City Attorney stated that she is not sure she has enough of the context of all the decisions the Committee has made, and the Public Works Director will likely have better intricacies, but to Councilor Favolise’s intent with this – which she appreciates – she does not know if the way the motion is phrased will avoid the Council determining that this is a similar matter. As she explained earlier, it is the Council’s prerogative to determine how Section 33 applies, if what they have in front of them is substantially identical. This motion and what is being proposed will probably require the Committee to analyze that and determine whether what they have in front of them is in line with what they decided before, or if it changes a decision or vote they have done before. It is a specific inquiry. She encourages them to review it before they vote.

Chair Greenwald stated that if he understands what the motion is, if there is a desire to eliminate the shade structure and the trash compactor, that would be done at an FOP Committee meeting when the funding is approved. He asked if that is correct. The City Manager replied that she thinks that is what Councilor Favolise is saying. She continued that she thinks the reason staff put it in this recommended motion is because it is just extra work for the contractor to bid on it if the City Council know it is not something that is likely to be approved. But when the bids come in, the FOP Committee will be wrestling with all sorts of things to make sure that the bid is in line with the available budget amount at that time, so they will be making recommendations about other bid alternates at that time as well.

Chair Greenwald asked if he should expect there will be a separate number for each of those identifiable in the bid. Mr. Lussier replied yes. He continued that his thought process in including those in the recommendation was, as the City Manager alluded to, that he does not like asking contractors to prepare quotes for something the City knows they will not buy. His other thought was that both of those items are very easily added at a later date. If they build Railroad Square and then decide in, say, five years that they really want that shade structure, it is a simple matter to install a shade structure on top of the existing, finished surface. He thought those were thus easy items to take off the table. That said, if the Council wants to know what those are going to cost, they can include those in the bid and that is that. Chair Greenwald replied that he would recommend that.

Councilor Tobin stated that she imagines with some of these, the conversation would be the same as it was at Council last time, about whether to include them or not, and likely, they would end up adding them as bid alternates. She continued that she thinks that is what Councilor Favolise was trying to avoid, which she did not understand at first. She thinks he was trying to simplify it for Council a bit so they were not unnecessarily debating a lot of things.

Councilor Favolise stated that the impression he is getting is that his attempt to simplify things was unsuccessful. He continued that he made his opinion about the trash compactors clear, based on his initial vote for the cheapest option. It is not about wanting to be married to the shade structure or to the trash receptacles. They are obviously in a budget environment now and some bid alternates will need to be cut. For him it is a process question and about simplifying the process and making sure

decisions are being made at the committees they should be made at.

Councilor Filiault stated that he could go either way. He continued that he would have preferred they stay on the recommendation to eliminate here because he remembers that neither of these options had strong Council support, certainly not majority support, based on cost and talking about eliminating things that are not absolutely necessary. He cannot remember even more than one Councilor speaking positively about the trash compactors. He will go along with this motion, but he would prefer those two items get added to the motion. These two items have no popular vote among the Council, from the last vote he remembers being taken.

Chair Greenwald asked if Councilor Filiault wanted to amend it. Councilor Filiault replied that he wants to hear what the other Committee members are thinking. He continued that he does not want to be arguing amendments all night.

Chair Greenwald stated that he would support an amendment to remove those items. He asked what Councilor Workman thinks. Councilor Workman replied that she does not have a strong opinion either way. She continued that she is fine getting the amounts from the FOP Committee. Councilor Favolise stated that he will stick with the motion he made.

Chair Greenwald asked for further comment from the Committee or public. Hearing none, he asked for a vote.

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the approved scope of the Downtown Infrastructure Project be modified as follows:

- Eliminate work on Gilbo Ave. and Church St.
- Re-use existing LED fixtures to the maximum extent feasible
- Bid the spare conduit and handholes as a bid alternate item
- Loosen the contractor work restrictions in order to allow construction in two seasons instead of three



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Request to Place Keno Question on 2025 Municipal General Election Ballot

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council place the question of whether to prohibit Keno on the November 4 ballot and schedule a public hearing for October 16.

Attachments:

None

Background:

Councilor Favolise addressed the committee first. The Councilor stated he had written a letter regarding a ballot question regarding prohibition of Keno operation in Keene for the upcoming municipal election, which has been on more time for several weeks. He stated that the Governor has now signed this legislation into law. He noted that the question of Keno operations in Keene has previously been on the ballot in 2017 and 2019.

City Clerk Terri Hood addressed the committee next. Ms. Hood concurred that this issue was addressed both during the 2017 and 2019 municipal elections and at both of those elections, the voters voted not to go forward with Keno in Keene. In 2017, the Lottery Commission brought it forward, and then they brought it forward again in 2019. This time, it is coming forward through a councilor because a law change has gone into effect. She noted the law change has essentially changed the script on what the question is really asking voters.

Ms. Hood stated she had discussed this issue with the Lottery Commission and they explained that if the City Council does not put the question before voters in 2025 and the city waited until 2027, that licenses would start being issued as soon as the law goes into effect. If the city took an action in 2027, those licenses would be allowed to stay in force until their endpoint, which is one year from the date of issuance.

She pointed out that the bill has changed the wording of the question to "shall we prohibit the operation of Keno games within the town or city". Previously the question was phrased as "shall we allow...". This not only reframes the wording of the question from permissive to prohibitive, but it also

creates a default framework within which Keno will become permitted if we do nothing.

As far as the timeline, RSA 284:51 sets the timeline for adding the question to the ballot. To comply with that timeline, the Council would need to make a decision on whether to add the question or not no later than the Council's first meeting in October. At the same time, a public hearing would need to be scheduled. Ms. Hood stated the hearing is not for voters to weigh in on whether the question should go forward. The Council actually makes that decision, and then the public hearing is an opportunity for voters to be educated about that question and what it means and what the implications are.

The public hearing must be held no sooner than 30 days prior to the election date, and no later than 15 days prior. The City Council would need to conduct the hearing on October 16 to comply with this timing. Ms. Hood added that in the past the Lottery Commission has been present at public hearings to explain Keno and how it may impact the city if it were to go into effect. They are willing to attend the public hearing again and have added the City to their calendar for that date, should the city invite them to attend.

Ms. Hood stated in the past a nonprofit organization for people who have gambling issues has also attended hearings and could be extended an invitation again if the City Council wishes.

Ms. Hood concluded that in the past the state has been declined to allow the city to provide educational materials to voters about ballot questions. However, if the public approaches staff, staff will do its best to explain what is on the ballot.

The Chair asked for comments from the City Attorney. Attorney Palmeira stated the Clerk covered everything that was important. She stated the one thing she wanted to emphasize is the committee's vote tonight is a recommendation to the Council to do two things; place the question on the ballot and to schedule a hearing and then the item goes to the polls.

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 Council place the question of whether to prohibit Keno on the November 4 ballot and schedule a public hearing for October 16.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2026 Keene PD Highway Safety Grant

Recommendation:

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

Attachments:

None

Background:

Police Captain Mike Kopcha addressed the committee next. Captain Kopcha stated this item is a reoccurring annual New Hampshire Highway Safety Grant, that the Keene Police participates in. He stated this grant allows officers to take part in different initiatives over the course of the year to include special enforcement patrols for speed, drunk driving, distracted driving, downtown pedestrian bicycles etc. This grant helps the department to pay officers to take separate duties and to participate in these different statewide initiatives.

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

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



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **2026/2027 Substance Abuse Enforcement Program Grant**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2026/2027 Substance Abuse Enforcement Program Grant in the amount of \$70,000.00.

Attachments:

None

Background:

Police Captain Tenney stated this is another grant the city sees every year and pertains to Substance Abuse Enforcement Program. This year, the award is \$70,000, which is double what the city is used to seeing, and that is because starting this year, this grant is on a two-year grant cycle.

Councilor Roberts stated he sees cuts in public safety and other type of grants from the federal government and asked whether this could have an impact on the city. The City Manager stated that is difficult to predict and stated the city has not seen a direct impact yet for the grants the city typically receives.

Councilor Remy 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 2026/2027 Substance Abuse Enforcement Program Grant in the amount of \$70,000.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Lease of parking spaces for Thomas Transportation

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate and execute a lease agreement with Thomas Transportation for parking spaces at the Keene Dillant-Hopkins Airport.

Attachments:

None

Background:

Airport Director David Hickling stated Thomas Transportation has been leasing parking spots at the airport for a couple years. Their lease has expired and there are no more renewal options, but they would like to continue their lease with the airport. This item is a recommendation for the City Manager to be able to negotiate and execute a new lease with Thomas Transportation.

Councilor Chadbourne asked with this renewal whether there would be an increase in the lease amount. Mr. Hickling answered in the affirmative and stated it will be based on fair market value. He added they are currently paying \$7,200 a year. Mr. Hickling noted the last lease did not have an escalation clause but one will be added with this lease with a 3% escalation.

Chair Powers asked how many spaces Thomas Transportation leases. Mr. Hickling stated they lease 40 spaces.

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 lease agreement with Thomas Transportation for parking spaces at the Keene Dillant-Hopkins Airport.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Monadnock Alliance for Sustainable Transportation - Grant Application**

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 apply for, accept and expend a grant from the Monadnock Alliance for Sustainable Transportation (MAST) for an amount not to exceed \$130,000 and further that the Mayor be authorized to write letters expressing the Council's support for the proposed bike lanes and crosswalk safety improvements.

Attachments:

None

Background:

Public Works Director Don Lussier addressed the committee next. Mr. Lussier stated the grant before the committee is the Monadnock Alliance for Sustainable Transportation. Mr. Lussier stated the city has applied for this grant in the past and have received it. In the past, those funds were used for bike improvements on Main Street.

He noted the city is applying for two separate grant applications in parallel. One will be for the cost of the flashing beacons as part of the downtown project. The other one would be for the differential cost between concrete sidewalks and bike lanes for the downtown project. He indicated as with certain grants, this grant is looking for a letter of support from the governing body (City Council). He noted the committee has a revised recommended motion authorizing the Mayor to a write letter supporting the grant application. Councilor Remy stated he would be happy to write a letter of support as well.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept and expend a grant from the Monadnock Alliance for Sustainable Transportation (MAST) for an amount not to exceed \$130,000 and further that the Mayor be authorized to write letters expressing the Council's support for the proposed bike lanes and crosswalk safety improvements.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: September 4, 2025
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Class Allocation
Ordinance O-2025-31**

Recommendation:

That the City Council refer Ordinance O-2025-31 to the Finance, Organization, and Personnel Committee.

Attachments:

1. O-2025-31 Relating to Class Allocation

Background:

An amendment, to include an additional job title in the Community Development Department, is recommended effective the pay period following action by the City Council.



CITY OF KEENE

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

AN ORDINANCE Relating to Class Allocation

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

That the ordinances of the City of Keene as amended, are hereby further amended by inserting the bold text in Section 62-194, “Administrative, Office, Technical and Management Personnel” of Chapter 62 entitled Personnel effective September 21, 2025, as follows:

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

S 4 Library Aide

S 5 Minute Taker

S 6 Administrative Assistant; Records Clerk

S 7 Administrative Assistant I

S 8 NO POSITIONS ASSIGNED

S 9 NO POSITIONS ASSIGNED

S 10 Audio Video Production Specialist; Recreation Specialist

S 11 Office Manager; Parking Services Technician

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

S 13 NO POSITIONS ASSIGNED

S 14 NO POSITIONS ASSIGNED

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

S 16 Planner; Laboratory Supervisor; GIS Coordinator

S 17 Property Appraiser; Recreation Programmer; Librarian III; Airport Maintenance & Operations Manager; IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager

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

- S 19 Senior Planner, Recreation Manager; Fleet Services Manager; Accounting & Fund Manager; Highway Operations Manager; **Building Construction Manager**
- S 20 Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney; Water/Sewer Operations Manager
- S 21 NO POSITIONS ASSIGNED
- S 22 NO POSITIONS ASSIGNED
- S 23 NO POSITIONS ASSIGNED
- S 24 City Engineer; Database Administrator; Building/Health Official
- S 25 Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head; Airport Director
- S 26 City Assessor; Human Resources Director; Library Director; Parks & Recreation Director
- S 27 IT Director; Community Development Director; Police Captain; Deputy Fire Chief
- S 28 Finance Director/Treasurer
- S 29 Public Works Director
- S 30 Police Chief; Fire Chief
- S 31 Deputy City Manager
- S 32 NO POSITIONS ASSIGNED

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **MSFI Committee Report - Schapiro Communication - Safety Issues
Associated with On-Street Parking - Church Street and
Relating to No Parking Zones
Ordinance O-2025-27-A**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting Joe Schapiro's communication as informational.

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-27-A.

Attachments:

1. O-2025-27-A Related to No Parking Zones
2. O-2025-27-A Related to No Parking Zones_Redlined Version

Background:

Chair Greenwald stated that since this is a two-part item, he will first recognize the fourth agenda item, Ordinance O-2025-27 Relating to No Parking Zones, and then as part of discussion, hear Joe Schapiro's comments.

Mr. Lussier stated that this Ordinance would put into effect the request, from Mr. Schapiro, for no parking on Church St. He continued that the MSFI Committee talked about this two months ago and asked the City Manager to get together with the neighborhood, meet with the school, and come up with a compromise solution everyone could live with. They had that meeting in July. In addition, he and the City Engineer walked the area and looked at troubleshooting the situation and if they were to authorize a "No Parking" zone as requested, where this might cause additional problems and issues in the community. In the Ordinance, they recommend two separate parking restrictions. One is the north side of Church St., between So. Lincoln and Probate St., which was the original request, and the other is the northern end of Valley St., which they recommend be "No Parking" during the same time period. They think there is a high likelihood that as people back up, they will want to do so down Valley St. instead of continuing down Church St. They looked at Hardy Ct., which is a dead end,

narrow, and without a way to turn around, so he thinks it is less likely that people would loiter there while waiting to pick up their kids. That said, he is always surprised by human behavior, so he will caveat this by saying they might be back at some point with follow-up requests due to these changes. He believes the Petitioner will be speaking tonight and has a suggested amendment that he would like to talk with the Committee about.

Chair Greenwald asked if the City differentiates between “parking” and “standing.” Mr. Lussier replied that he is sure the KPD or the City Attorney has the legal definition, but he thinks the difference is whether the driver is in the vehicle or not. He continued that “standing” is a parked vehicle that is idling, versus a vehicle that is stopped and the person gets out. The Ordinance is written as parking, standing, stopping; it is all-inclusive.

Councilor Favolise stated that one of the reasons the Committee put this item on more time and wanted to have the conversations, as opposed to doing something with “No Parking” initially was to avoid the spillover effect onto other streets. One that comes to mind for him is Wilber St. Based on the dimensions and geometry of that road, he is concerned about cars backing up along there around the curve. He asked if they considered that.

Mr. Lussier replied that Wilber St. came up during their conversation last time and during the meeting with the neighborhood. He continued that Wilber St. is already in the City Code as a “No Parking” zone. In the Code, from So. Lincoln St. to 176 feet in, which is essentially the Wilber St. frontage of the school, there is no parking during school hours, 8:00 AM to 4:00 PM, on the north side. The south side of that curb line is all opening for the parking lot; he does not think there is much opportunity for people to park there. From 176 feet to 311 feet, around to the corner, parking is prohibited on both sides of the road. It is already signed as a “No Parking” zone. He asked his staff to add more signage to make it clearer. He noticed a neighbor had put up a homemade “No Parking” sign, but it was within what was already designated as a “No Parking” zone. The additional signs will help everyone understand that the whole length, the 135 feet or whatever it is, is no parking. That does not require any Ordinance changes.

Chair Greenwald stated that the Ordinance has his answer to the standing. “No person shall stop, stand, or park.” His request, then, would be more about signage. He asked if the Committee had more to say. Hearing none, he asked to hear from Mr. Schapiro.

Joe Schapiro of 288 Church St. stated that first, he thanks the Committee for the first meeting, where many people from the school and various parts of the community were able to express their point of view. He continued that they have tried to make this not a single-issue conversation, but a place where people could come and talk about the various pressures caused to the community by having a community school, which is no longer really a community school, because children generally do not walk to the school anymore. He appreciates everyone’s effort and all the people who came to talk about the various issues. He knows, and discovered again, that sometimes there is not a perfect solution and there are consequences to any solution that they need to try to consider. When they had the community meeting, an idea he had never heard of was brought up, which was to turn one of the empty lots on Church St. into a parking lot for the teachers, which would free up the area further east. That is a bigger project and would involve the school doing it, and money, and so on and so forth, so they are not here to address that now, but he wants to express his appreciation for all the efforts that went into this.

Mr. Schapiro continued that regarding an amendment to his initial request in his letter, today was the

first day of school. There was a big crowd, but even more people bring their children in on the first day. Something they realized is that the school recommends dropping students off starting at 7:30 AM, and his and neighbors' initial request was to have signs say no parking on school days from 8:00 AM to 4:00 PM. He would like to request that it be amended to 7:30 AM. Just in the last few days, he thinks some signs have been put on Wilber St., across from the school, which also say "No parking on school days." He did not see, but his wife said it said "8:00 AM to 4:00 PM" on those, too. He hates to (recommend) replacing new signs with newer signs, but they might want to think about that as well.

Councilor Filiault stated that he drove through the neighborhood three or four times today because he knew school was back, and it is indeed a problem. He continued that cars were everywhere, and partially in people's driveways. He watched someone do a U-turn with their wheels in someone's front yard. He saw from several motorists a total disrespect for the east side neighborhood they are parking in. This Ordinance will not fix everything. As they said, they need to take pieces at a time, because sometimes fixing one problem creates another small problem. As he sat and watched, he saw a lot of disrespect via parking, idling, and being halfway in the street. As Mr. Schapiro said, and as neighbors told the MSFI Committee a couple of months ago, there is a problem. It goes beyond just parking, up to disrespect. They can take it one step at a time. He has no problem with changing the Ordinance a half hour earlier. He thanks Mr. Schapiro and the neighbors for speaking up.

Mr. Schapiro stated that he does not know if the MSFI Committee has any say-so about this, but obviously, if signs were put up, it would be good if they were enforced. He does not think it would take much enforcement for people to follow the signs, but as Councilor Filiault said, people have gotten used to just doing anything there. It would be good if the Police made the rounds on a few occasions after the signs are put in. He had another question, because he did not see the Ordinance. Valley St. was not in their original request. He asked if they are talking about the north part of Valley St. on both sides, or on one side.

Mr. Lussier replied that as it is written, it is Valley St. east side, meaning the northbound side of the roadway. He continued that in his mind, he sees people heading north on Valley St. and getting into a line and then taking a right onto Church St. to continue as they go. That was the intention of it. Mr. Schapiro asked if it is correct that there will be the same parking restrictions on the east side of Valley St. Mr. Lussier replied yes.

Chair Greenwald asked for public comment.

Nicole Demarest of 288 Church St. stated that she has a follow-up question about Valley St. She asked how far down they will be putting those signs. Mr. Lussier replied that right now as it is written, it is from Church St. to Kingsbury St., the first cross street.

Vicky Morton of 275 Water St. stated that the sidewalk is on the east side of Valley St., so if "No Parking" is on the east side and people park on the west side, they will have to cross Valley St. and climb the snowbanks to get onto the sidewalk to walk up to the school. Mr. Lussier replied that the intention was to encourage the people who are lining up to pick up their children to continue lining up further west on Church St. They would continue past Valley St., towards Carpenter St. and beyond. If he were trying to pick up his child, he would not want to be facing south and then have to do a U-turn and come back onto Church St. His thought was that most of the people who will be using Valley St. would be trying to line up heading north, then taking that right onto Church St. to go toward the school.

Councilor Ed Haas of 114 Jordan Rd. asked if there was any differentiation between the dropping off and picking up conditions. It is his sense that picking up involves more cars waiting for longer periods than dropping off. Mr. Lussier replied that they heard that when they met with people from the school, that parents tend to get there earlier in the afternoon in order to be first in line to pick up their child, than they do in the morning. In thinking about where they would be lining up as they were waiting, that was the thought with Church St. and the prohibition on the northbound side of Valley St.

Chair Greenwald made a motion to have an amendment changing the start time from 8:00 AM to 7:30 AM on Valley St. and Church St. Councilor Filiault seconded the motion.

Mr. Lussier stated that there was a question about whether that change would also be made on Wilber St. He continued that right now, it is not written here, but elsewhere in the Ordinance, Wilber St. from So. Lincoln St. to 176 feet east of So. Lincoln St. is prohibited from 8:00 AM to 4:00 PM. Chair Greenwald stated that he does not see anything about Wilber St. in the Ordinance. Mr. Lussier asked if that could be included as part of an A version. Chair Greenwald replied that he does not think so. Mr. Lussier replied that it is part of the same section of the Ordinance.

Amanda Palmeira, City Attorney, stated that the Committee could propose a change that would create an A version. Chair Greenwald replied that his amendment is creating an A version. The City Attorney replied that they could vote on his amendment now, or he could withdraw it.

Chair Greenwald withdrew his motion to amend. Councilor Filiault withdrew his second.

Councilor Filiault moved to amend the motion to include, as written in the Ordinance, Church St. from So. Lincoln St. and Valley St. from Kingsbury St., from 7:30 AM instead of 8:00 AM, and also to change Wilber St. from 8:00 AM to 7:30 AM. Councilor Workman seconded the motion.

Chair Greenwald asked if the Committee had comments on the amendment. Hearing none, he asked for public comment.

Mr. Schapiro stated that Wilber St. is very close to where he lives. He continued that on the school side of the street, there is no parking at all. The other side has signs saying no parking on school days from 8:00 AM to 4:00 PM. Maybe the Ordinance should explicitly say which side of the street they are talking about.

Mr. Lussier stated that what he understood the amendment to create an A version to be, specifically referring to Section 94-93(b), which is the specific time regulations. Wilber St. is listed in paragraph (a) and paragraph (b), but he understood they were amending paragraph (b).

The motion to amend passed unanimously.

Chair Greenwald asked for comments on Ordinance O-2025-27-A. Hearing none, he asked for a motion.

The following motion by Vice Chair Filiault was duly seconded by Councilor Tobin.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting Joe Schapiro's communication as informational.

The following motion by Vice Chair Filiault was duly seconded by Councilor Workman.

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-27-A.



CITY OF KEENE

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

AN ORDINANCE Relating to No Parking Zones

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 adding the bolded underlined text to the provisions of Section 94-93, “No Parking” in Division 2, “Specific Street Regulations”, in Article III of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows:

Sec. 94-93. – No Parking.

It shall be unlawful for any person to stop, stand or park a motor vehicle at any time contrary to any of the following unless otherwise directed by a police officer:

- b) *Specific times.* No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or a traffic control device in any of the following places between the hours and upon the days indicated:

...

Church Street, north side, from South Lincoln Street to Probate Street, no parking between 7:30 a.m. and 4:00 p.m., school days.

...

Valley Street, east side, from Kingsbury Street to Church Street, no parking between 7:30 a.m. and 4:00 p.m., school days.

...

Wilber Street, north side from its intersection with South Lincoln Street to a point 176 feet east of South Lincoln Street, between **7:30 a.m.** and 4:00 p.m. school days.

Jay V. Kahn, Mayor



CITY OF KEENE

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

AN ORDINANCE Relating to No Parking Zones

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 adding the bolded underlined text to the provisions of Section 94-93, “No Parking” in Division 2, “Specific Street Regulations”, in Article III of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows:

Sec. 94-93. – No Parking.

It shall be unlawful for any person to stop, stand or park a motor vehicle at any time contrary to any of the following unless otherwise directed by a police officer:

- b) *Specific times.* No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or a traffic control device in any of the following places between the hours and upon the days indicated:

...

Church Street, north side, from South Lincoln Street to Probate Street, no parking between 8:00:30 a.m. and 4:00 p.m., school days.

...

Valley Street, east side, from Kingsbury Street to Church Street, no parking between 8:00:30 a.m. and 4:00 p.m., school days.

...

Wilber Street, north side from its intersection with South Lincoln Street to a point 176 feet east of South Lincoln Street, between 8:00:30 a.m. and 4:00 p.m. school days.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

From: Bryan Ruoff, City Engineer

Through: Elizabeth Ferland, City Manager
Donald Lussier, Public Works Director

Subject: **Relating to the Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515 Resolution R-2025-28**

Recommendation:

That Resolution R-2025-28 be referred to the Finance, Organization and Personnel Committee for review and recommendation.

Attachments:

1. R-2025-28 Relating to Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project NHDOT#42515

Background:

As part of the City's Marlboro Street and Cheshire Rail Trail Improvements Project (75J0018B), the project was previously publicly bid twice, in September 2024, and March 2025. During both of these public bidding periods, the bids for construction that were received by the city exceeded the engineers' estimate and the associated allocated funding for the project by over one million dollars. In light of this, the City revised the Plans, Specifications and Cost Estimate (PS&E) for bidding and resubmitted to NHDOT for review, approval and allocation of additional funds for the project. Based on this revised submission, NHDOT increased the total participating project cost for construction and engineering services during construction (construction phase services) from the previously approved amount, roughly \$1.8 million to \$2,527,364 participating project costs, with a participating 80% federal funding amount of \$2,021,891.22 and 20% City funding match of \$505,472.81 based on the "as bid" price and the engineering services during construction contract amounts. The additional funds being allocated by this resolution will cover the City's participating cost for the Federal funding required 20% funding match for the increase from the previously allocated funds for construction phase services for the Marlboro Street and Cheshire Rail Trail Improvements Project (75J0018B).



CITY OF KEENE

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

A RESOLUTION Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515

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

Related to an Appropriation for the Marlboro Street & Cheshire Rail Trail Improvements Projects NHDOT#42515 (75J0018B)

WHEREAS, The City has been awarded Federal, Transportation Alternative Project (TAP) funding, administered through NHDOT for the construction of our Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515 (75J0018B); and,

WHEREAS, The funding agreement for the project includes eighty percent (80%) federal funding and a twenty percent (20%) City funding match for the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this project for the community;

NOW THEREFORE BE IT RESOLVED That the sum of Two Hundred and fifty five thousand dollars (\$255,000), is hereby appropriated from the unallocated general fund for the purpose of allocating the additional necessary funds, from what has been previously allocated in the CIP to pay for the City's required twenty percent (20%) funding, described in the federal funding agreement, for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515, City of Keene Project#75J0018B.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

From: Bryan Ruoff, City Engineer

Through: Elizabeth Ferland, City Manager
Donald Lussier, Public Works Director

Subject: **Relating to the Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs Resolution R-2025-29**

Recommendation:

That Resolution R-2025-29 be referred to the Finance, Organization and Personnel Committee for review and recommendation.

Attachments:

1. R-2025-29 Relating to Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs

Background:

Within the first six weeks of FY26, the Water Department experienced four major water main breaks on Winchester Street, Water Street, West Street and Glen Road, that required associated pavement repairs that exceeded the capabilities of the Public Works Department and required repairs to be performed by local paving contractors. The associated costs of those pavement repairs for those water main breaks have already exceeded the associated Operating budget for the Water Department to perform pavement and road repairs for repairs, maintenance and associated water system infrastructure work during FY26. This resolution adds additional funds to be utilized by the water department for pavement repairs that are anticipated to be required during FY26 as part of the Water Department Pavement Repair Operating Budget.



CITY OF KEENE

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

A RESOLUTION Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs

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

Related to an Appropriation for the Water Pavement Repair Operating Budget (341400000 / 523310)

NOW THEREFORE BE IT RESOLVED That the sum of Thirty-five thousand dollars (\$35,000), is hereby appropriated in the 2026 fiscal year for the purpose of performing pavement repairs for water system related work for the FY26 Water Operating Budget (341400000 / 523310)

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

From: Bryan Ruoff, City Engineer

Through: Elizabeth Ferland, City Manager
Donald Lussier, Public Works Director

Subject: **Relating to the Appropriation of FY28 Funds for the Sewer Main Lining Project
Resolution R-2025-30**

Recommendation:

That Resolution R-2025-30 be referred to the Finance, Organization and Personnel Committee for review and recommendation.

Attachments:

1. R-2025-30 Relating to Appropriations of FY28 Funds for the Sewer Main Lining Program

Background:

As part of the City's Sewer Main Lining Project (32MI0425), during cleaning and CCTV of the sections of sewer main specified in the scope of the project to receive a liner, it was identified that some of the sewer mains require point repairs prior to lining those pipes. In light of this, the City requested from their hired contractor, Insituform, a scope and fee proposal, with supporting backup documentation to perform this additional scope of work necessary for the completion of the project. This scope and fee proposal that was received by the City from Insituform proposed a contract increase of roughly \$155,200 to perform this additional scope of work for the project. The City is receiving a CWSFR loan from NHDES for the scope of work on this project, with 10% loan forgiveness for the project. NHDES has received, reviewed and confirmed that the proposed scope and fee described in the change order and the supporting information provided by the contractor is acceptable, and a change order can be executed. In addition, funds are available in the FY28 capital improvements program account(s) for this project to pay for this necessary additional scope of work for the Sewer Main Lining Project (32MI0425). The project is ahead of schedule and will be completed in roughly 15 months in lieu of the originally planned and programmed three years in the CIP. Due to this, the funds scheduled to complete the scope of the project are being requested to be allocated now to execute this change order to complete the scope of work on the project.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations of FY28 Funds for the Sewer Main Lining Program

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

Related to an Appropriation for the Sewer Main Lining Program (32MI04)

WHEREAS, The City has been awarded a Clean Water State Revolving Fund (CWSRF) loan for the implementation of our Sewer Main Lining Program (32MI04); and,

WHEREAS, The award incentivizes municipal investments in wastewater infrastructure through “principal forgiveness” of a portion of the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this program for our ratepayers;

NOW THEREFORE BE IT RESOLVED That the sum of Two Hundred and twenty five thousand dollars (\$225,000), previously planned for fiscal year 2028, is hereby appropriated in the 2025-2026 fiscal year for the purpose of providing funding for the Sewer Main Lining Program, Project#32MI0425.

Said appropriation will be funded by the proceeds of the aforementioned loan program.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.4.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **FOP Committee Report - Keene Airport Solar Project *and* Memorandum - Finance Director**
Relating to the Appropriation of Funds for the Keene Airport Solar Project
Resolution R-2025-31

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager draft a Resolution for bonding for the Keene Airport Solar Project.

Attachments:

1. CC Memo with Solar Farm 9 2 2025
2. R-2025-31 Bond - Keene Solar Project

Background:

Mr. Hickling addressed the committee again. Mr. Hickling stated this was a great project and the location at the airport is primed for this kind of development. He indicated McFarlane Johnson's study a few years ago, determined this location's only use would be solar because of height restrictions. He stated this was a great opportunity for the airport and will help the city reach its clean energy goals.

The Manager addressed the committee and stated the city has been working with Revision Energy and introduced Dan Weeks from Revision Energy. She stated the size of the project and the timing of the project has the city contemplating whether they should purchase the solar arrays versus a power purchase agreement. With the power purchase agreement, you are locking in the price for your energy for a number of years (20) and then usually after six years have the opportunity to purchase. The Manager explained the reason for the year six mark is that investors have been taking advantage of a 30% tax credit through the federal government; there is a period of time they have to maintain ownership before they can sell. The Manager stated the city could apply for the 30% tax credit as well which would reduce the overall cost of the project and make the project more favorable. However, the issue is trying to fit this into the city's capital plan.

The Manager stated the committee would hear from Revision Energy today and talk more about that analysis at the next FOP meeting.

2025-377

Dan Weeks, Vice-President and Employee Owner of Revision Energy addressed the committee next. Mr. Weeks stated for a location for this project they are looking at an area south of the runway at the Dillant Hopkins Airport.

After many iterations to the design, the design has been decided to be at 5.5 megawatts, 3.5 megawatts of power that will be directly fed to the grid. There will be about 9,000 individual panels. From a climate standpoint it will produce close to 6.5 million kWh of clean electricity each year, which is equivalent to approximately 800 homes. This will offset nearly 3,245 tons of carbon emissions each year.

Community Benefits – Energy credits exceed approximately 1.1 million dollars per year, which would be applied to municipal and school utility accounts.

Upfront costs would be approximately 14.1 million dollars. Most municipalities use third party investors to fund the project but as the City Manager alluded to; the city has the ability to directly access the 30% tax credit, which would bring the cost down to about 10.2 million dollars. If the city was to finance the project with a municipal bond it would be cash flow positive from year one.

Timeline – In 2019, the City Council passed its 100% Clean Energy Resolution with a goal of 100% clean energy for municipal energy needs by 2030 and community wide by 2050. In 2016 and 2017, the city undertook a major solar project at the 350 Marlboro Street site. In 2020 and 2021, the city underwent another RFP process and signed a letter of intent with Revision Energy to develop multiple solar farm opportunities at the airport.

Mr. Weeks stated that they have been working with the Town of Swanzey, FAA, Fish, and Game to work on the required variances as well as the protection of a bird species in that area.

Mr. Weeks stated in reference to the 30% credit it would be important for the city to move to a contract soon. He noted the tax credits for residential use does phase out by the end of this year but for commercial systems, it runs through 2027 as long as they meet beginning of construction of safe harbor. The state has a net metering program for the last few years and has expanded to 5 megawatts.

Mr. Weeks stated should the city move forward with ownership Revision would recommend operations and maintenance agreement with Revision or some other entity. This agreement provides annual maintenance, weekly inspections, production monitoring etc. The commercial lifespan is estimated between 30 to 50 years. Mr. Weeks indicated this is a long lifespan and wouldn't want the city to assume the system would produce at a certain level for 50 years – 30 years is the panel warranty period, 40 years is considered the minimum commercial life span (produce nearly 80% power by this time). He noted inverters are one component that would need to be replaced. At the end of the life span, the city could repower the system, decommission it and return it to open land.

Mr. Weeks went on to say administration of these assets are fairly simple; annual insurance policy, developing these as pollinator habitats, as has been done next door at the other airport site and at the wastewater treatment plant, minimal mowing (twice a year) to avoid the grass from reaching above three feet, annual administration of the net metering agreement, confirming that the city accounts and school accounts utilize all the power generated. However, at some point if this was to change and the city were to pursue other solar projects they could always bring in other municipal

participants such as Cheshire County.

Mr. Weeks reviewed the financial overview. He noted to a slight discrepancy between this slide and the first slide. As noted to the City Manager this afternoon, there has been some upward movement in solar panel pricing, which accounts for the slight increase of approximately 2%. At the same time, there has been positive movement on the renewable energy credit-trading price.

He indicated the net investment figures are substantially the same, about 1% delta from the initial July figures and the long-term savings are slightly higher. Mr. Weeks noted the 25-year period; \$25 million dollars is a very substantial sum.

The key assumptions driving that very substantial long-term savings figure, is the production level of the solar array; annual degradation is assumed which is a loss of production of 1/3 of a percent per year, which is in line with the current solar panel warranty. Included, in this is the annual inspection and maintenance. Energy rates start at an average rate, default service rates do fluctuate quite significantly.

Mr. Weeks noted they are proud to be a local employee-owned company and are excited to collaborate with the city and schools.

Councilor Remy noted 20% of the savings is banked on the renewable energy credit (REC) value and asked if there is a risk on this value with the taxes that are going away. Mr. Weeks stated RECs are compliment to the federal tax policy where states in New England have set their renewal portfolios standard (RPS) goals for transitioning to clean energy. Mr. Weeks noted NH has a low RPS when it comes to solar but have the benefit of being part of the ISO New England grid with the other New England states. Hence, all RECS in New Hampshire are sold into the Massachusetts market, which has very substantial clean energy goals under their renewable portfolio standard. He stated because of the attacks on offshore wind, this is contributing to the REC values remaining very high. Trading rate has been around \$38 to \$40 consistently over the last few years.

Councilor Remy asked how the collaboration with the school would work. The Manager stated conversation is yet to be undertaken with the school district. However, if the city was able to complete the project with the current projections, it would make sense for the school district to join in. Mr. Weeks stated over the years they have had multiple conversations with the school district. They have periodically looked at on site solar mostly because of roof condition and age. A couple months ago, they provided their consumption data across the several school facilities to confirm that the demand or usage across city and school accounts meets the generation. He noted there would be zero financial cost for administrative burden on the school to participate. No formal commitment from the school has been received. The way in which those other accounts procure their electricity, does not actually change at all.

Historically, there was a requirement that those accounts revert from competitive supply to default utility supply. This has been changed at state law a few years ago. Hence, the school district and city itself would continue to shop on the open market for the best rate in terms of direct supply for its several accounts. There is no cost to participating, nor is there any state requirement about the level of compensation, the city would provide to the school district.

With respect to bill crediting, there is actually one of two pathways allowed under state net metering rules; it is more administratively simple, but the amount of the credit going to each of the bills is determined by the host, the city. So an allocation could be agreed upon between the city and

schools. The alternative way is to receive a monthly check from the utility.

Councilor Lake noted the December deadline is getting close and asked if the city had sufficient time to procure this contract. The Manager stated the timeframe is right but felt it can be done and the reason for that is if the Council were to decide that they wanted the city to own the project and at the next FOP meeting referred the item to full Council; there will be Resolution necessary to borrow the funds. At that point, Revision Energy would be able to purchase panels and store the panels to meet the requirement. Mr. Weeks added what the IRS requires under the beginning of construction Safe Harbor Rules to avert the stringent rules that are going into effect as of January 1; the city would need to meet the construction Safe Harbor Rules by end of this year. The two key requirements are a signed contract and a purchase order for minimum 5% of the system cost in terms of solar components. Panels are what are usually purchased by an entity. He added however, they are not in a position to issue purchase orders in December and take delivery within the required 105-day (3 1/2 month) timeframe. The demand to Safe Harbor is such that the suppliers are advising that a customer needs to be placing their final orders in the month of September in order to take delivery. To be able to complete the fabrication, complete manufacturing and deliver the panels.

Councilor Remy asked why then the item is being placed on more time instead of moving forward. The Manager stated because this is a big decision and there is a lot that goes into this and understanding the pieces of this financial puzzle and felt the committee might need more time. The Manager stated the city did have an independent review of Revision's proposal and it is a more conservative proposal, which is what the city would expect. The proposal is anticipating different electric rates in the future. It has been modeled with or without the 30% if the city did not meet the Safe Harbor provision. The Manager explained if the city owned the solar arrays and use the base pricing, they are estimating a 30-year benefit of 13 million dollars. Base pricing without meeting the tax credit the savings would be 8.5 million dollars.

The Manager stated if the committee is ready to move the item forward, they could direct the Manager to draft the Resolution and have it ready for the next council meeting for first reading. It will then come back to the FOP Committee for its next meeting, giving more time for the process while also keeping it moving forward. Councilor Remy stated he was in agreement with this timeline.

The Manager went on to say staff did look at the bond rates; to borrow 10.2 million over 20 years would be at a rate of 4.3%. Principal and interest for the first year would be \$773,000. Councilor Lake stated he too agrees with moving the item forward. The Councilor noted the solar panels the city currently has are through a Power Purchase Agreement (PPA) and asked if there was any benefit to going with PPA. The Manager responded by saying the benefit of a PPA is that the city does not assume any other risk. She added the proposed agreement has replacing the inverters mid-way through, operation and maintenance of the project throughout the life of the project. With the PPA, you are not assuming any of that, but on the other hand, the city will not be taking advantage of much of the savings. She added there would still be some savings but not as great. The Manager added ownership made sense to her because it is a project of this size and safe harboring it because the credits will be gone by the first of the year.

Councilor Roberts stated he too agrees moving the project forward. He felt these types of programs might not be available for a few years and felt it was prudent to take advantage of the savings now.

Councilor Remy stated he likes that the City has a conservative estimate because there is a lot of variation in the price for solar.

The Manager noted with ownership, by year two the project starts becoming profitable, taking into consideration the loan payment.

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 draft a Resolution for bonding for the Keene Airport Solar Project.

**CITY OF KEENE
NEW HAMPSHIRE**

DATE: September 2, 2025

MEMO TO: Mayor & City Council

THROUGH: Elizabeth A. Feland, City Manager

FROM: Kari Chamberlain, Finance Director/Treasurer

RE: Resolution R-2025-31 Relating to the Appropriation of Funds for the
Keene Airport Solar Project

Recommendation

That the City Council refer Resolution R-2025-31 to the Finance, Organization, and Personnel Committee.

Background

The resolution provides for an appropriation and authority to bond for the Keene Airport Community Solar Farm to be located on land south of the Keene Airport.



CITY OF KEENE

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

A RESOLUTION Relating to the Appropriation of Funds for the Keene Airport Solar Project

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

That the sum of fourteen million three hundred fifty thousand dollars (\$14,350,000) is hereby appropriated for the Keene Airport Solar Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to fourteen million three hundred fifty thousand dollars (\$14,350,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.5.

Meeting Date: September 4, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner
on behalf of the Planning Board

Through: Paul Andrus, Community Development Director

Subject: **Relating to Endorsement of the City of Keene 2025 Comprehensive Master Plan**
Resolution R-2025-32

Recommendation:

That Resolution R-2025-32 be referred to the Planning, Licenses and Development Committee for review and a recommendation for the City Council's endorsement of the 2025 Keene Comprehensive Master Plan.

Attachments:

1. R-2025-32_Endorsement of 2025 Master Plan

Background:

The [Master Plan Steering Committee](#), which was formed by vote of the Planning Board in December 2023 to guide and assist with updating the City of Keene 2010 Comprehensive Master Plan, began meeting in February of 2024 to provide input and guidance throughout the planning and visioning process. The 16 members of the Committee attended monthly meetings, tabled at events, participated in visioning sessions and other community events, filled out detailed prioritization surveys, and provided valuable feedback to staff and the consultant team. For example, following an intensive period of public engagement in the summer of 2024, the Master Plan Steering Committee held two workshops to identify and frame the key pillars of the plan, which were then refined during the October 2024 "Future Summit" where the community vision was first presented to the public. The Committee also played a lead role in building out the desired future land uses for the Future Land Use Map and assisted with refining and prioritizing action steps for implementation of the plan. The input from this committee was invaluable to this project.

On August 12, the Committee voted to send the draft plan to the Planning Board to begin the formal adoption process. At their meeting on August 25, the Keene Planning Board voted unanimously to refer the draft 2025 Comprehensive Master Plan to the City Council for endorsement. This was done in accordance with past City practice and the Planning Board's adopted Rules of Procedure, Section 8.2.2, which states "In order to assure that the City Council fully understands and supports the

Master Plan, the Planning Board shall seek Council review and adoption of the Master Plan prior to Board adoption. Prior to adoption of revisions or new sections of the Master Plan, the Board shall hold a public hearing, in accordance with the requirements of State law."

Overview of the 2025 Comprehensive Master Plan:

The Master Plan document is divided into six major sections. Each of these sections is directly related to a step in the planning process, as articulated in Section 1.1. "How to Read this Plan" on page 10 of the document.

Section One gives an overview of the planning process, the community vision, and the structure of the plan, which is built around six strategic pillars: Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment.

Section Two provides a snapshot of the Keene community using data to describe the City's current demographics, economic indicators, and livability. This section also includes an overview of population projections.

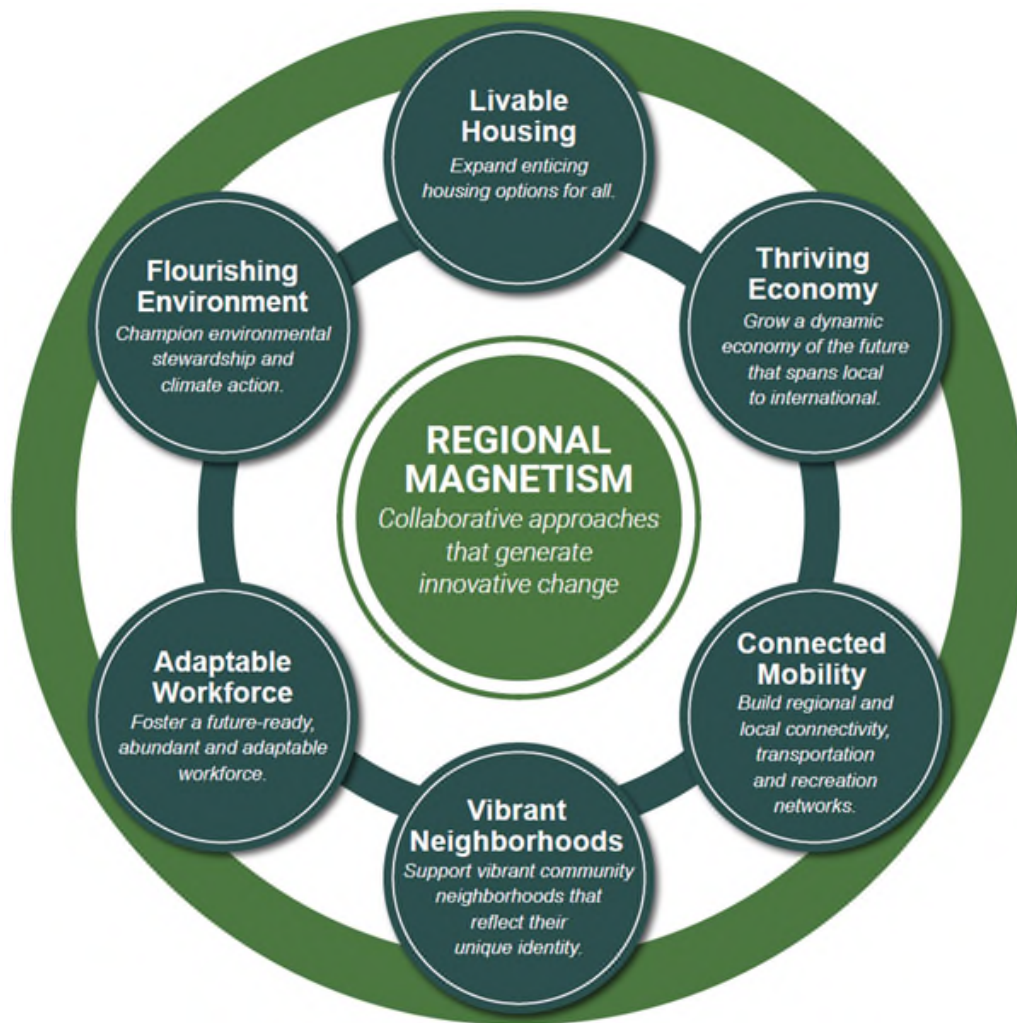
Section Three describes seven major themes that were identified throughout the planning process that weave throughout the plan and provide important connections between the strategic pillars: Sustainability, Education, Accessibility, Public Health, Collaboration, Region, and Leadership. These themes reflect the core values and culture of the community articulated by the Keene community throughout the planning process.

Section Four provides a deep dive into each of the six strategic pillars that provide the organizing framework for the plan (see figure below). They are core elements that underpin the community vision and are used to group goals and actions.

Section Five is the Future Land Use section of the plan that illustrates the desired future land use patterns that emerged from the community vision (Figure 4). These general land use categories focus more on the experience of a particular land use area based on the land use pattern, area identity, means of transportation, and scale.

Section Six provides a framework for implementation of the plan using a matrix that lists all the identified actions steps, organized by Pillar and Goal, and assigns each of them a priority level (low, medium, or high) and indicates the City's role (lead, participate, or support). Supporting information, including the prioritization survey results and a matrix of action steps with implementation timeframes, is included in the Appendices.

The full text of the [Draft 2025 Comprehensive Master Plan](http://www.KeeneNH.gov/Master-Plan) is available online at www.KeeneNH.gov/Master-Plan and on the project portal, www.KeeneMasterPlan.com. The project portal also includes further information about the project, including survey responses, an online story map, and interim project reports.



Included below is an excerpt from the draft August 25, 2025 Planning Board minutes where this item was discussed.

"Master Plan Steering Committee Referral: 2025 Comprehensive Master Plan – The Master Plan Steering Committee voted to recommend that the Planning Board set a public hearing date for the adoption of the 2025 Comprehensive Master Plan, and refer the plan to City Council to endorse.

Chair Farrington addressed this item. He stated that the Steering Committee has completed its ad-hoc efforts and has referred the 2025 Comprehensive Master Plan to the Planning Board to do two things. The first is to set a public hearing and at that meeting, a vote will be taken to approve or not approve the master plan; and, refer the master plan to City Council for endorsement.

A motion was made by Councilor Remy that the Planning Board refer the 2025 Comprehensive Master Plan to City Council for endorsement.

The motion was seconded by Mayor Kahn and was unanimously approved.

A motion was made by Councilor Remy that the Planning Board set a public hearing for the adoption of the 2025 Comprehensive Master Plan for Monday September 29, 2025 at 6:30 PM.

The motion was seconded by Mayor Kahn and was unanimously approved."



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Endorsing the 2025 Keene Comprehensive Master Plan

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

WHEREAS, the City of Keene undertook a comprehensive visioning and planning process, "Vision Keene: 20 Forward," to update the City's 2010 Comprehensive Master Plan, in accordance with New Hampshire state statutes and to guide future decision-making; and

WHEREAS, the planning process involved extensive community-wide outreach, data collection, and stakeholder engagement to develop an updated Community Vision, Future Land Use Map, and 2025 Comprehensive Master Plan; and

WHEREAS, the 2025 Comprehensive Master Plan builds on the City's established goals, including supporting economic and social vitality, protecting green spaces and natural corridors, and concentrating development within the downtown core to create a walkable community; and

WHEREAS, a strong consensus emerged from the planning process for proactive solutions to provide a range of livable housing options that suit the various age groups and needs of current and future residents; and

WHEREAS, the final draft of the 2025 Comprehensive Master Plan was presented at a public event on June 3, 2025, allowing for final public input and review; and

WHEREAS, the Keene City Council believes that the 2025 Comprehensive Master Plan accurately reflects the community's priorities and provides a solid foundation for the City's long-term economic, social, and developmental goals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEENE AS FOLLOWS:

1. The City Council hereby officially endorses the 2025 Comprehensive Master Plan, recognizing it as the guiding document for the City's future development and policymaking for the next ten to fifteen years.
2. The City Council acknowledges that the 2025 Comprehensive Master Plan will provide the basis for future zoning and other land use regulations and will serve as a framework for the implementation of the City's Capital Improvement Program and other planning initiatives.
3. The City Council resolves to partner with community and regional organizations to work towards realizing the vision and goals contained within the 2025 Comprehensive Master Plan.

4. The City Council further resolves to work with the Planning Board and City staff to monitor the implementation of the goals and strategies outlined in the endorsed plan and to use it as a yardstick for evaluating the consistency of future choices and actions with the community's aspirations.

Jay V. Kahn, Mayor